LEAGUE OF NATIONS

League of Nations Publications

VIII. TRANSIT

1930

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GENEVA, January 15th, 1930.

LEAGUE OF NATIONS

ORGANISATION FOR COMMUNICATIONS AND TRANSIT

EUROPEAN CONFERENCE

ON THE

TRANSPORT OF NEWSPAPERS AND PERIODICALS

Held in Geneva, November 25th to 29th, 1929.

RECORDS AND TEXTS

Series of League of Nations Publications
VIII. TRANSIT

1930. VIII. 1.

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I. COMPOSITION OF THE DELEGATIONS TO THE CONFERENCE

GERMANY.

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German Consul-General at Geneva. Counsellor of Legation at the Ministry for Foreign Affairs. Ministerial Counsellor at the Ministry of Posts.

BELGIUM.

M. J. G. Crispiels, M. E. Mons, M. G. J. Gilson,

Inspector-General of Customs. Chief of Division in the General Post Office. Head of Office in the National Railway Company.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND.

Mr. C. B. Collins, Mr. H. W. Phillips,

Of the Air Ministry. Assistant Overseas and Continental Traffic Manager, London, Midland and Scottish Railway Company.

BULGARIA.

M. D. Mikoff, M. S. IVANOFF, M. J. MITKOFF, Chargé d'Affaires accredited to the Swiss Federal Council. Deputy-Director of Posts, Telegraphs and Telephones. Chief of the Customs Section in the Ministry of Finance.

DENMARK.

M. C. I. Mondrup, M. N. A. Möller,

Director-General of Posts and Telegraphs. Head of Section in the Department of Posts and Telegraphs.

SPAIN.

M. E. M. Danis,

Head of the Press Bureau in the Ministry for Foreign

M. H. CUARTARA GARCIA, M. F. JIMENEZ ONTIVEROS,

Assessor in the Customs Department. Engineer to the State Railways.

FRANCE.

M. P. BARGETON,

M. E. LECUYER, M. A. POURCEL,

Minister Plenipotentiary, Head of the Press Service in the Ministry for Foreign Affairs. Administrator of Customs.

Chief Engineer attached to the management of the P.L.M. Railway Company.

HUNGARY.

M. P. DE HEVESY DE HEVES,

M. Zoltán BARANYAI, Dr. Dénes de Kovacs, M. Kálmán Prihradny, Dr. Charles DE FORSTER, Resident Minister, Permanent Delegate accredited to the League of Nations. First Secretary of Legation. Counsellor of Section in the Ministry of the Interior. Deputy-Director of the State Railways. Counsellor at the General Post Office.

ITALY.

M. M. GALDI, M. G. BARELLA, M. L. BELMONTE, M. A. PIROZZI, General G. Pellissero, Chief of Division in the Ministry of Communications. Director-Manager of the *Popolo d'Italia*. Chief Inspector of State Railways. Chief of Section in the Air Ministry. Director-Manager of the Gazzetta del Popolo.

THE NETHERLANDS.

M. A. HELDRING,

Director-General of the Algemeen Handelsblad. Chief Inspector of Posts, Telegraphs and Telephones.

M. A. P. F. DUIJNSTEE, Chief Inspector of Posts, Telegraphs and M. W. F. H. VAN RIJCKEVORSEL, Chief Inspector of the Netherlands Railways.

POLAND.

M. Thadée GWIAZDOWSKI, M. S. HLADKI,

Counsellor of Legation. Counsellor in the Ministry for Foreign Affairs.

PORTUGAL.

M. F. DE CALHEIROS E MENEZES, Head of the Portuguese Office attached to the League of Nations.

M. J. FERREIRA DE MESQUITA,

Director-General of the Portuguese Railway Company.

ROUMANIA.

M. L. Blaga, M. M. Rosca,

Press Attaché to the Roumanian Legation in Switzerland. Deputy Director-General of Posts, Telegraphs and Telephones.

SWEDEN.

M. G. LAGER,

Chief of Division in the General Post Office.

SWITZERLAND.

M. Samuel HAUSERMANN,

M. E. Hess, M. Max Fischer, Inspector-General of Customs.

Chief of the Commercial Division of the Federal Railways.

Inspector in the General Post Office.

CZECHOSLOVAKIA.

M. Zdenek FIERLINGER,

Envoy Extraordinary and Minister Plenipotentiary accredited to the Swiss Federal Council.

TURKEY.

Mehmed MUNIR Bey,

Envoy Extraordinary and Minister Plenipotentiary accredited to the Swiss Federal Council.

M. RIFAT ISMAIL,

Deputy Director-General of State Railways.

YUGOSLAVIA.

M. B. Djouritchitch,

Director-General of State Railways.

FINLAND.

(Attending the Conference for information).

M. E. GYLLENBÖGEL.

Chargé d'Affaires at Berne.

SAAR TERRITORY GOVERNING COMMISSION.

(Attending the Conference in an advisory capacity.)

M. A. NICKLAUS,

Divisional Director of the Saar Railways.

Attending the Conference in an advisory capacity:

INTERNATIONAL BUREAU OF THE UNIVERSAL POSTAL UNION.

M. E. GARBANI-NERINI,

M. E. VOUTAT,

Director of the Bureau. Secretary of the Bureau.

CENTRAL OFFICE FOR INTERNATIONAL RAILWAY TRANSPORT.

M. E. LOHNER,

M. G. NOE,

Director of the Office. Secretary of the Office.

INTERNATIONAL RAILWAY UNION.

M. A. POURCEL, M. E. HESS,

Deputy Secretary-General of the Union. Chairman of the Goods Traffic Committee to enquire into the Question of Newspaper Transport.

INTERNATIONAL AIR TRAFFIC ASSOCIATION.

Jonkheer L. van den Berch van

HEEMSTEDE,

M. M. WRONSKY,

Director-General of the Association.

Chairman of the Association's Committee on the Transport of Newspapers by Air, Director of the "Deutsche Luft Hansa".

"COMPAGNIE INTERNATIONALE DES WAGONS-LITS ET DES GRANDS EXPRESS EUROPÉENS."

M. H. LUUYT,

Chief Inspector.

THE NEWSPAPER PROPRIETORS' ASSOCIATION, LIMITED, LONDON.

Mr. T. W. McARA,

Secretary of the Association.

THE NATIONAL FEDERATION OF FRENCH NEWSPAPERS.

M. A. CHAUCHAT,

Secretary of the Federation.

THE SWISS NEWSPAPER PUBLISHERS' ASSOCIATION.

M. E. RIETMANN.

Chairman of the Association.

MESSAGERIES HACHETTE, PARIS.

M. R. Schoeller,

Director-General.

GEORG STILKE, PUBLISHER, BERLIN.

Bookseller and Publisher.

Dr. G. STILKE,
M. H. W. VON HERWARTH,

Bookseller and Publisher.

Secretariat:

- M. R. HAAS, Chief of the Communications and Transit Section of the League Secretariat, Secretary-General of the Conference.
- M. Romein, Member of the Communications and Transit Section of the League Secretariat.

II. MINUTES OF THE MEETINGS OF THE CONFERENCE

FIRST MEETING

Held on November 25th, 1929, at 3 p.m.

President: The Right Hon. Viscount BURNHAM.

1. Opening of the Conference: President's Speech.

The PRESIDENT declared the Conference open. He welcomed the various delegations on behalf of the Council and then spoke as follows:

"I am very glad to find myself again in the Chair of a Newspaper Conference, however limited its scope and purpose. Like an old war-horse in the unregenerate days of the world, I feel myself in congenial surroundings when I deal with Press questions. It is more than two years since I presided over the first International Conference of Press Experts ever held by the League of Nations and, as I pointed out at the time, the first independent Conference that the League had organised. In its constitution and in its discussions, it was free of official trammels and inspiration, but it owed a great deal of its easy working and its far-reaching conclusions to the elaborate and benevolent assistance of all the officers of the League of Nations concerned with such matters.

"In my concluding speech, I pointed out that the resolutions then adopted would be passed to the Council of the League for examination and report with a view to immediate action for the purpose of obtaining the sanction and support of all States. These are practical matters of immediate interest to newspapers in all countries and to the countless numbers of their readers, who depend upon them for their information and instruction in the history of the present and the preparation for the future. On the Continent of Europe, all the means of communication are either in Government hands or under Government control. Similarly, it is only through the agency of the League through Governments that such reforms can be obtained in the system of transportation as will enable the distribution of newspapers to be accelerated and increased for the common advantage'.

"In regard to the transport of newspapers, the Conference of Press Experts adopted

the resolution set out on page 14 of the Final Report.

"Thereafter, the Council of the League, to whom I personally reported the results of the Conference, considered the work of the Press Conference and requested the Secretary-General to ask 'the Organisation for Communications and Transit to continue, with the help of the Press groups interested, the technical study of the resolutions which included the conveyance of newspapers, and the Assembly, at its eighth ordinary session in September 1927, referred the report of the Press Conference to its Sixth Committee (Political Questions), which, in turn, devoted two meetings to the examination of its work, thereafter adopting resolutions for 'promptly giving the necessary effect to the resolutions of the Conference'.
"Both the Council and the Assembly declared themselves willing, in principle, to lend

the assistance of the League's technical organisations for the study of technical international

problems which affect the Press.

"Hence, I take it, we are assembled here to carry the transport resolutions to such practical application as may be possible and desirable. There may be difficulties in the way of complete success, which can only be removed by discreet handling, and it is obvious that, bearing this in mind, it will be impossible to discuss the censorship of news and opinion except so far as it may delay the transit and delivery of newspapers.

"In laying this down as a general rule to guide us in our deliberations, I feel sure that

I shall have the general concurrence of the members of this Conference.

"To adopt, as the most pacific of orators still do, the imagery of arms, it may be said with sincerity and assurance that newspapers are both the munitions of peace and the munitions of war, but, as is pointed out most truly in one of the "Green Books" issued by the International Labour Office on the Conditions of Work and Life of Journalists, 'the newspaper Press is a factor which plays such a part in the life of to-day that it would be difficult to picture the world

factor which plays such a part in the life of to-day that it would be difficult to picture the world without it, and newspapers 'are very like the nerve impulses of present-day civilisation'. "Taking recent figures, there are in Great Britain 2,400 newspapers, several of which have circulations of more than one million copies daily. In 1920, in the United States, there were 2,400 daily newspapers and 14,800 weeklies, and the total circulation of the daily newspapers rose from 28,700,000 in 1914 to 35,730,000 in 1923. In the same year, the newspaper industry comprised 10,267 establishments, employing 238,550 persons. A hundred daily papers appear in Paris alone. In Germany, in 1926, there were 3,812 dailies and 4,309 weeklies.

Switzerland has 2,000 papers and magazines, or one periodical per 2,000 inhabitants. In Denmark the high figure is reached of one copy of a newspaper for every three inhabitants.

"This mighty engine for the formation and information of public opinion is growing in power and potentiality every year—east and west, north and south. Its use and abuse are a solemn responsibility upon all who are concerned with the production and distribution

of newspapers.

"Here and now, we are only concerned with the latter part of the problem. We have
"Here and now, we are only concerned with the latter part of the problem. We have to do our best with what the poet called 'Motions and means, on land and sea', (and I must

add 'air') that they may not -

. prove a bar To the mind's gaining that prophetic sense Of future change, that point of vision whence May be discovered what in soul ye are '.'

M. BARGETON (France) said how pleased the French delegation had been to learn that Lord Burnham had agreed to take the Chair at this Conference. Lord Burnham had presided over the 1927 Conference of Press Experts with an ability, firmness, tact and cordiality which had been greatly appreciated by all.

2. Programme of Work.

The President said that, although it was the usual practice for conferences to resolve themselves into committees, each of which was directed to examine some particular question, this procedure was not immediately necessary in the case of the present Conference in view of its restricted scope. The Conference might therefore follow for the moment the English practice of "constituting itself into committee of the whole Conference", after the general statements which certain delegates would no doubt wish to make.

This was agreed to.

The Conference adopted the draft agenda (see Annex 1).

3. General Discussion: Questions relating to Railway Administration (Item 1 of the Agenda).

M. POURCEL (International Railway Union) thought that he could best assist the Conference by reading the conclusions adopted by the Managing Committee of the International Railway Union, after examination by the competent Committee of the Union and in conformity with its suggestions. These conclusions were shown in Part 3 of the preparatory documents (see Annex 2).

If these recommendations were applied, transport would take place under conditions of greater simplicity and speed, based upon the conditions of French national tariff, with which the French Press was entirely satisfied. The international waybill system would be applied, the newspapers being forwarded direct from the place of departure to the place of destination, without it being necessary to re-forward the papers from one frontier to another or to employ the services of transit agents. The cost would be calculated by adding together the charges to which the papers were liable in their transit through the various countries. M. Pourcel would be glad to know whether the representatives of the Press approved of this

M. CHAUCHAT (National Federation of French Newspapers) said that the French Press endorsed the conclusions of the Rapporteur of the International Railway Union, except, perhaps, in the case of one small point of detail. The Union granted the same treatment to financial newspapers which were published six days a week as to daily newspapers. Would it not be possible to extend this regime to all newspapers appearing six days a week and not only to financial papers?

M. POURCEL (International Railway Union) said that this question would be enquired into. He did not think that he would make any rash statement in asserting that M. Chauchat's request would be favourably received. A newspaper appearing six times a week might, indeed, be regarded as practically the same as a daily paper.

M. Schoeller (Messageries Hachette) said that he was only attending the Conference in an advisory capacity. He wished, however, to present certain observations on the proposals of the International Railway Union in connection with the application to the transport of newspapers of the international Convention on the Transport of Goods. He believed that the result of such application would be a rise in transport prices. In so far as French newspapers were concerned, there would be an increase of 350 per cent for Belgium, 500 per cent for Spain and for Italy, and 300 per cent for Switzerland and Luxemburg. Moreover, if the countries to which France forwarded newspapers by post were also taken into account, it would be found that in the case of six of these there would also be a considerable increase in the cost of transport. For Bulgaria there would be an increase of 3 per cent, for Greece and Roumania of 10 per cent, for Russia and Turkey of 25 per cent and for the Netherlands of 3 per cent. Under these circumstances, M. Schoeller asked the International Railway Union whether

it could not consider the establishment of special rates for the transport of newspapers.

M. WRONSKY (International Air Traffic Association) said that his part in the Conference was comparatively unimportant, since he represented the Committee of the Association which dealt with newspaper transport by air. This method of transport was still in its initial stages, and had not yet firmly established itself, although it had greatly developed during

recent years. He wished to present a few observations on the difficulties of aerial transport of newspapers:

- 1. The regularity of the service had been fairly satisfactory in preceding years, at any rate for nine months of the year.
- 2. Accessory loads were still unimportant, although in this respect also there had been a marked improvement.
- 3. As yet there were no night services, but such services would be inaugurated in 1930, plying from Berlin to London, Paris, Barcelona, Constantinople and Scandinavia.

One of the main difficulties was the question of rates. At present, it was impossible to establish uniform rates for the whole of Europe. On the one hand, the different lines varied very greatly in character. The air lines between London and Paris, for instance, were almost entirely luxury lines. On the other hand, the organisations dealing with questions of air transport were too few and were not sufficiently developed to agree upon uniform rates between themselves.

Another difficulty was the lowering of rates. M. Wronsky pointed out that this question was closely bound up with the question of the financial results obtained by air navigation companies. As all his colleagues were aware, there had been frequent criticism in the Press of various countries with regard to the unsatisfactory results obtained by these companies, if the subsidies granted to them were taken into account.

M. Wronsky said that the Committee on Newspaper Transport by Air of the Association was ready to examine any proposal that was submitted to it. He was sure that the members

of the Conference would be firmly supported by M. van den Berch van Heemstede.

M. HESS (International Railway Union) said that he did not wish to speak in his capacity as representative of the Swiss Federal Railways, but on behalf of the International Railway

Union. He had the honour of presiding over the second Committee of this Union, which had given special consideration to the question of transport of newspapers.

He wished to reply, in the first place, to M. Schoeller, who seemed to fear that the regulations proposed by the International Union would lead to an increase in transport prices for newspapers. M. Hess could assert that the measures contemplated would not in any way affect transport prices, which would remain the same as they were at present. The Union was aiming first and foremost at acceleration of transport. Newspapers required an accelerated transport such as that which at present existed for non-accompanied luggage. The main considerations had been a simplification of the system of forwarding, accelerated transport as a result of the determination of fixed routes in advance and, lastly, a simplification of delivery formalities.

This was the goal which the International Union was endeavouring to reach. When it had been informed of the views of the Conference, it might be able to lay down more detailed

provisions.

With regard to transport prices, the International Union was in much the same position as the airway companies. It was very difficult to come to an agreement. The Union believed, therefore, that it would not be possible to secure unification of rates for the moment.

There would not, therefore, be any increase in transport prices, such as M. Schoeller seemed to fear. On the contrary, the Union hoped that it would be able to lower these prices —for instance, by removing the necessity for any intermediary at the frontier, where the Customs formalities might be carried out by the railway administrations themselves.

Mr. McAra (The Newspaper Proprietors' Association) said that M. Hess had made several points clearer. He himself believed that the proposals submitted by the International Railway Union should be adopted in their present form. It would be very advantageous to Great Britain if newspapers could be assimilated to goods. An English consignor at Manchester might send a packet of newspapers direct to any part of the Continent, and this packet would be delivered direct to the consignee. Under the present conditions, he was obliged, on the contrary, to employ the services—which, incidentally, gave complete satisfaction—of the Messageries Hachette. It would be a great advantage for English newspapers if a system

of transport of newspapers direct from consignor to consignee could be adopted.

He thought that there were one or two points which should be specially examined. It had been sought, for instance, to assimilate newspapers and goods. It should not be forgotten, however, that newspaper traffic was regular, whereas the transport of goods was irregular and was much more uncertain and more subject to variations. M. Hess had also alluded to the great advantages which newspapers would derive from accelerated transport, for instance, as a result of simplification of Customs formalities at the frontiers. Mr. McAra also thought

that this was a very important point to which the Conference should give close attention.

Speaking on behalf of the English newspapers, he would be glad if points (a) and (f) of the proposals submitted by the International Railway Union (see Annex 2) were adopted

by the Conference.

In reply to M. Hess, he did not understand why the International Union had decided that the term "daily newspapers" was to be taken as implying newspapers which appeared that the English newspapers, since every weekday. This was a very important point in respect of the English newspapers, since it was to the interest of several English newspapers which were only published on Sunday that they should be transported under the same conditions as daily papers.

In conclusion, he hoped that the railway companies would not oppose a reduction of rates.

rates, which would be a much better solution than unification of rates.

M. Schoeller (Messageries Hachette) declared that the International Convention gave satisfaction on many points concerning the transport of newspapers by rail. It provided for the acceleration of newspaper transport. But the question of rates remained untouched. M. Schoeller had believed that in the event of the Convention being applied, prices of transport would become still higher. M. Hess had lessened his anxiety on this point; he would like to ask him if the newspaper forwarders would derive any profit from the reduction resulting in the application of this Convention.

Concerning the preliminary measures for the newspapers, it was suggested in the third paragraph of the proposal presented by the International Railway Union that they should have recourse to the international trains of the Sleeping-Car Company. M. Schoeller asked if the International Railway Union had consulted the Sleeping-Car Company on this

question.

In reply to M. Wronsky, he declared that it was not only the question of tariffs which had been discussed at Berlin on October 12th, 1928. At that time, M. Wronsky had said that the transport of newspapers by air at reduced rates would only be granted if there were unengaged space in the aeroplanes. But he would draw their attention to the fact that newspapers were perishable goods and could not wait until space was available. He realised that great efforts had been made concerning the transport of newspapers by air both from the point of view of regularity of service and of price. Consequently, there was no lack of good intentions, but it would be better for the transport of newspapers if the regularity of the air services could be firmly relied upon.

Finally, M. Schoeller wished to say a few words on the resolutions of the Conference of Press Experts in 1927, particularly concerning the dropping of newspapers from aeroplanes. The experiment had been made and had given the following results: On an itinerary of 300 km., an aeroplane could gain 30 or 35 minutes, a saving of approximately one-sixth of its

time. That was quite an appreciable result.

The Secretary-General of the Conference asked several questions to clear up the application of the Convention proposed by the International Union.

- r. Concerning transport rates, he well understood that the propositions excluded, at least for the moment, the establishment of rates at internationally agreed figures: he would like to know if the deduction could be made that the most favourable national rates would be the ones applied to international transport.
- 2. Did not the International Railway Union intend to simplify the formalities by applying the international rates and concentrating all the necessary formalities at departure?
- 3. The case mentioned by Mr. McAra showed that it would be necessary to draw up all future proposals with care. It was certain that the weekly English newspapers which appeared on Sundays needed the same rapidity of transport as the daily newspapers which appeared on the other days of the week. His opinion was that the same conditions should apply to the Sunday newspapers.
- 4. Had the International Railway Union taken into consideration the case of States that had not agreed to the Convention of Berne, for example, Great Britain? Had special measures been thought out to enable Great Britain to benefit from all the modifications that had been made in the present situation? He added that an analogous question arose concerning States that had a postal monopoly.
- M. CHAUCHAT (National Federation of French Newspapers) said that he was in complete agreement with the declaration of Mr. McAra.
- M. STILKE (Georg Stilke, Publisher) said that the interests of his firm were not altogether identical with those of the Maison Hachette. The firm of Stilke distributed German and foreign newspapers principally in Germany and only in a small number of other European countries, the despatch abroad being usually done by the large publishing houses themselves. On the other hand, the number of foreign newspapers read in Germany was not very large. They were received very quickly from the Messageries Hachette, and until now no complaint or criticism had been made. The firm of Stilke had consequently no special observations to make. It would willingly co-operate with the Conference in all questions of general interest.
- M. Hess (International Railway Union) thought that the Secretary-General of the Conference had given a very exact summary of the various questions which should be examined by the Conference. He would merely reply to these questions in so far as he was able.
- I. It was impossible for the International Railway Union to reply to the question whether the railway administrations would apply their most favourable national tariffs to international traffic. For the moment, this matter depended upon the policy of each country. He thought, nevertheless, that, as a general rule, each country applied the most favourable tariffs of its national service to the international service. There were, however, certain exceptions. The national tariffs of certain countries provided, moreover, certain restrictions with regard to responsibility. If the Berne International Convention were to be applied, the responsibility thus created would, on the contrary, be unlimited. If the full responsibility arising out of that Convention had to be assumed, some railway administrations might raise their tariffs.

- 2. Unification of Tariffs. The International Union contemplated the establishment of uniform rules. At its session in the spring of 1930 it would continue its study of the questions relating to the transport of newspapers, and as it would then know the opinions expressed by the present Conference it would be able to take a step forward and apply the measures by the acceleration of transport and the simplification of formalities. On the other relating to the acceleration of transport and the simplification to contemplate establishing hand, he thought that for the time being it was out of the question to contemplate establishing prices applicable to the whole of Europe. This might possibly be done for a limited number of countries (e.g., the countries of Western Europe).
- 3. Concerning periodicals and Sunday editions of English newspapers, the International Union had decided to exclude periodicals from the Convention. It was, however, very difficult to define what was meant by "periodicals". The French railway system gave one definition (Tariff G.V.118); the systems of other countries gave others. It only remained, then, for the International Union to agree on what was to be understood by "periodical". The non-inclusion of periodicals among newspapers in general might present certain advantages. As a matter of fact, in some international trains space was extremely restricted, and if periodicals were allowed daily newspapers might not be accepted through lack of space. It should also not be forgotten that periodicals did not require the same rapidity of transport as daily newspapers. Consequently, the Union thought that it was not necessary to encumber the quickest trains with periodicals that could quite well arrive at their destination a few hours later; and so the International Railway Union had not provided special transport facilities for them. However, if the present Conference thought that such facilities ought to be granted, the Union would be quite prepared to examine the question, but on the condition that the Conference gave a precise definition of what was meant by "periodicals".
- 4. Concerning those countries that had not agreed to the Convention of Berne, for example, Great Britain, M. Hess declared that the English railways were quite ready to come to an agreement with the Continental railways in order to establish special rules for the transport of newspapers.

The International Union was unable to do anything concerning the countries with postal monopolies, for according to the provisions of the International Convention of Berne, goods whose transport was reserved by the postal administration, were it only for one of the countries to be crossed, were excluded from transport by the rules for international waybills.

to be crossed, were excluded from transport by the rules for international waybills.

Finally, the representative of the British newspapers had believed that M. Hess had said that the regulations of the International Union did away with Customs formalities at the frontier, That was a misunderstanding which must be cleared away. The International Union had only intended the suppression of the transit agents, while leaving the railways to carry out these formalities themselves.

The Secretary-General of the Conference quite understood that M. Hess had not been able to reply to certain questions which were not in the domain of the International Union; but he pointed out that the present Conference was a Conference of Governments, and was consequently capable of dealing with important questions such as those of rates, and it was exactly that question which would be principally studied by the present Conference.

To begin with, it had just been said that the unification of transport rates was extremely difficult. In that case, it would be advantageous to apply the rates laid down by the Convention of Berne. But the explanations of M. Hess made this question more complicated. Actually, the transport rates of certain countries were based on a limitation of responsibility; if it were decided to apply the Convention of Berne, with the increased responsibility involved, an increase of transport rates might result. The Secretary-General of the Conference only wished to draw attention to this question, which ought to be studied later when it was decided whether the Convention of Berne should be applied or not. Perhaps an international agreement might be arrived at which did not provide for such complete responsibility as that established by the Convention of Berne.

Concerning periodicals, the Secretary-General of the Conference thought that M. Hess had not understood him well, if M. Hess believed that he had said that it would be necessary to establish similar conditions for periodicals. What he actually believed was, that if a definition could be given to what was understood by "periodicals", the application of certain measures favouring daily newspapers might perhaps be extended to periodicals.

M. BARGETON (France) also believed that the regime proposed by the Berne Union would provide a satisfactory solution. There were certain objections, however, to the application of that regime to every country, and the removal of those objections appeared to lie outside the powers conferred by the Governments upon the International Railway Union. It should, however, be possible to solve these difficulties at the present Conference, which comprised representatives of a large number of Governments. As the representative of the French Government, he was ready to participate in any exchange of views which might take place for that purpose. If no solution could be reached by means of the existing agreements, they would need the widest liberty which the Governments could grant them in order to find solution.

Mr. PHILLIPS (United Kingdom of Great Britain and Northern Ireland) declared that the English railways had decided to establish special rates on certain lines, such as London-Paris, London-Berlin, and vice-versa.

In his opinion, the International Railway Union had up to the present taken into consideration the point of view of daily newspapers only and not that of English Sunday papers. He thought that if the International Union understood what the English Sunday newspapers really were, it would doubtless agree to class them among daily newspapers.

The President proposed to adjourn the rest of the general discussion to the next meeting when the Conference would also examine item 2 of the agenda: "Fiscal tariff, and similar questions", including the special question of aerial transport.

SECOND MEETING

Held on November 26th, 1929, at 10.30 a.m.

President: The Right Hon. Viscount BURNHAM,

4. General Discussion: Questions relating to Railway Administrations (Item 1 of the Agenda) (continued).

The PRESIDENT opening the meeting, recalled the decision taken in the previous meeting that the general discussion should be followed by item 2 of the agenda: "Fiscal tariff and similar questions". However, since certain questions relating to them might not be absolutely clear, he asked if any delegate had any further observations to make on this item.

M. Lohner (Central Office for International Railway Transport) made the following statement:

"You have been good enough to invite the Central Office for International Railway Transport to take part in your discussions. Our main interest in the subject of these discussions is to know how it is proposed that the Berne International Convention should be applied to the transport of newspapers. I venture to emphasise one point raised by the Secretary-General of the Conference who said that the present Conference was a Conference of Government representatives and was consequently able to contemplate modifications to the provisions of the Berne International Convention. I share this view in principle, but I feel I ought to draw your attention to the fact that the Berne Convention, which is binding upon the contracting States, expressly provides for the procedure to be followed for the revision of the Convention: it provides for revisory conferences, the next of which will not take place before 1931 and perhaps not even before 1933. If we bear in mind that ratification by the various States will not take place in less than a year, is the European Conference prepared to postpone the realisation of its projects for so long? If so, the next conference for the revision of the International Convention concerning Traffic of Goods by Rail (C.I.M.) might certainly, among other innovations (such as, for example, the introduction of provisions relating to the international express parcels traffic), draw up permanent regulations for the transport of newspapers. In the meantime, and in order to meet urgent needs, an international tariff might be established on the model of the existing inland tariff in France (special tariff G.V.118). This new tariff might be based on: (1) the provisions of the C.I.M.; (2) uniform supplementary provisions drawn up by the International Transport Committee; (3) special supplementary provisions drawn up by the international transport committee, (3) special supplementary provisions, the main lines of which might be discussed by the present Conference. They should not, however, be contrary to the provisions of the C.I.M., since according to Article 9, paragraph 2, of the latter, 'the conditions of rates laid down therein shall be valid, provided that they are not contrary to the present Convention. Otherwise they shall be regarded as null and void'. In this way, the legal regime regulating the transport of neuronears would be defined. of newspapers would be defined.

"As regards the financial system, that is to say, the taxation of consignments, discussions on this question should be held between the railway administrations concerned.

"M. Schoeller said yesterday that the application of the C.I.M. would mean an increase in costs of transport. Such an inference, however, cannot be drawn without further justification, since the C.I.M. does not contain any scale of rates.'

The SECRETARY-GENERAL OF THE CONFERENCE did not believe that he had said that the present Conference could undertake on its own account a modification of the Berne Convention (C.I.M.). His opinion was that, if they decided that the existing regulations were insufficient or inconvenient, they ought not to stop at that point, since the representatives of the Governments of the different States were competent to consider all the measures that ought to be taken to introduce the necessary modifications in the dispositions of the Berne Convention. However, the moment had not yet come for them to discuss the procedure to be followed. The Secretary-General of the Conference thought that it was quite possible to consider, if not a modification according to the habitual procedure, at least an adaptation of the Convention by appropriate measures. It seemed to him that, provided that the third parties were not inconvenienced, the contracting States had the right to agree among themselves to certain modifications. But that was a question which it would be more convenient, if

possible, to leave over for the present.

It was the substance of the question only which counted, and that practically reduced itself to the question of price. He was certain that, although the Berne Convention fixed no scales of charges, its application might cause an indirect rise in prices, for since the responsibility of the railway companies would be increased, these companies might be brought to raise their transport rates, and if that increase were large enough to influence the internal tariff, the whole system would be affected.

Consequently, the question ought not to be examined from a theoretical point of view, for everything depended on the actual facts, and it would be necessary to have fuller information (which was being collected at the present moment) before deciding what measures,

if any, could be taken.

Finally, the Secretary-General of the Conference wished to ask M. Lohner the following question: Was it possible, according to the C.I.M., for the contracting States to establish direct rates with non-contracting States on another basis than that of the C.I.M.? To take a particular example, could Great Britain establish direct rates with Berlin, and utilise the State railways that had adhered to the C.I.M., on a different basis from that established by the Convention of Berne?

M. LOHNER (Central Office for International Railway Transport) thought, on hearing the observations of the Secretary-General of the Conference, that there was really very little difference of opinion between the Secretary-General of the Conference and himself. It was the following sentence in the proposal submitted by the International Railway Union that had led him to make his statement: "The system of newspaper transport by international traffic will be based on the C.I.M.". He thought that the meaning of this sentence was somewhat vague and should be made clear. Moreover, he considered that the ground had already been

sufficiently prepared by the previous discussions.

In reply to the Secretary-General of the Conference, who had just asked whether, supposing the transport of newspapers were effected under the provisions of the C.I.M., States could not modify the system established by that Convention, he would make the following observa-tions: If he understood aright the text proposed by the International Railway Union, the railway administrations would require a transport document to be used stating that the newspaper traffic was carried on under the terms of the C.I.M. In that case, the railway administrations would not be able to include in their tariffs any provisions contrary to the C.I.M.; otherwise, such provisions might be declared by courts of law to be null and void. As regards the question whether a special supplementary provision would be contrary to the C.I.M., the Central Office, according to the rules laid down for it by the various revisory conferences, was not competent to give an opinion or a consultation which could be cited by parties to a suit; the question must be left wholly for the courts to decide.

The situation would be quite different if the transport of newspapers were effected under the terms of special inter-State conventions in accordance with Article 4, paragraph 2, of the C.I.M., more especially if the postal regulations in some countries did not allow of the

international railway transport of newspapers.

To the question put by the Secretary-General of the Conference whether there was any special procedure for modifying the Berne Convention, he would reply that the provisions of the C.I.M., which had legal force in the various contracting States, could be modified only by one procedure, namely, by means of the revisory conferences provided for by Article 60 of the Convention. The Convention did not provide for revision by correspondence, as appeared to be the case in regard to the Universal Postal Convention.

M. CHAUCHAT (National Federation of French Newspapers) thought that this important discussion defined the position of the Conference, not only in respect of the Berne Convention, but also in respect of the Stockholm Convention. It was for this reason that the Fédération française des Journaux expressed the desire that States which had not yet acceded to the Stockholm Convention should do so, in the interests of uniform conditions of transport of newspapers and periodicals throughout the world.

The President said that the general discussion was concluded. He called upon the Conference to discuss item 2 of the agenda, setting aside for the moment, however, the question of postal monopolies in the transport of newspapers. This question would be discussed at the following meeting, at which certain German officials with special knowledge of the subject would give full information. The Conference would therefore now discuss Customs and tariff questions.

Fiscal, Tariff and Similar Questions (Item 2 of the Agenda).

M. Schoeller (Messageries Hachette) thought that the question of transport systems should be considered first and should be settled before the Customs questions. It seemed that it would be difficult to secure a revision of the Berne Convention, for, if it were sought to adapt this Convention to the transport of newspapers, it would, it appeared, be necessary entirely to re-cast the Convention. He thought that it might be simpler, in the circumstances, to draw up a special convention on the transport of newspapers.

In France, for instance, the railway companies had established three systems: postal, goods and newspaper systems. When the last mentioned of these systems—the Grande Vilesse 118—was being prepared in 1911, the railway companies examined at length the question of the transport of Press publications and finally reached the conclusion that this transport

In his opinion, a special system was also necessary from the called for a special system. international point of view. He wondered, therefore, whether it would not be better to approach the International Railway Union with a view to the conclusion of a special agreement, which would be independent of the Berne Convention. An advantage of this course would be that, while countries which had or had not acceded to the Berne Convention might or might not accede to the special agreement on the transport of newspapers, the States signatories of this agreement might gradually secure the accession of the majority of States by bringing the system of reciprocity into play.

The SECRETARY-GENERAL OF THE CONFERENCE thought that the question of principle could not properly be examined until all the special questions had first been examined, since everything would depend upon the conclusions that were reached with regard to these special questions. For several reasons, it would be better, if it were possible, to leave the Berne Convention untouched.

In the first place, the Secretary-General of the Conference believed that the Berne Convention had compulsory force only as regards the kind of transport specified therein and effected on lines that had been fixed on the basis of the Convention. He did not think that there was anything in the Convention which could be regarded, prima facie, as precluding the conclusion of agreements on different bases between contracting and non-contracting States.

Another question to be settled was that of transport utilising the railways of countries which possessed a postal monopoly. It would, no doubt, be advisable to hold over the examination of this question until the question of postal monopolies had itself been examined, although the possibility of a rail-postal waybill might be considered. This method would not be contrary to the Berne Convention, since it had been provided for in that Convention.

The question remained whether, if a special Convention were concluded, too great responsibility would not be laid upon the railway companies, the result of which might be an increase in prices. It would be necessary in that event to calculate the exact extent of this increase. If no other basis were found, the Conference would have to revert to the

proposal of the International Railway Union.

The question depended, lastly, on the Customs and fiscal systems, the consideration of which was on the agenda of the present meeting. The Secretary-General of the Conference thought, therefore, that before replying to M. Schoeller's proposal, it would be advisable first to examine in turn the special questions raised by this proposal.

The President said that he would prefer, for his part, to keep to the procedure that had been proposed at the beginning of the meeting, which would not preclude members from making statements upon any points in which they were particularly interested. Since the Conference was composed of representatives of the Governments of the various States, he thought that it would be very valuable to discuss the question of Customs in the first place.

It was, moreover, hardly necessary to point out that it would be paradoxical if the Conference were to increase the cost of transport of newspapers. The Conference should always keep in mind, on the contrary, the necessity of securing a reduction of that cost in the general interests of the European public.

M. LECUYER (France) thought that the President had explained the problem very There were three hindrances to transport of newspapers: (1) the actual conditions of this transport, which had been examined at the preceding meeting; (2) the fiscal and Customs conditions which, as the President had just recommended, might be examined at the present meeting; (3) the formalities required by the services of public safety and order.

With regard to the Customs questions, he did not think that there were any protective tariffs

in Europe for newspapers and periodicals. In any case, there were no such tariffs in France. In that country, as in others, there were only duties which were levied upon all newspapers for fiscal purposes or as recompense for services rendered; for instance, statistical and sealing duties. These duties were so small that it was hardly worth while to refer to them, but they raised, nevertheless, a question which would have to be settled, since the levying of Customs duties on imported newspapers and on newspapers in transit was obviously calculated to delay the clearing of these newspapers through the Customs. These duties should therefore be reduced to a strict minimum. This was a point which a sub-committee might enquire into with profit. If such a sub-committee were not to come to any definite conclusions, the Communications and Transit Section might be asked to continue this work, and to examine the matter more closely.

With regard to Customs formalities, which were both Customs control and police formalities, he might draw the attention of the Conference to the fact that France had organised several Customs offices which had been given authority to clear newspapers through the Customs and which exercised financial, Customs and also police control. There were at present eighty of these offices. M. Lécuyer thought that it would be of value to obtain information of this kind with regard to other countries, for this question was a very important

one from the point of view of the delays involved in transport.

The President quite agreed with M. Lécuyer. While acknowledging that he had no special knowledge of this subject, he thought that it would be very valuable if the Conference. could obtain information on this point, which would give it a clear understanding of the matters with which it had to deal. If the techincal advisers could not give any information, the Secretariat might be requested to prepare the documentation.

The Secretary-General of the Conference thought that, as M. Lécuyer had pointed out, there were two quite different questions to be considered; the question of Customs duties and the question of Customs formalities. Obviously, the two questions were interrelated, since the more complicated the duties, the longer were the formalities.

With regard to the first question, there was no information available. At the Conference of Press Experts, the question of Government monopoly taxes had been raised by the representative of the Messageries Hachette. The question of the amount of the taxes had not, however, been raised as yet, nor had be any information with regard to transit taxes. It was however, been raised as yet, nor had he any information with regard to transit taxes. It was possible, however, that such taxes were levied, in which case certain important questions would arise, and in particular the question whether the existence of such duties was compatible with the provisions of the General Convention of Freedom of Transit and the annexed Statute.

He thought that it would be difficult to collect documentation of this kind, and he did not believe, moreover, that it was absolutely essential, since the Governments were no doubt ready to abolish such taxes. It would, of course, be possible to prepare documentation by resorting to the services of the Committee on Communications and Transit and of the Secretariat, and to obtain a gradual decrease in these taxes. In the absence of such documentation, however, he thought that it would be difficult to continue the examination of this

question at present.

On the other hand, he thought that it was necessary thoroughly to examine the question of Customs formalities, which was bound up with transport questions. This examination would not be undertaken by the Committee for Communications and Transit alone, but also by the Fiscal Committee, which might indicate certain solutions for the unification of fiscal provisions. The question of formalities might be examined in its bearing both upon periodicals and upon daily papers. He believed that the formalities in connection with periodicals were more complicated than those which had to be complied with in connection with newspapers. Sometimes, for instance, periodicals were taxed only in respect of the part containing advertisements, whereas the remainder of the periodical was free of taxation. This system resulted in all manner of complications in determining the weight of the parts reserved for advertisements, provided that this operation were strictly carried out.

The President drew attention, in this connection, to the action of the League, which had resulted in the passing of the following resolution by the Conference of Press Experts:

"Believing that international understanding and the promotion of peace can best be encouraged by the widest dissemination of news, the Conference urges the Governments concerned to consider the urgent need for early abolition of any taxes and other restrictions on newspapers which hinder a fuller and more extended circulation of the international

He quite agreed with the preceding speakers and with the Secretariat in thinking that no purpose would be served at present by making a detailed examination of the taxes in question, since in the absence of information no definite conclusions could be reached. The question might, however, be referred to the Council of the League, which could entrust its task to the organisation which it thought most appropriate. He would be glad to hear any statements which the representatives of the various Governments might have to make in

M. DANIS (Spain), in reply to the President's request, said that in Spain there was a very inconsiderable tax of 10 centimes per 100 kg. on the transport of newspapers.

M. Lécuyer (France) apologised for reverting to the question which he had just raised. In his opinion, however, this question was extremely difficult and important, and although the Conference could not examine it thoroughly, he thought that it was essential to ascertain as soon as possible the state of affairs in every country with regard to it and the rate of the duties applied. For the moment, the Conference could do no more than express a more or

less formal recommendation, which might be used as a basis for further examination.

He also wished to point out that the question should not be limited to newspapers, but should also include periodicals, which played an equally important part with the daily papers in the dissemination of ideas. The definition of periodicals varied according to the administrations. The railways administration had one definition, the postal administration another, and the Customs administration yet another, and so forth. He thought, therefore, in conclusion, that the enquiry of the Section for Communications and Transit must also include this definition, together with the question of the duties levied upon both newspapers and periodicals.

M. HAUSERMANN (Switzerland) agreed that two separate points might be distinguished

in this question: Customs and other charges, and Customs formalities.

With regard to charges, he did not think that those imposed upon newspapers and periodicals were very high in any European country. In Switzerland, the duties were very small—5 centimes per kg., together with a statistical duty of 10 centimes per 100 kg. This was a very trifling amount. Generally speaking, these duties did not have the slightest influence upon the sale prices of newspapers in any country.

He believed, on the other hand, that there was something to be done in connection with the formalities. Without going into detail, he was convinced that a great deal would be gained if formalities could be abolished or reduced to a strict minimum. In Switzerland, there was no discrimination between the various kinds of newspapers.

there was no discrimination between the various kinds of newspapers.

M. LÉCUYER (France) quite agreed with M. Häusermann. It was true that there were two separate questions. It would not be possible, however, to simplify the formalities, if the charges were allowed to remain. Since the charges upon newspapers were, generally speaking, inconsiderable, as had been shown in the case of Spain and Switzerland, and as was also the case in France (the Treasuries in these countries derived an annual income of only 500,000 francs from these charges), it seemed that they might easily be abandoned.

The President said that it would be difficult to give details with regard to Great Britain, since in that country the formalities were not connected with payment of duties.

M. CALHEIROS E MENEZES (Portugal) said that in his country the price fixed for the transport of newspapers despatched from abroad was 3 escudos per 10 kg. There were no Customs duties.

Mr. Collins (United Kingdom of Great Britain and Northern Ireland) said that in so far as Great Britain was concerned, no Customs duties of any kind were levied upon newspapers. He would, however, be glad to hear the views of distributing agencies in this connection, and to ascertain whether the transport of their newspapers was delayed as a result of any of the British regulations.

In the second place, he reminded the Conference that, in the preceding discussion, various divergent views had been expressed by the representatives of the associations of railway transport and the representatives of the forwarding companies and of the newspaper companies. The discussion had proved the necessity of defining the points which should be settled between the transport companies and the newspaper companies. In other words, it would be of no value to enquire into possible agreement between the railway companies and the newspaper companies, if this agreement on the improvement of their relationship were not to entail changes in the present arrangements. It was also important that any alterations decided upon should be sorted out into two parts, the one requiring action between commercial administrations alone, and the other requiring alteration to existing Government or fiscal laws, so that each representative might communicate with his own Government in order to obtain fuller information and, where necessary, definite instructions before the conclusion of the Conference.

M. DJOURITCHITCH (Yugoslavia) said, in the first place, that there were no duties on the importation of newspapers into Yugoslavia and that therefore the Customs formalities on entry could be reduced to a minimum, since they could be carried out by the railway authorities at the station of entry during the stop of the train; and, secondly, that the transport tariffs applicable to newspapers in Yugoslavia were shown in the document circulated to the members of the Conference.

M. GWIAZDOWSKI (Poland) said that he had no definite information with regard to duties. He did not believe, however, that any such duties were levied in Poland. In his country, the Customs formalities were not such as to delay the transport of newspapers.

M. PRIHRADNY (Hungary) said that in his country there were no Customs duties on newspapers and that the Customs formalities were as simple as possible.

M. DUIJNSTEE (Netherlands) proposed that the delegates should transmit the information that they had given to the Secretariat in writing, since it would be impossible to remember all the statements that had just been made. He wished, for his part, to transmit to the Secretariat a statement which he had drawn up in advance, without reading it to the Conference, in order not to trespass upon its time (see Annex 3).

The President left the members of the Conference full liberty in this matter, but he thought that perhaps it would be best if information were given to the Secretariat by writing.

- M. CRISPIELS (Belgium) was glad to say that in Belgium the system of newspaper transport was very similar to those that had already been described by the speakers of various countries before him.
- I. Customs duties. There was no Customs duty on imported newspapers and periodicals, but there was a statistical duty, though very small—5 centimes per consignment for packed newspapers, 15 centimes per 1,000 kg. for unpacked newspapers if the consignment weighed 3,000 kg. or less, and 5 centimes per 1,000 kg. for unpacked newspapers if the consignment weighed more than 3,000 kg. Further, a special "transmission" tax was levied, not only on imported foreign newspapers, but also on Belgian newspapers. This tax corresponded to the business turnover tax levied in France. It would be difficult to abolish it, as such a step would apply preferential treatment to foreign as compared with Belgian newspapers. He would add that this tax was not excessive; it amounted to 2 per cent of the value of the consignment and, moreover, was payable on any imported goods. A bill would shortly be laid before the Belgian Parliament which it was hoped would reduce the "transmission" tax in the near future from 2 to 1 per cent.
- 2. Customs formalities. For newspapers consigned to the interior of the country, a simple declaration had to be made by the importer. This declaration did not in any way delay delivery; thus, French newspapers arriving in Brussels about 12.30 p.m. were generally taken away within four minutes.

- Transit. There was no duty or charge for transit, and the formalities were reduced to a minimum. All that had to be done was to produce the ordinary Customs declaration called the "feuille de route" (way-sheet), which was quite a concise document. The formality of sealing, where carried out by the Customs, had never delayed consignments.
- Mr. McAra (The Newspaper Proprietors' Association) wished to point out to the Belgian representative that his statement was not entirely exact and that, in principle, Belgium applied special duties to fashion papers.
- M. Crispiels (Belgium) replied that the system in force for newspapers and periodicals was, in fact, not the same as that for fashion papers. The rates prescribed by the Customs tariff for fashion papers varied according to the special kind of printing used for those publications and according to the quality of the paper. He was afraid he could not state the amount of the duties as he had not the Polgian tariff at hand the amount of the duties, as he had not the Belgian tariff at hand.
- M. Voelckers (Germany) declared: (1) that newspaper transport in Germany took place only through the post; consequently there were no special duties; (2) there were no special Customs formalities. However, the German experts would give more complete and precise explanations during the next meeting.
- M. CHAUCHAT (The National Association of French Newspapers) wished to ask for information from the Belgian representative on two points: (1) he did not think that the quality of printing affected the distinction made in fashion papers, for certain of those papers were printed in the same way as ordinary newspapers; (2) M. Crispiels had not spoken in his statement of the taxes on the unsold copies that were returned. Those were very inconvenient taxes, and he did not think that they had been suppressed.

The President wished to ask M. Crispiels a new question. Did the tax on fashion papers apply also to ordinary newspapers which contained pages devoted to fashions? For example, the English newspapers, which had each week two or three such pages.

M. CRISPIELS (Belgium) replied first to the President that periodicals whose news pages, etc., included a fashion page were treated as ordinary newspapers. Customs duties were levied only on fashion publications which did not appear periodically. As was known, some of

these publications did not always appear at regular intervals.

Replying to M. Chauchat, he said, in the first place, that as he had not the Belgian tariff at hand he could not state the exact text, but he thought, as he had said, that the discriminative rate of duty applied according to the method of printing; it certainly varied according to the number of colours. In any case, the quality of the paper, as determined by its weight per square metre, was certainly taken into account as well. In the second place, he assumed that the tax to which M. Chauchat had referred was the "transmission" tax, which was paid at the time of Customs clearance and which was estancibly payable on woold never and accounts. at the time of Customs clearance and which was ostensibly payable on unsold newspapers. He would add, however, that the registration administration had reached certain agreements with the parties concerned, whereby the ad valorem tax was converted for printed matter into a specific duty which was taken as an equivalent. There was thus a scale of two or three duties. The specific duty thus leviable at a flat rate was based on the estimated number of unsold copies returned to the export country.

- M. CHAUCHAT (The National Association of French Newspapers) replied that, nevertheless, the measure impeded the circulation of foreign newspapers, and that, if the Belgian newspapers had been consulted, it was quite certain that the foreign newspapers had not been consulted.
- M. Crispiels (Belgium) declared the situation was the same whether the newspapers were Belgian or foreign.

MUNIR Bey (Turkey) declared: (1) that in Turkey, newspapers were exempted from all Customs duties; (2) as regards formalities, newspapers and periodicals were granted every facility for rapid and reliable transport.

The President declared that the Conference had brought to light a certain amount of interesting information, but he was convinced that the question of Customs taxation which concerned the Governments of different States could not be effectively treated by the present Conference, and that the only procedure to follow would be to pass a resolution by which the Conference could ask the Council for a new examination of the question, or even for the summoning of a financial conference.

- M. HELDRING (Netherlands) wished to question the Belgian representative on an interesting point which did not appear very clearly from his statement. Was there a difference in the importation of newspapers to Belgium between the imports by railway and the imports by post, and, in the latter case, what Customs formalities were there?
- M. CRISPIELS (Belgium) replied that, generally speaking, the Customs regime applicable to newspaper transport by post was the same as that for transport by rail. There was an agreement between the Customs and the postal administrations whereby the latter notified the former of all consignments which seemed dutiable. In practice, newspapers were imported into Belgium through the post only in single copies sent direct to private individuals and

were then admitted free on account of the smallness of the consignment. If large packets of newspapers were sent by post, the Customs would carry out formalities similar to those required for transport by rail and would levy the same charges.

Mr. McAra (The Newspaper Proprietors' Association) declared that, if the Conference dealt with the complete question of tariffs and decided to refer it to a committee that would examine it thoroughly, the solution would be delayed sine die, or at least until the distant future. In his opinion, it would be preferable to follow another course and to try to arrive at an agreement between the railway companies and the companies of aerial transport on the question of newspaper transport from capital to capital, considering only certain stations and certain routes, instead of treating the whole question en bloc.

In this manner, the matter could be studied precisely and the Customs rates for the

different routes could be established, whereas if this were not done the Conference could

only arrive at vague results.

The President had the impression that Mr. McAra was confusing two different things and using the word "tariff" in the sense of "transport tariffs", whereas, as a matter of fact, the speakers before him had had in view "Customs tariffs", which were the special province of the Governments of the different States and could only be discussed by a financial conference.

In his opinion, owing to the fact that information was still insufficient, it was better to refer the question of transport tariffs to the Council; but, on the other hand, the Conference could continue its examination of the question of Customs formalities. For this they could nominate a committee which would draw up a report, on the basis of which the Conference might arrive at certain resolutions.

This was agreed.

THIRD MEETING.

Held on November 26th, 1929, at 3.15 p.m.

President: The Right Honourable Viscount BURNHAM.

5. General Discussion: Fiscal, Tariff and Similar Questions (Item 2 of the Agenda) (continued).

The President opened the discussion on the question of Customs and police formalities.

M. Rosca (Roumania) declared that Roumania levied no Customs duties and imposed no Customs formalities on foreign newspapers. On the other hand, newspaper transport in the interior of the country took place both by post and by railway. He wished to draw the attention of the Conference to the fact that Roumania had concluded a Convention with the Sleeping-Car Company in 1926, by which the transport of correspondence and newspapers was taken over by the Simplon Orient Express.

The Secretary-General of the Conference asked M. Rosca if the Conference could obtain fuller information, not on the details, but on the principles of this agreement with the Sleeping-Car Company. For instance, it would be useful to know if the parcels of newspapers transported by the Sleeping-Car Company were considered as if they had been transported by post.

M. Rosca (Roumania) replied in the affirmative.

The President observed that this example was of great interest to them at a moment when the Conference intended to study the possibility of establishing a system of newspaper transport by the trains of the Sleeping-Car Company.

The SECRETARY-GENERAL OF THE CONFERENCE declared that if no other member wished to speak on the question of Customs formalities, he would ask if, while waiting for the formation of the sub-committee, it would not be possible to come to an agreement on a well-defined principle. It seemed that the proposals made by the International Railway Union would result in assuring newspaper transit by express trains. Consequently, it seemed necessary that Customs formalities should be similar to those applied to the compartment examination of travellers' luggage. If there was difference of opinion on this point between the members of the Conference, it would be better for them to find it out immediately, before the formation of the sub-committee; otherwise, it would be for the sub-committee to decide on the way in which Customs formalities should be applied to the newspaper parcels carried by express trains.

Mr. PHILLIPS (United Kingdom of Great Britain and Northern Ireland) declared that there was no Customs tax on foreign newspapers that entered England; however, there were sometimes formalities to be gone through which entailed certain expense. The International Railway Union had tried to get over the difficulty by suppressing the formalities, but that would only lead to more obstacles. The best thing would be, not to suppress formalities, but to reduce them and so to make the expenses less considerable.

M. Lecuyer (France) wished to make an observation concerning the comparison of newspaper parcels with luggage: he drew attention to the fact that the Convention of October 1923 (Article 25) laid down that the traveller should present his luggage personally for examination at the Customs and was responsible for any infringement of this rule. It seemed to him that if newspaper parcels were going to be identified with luggage for the purpose of Customs formalities a certain adjustment would have to be made. It was the railway companies which would have to take charge of the Customs formalities, presentation at the Customs, and the responsibility that might result from infringement of these rules.

M. Pourcel (International Railway Union) confirmed the statement of M. Hess that the transport system as laid down by the International Railway Union made Customs formalities necessary during the stop of the train, in the same way as for baggage; and it was the railway company which would hand over the newspaper parcels to the Customs, in the same way as travellers were obliged to present their luggage. He added that all the proposals that the International Railway Union had made would be rendered useless if the Customs and police formalities could not be fulfilled during the stop of the train or during waits at junctions for connecting trains.

The President said that the discussion on newspaper transport by railway and the future obligations of the railways concerning Customs formalities and the payment of Customs dues had led to a very interesting discussion. He thought that it would now be easy for the sub-committee to draw up a draft resolution expressing the opinion of the different members of the Conference. The very important question of police formalities now remained to be studied, the principal point of which was the censorhsip which still existed in many countries. The President thought it would be useful to clear up this question immediately. He wished to emphasise the fact that they were not going to study the political side of censorship in relation to certain European countries, but censorship only in so far as it concerned newspaper transport. He asked the Secretary-General of the Conference to make a general statement on this question.

The Secretary-General of the Conference replied that he had not been able to study it thoroughly enough, but he thought that he could say that it was not the duty of the present Conference, being a transport Conference, to discuss whether this or that newspaper could be read in this or that country. Only the question of transport interested him, and from this point of view two considerations arose: the first concerning transit, the other concerning importation.

It did not seem that police formalities should be applied to newspapers during transit. However, he thought that the delegates of the different Governments could be asked if, in their opinion, it would be necessary to keep up police formalities when there was only a question of newspaper transit. At the same time, the representatives of forwarding companies

might be able to supply interesting information on this point.

M. Schoeller (Messageries Hachette) drew attention to the fact that it was impossible to establish a general regulation for censorship that should apply to all countries; censorship depended on more or less serious difficulties that existed in each country. He did not wish to mention countries by name, but he thought that they might be divided into two kinds: (I) countries where censorship was more or less permanent, (2) countries where it was only occasional. Concerning the latter form of censorship, he wished to inform the Conference of the following facts: the Messageries Hachette had been informed that French newspapers had been held up at certain frontiers by the censor for 20 to 48 hours without the editors of these newspapers or those who were in charge of their transport being informed. Even restoration of the seized copies had not been obtained. That was an abnormal situation. He thought that measures should be taken so that the editors of newspapers should be informed in time that it was impossible for certain newspapers to enter this or that country because of the police regulations in force.

M. FIERLINGER (Czechoslovakia) agreed with the President that the discussion should be limited to general questions; that was to say, that they should only deal with the question of delays in newspaper transport which might be brought about by police formalities. If the political side of the question was touched, he would not allow himself to speak, for he believed that the present Conference was not competent to deal with that side of the question.

He declared that there was censorship in Czechoslovakia, but that it meant only that certain newspapers whose distribution was forbidden in the country were put on the index. But, he pointed out, that brought no delay to the distribution of authorised foreign newspapers in Czechoslovakia. He added that the International Railway Union had suggested a procedure by which the railway companies themselves would carry out Customs and police formalities: in that case, the railway companies would know which newspapers were on the index which would simplify matters considerably.

M. BARGETON (France) was convinced that the Conference did not intend to discuss the right of States to regulate, as they thought fit, the introduction of certain foreign publications into their countries. But, he believed, the question could be studied from the special point of view of newspaper transport. In the case of simple transit, it would be best to try to suppress all censorhsip as much as possible. In the case of importation, censorship was indispensable, but it ought to work without any delay. He mentioned that in France the formalities of censorship worked simultaneously with those of the Customs, that was to say, as quickly as was possible.

M. Hess (International Railway Union) pointed out, with regard to the statement of the delegate of Czechoslovakia, that in countries where censorship was exercised by the Government the railways could not escape its application, but it would be very difficult for the forwarding railway companies to know the names of the newspapers which were banned, in this or that country, and to know if the censorship, exercised in this or that country, was temporary or permanent. He wished to point out that under no circumstances could the railway companies assume responsibility in this matter.

M. FIERLINGER (Czechoslovakia) declared that he had just mentioned the case of newspapers which were forbidden in Czechoslovakia. He would point out that the names of those newspapers were always known; and so it was the duty of the railway companies to take care not to accept these newspapers for despatch. In the special case of Czechoslovakia, he stated that the railways were kept informed by the competent authorities of the list of forbidden newspapers, which list was revised at regular intervals. Moreover, he believed that the capsorship was everyised in a similar manner in all countries believed that the censorship was exercised in a similar manner in all countries.

M. Schoeller (Messageries Hachette) thought that a newspaper with a circulation of several thousand copies ought to be informed as quickly as possible when a certain country was closed to it, in order to prevent the printing of useless editions. On the other hand, it should not be forgotten that newspapers were perishable goods which could suffer no delay. Sometimes the ban of a certain country was made against a newspaper between its departure and its arrival at the frontier; in that case, the railways were evidently ignorant of the fact that this newspaper was forbidden to enter the country. He thought that if the railway companies took upon themselves the formalities of transit it would be necessary that they should take measures to warn, as quickly as possible, the senders concerned, should their newspapers be forbidden to enter a certain country.

Concerning Customs examinations at the frontier, M. Schoeller wished to point out that sometimes for very large newspaper parcels a stop of six hours or more was necessary, and that delay often prevented the newspapers from being sold when they arrived at their destination. He believed that it would be useful if these newspaper parcels were accompanied by a specimen parcel containing all the titles, which would facilitate the Customs inspection at the frontier

and avoid any unnecessary delay.

M. HESS (International Railway Union) replied to M. Schoeller that the newspaper transport with international waybills implied that the railway company ought to warn the sender as quickly as possible when the newspaper concerned was forbidden to enter any country (C.I.M. Article 23).

The SECRETARY-GENERAL OF THE CONFERENCE wished to ask M. Hess whether he could inform him how quickly this notice would be given the sender.

M. HESS (International Railway Union) replied that it was necessary to take into account the time that a letter took by post or by railway; in any case, notice was sent immediately.

The PRESIDENT observed that the discussion had arrived at a point when the sub-committee could be informed of the opinion of the Conference. For his part, he believed that a solution could be reached without in the least compromising the sovereign rights of each State. He thought it was obvious that if the railways took it upon themselves to supervise the transit formalities at the frontier, all sorts of advantages would be obtained so far as censorship was concerned. The railway companies would be in a better situation than that in which the publishers were at present. There would certainly be less delay and fewer losses.

He thought that the Conference would have to wait for the report of the sub-committee. He now suggested that the Conference should examine the question of postal monopolies in

certain countries; and he asked M. Garbani-Nerini to make a general statement.

M. GARBANI-NERINI (International Bureau of the Universal Postal Union) pointed out that the question of postal monopolies could be studied under two aspects: (1) taking into consideration the motives that justified them, and (2) examining the general conditions in

which the postal monopolies were applied.

He would leave it to the representatives of the countries with postal monopolies to explain the first of these aspects and to give the Conference detailed information as to the second, but he believed that it was necessary to explain the general conditions under which the transport service of printed matter was run in the countries which had agreed to the Universal Postal Union, that was to say in every civilised country. He thought it was necessary to give these general explanations, because he had noticed that in the documents which had been distributed

general explanations, because he had noticed that in the documents which had been distributed to the members of the Conference there was some uncertainty.

For example, it was stated that a Convention signed at Stockholm would bring into operation a reduced tariff of 15 centimes per 50 grammes for the transport of periodicals. This Convention had, it was said, been signed by only twenty-two countries, and the tariff applied was still relatively high. No special convention existed, however. The matter was regulated by the Universal Postal Convention of Stockholm, concluded among all the countries belonging to the Universal Postal Union, which prescribed a charge of 5 gold centimes per 50 grammes for all printed matter. In making this provision, it was hoped that a uniform charge would be established. In view of the existing conditions in certain countries, however, that was not possible. Accordingly, a minimum of 4 centimes and a maximum of 8 centimes that was not possible. Accordingly, a minimum of 4 centimes and a maximum of 8 centimes had had to be fixed in the Final Protocol. In addition, however, a provision was introduced into the Committee of the Comm into the Convention enabling the administrations to allow each other for newspapers and

periodicals sent direct from the publisher a reduction of 50 per cent on the general printedmatter rate. This clause, which was an optional one, had been applied in Europe and elsewhere, but not yet by the majority of members of the Universal Postal Union. The objections to the introduction of the optional clause in certain countries were due to various causes, on which

it was not for him to give an opinion.

M. Garbani-Nerini had not found any reference in the report to any other special service, on terms favourable to the Press, for delivery of newspapers ordered on subscription. Such a service had been the subject of a special Agreement, also concluded at Stockholm. The rates that had been fixed for this service represented an appreciable reduction as compared with the general printed-matter rates. The Universal Postal Union had extended this facility to

every country, but the number which made use of it was still quite small.

The Postal Union had also had to deal in recent years with the question of aerial transport of newspapers. It had not been able to secure uniform rates for this method of transport, but it had succeeded in establishing minimum rates. Under this system, the taxes which he had already mentioned were levied, together with an aerial surtax of 25 centimes per 20 grammes and per 1,000 kilometres of voyage at the maximum (1927 Hague Agreement). This Agreement, which was optional, had been attached to the Universal Postal Convention of London, and its terms were regarded as forming an integral part of the new Convention.

With regard to postal packets, the following rules had been laid down. In the case of postal packets of 5 kg. and under, a territorial duty of 50 centimes was levied for each country crossed. This duty might be doubled. There was also an optional delivery duty of 50 centimes at the maximum per packet. Lastly, the country of origin or the country of destination might,

in certain circumstances, levy a surtax of 25 centimes at the maximum.

All these provisions had been gradually introduced by the Postal Union, in order to meet the desiderata expressed by the International Press. A recommendation might possibly be made by the present Conference that still greater facilities should be given for the transport of printed matter. M. Garbani-Nerini had pointed out already in this connection that any proposals which the Conference might bring forward with regard to transport of printed matter by post would have to be submitted to the Universal Postal Union for its examination and approval. This was usually done through the Congresses. The date of the next Postal Congress had, however, been fixed for 1934, which was far too distant. If it were not possible to examine the proposals of the Conference until this date, their application would be greatly delayed. There would very probably be a conference on aerial postal transport, but the date for that conference had not yet been fixed. Apart from these Congresses or conferences, there was also the procedure of circular communication, according to which the proposals from the various delegations would be submitted to each of the States parties to the Postal Union. This procedure was practicable, but very lengthy. Six months were required for the examination of the question by the States concerned, six months for the vote and three months for carrying the measure into effect. If the Conference wished to obtain immediate results, one method which it could adopt would be to induce the Governments concerned either to accede to the Agreement regarding postal subscriptions or to allow the reduction of 50 per cent on the general printed-matter rates.

Another course would be that indicated by Article 5 of the Convention, which grants States belonging to the Universal Postal Union the option of concluding treaties and establishing small unions for the reduction of charges or of any other improvements in postal relations. This latter course was a particularly practical one, because, if experience showed that definite progress had been made and that the general relations between countries might benefit from the application of such measures, it made it possible to propose later that the measures in question should be embodied in the Universal Postal Convention, so that all countries would have to adopt them. In his opinion, that was the best means of making rapid

progress in the transport of printed matter, and in particular of newsapers.

The Secretary-General of the Conference wished to make an observation with regard to the question of procedure which M. Garbani-Nerini had raised. This question of procedure was very much the same as the one that M. Lohner had raised in regard to the Berne Convention. It had been said that the revision of the Berne Convention would take place in 1932, and it had just been stated that the revision of the Postal Convention would not take place until 1934. The Secretary-General of the Conference did not think that the European Governments could wait for five years before proceeding to a revision of these Conventions. The International Railway Union and the Universal Postal Union could not be regarded as organisations the existence of which prohibited Governments from settling railway and postal questions between themselves-particularly in view of the fact that certain questions affected both Conventions. Attention should therefore be concentrated on the 1932 Conference, it being hoped that the 1934 Conference would take decisions which would be compatible with those taken in 1932. Otherwise, the vicious circle of delays would continue.

Should it be proposed to apply further measures affecting both Conventions, the Governments might, he thought, conclude special agreements between themselves. Otherwise, the Governments would be in the position of being unable to take measures upon the desirability

of which they were unanimously agreed.

M. Gut (Germany) said that the German Postal Administration had accepted with pleasure the invitation to take part in this Conference, since it was keenly interested in all questions relating to the Press. As the Conference was aware, the German Postal Administration itself conducted a very extensive service for the delivery of newspapers. It was compelled by law to ensure this service. It also enjoyed the exclusive right to transport political newspapers published more than once a week outside a radius of two miles from the

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place of publication. Foreign political newspapers which were to be sent to Germany, or which had to cross that country, also had to be handed over for this purpose to the German Postal Administration.

M. Gut wished to stress the fact that this system had never been employed by the Administration as a source of profit. On the contrary, it had always dealt with it on the only lines that had seemed practicable, namely, by making it further the dissemination of

news and, consequently, promote the progress of culture.

The efforts made by the German Postal Administration to facilitate the dissemination of news were not, however, restricted to the inland services alone. It was Germany who had suggested in 1891 the adoption of the international Agreement with regard to newspapers ordered on subscription on a basis of a scheme which it had drawn up, and since that date it had done much to improve this Agreement. Germany had also been one of the first countries to apply the reduction of 50 per cent in the rates for printed matter despatched direct by the publishers. It had effected this reduction immediately after the decision by the Stockholm Postal Congress in this connection, and it had made every effort in order to secure the adoption of this reduction by as many countries as possible.

It would be realised, therefore, that the German Postal Administration endeavoured to meet the requirements of the newspaper service as far as possible. It endeavoured, in particular, to facilitate rapid transport of newspapers. The same rules were applied to newspapers as to letters—that was to say, the newspapers were despatched by the most rapid means available. Similarly, with regard to aerial transport of newspapers, the German Postal Administration had concluded agreements with the airway companies in connection with the transport of foreign newspapers, which would be subject to very inconsiderable rates and very simple

tariffs.

The monopoly in the transport of newspapers which the German Postal Administration possessed could not be abolished for the profit of foreign newspapers transported to or through The Administration would, however, continue to do everything possible, as it had always done in the past, to ensure rapid transport of such newspapers. It was quite ready to open friendly negotiations with those concerned with regard to the possibilities of such transport.

M. Gut was sure that it would always be possible to take account, within the limits of the

present system, of the requirements and desiderata of the Press.

M. CHAUCHAT (National Federation of French Newspapers) wished to correct an observation which he had made at the morning meeting. The provision of the Stockholm Convention regarding the reduction of the charge in the case of newspapers was, of course, purely optional; but he wished to point out that the States which had not applied that Convention were in a minority, at any rate in so far as Europe was concerned. There were, indeed only four such States indeed, only four such States.

He believed, for his part, that the International Bureau of the Universal Postal Union might make representations to the Governments in order to emphasise the necessity of according to all newspapers, without exception, the reduction of 50 per cent on the rates for

printed matter.

M. GARBANI-NERINI, (International Bureau of the Universal Postal Union), taking note of M. Chauchat's observation, wished also to correct an error which he had involuntarily

committed. He himself also recognised that countries applying the 50 per cent reduction were in a majority in Europe; there were twenty-two such countries in all on that continent. His statement had been based upon the systems of all the countries in the world.

In reply to the observations of the Secretary-General of the Conference he wished to point out that that he quite understood that it might not be found practicable to defer the the application of the proposals of the Conference until the Congresses of Took and of Took had the application of the proposals of the Conference until the Congresses of 1932 and of 1934 had met. He thought, however, that he ought to point out at once the difficulties to which the procedure provided by the Stockholm Convention gave rise when an attempt was made to change any of its provisions, so that they would not make the mistake of thinking that such changes could be effected by the present Conference. Although the delegates to the present Conference were Government delegates, it must not be forgotten that the Universal Postal Convention also had been concluded by plenipotentiaries of Governments, and was ratified by the Governments. by the Governments.

Provisions which had been approved and ratified by eighty-seven States could not, therefore, be changed by the delegates of a very small number of those countries, and in disregard of the formalities to which the Governments had committed themselves by way of safeguards

in respect of such changes.

Such was the present position, and it required to be made clear. At the same time, however, he thought he could point out to the Conference the most rapid available means of reaching the desired end.

M. LOHNER (Central Office for International Railway Transport), desired, in order to dispel any misunderstanding, to reply in brief to what the Secretary-General of the Conference had said. He was anxious that the Conference should not retain the impression that the representatives of international organisations present at the Conference were hostile to such changes as were necessitated by the development of means of transport and the needs of international traffic. As regards the revision of the International Conventions of Berne, his position was somewhat similar to that which had just been described to the Conference by his colleague, M. Garbani-Nerini.

Of the Conventions in question, one had been in existence for more than thirty and the other for more than fifty years, and they had proved their value in the organisation of international communications. Obviously, these Conventions required to be revised from time to time; but, in view of the large number of contracting States, the revision procedure was necessarily long and complex. It had already been explained to the Conference what course could be taken to be most certain of attaining the proposed end. At the previous meeting it had been said that, in order to reach a provisional solution of the problem, the railway administrations might draw up an international tariff, which, if necessary, would be made subject to the approval of their respective Governments. This tariff might be based on the C.I.M., on the uniform supplementary provisions already in existence and on any special provisions which might subsequently be made. That was one way which might achieve the desired end. The next Conference for the revision of the Berne Convention might place on a permanent footing the provisional system thus drawn up, at the same time taking into account the experience gained from it.

M. GALDI (Italy) said that the Italian Postal Administration was among those administrations which had acceded to and ratified the Convention, and had conducted a service for the delivery of newspapers ordered by subscription, which, as the Director of the International Bureau of the Universal Postal Union had explained, enabled the public to obtain newspapers and periodicals on very favourable terms.

Nevertheless, like most other postal administrations, and chiefly for reasons connected with its service, it had not yet seen its way to adopting the 50 per cent reduction on the normal rates for printed matter, which had been provided for as optional by Article 34 of the Stockholm

Convention.

It was very interesting to learn that the Universal Postal Congress which had recently been held in London had examined and rejected a suggestion by the International Press Federation that the reduction in question should be extended and made compulsory for all countries within the Union.

Having set forth these considerations, M. Galdi stated that, under the present circumstances, the Italian delegation could only support the views that had been expressed

by the Director of the International Bureau of the Universal Postal Union.

M. FIERLINGER (Czechoslovakia) wished to add a few observations to the statements of M. Garbani-Nerini and M. Lohner. The Conference was confronted with two contentions. The limits of the existing Conventions might be observed, resort being had to agreements between the railway administrations or, alternatively, a special contractual system might be established.

The Czechoslovak Government had examined with close attention the proposals of the International Railway Union. It would be unwilling to have a fresh contractual system set up side by side with the existing Conventions. His Government would not oppose the adoption of the first point of view. In the special case of Czechoslovakia, the postal monopoly was, of course, to some extent an obstacle, but this obstacle was not a very considerable one. The State, indeed, allowed various undertakings to transport newspapers themselves, and in the law under preparation no provision had been made for an exclusive monopoly by the postal administration in transport of newspapers. Obviously, the situation in certain countries, for instance, Germany, was more complicated. The representative of the German Government had, however, just stated that every effort would be made in Germany to circumvent this difficulty. M. Fierlinger thought, therefore, that the proposals that had been presented might be applied by the railway administrations.

M. BARGETON (France) observed that the situation was becoming less complicated. He had no doubt, in particular, that the representatives of the already existing international organisations might feel completely reassured with regard to the aims of the Conference. The Conference did not wish by any means to subvert the present situation. On the contrary, it wished to make use of it. It was, indeed, taking as a basis for its proposals a scheme which had been presented by one of these organisations, namely, the International Railway Union. He believed that the Conventions at present in force might be supplemented without it being necessary to modify them.

Dr. DE FORSTER (Hungary) said that, in Hungary, the postal monopoly was restricted to consignments of newspapers weighing less than 2 kg. Most consignments were, therefore,

unaffected by this monopoly.

With regard to the 50 per cent reduction, Hungary had applied this reduction to newspapers from the outset. It had also applied from the outset the Convention with regard to the delivery of newspapers ordered on subscription. He thought that it was very desirable that the number of countries signatory to these two Conventions should be increased, and he believed that the League, with its great prestige, might do much in this respect, without affecting the Conventions already in force.

The Secretary-General of the Conference apologised for having prolonged a discussion which was of a somewhat abstract character. He had done so merely in order to facilitate later discussion. He could assert that no attempt would be made to establish fresh rules which would be incompatible with those already laid down by the Berne Convention. This was also the case with regard to the postal Convention. But that did not mean that the provisions of those instruments might not be supplemented if this course were deemed necessary. It appeared from the statements that had been made in the discussion which had just taken place that the Conference was in favour of a generalisation of the proposals

of the International Railway Union, which aimed at abolishing certain of the various formalities that at present delayed the transport of newspapers. The question remained as to how this abolition could be secured, account being taken of the postal monopolies existing in certain countries. The Conference would have to ascertain what rule should be adopted in cases in which consignments of newspapers had to cross a country with a postal monopoly. This question would not be discussed immediately. The delegates of countries with a postal monopoly would first have to study the question as to whether the proposal of the International Railway Union could be so modified as to render it compatible with the institution of postal monopolies. For his part, he believed that this was not impossible, since this result had, if his information was correct, already been obtained by means of special agreements.

M. DE CALHEIROS E MENEZES (Portugal) had only one observation to make. Since the countries which had acceded to the Stockholm Convention and which applied the 50 per cent reduction in rates were now under consideration, he wished to point out that Portugal should be included among these countries, although it had not been mentioned in the documents which had been circulated.

M. VOELCKERS (Germany) replied that M. Gut had already declared that the German Government was willing to collaborate with all the delegations to the Conference in discovering a solution which would produce the results that were desired by all. Although there was a postal monopoly in Germany, the German Government would be the first to agree to a solution if one could be found which would not affect the monopoly. He thought that the best course would be to appoint a sub-committee to discover a solution which might afterwards be submitted to the Conference.

The PRESIDENT said that he agreed with M. Voelckers' proposal. In his opinion, also, the examination of the question of police and Customs formalities should be entrusted to a sub-committee. Another sub-committee might deal with the question of postal monopolies and of the means by which the proposals of the International Railway Union might be so modified as to render them compatible with the existence of these monopolies.

He proposed that the Conference should meet on the following morning to continue the

general discussion. It might then take up the question of aerial transport.

The proposals of the President were adopted.

FOURTH MEETING.

Held on November 27th, 1929, at 10.30 a.m.

President: The Righ Honourable Viscount BURNHAM.

7. General Discussion (continued). Air Transport (Item 3 of the Agenda).

The President, before passing to the agenda, which included the study of aerial transport, wished to draw the attention of the Conference to the memoranda sent by the Association of Austrian Daily Newspapers (see Annex 4), by the Estonian Government (see Annex 5) and by the Norwegian Association of Newspaper Owners (see Annex 6).

He first wanted to emphasise certain points in the Austrian memorandum. He was pleased to notice that relations between Austria and other foreign countries were extremely favourable, and that the difficulties which had occurred between Austria and Yugoslavia

had been quite recently overcome.

In the interest of the Conference, he laid special emphasis on the following points of the memorandum:

The simplification and reduction of costs of the international transport of newspapers, in so far as it affected foreign countries, was not of sufficient importance to necessitate consignment by express services or by grande vitesse, since Austria did not export a sufficient amount of newspapers to foreign countries.

Concerning the proposal by Messageries Hachette of Paris, that newspapers should be carried by international expresses and by the expresses of the International Sleeping-Car Company, the Association of Austrian Daily Newspapers considered that the suggestion was without interest, since those trains did not run daily but only once or twice a week (e.g.,

the Orient express).

- (3) Concerning the question of tariffs, the Association drew attention to the inconvenience of the fact that not every State had yet agreed to the Convention of Stockholm of August 1924, or made use of the optional provision of that Convention, which gave them the right to allow a reduction of 50 per cent of the ordinary rate for printed matter (this was particularly the case with Great Britain, the United States of America, Italy and Switzerland).
- (4) The Association of Austrian Daily Newspapers also wished to see an improvement in the international postal service for newspapers, which suffered at the moment from certain restrictions. In most countries, a subscription to a newspaper could only be taken out for a calendar quarter of the year, and that subscription must be taken out at the beginning of the quarter; whereas, in Germany, for example, it was possible to subscribe to a newspaper for shorter provides a subscribe to a newspaper. for shorter periods, and, in the case of a quarterly subscription, to begin it at the first or second

month of the calendar quarter. The method generally used for subscriptions to foreign newspapers was of considerable inconvenience to travellers who did not remain so long as a calendar quarter abroad, and who wished to take out a subscription for less than a quarter. The Austrian memorandum concluded with the statement that the import of foreign

newspapers into Austria has been subject to no restrictions since 1919.

The Norwegian memorandum complained of the small number of members who had

adhered to the Convention of Berne and put its provisions into application. The Estonian memorandum also declared itself in favour of the unification of postal

As for the eventual suppression of the tax on postal subscriptions to newspapers and periodicals, which amounts to 5 per cent in Estonia, the competent Estonian authorities were of the opinion that that tax, which was designed to cover the costs of correspondence,

could not be abolished.

The President thought that it had not been useless to draw attention to these different facts, and he would be pleased if the Conference could have explanations from the companies concerned, on the questions that had been raised, and especially on the subject of the utilisation of the trains of the International Sleeping-Car Company for newspaper transport.

M. LUUYT (International Sleeping-Car Company), in reply to the President's invitation, wished to give precise information on this point, and notably on the matter of the Orient express, which ran only three times a week from Paris to Constantinople; but he wished to point out that the Arlberg express assured communication between Paris and Vienna on the three days when the Orient express did not run, and that, consequently, communication was assured six times a week.

M. Schoeller (Messageries Hachette) declared that the question of newspaper subscription raised by the Austrian memorandum seemed to him to be a matter of internal administration for each country and not an international question.

M. DUIJNSTEE (Netherlands) thought that the question of subscriptions was an international question which had been regulated by the agreements of Stockholm and London in such a way that, at the present time, the administrations of the different countries which had agreed to these agreements could quite well allow subscriptions of a fortnight, a month, a month and a-half, etc. This simplification should have excellent results if it was properly applied.

Replying to a question of the President, M. Duijnstee declared that the Convention of

London would enter into force on July 1st, 1930.

It was the opinion of the PRESIDENT that it was eminently desirable in the interests of newspaper readers that individuals should have the possibility of subscribing for periods of less than a month.

- M. HELDRING (Netherlands) added that it was very convenient indeed for travellers who were going to spend a month abroad to be able to receive the newspapers of their country.
- M. Romein (Member of the Communications and Transit Section) drew attention to another question raised by the discussion of postal subscriptions to newspapers—that of the forwarding of newspapers. When a subscriber to a French newspaper in Switzerland went travelling in Italy, and wished that his newspaper should be forwarded to him there, he ought to inform the Swiss Postal Administration of his change of address. The postal administration would then see to it that his French newspaper was sent him directly from France. In the same way, when a subscriber left Italy to return to Switzerland, he ought to inform the postal administration in Italy, which in its turn should inform the French administration of the change of address that had taken place. But it sometimes happened that the Post Office employees in little towns did not understand the regulations governing the forwarding of newspapers, and it often happened that the postal administration concerned had not been informed of the subscriber's change of address. This entailed an appreciable delay in the reception of newspapers and consequently caused quite serious inconvenience. Would it not be pertinent for the postal administrations to take the necessary steps to see that their employees were informed exactly of the necessary formalities?
 - M. GARBANI-NERINI (International Bureau of the Universal Postal Union) replied that the two questions just raised by the representative of the Netherlands and by M. Romein were only points of detail which it was difficult for the International Bureau to try to solve. But he thought he could declare, as he had already said, that there were actually international provisions on these two points in the agreements of London and Stockholm.

Concerning the periods of subscription, the Stockholm Agreement laid down in Article 7, paragraph 1, "subscriptions may only be taken out for the periods mentioned in the official lists", and Article 4 of the Detailed Regulations said:

"I. Subscriptions come into force for one year on January 1st; for six months on January 1st and July 1st; for three months on January 1st, April 1st, July 1st and October 1st.

"Exceptions to this rule are allowed in the case of occasional or temporary

publications; subscriptions are received for the proper period without being limited to the dates above-mentioned.

"2. The administrations concerned may arrange with one another to accept subscriptions for a fortnight, a month, a month and a-half, two months, and two months and a-half."

The administrations concerned were allowed to come to agreements among themselves, and the London Agreement had introduced other detailed provisions. Moreover, as the Netherlands delegate had declared, exceptions could be allowed for papers of intermittent and temporary publication (cf. the London Agreement).

In that case, it seemed that every possibility had been foreseen and that, with the aid of arrangements between the administrations concerned, every eventuality could be faced.

As for the question of the forwarding of newspapers, there were special regulations in force, and the administration of each country took the necessary care that the employees in all its offices were fully informed.

The PRESIDENT, in conclusion, reminded the Conference of the wish expressed by the Conference of Press Experts in August 1927:

"The Conference expresses the wish:

- "(1) That the countries which have not adhered to the Stockholm Agreement of 1924 concerning postal subscriptions to newspapers should do so as soon as possible;
- "(2) That the countries which have adhered to this Agreement should put it into force without delay.'

He now asked the Conference to pass to the examination of aerial transport.

M. VAN DEN BERCH VAN HEEMSTEDE (International Air Traffic Association) declared that aerial lines were being more and more used for the despatch of newspapers, a fact which was explained by the rapidity of this mode of transport. The International Association of Air Traffic, being asked by the Advisory and Technical Committee for Communications and Transit to study this question, had nominated a special Committee, which had delivered its report last week to Advisory and Technical Committee. However, M. was deep Party its report last year to the Advisory and Technical Committee. However, M. van den Berch van Heemstede had to point out that this reply had not been altogether satisfactory.

It dealt with three questions: the question of regularity, the question of tariffs, and the

question of the manipulation of newspapers despatched by airships.

Regularity. — The air companies had been asked to guarantee a regularity of 100 per cent. Such a standard of regularity was certainly the desire of the air companies themselves, but, as might well be thought, it was an impossibility. No form of transport could guarantee 100 per cent regularity. However, during the summer, and even during the immediately preceding and following months, the air companies could from now onwards give a guarantee of about 95 per cent regularity. This fact had been recognised by the Press representatives at one of the meetings of the Advisory and Technical Committee for Communications and Transit. This guarantee was not valid during the winter, but certain inventions were being studied which would allow greater regularity, even in time of for. For an way well known studied which would allow greater regularity, even in time of fog. Fog, as was well known, was the great enemy of aerial transport.

Besides that, it had been asked that air services should be continual during the year. From January 1st, 1930, the services of the principal lines would be established for the whole year round, and even night flights would be organised on certain sections. The lines that would carry out this night traffic were marked on the map (see Annex 7) which had been distributed among the delegates and which would be submitted to the Conference of the International Association of Air Traffic, which would deal with the question of air time-tables

at Berlin.

Arrangements had also been made for a combination between air and railway transport. The first line of this kind would be from Barcelona to Berlin and would function the whole year round.

Tariffs. — The Messageries Hachette had asked that a single tariff should be made uniform in all Europe for newspaper transport by air. The International Association was sorry to be unable to agree to this demand. It should be remembered that the companies were not yet in a situation to safeguard their capital without Government subsidies. On the other hand, the provisions of the various agreements drawn up between Governments and the companies varied according to the countries, and material and means of working varied from one line to another. It was impossible, at any rate for the moment, to arrive at a uniform tariff.

In the preparatory documents (Annex 2) there was a table for comparison giving the different rates charged by the great French companies. M. van den Berch van Heemstede drew attention to the fact that this table was already out of date and that the rates had been considerably lowered. He was very pleased to hear Mr. McAra say that the *Times* had been able to make satisfactory arrangements with the aerial companies. At the present moment, it was sufficient to apply to the company situated in the town of departure, and that company made all arrangements with the other companies, relieving the sender of all worry and assuring him the lowest possible rates. Henceforth, it would be possible to charge an average uniform rate of about 0.2 gold centime per kilometer per kilogramme carried.

3. Question of the dropping of parcels of newspapers. — M. van den Berch van Heemstede had been rather surprised to see several objections to this system in the Austrian memorandum (see Annex 4). However, parcels could be dropped by modern technique at the spot where they were wanted, every day without exception; and, so far, there had been no complaints on the lines where the dropping of newspapers had been practised. The question was of great importance from the point of view of the newspaper agencies. It had been said that the act importance from the point of view of the newspaper agencies. It had been said that the act of throwing newspapers could only be carried out on aeroderomes that possessed a Customs office. That was not absolutely necessary so long as the aeroplane carried a form stamped by the Customs officials at the point of departure, which contained a list of the goods. It was

consequently easy to notice on arrival if certain parcels were missing. The principal obstacle to the spreading of the practice of dropping newspapers was the International Convention on Air Navigation of October 13th, 1919, which only permitted the dropping of ballast, such as fine sand and water.

M. Schoeller (Messageries Hachette) declared that the firm of Hachette had made many experiments in aerial transport. As for sales, the results were indisputable, the increase resulting from air transport varied from 4 per cent to 50 per cent. From the point of view of regularity, the Press representatives had formulated certain requests at previous meetings of the International Association of Air Traffic, for it was indispensable if one tried to attract a reader to see that he received his newspapers as regularly as possible. The last experiments, it was true, had given much better results than before. The Messageries Hachette had sent between July 1st and 31st 77 tons of newspapers on the line Paris to London (Air Union Company). The time of arrival was fixed at 7.30 a.m. One day the mail arrived 30 minutes late, on other days 47 minutes, 1 hour 17 minutes, 1 hour 15 minutes, and once 6 hours 40 minutes late. The last was the only occasion on which the mail had arrived in the afternoon. All the other days the hour of arrival had been up to time. Attempts had also been made on the line Paris to Berlin and vice versa. These had also shown a similar increase in regularity; newspapers had arrived every day, even in foggy weather.

It was precisely the frequence of fog that had determined the Messageries Hachette to unload their newspapers at Lympne in the direction Paris to London, and to send them on to London by rail. During the last month newspapers had arrived on four days 30 minutes late, twice I hour 25 minutes late, once 2 hours 45 minutes, and once 54 minutes late; that showed good enough regularity. The service during the month of November had been rather more difficult; however, only on four days had the mail arrived in the afternoon. On long routes the time gained became considerable; between Paris and Berlin there was a gain of 18 hours. The traders and business men of the two capitals appreciated considerably the

possibility of receiving news so quickly.

The question of price was one of the most important. The lines used by the Messageries Hachette had considerably reduced their tariffs. On the English line there had been a reduction of 25 per cent; on certain Dutch lines 75 per cent reduction on the original rates; on the German lines 90 per cent reduction on the original rates.

The only fact which raised great disquietude was that the International Association of

Air Traffic had declared that special rates for newspapers could only be granted in cases where there was enough room at their disposal. It was obvious that newspaper editors could not

accept such conditions.

Finally, certain Governments had hitherto opposed the dropping of packets for police reasons. This method was, however, essential. There should be a site for the dropping of packets on the English coast at Lympne, and it was desirable that it should be possible to drop packets on the journey in the opposite direction at Berck, on the French coast. Landing entailed a loss of between twenty and twenty-five minutes on a journey of two hours. On the Paris-Berlin route, the landings entailed delays of between two and two and a-half hours, apart from risks of accident. It seemed, therefore, that Governments should agree, at any

rate, to the dropping of packets upon certain specified aerodromes.

In reply to a question by the President, M. Schoeller said that the table contained in the preparatory documents (Annex 2) had been drawn up almost a year and a-half previously. As he had just shown, there had been a marked improvement in the situation since that time.

Mr. Collins (United Kingdom of Great Britain and Northern Ireland), recalled that it had been pointed out that Great Britain had not yet acceded to the Stockholm Agreement, nor agreed to the 50 per cent reduction in the postal rates for the transport of periodical printed matter. He was ready to draw the attention of his Government to the recommendations that had been made at this Conference, and he was sure that the British Government would

not fail to give them due consideration.

With regard to aerial transport, M. van den Berch van Heemstede had pointed out that the dropping of packets was prohibited by the International Convention on Air Navigation. Great Britain, which was a party to this Convention, had not yet authorised the dropping of newspaper parcels from aircraft. If it were sought to modify these provisions of the Convention, if modification were necessary, Great Britain would not, however, raise any opposition, particularly in respect of the dropping of packets of newspapers on aerodromes where there was a Customs office. If, moreover, it were necessary to drop such packets on an aerodrome where there was no Customs office it might be possible to arrange for facilities at this aerodrome. The difficulties that this question presented were, therefore, technical rather than legal, and even when the views expressed in the Austrian memorandum (Annex 4) were taken into account, these technical difficulties did not appear insuperable. Experiments had already been made in America and Germany, and if it were proved that the system offered every desirable guarantee for safety, Great Britain would be prepared to change its regulations in this respect. of newspaper parcels from aircraft. If it were sought to modify these provisions of

Speaking more particularly in his capacity as representative of the Department for Civil Aviation at the Air Ministry, Mr. Collins was glad to note that the pessimism which had characterised the report of the Messageries Hachette in respect of air parcel services was being rapidly dispelled. He had also been glad to hear M. Schoeller's reference to the progress that had been made in aerial transport from the point of view of regularity. He wondered, nevertheless, whether it was desirable to aim at an absolutely uniform tariff for the whole of Europe and whether a little healthy competition would not be to the advantage of the Press agencies.

Lastly, Mr. Collins would ask the companies concerned especially to examine the question of the available tonnage. This question would, however, no longer be so important when larger aeroplanes and aeroplanes intended solely for the transport of goods had been constructed.

M. FIERLINGER (Czechoslovakia) said that the question of the dropping of packets of newspapers was not of great importance to his country, since Prague was a regular port of

call for all the air lines of central Europe.

The Treasury had no objection to this system, provided: (1) that the packages did not contain any objects other than newspapers; (2) that the packages were accompanied by a label stamped by the Customs office at the point of departure; (3) that the dropping of the packets took place above the aerodromes at a time fixed approximately in advance; (4) that the right to drop packets was only granted to companies running a regular service (these companies would formally undertake to present the packets to the Customs authorities); and (5) that the aerodrome selected for this purpose contained a Customs office or was situated in the neighbourhood of a Customs office at which the companies would present the packets in the neighbourhood of a Customs office at which the companies would present the packets.

M. Schoeller (Messageries Hachette) believed that certain delegates feared that the packets might be damaged. He recalled in this connection that the air service of the Messageries Hachette had dropped the Paris evening newspapers at Deauville a few hours after their publication during a period of thirty days (400 kg. of newspapers being dropped). (He distributed photographs showing how this operation was carried out.) The packets rolled for barely thirty metres and remained close together. M Schoeller thought however that the barely thirty metres, and remained close together. M. Schoeller, thought, however, that the combined railway and air lines which the Luft Hansa was planning raised the question as to the kind of waybills which should be utilised in order that the newspapers might be transferred from the aircraft to the train and vice versa. This was an important question which should be solved as soon as possible.

M. GALDI (Italy) recalled that, under the terms of Article 35 of Annex D to the Paris Convention of October 13th, 1919, "dropping of ballast other than fine sand or water from aircraft in the air was prohibited". The Italian laws were in conformity with this article. In view of this fact, it would not be possible to introduce any change in this respect unless the procedure provided for by the Convention was followed. The Conference might, if it wished, examine the question of the dropping of packets from the theoretical point of view, but it could not adopt any formal undertaking in this matter.

M. ROMEIN (Member of the Communications and Transit Section) felt some doubt with regard to the interpretation of Annex D of Article 35 that had just been given by certain delegates. This article read as follows: "The dropping of ballast other than fine sand or water from aircraft in the air is prohibited". Were packets of newspapers to be regarded as ballast? There was all the more reason to doubt that they should be so regarded in view of ballast? There was all the more reason to doubt that they should be so regarded in view of the fact that the Convention on Air Traffic between Austria and Germany, which reproduced the text of Article 35, also contained another article, which read as follows: "Any other substance than ballast may only be dropped or otherwise removed in flight if special permission

has been obtained from the State on whose territory this act is to take place".

This latter provision not being contained in the International Convention on Air Traffic, was it to be concluded that the term "ballast" implied any object which might be thrown from aircraft, even from aircraft which was not at a great height from the ground? From the point of view of safety, the dropping of objects would be especially dangerous if it were to take place at a considerable height. In view, however, of the technical methods now employed, dropping would not be dangerous when it took place at a height of between fifty and one hundred metres, which would be the usual height in the cases which the Conference was considering. It seemed that the dropping of ballast might be necessary at a certain height—this was the possibility referred to in the expression "aircraft in the air"—and that it had been on this account that only fine sand and water had been mentioned as ballast which might be dropped.

Moreover, apart from the question of the interpretation of Article 35, it should be pointed out that this article was contained in an annex, and not in the Convention itself. It might, therefore, be modified, if this were thought necessary, by a mere decision of the International Commission on Air Traffic and, if the Governments represented on that Commission were to agree that the dropping of packets of newspapers might be authorised, these Governments could give instructions to their delegates on the Commission with a view to such modifications.

M. LÉCUYER (France) thought that the question of the dropping of packets had not been regulated by Article 35 of Annex D but by Article 15 of Annex H, which related to Customs formalities. This article read as follows: "Except in the case of postal aircraft, all unloading or throwing out in the course of flight, except of ballast, may be prohibited ". Governments were not, therefore, obliged to prohibit such unloading, but only had the option of prohibiting it. An instance of the exercise of this option was the French law of March 31st, 1924

Mr. COLLINS (United Kingdom of Great Britain and Northern Ireland) did not think that the provisions of the International Convention could act as a hindrance to the Conference. The question did not raise any technical difficulties, and there was no reason why Article 35 of Annex D should not be interpreted as applying to ballast alone, nor why it should not be stated that the dropping of newspapers might be authorised. The question might, if necessary, be referred to the Legal Sub-Committee of the International Commission on Air Traffic, and

Mr. Collins could assure the Conference that his Government would request that it should be placed upon the agenda of this Commission. There was no doubt that the Commission would discuss the question if other Governments took the same step.

Mr. Collins thought, moreover, that, if this possibility had been considered at the time when the Convention had been drawn up, this article would have been drafted differently.

- M. ROMEIN (Member of the Communications and Transit Section) thanked M. Lécuyer for his explanations, which confirmed his own interpretation. In reply to Mr. Collins' last observations, he thought that it was clear from the text of Article 15 of Annex H that the drafters of this article had had the dropping of packets in mind. Under this article, States were enabled to prohibit the dropping of packets, an exception being made, indeed, in favour of postal aircraft, to which this article did not apply.
- M. GALDI (Italy) wished to point out that his statement had not referred to postal consignments but to newspapers despatched as goods.
- M. VAN DEN BERCH VAN HEEMSTEDE (International Air Traffic Association) was glad that the Conference attached such great importance to the transport of newspapers by air. He would assure the Conference once more that the problem of the dropping of packets did not present any technical difficulties. He was convinced that, if the Conference were to express the wish that the dropping of packets should be authorised in international traffic, it would be possible to give effect to this recommendation.

He begged the delegate of Czechoslovakia to bear in mind the fact that, if too many conditions were imposed upon the dropping of newspapers, there would no longer be any

advantage in this method.

He recognised that, if the companies granted the benefit of the reduced tariffs to newspapers only in accordance with the tonnage available, the agencies would not have an adequate guarantee of regularity. He would point out, however, that the average tonnage of aircraft had considerably increased, that the use of aircraft solely for transport of goods was becoming more widespread and that, generally, speaking, companies would henceforth be able to transport what was offered to them.

M. van den Berch van Heemstede recalled that the question of waybills for combined rail and air transport was being examined by the Air Transport Committee of the International Chamber of Commerce and by the Advisory and Technical Committee for Communications and Transit. The Second International Conference on Private Law in Aerial Navigation, which had been held at Warsaw in October 1929, had also dealt with the question of aerial transport. The International Air Traffic Association was very anxious that the validity of transport waybills for combined rail and air transport should be recognised, and it might be hoped that the Conference, which had not yet taken any decision as to the form of the document would decide that the International Air Traffic Association should be consulted as regards the form.

In these circumstances, there was reason to believe that the question would be solved on the lines which the International Air Traffic Association desired.

M. VOELCKERS (Germany) said that, as regards Germany, it was not the Reich, but the different States that would be competent to grant authorisation to aircraft to drop packets. He also recalled that packets of newspapers were regarded in Germany as postal packets. He did not think that the Reichstag would have any objections of principle to the dropping of postal packets.

8. Composition of Committees.

The President noted that there did not appear to be any considerable divergencies of view upon the substance of this question. The discussion had related mainly to the procedure that should be followed. This being so, practically all the items on the agenda had been considered, and the time had come for the Conference to resolve itself into committees.

The President proposed that the Committee for the Examination of Customs and Police Formalities (with which the Government representatives were competent to deal) should be composed as follows:

M. KATZENBERGER (Germany)

M. CRISPIELS (Belgium)
M. MIKOFF (Bulgaria)

M. CUARTARA (Spain) M. LÉCUYER (France)

M. Belmonte (Italy)

M. van Rijckevorsel (Netherlands)

M. FERREIRA DE MESQUITA (Portugal)

M. Rosca (Roumania)
M. HAEUSERMANN (Switzerland)
M. DJOURITCHITCH (Yugoslavia) M. LUUYT (International Sleeping-Car

Company)

The Committee for the Examination of Postal Questions might be a very small one, since it only had to examine the question of the postal monopoly, and since only a very few countries were directly concerned in this matter. He proposed that the following members should be appointed to serve on this Committee:

M. Gut (Germany)
Dr. DE FORSTER (Hungary)
M. PIROZZI (Italy)

M. Duijnstee (Netherlands)

M. LAGER (Sweden)

M. FISCHER (Switzerland)
M. POURCEL (International Railway Union) M. Hess (International Railway Union)

The President added that it was desirable that M. Pourcel and M. Hess should take part in the work of both of these Committees, since the principal aim of the Committees was to discover practical solutions upon the basis of the proposals of the International Railway

He proposed, finally, that the Drafting Committee should be composed as follows:

M. Voelckers (Germany)

Mr. Collins (United Kingdom of Great Britain and Northern Ireland)

M. Danis (Spain)

M. BARGETON (France)

M. GALDI (Italy) M. FIERLINGER (Czechoslovakia)

The proposals of the President were adopted.

FIFTH MEETING.

Held on November 29th, 1929, at 3.15 p.m.

President: The Right Honourable Viscount BURNHAM.

9. Results of the Work of the Committees.

The President observed that the Conference had reached the final stage of the task that it had undertaken.

The SECRETARY-GENERAL OF THE CONFERENCE read the two following summaries: 1. Summary of the discussions of the Committee on questions connected with Customs and police formalities.

In reply to a question put by M. Belmonte (Italie), the Secretary-General of the Conference said that a few mistakes had crept into the text distributed. The correct version would be annexed to the Minutes of the Conference (see Annex 8).

Summary of the discussions of the Committee on Postal Monopolies (see Annex 9).

10. Adoption of the Final Act.

The President proposed that the Conference should now proceed to examine the draft Final Act, paragraph by paragraph (see Annex 10). When this examination had been concluded, the Conference might discuss the amendment submitted by the Swiss delegation with regard to instruction of staff (see Annex II). He wished, however, to point out at once that the text in question was not an amendment in the strict sense of the term, but an addition to the Final Act.

The President asked whether any member of the Conference had any general observations to make with regard to the text as a whole.

MUNIR Bey (Turkey) said that, while not wishing to examine the scope or the legal character of the Act submitted to the Conference for its approval, he had certain explanations to give

with regard to some of its provisions.

With regard to Chapter I and Chapter 2, relating respectively to the system of transport for daily newspapers in international traffic and to rates, the application of the system of the Berne International Convention to the transport by rail of newspapers would only be possible in the case of certain railways in Turkey belonging to concessionaire companies, within the limits of their acts of concession. Obviously, moreover, the system could only be applied to the companies included in the list contained in Article 58 of the Convention of October 23rd, 1924. Should the transport of newspapers be one of the activities subject to postal monopoly in either of the countries concerned, application of the measures that were now recommended for countries with such a monopoly might, of course, also be considered.

With regard to Customs and police formalities, Turkey, which had already set up a very liberal regime for the importation of foreign newspapers and periodicals, these publications being exempt from all import duties and from the handling tax of 6 per cent. advalorer, which

being exempt from all import duties and from the handling tax of 6 per cent, ad valorem, which was levied upon imports in general, would certainly be willing to grant any facility which was compatible with the requirements of public order.

With regard to the recommendation relating to the dropping of newspapers from aircraft in flight, since the Turkish Government had not acceded to the 1919 Paris Convention, and since, moreover, aerial navigation very closely concerned national defence and public security, it was obvious that any action taken as a result of this recommendation would necessarily depend upon the extent to which the rules how in force permitted such navigation and upon the arrangements which these rules would impose.

M. BARGETON (France) said that the Conference had followed the remarkable statement of Munir Bey with great interest.

Chapter I. - System of Transport for Daily and Similar Newspapers in International Traffic.

The PRESIDENT opened the discussion upon this Chapter.

M. VAN DEN BERCH VAN HEEMSTEDE (International Air Traffic Association) asked whether the Final Act, and in particular Chapter I, covered both combined transport and transport by rail alone.

M. BARGETON (France) said that M. van den Berch van Heemstede's observation was very justified, since paragraph (a) referred solely to transport by rail. He was sure, however, that M. van den Berch van Heemstede would also have examined Chapter VI (combined Railway and Air Navigation Transport) where the hope was expressed that the efforts made to create a single transport document would speedily prove successful.

The PRESIDENT called upon the Conference to discuss paragraphs (b) to (f) of Chapter I.

M. Schoeller (Messageries Hachette) observed that there was no reference in the Final Act to the responsibility which had been mentioned in the summary of the discussions of the Committee on questions connected with Customs and police formalities. It frequently happened that a large number of newspapers disappeared from packets when crossing the frontier. It was essential that the responsibility of the railway companies, which was a very important point, should be clearly stated in the Final Act.

M. BARGETON (France) thought that M. Schoeller would be completely re-assured if he were to recall the fact that this responsibility had been stated in the Berne Convention.

M. HESS (International Railway Union) said that the decisions of the Conference went further than the proposals of the International Railway Union, at any rate in respect of two points. It had been proposed that the measures recommended for the transport of newspapers should apply not only to daily newspapers, but also to newspapers which were published six times a week and to newspapers which were published on Sunday.

The International Railway Union was quite ready to give its most favourable consideration to these two proposals. In so far as newspapers which only appeared on weekdays were concerned, he did not think that there would be any difficulty. Matters were different, however, in the case of newspapers which were published on Sunday, with regard to which further information would have to be obtained.

The Secretary-General of the Conference wished to make an observation which might, he hoped, make the position clearer for the Union. With regard to the first point, he did not think that more was asked of the Union than it had itself proposed. The Union had certainly not wished to exclude English newspapers and almost all the German newspapers which, as was common knowledge, were only published on weekdays. With regard to the second point, the Secretary-General of the Conference wished to make it clear that the publications in question were not reviews, but Sunday newspapers which were intended for the same public that read the weekday newspapers. He believed, therefore, that the International Railway Union would have no objection to the adoption of this second point.

M. HESS (International Railway Union) said that, for his part, he quite agreed with the observations of the Secretary-General of the Conference. He could not claim, however, to represent the views of all the members of the Union.

Chapter II. — Rates.

The President opened the discussion on this Chapter.

M. Belmonte (Italy) said that he would prefer that, for the expression, "Unless exceptional circumstances . . . "there should be substituted the more definite expression, "Unless certain exceptional circumstances (responsibility, cost price, etc.)."

M. BARGETON (France) thought that M. Belmonte's request might be complied with. This part of the text of the Final Act would thus be made clearer.

The Secretary-General of the Conference said that he was certain that the possibilities in question should be regarded as exceptional. They would merely serve as examples of circumstances which might arise in certain countries.

Mr. Collins (United Kingdom of Great Britain and Northern Ireland) thought that it would be better if for the words "unification of the reductions . . . " in the second line of Chapter II there were substituted the words "the possibility of establishing uniform rates".

The Conference adopted certain drafting amendments proposed by M. Belmonte.

Chapter III. — Customs and Police Formalities.

The President opened the discussion on this Chapter.

M. LÉCUYER (France) thought that the text of this chapter might be made a little more definite. It was not the declaration accompanying the consignment, which was drawn up by the consignor, that the Customs authorities required, but a declaration drawn up by the

service which undertook the transport. He proposed, therefore, that the Conference should adopt the following text, which would be more in conformity with the decision of the Committee on questions connected with Customs and police formalities:

"The Conference notes, moreover, that in several countries no written declaration is handed to the Customs; it requests Governments to bring the verbal declaration into as general use as possible with a view to still further assimilating packets of newspapers to passengers' luggage".

The Secretary-General of the Conference thought that this text was an accurate summary of the substance of the discussion on this point in the Committee on questions connected with Customs and police formalities. Perhaps M. Djouritchitch, who had presided over this Committee, would give his opinion on this subject.

M. DJOURITCHITCH (Yugoslavia) thought that this text was an accurate interpretation of the views that had been expressed in the Committee over which he had presided.

Chapter IV. — Customs and Fiscal Duties applicable to Newspapers.

Chapter V. — Dropping of Packets of Newspapers from Aircraft in Flight.

The Conference adopted the text of Chapter IV, subject to an amendment of detail submitted by M. Häusermann, and the text of Chapter V without modification.

Chapter VI. — Combined Railway and Air Navigation Transport.

- M. VAN DEN BERCH VAN HEEMSTEDE (International Air Traffic Association) referring to the first sentence of Chapter VI, "The Conference has noted the efforts made to create a single transport document..." pointed out that single transport documents already existed. He proposed, therefore, that this sentence should be amended to read as follows "... to extend the system of single transport documents, etc.". He further proposed that, for the words, "these efforts will speedily prove successful", there should be substituted the words, "such agreements will speedily be followed by a general agreement".
- M. BARGETON (France) thought that the Conference would be very glad to comply with M. van den Berch van Heemstede's request.
- M. Schoeller (Messageries Hachette) pointed out that the question M. van den Berch van Heemstede had raised was a very important one. It seemed that the result of such special Conventions would be a relapse into a state of confusion. Would it not be preferable that this matter should be governed by the Berne Convention, extended so as to cover newspapers?
- M. Hess (International Railway Union) said that this question was upon the agenda of the International Railway Union. The Union had communicated observations to the railway companies recommending agreements of this kind. It would retain this question on its agenda until the various companies had ratified a Convention laying down the rules with regard to the responsibility of transport undertakings. When this Convention had been ratified, there would be a definite basis to work upon, and the International Railway Union might then resume its examination of the question of drawing up uniform regulations, which might serve as a starting-point for the work of the next Conference for the revision of the International Convention relating to goods traffic.

Chapter VII. — Periodicals.

The President opened the discussion upon this Chapter.

- M. Schoeller (Messageries Hachette) recalled that it had been decided on the preceding day that an enquiry should be made into the taxes to which newspapers were liable in certain countries. Since it was proposed, however, that transport facilities should be extended to both newspapers and periodicals, he would suggest that the Transit Section should include periodicals in this enquiry.
- M. BARGETON (France) believed that the present text covered the point raised by M. Schoeller. He thought that it would be enough if M. Schoeller's observation were recorded in the Minutes.

Chapter VIII. - Postal Questions relating to Newspapers and Periodicals.

- Mr. Collins (United Kingdom of Great Britain and Northern Ireland) said that, in view of official information which he had just received, the Conference could not expect that Great Britain would agree to the 50 per cent reduction in the normal rates of consignments of newspapers and periodicals, owing to the fact that the rates at present in force were extremely low.
- M. Schoeller (Messageries Hachette) wished to make an observation of a general character. He would warn those who were to study these difficult questions against regarding certain reductions in rates as unimportant merely because they were small. He believed that reductions in the various countries, even if very slight, would, when added together, constitute a marked improvement.

The President was sure that all the members of the Conference would appreciate M. Schoeller's observation. The aim of the Conference was to reduce the prices paid by readers as far as possible.

Mr. McAra (The Newspaper Proprietors' Association) wished to make it clear that, since the Conference was seeking to reduce the cost of transport of newspapers, the English newspaper publishers would welcome with great pleasure any proposals that it made.

Addition of a New Chapter to the Final Act proposed by the Swiss Delegation.

The President opened the discussion upon the addition proposed by the Swiss delegation with regard to instruction of staff (see Annex II).

M. HAEUSERMANN (Switzerland) said that, as the Conference was of course aware, the transport of newspapers and periodicals was at present governed by a great number of agreements, conventions and treaties. The various administrations issued numerous regulations and instructions which provided the necessary guidance for their staff in the handling of consignments of newspapers. The agents of transport undertakings and Customs and police officials were, however, continually transferred from one post to another, and the prompt forwarding of consignments of newspapers and periodicals, as also the public information service, suffered as a result of these frequent changes in the staff. This state of affairs was, however, in many cases solely due to the fact that the agent to whom the service was entrusted was not fully informed of the relevant regulations.

The Swiss delegation considered it necessary, therefore, that permanent instructions should be given by the authorities to the agents in question.

In order to obviate these disadvantages and involuntary delays as far as possible, the Swiss delegation proposed that the Conference should add another chapter to the Final Act, under the heading "IX. — Instruction of Staff". A text for this chapter had been submitted to the Conference.

The PRESIDENT thought that no member of the Conference would have any objection to the adoption of this addition.

The addition proposed by the Swiss delegation was adopted.

The President called upon the Conference to proceed to a vote by a show of hands upon the adoption of the Final Act as a whole,

The Final Act was unanimously adopted with the modifications of detail agreed upon (see Annex 12).

Sir Eric Drummond, Secretary-General of the League, came to the table of the Conference.

11. Closing Speeches.

The President spoke as follows:

"We have now concluded the labours of this Conference. Altogether, I have presided over five international Conferences at Geneva, and this has certainly been the most peaceful and the least loquacious. As a rule, my difficulty has been to induce the members to sit down, but in this case my difficulty has been to induce them to get up. May I say, also, that I have been much struck by the modesty of the Government delegates in revealing the fiscal resources that their countries enjoy from the newspaper Press, although, taken as a whole, they do not amount to considerable figures? In the language of British parliamentary procedure, we speak of certain amendments to a measure as being consequential; that is to say, as of necessity following on a previous decision. In a real sense, this Conference is consequential on the Press Conference of 1927, and we have been engaged in carrying out the resolutions then adopted in regard to the transport of newspapers. Undoubtedly, the measures now taken and submitted ought to have the effect of accelerating and cheapening the processes of transportation. We have approved and applied the international principle of through traffic subject to the least possible interference and delay. We have reduced to a minimum the Customs and police formalities. We have secured the co-operation of the postal monopolies of certain Governments in respect of carriage and delivery of newspapers. We have approved a certain development of aerial transport which ought to work safely and smoothly and is destined to grow in importance with the certain increase in the use of the air as a medium of world communication, and I regard this as being, eventually although not at present, the most far-reaching and important of our proceedings. But all these measures are only means to an end, and that end is, so far, to reduce the price of, and multiply the facilities for, the sale and circulation of newspapers as will make them more readily within the purchasing power of the masses of the people in every country

world's Press, or, as we should say in England, with the great wholesale firms. They are powerfully represented at this Conference, and I hope that I shall not appeal in vain to them to pass on to the public, whom we all try to serve, any reduction and economies in expenditure which we have ensured by the results of our deliberations. If this be so, as I assume it will be, it will very much add to my satisfaction, as a vieux conférencier, an old Congress wallah as the Indians would call one, to have had the honour of presiding over so distinguished a body as this. It only remains for me to thank all my colleagues for their courtesy and collaboration, and, on their behalf, as well as for myself, to express our grateful acknowledgements to the Secretary-General of the Conference and the other officials of the Transit Section of the League for the admirable service that they rendered us and, through us, the newspaper Press of Europe.

The President added that he wished to take this opportunity of thanking Sir Eric Drummond for the interest which he had shown in the work of the Conference and for all the assistance which the Conference had received from the Secretariat of the League.

M. BARGETON (France) was sure that he might speak on behalf of all his colleagues in thanking Lord Burnham for having presided over the Conference with such skill and geniality.

He also thanked M. Haas, the eminent Director of the Transit Section, for his valuable

services to the Conference.

He also wished particularly to welcome the presence of Sir Eric Drummond, who had shown his interest in the Conference by attending its proceedings for a short time at this last meeting.

Sir Eric Drummond (Secretary-General of the League) expressed his sincere thanks for Lord Burnham's reference to the work of the various services of the League. He was particularly glad that special attention had been drawn to the valuable services rendered by M. Haas, whose worth was highly appreciated by everyone, both in respect of his work in the sphere of communications and transit and in general.

He wished to emphasise the fact that this Conference had been both short and successful. He congratulated the President and the delegates upon this success, and thanked them, on behalf of the League, for the services they had rendered, the assiduity with which they had followed the various branches of the work of the Conference, and the satisfactory results they

had obtained.

The PRESIDENT thanked Sir Eric Drummond and M. Bargeton for their kind words with regard to himself.

He declared the labours of the European Conference on the Transit of Newspapers and

Periodicals concluded.

ANNEX 1.

[C.E.T.J.6.]

AGENDA.

1. Questions relating to Railway Administrations:

Examination of the proposals of the International Railway Union regarding the application to the transport of newspapers of the provisions of the International Convention for the Transport of Goods, the utilisation of through trains, and facilities for despatch and delivery.

Special questions: utilisation of the trains of the Compagnie internationale des Wagons-Lits

et des Grands Express européens.

2. FISCAL, TARIFF AND SIMILAR QUESTIONS:

Question of countries having a postal monopoly of the transport of newspapers. Tariff questions. Possibility of applying the most favourable national tariffs. Possibility of establishing one or more common international tariffs. Customs and other formalities in the countries of destination.

3. AIR TRANSPORT:

Question of the dropping of newspapers carried by air from aeroplanes in actual flight.

ANNEX 2.

C.E.T.J.1.

PREPARATORY DOCUMENTS.

1. Resolution adopted by the Conference of Press Experts, held at Geneva from August 24th to 29th, 1927.

1. The Conference of Press Experts — after discussing, in the presence of M. Schoeller, representing the Messageries Hachette; Mr. Kimpton, representing Messrs. W. H. Smith & Son; and M. von Herwarth, representing Messrs. Georg Stilke & Co., on the basis of the report presented by the Messageries Hachette, the question of the measures to be taken for developing and accelerating the circulation and interchange of newspapers and periodicals between the various countries in which they are published — decides to request the Council of the League of Nations to transmit the above-mentioned report to the Organisation for Communications and Transit of the League of Nations, in order to examine what effect should be given to its recommendations. It further expresses the desire that this Organisation will, in undertaking the necessary investigations, consult a certain number of experts from among the agencies and newspapers represented at the Conference of Press Experts, as well as representatives of the postal administrations, the railway administrations, and the aerial transport services, and the different newspaper transport companies concerned.

As requested by Sir Campbell Stuart, the Organisation for Communications and Transit, in studying the problem of newspaper transport, should examine the existing regulations and charges in the various countries concerned with a view to giving effect to paragraph 21 of Chapter IV (summery) of the Messageries Hachette's report

of Chapter IV (summary) of the Messageries Hachette's report.

2. Believing that international understanding and the promotion of peace can best be encouraged by the widest possible dissemination of news, the Conference urges the Governments concerned to consider the urgent need for early abolition of any taxes and other restrictions on newspapers which hinder a fuller and more extended circulation of the international Press.

¹ Paragraph 2 reads:

[&]quot;Reduction of rates to the strict minimum, irrespective of the methods of conveyance used, in order that they may not be inaccessible to newspapers, which it should always be possible to sell at a price within the means of the general public."

2. Report submitted by the Messageries Hachette to the League of Nations on Possible Methods of Developing and Accelerating the Circulation and Interchange of Newspapers and Periodicals between the Various Countries of Europe in which they are published.

(Conf. E.P. /9.)

CHAPTER I. - PRESENT Position.

In France, newspapers for delivery abroad are carried at present by one of the four following methods:

1. By Ordinary Parcels Service as far as the Frontier and by International Parcels

Service beyond.

2. By Air Parcels Service.

3. By Overland Postal Service.

4. By Air Postal Service.

1. Ordinary Parcels Service as far as the Frontier and by International Parcels Service beyond.

The newspapers are conveyed directly to the station and thence travel to the frontier at the special "Grande Vitesse" Tariff 118, established by agreement between all the main French railway systems.

The charges under this tariff are exceptionally low, in order not to increase the price of

the papers by excessive costs of carriage.

The rate per kilogram of paper is 0.0618 franc per 100 kilometers, but charges for long distances are proportionately reduced, giving approximately 33 centimes per kilogram up to the most distant frontier—a negligible amount on each copy carried.

The benefits of the "Grande Vitesse" Tariff 118 do not, however, extend beyond the

frontier.

If the consignment is to proceed by the same method, i.e., by International Parcels Service, the assistance of a transit agent becomes necessary for the following purposes:

(a) Customs operations.
(b) Re-consignment on the basis of the "Grande Vitesse" Tariff for the foreign system. These tariffs are subject to frequent revision on account of fluctuations in the

exchange.

Further, if after traversing the country adjacent to our own, the papers have to cross a second frontier, the services of a second transit agent will be required in order to repeat the same operations, and so on until the destination is reached.

2. Air Parcels Service.

The remarkable advance made by aviation at once led to the notion of utilising this method of transport in order to carry papers much more quickly than by rail, and to avoid delay and other inconveniences at the various frontiers. In the case of aircraft, these operations are confined to a single Customs clearance at the landing-point.

The Messageries Hachette were among the first to give this method a trial.

They took the bold step of allowing one of their heads of department to travel by the air route from Paris to Warsaw as soon as it was opened, in order to form an idea of the conditions on which to base a trial and of its value, if any, in newspaper distribution.

The result of this preliminary investigation was definitely negative.

The main trial was then carried out on the Paris-London route in 1924, in both directions

concurrently.

Various practical reasons, however, have since led to the abandonment of this method of conveying newspapers, and at the present time we know of only one service of this kindthat employed by an English newspaper between London and Paris. Possibly this, too, will be discontinued in the near future.

3. Overland Postal Service.

At the present time, this service is the only one employed for the despatch of newspapers to non-adjacent countries, since postal mails are not subject to Customs examination in countries of transit. For instance, papers despatched by the ordinary post to Bucharest are examined at the Roumanian frontier only.

4. Air Postal Service.

This method of carriage, though already largely employed for ordinary correspondence, is not yet practicable for newspapers, and is used by them only in quite exceptional circumstances.

CHAPTER II. — DRAWBACKS TO THE FOUR EXISTING METHODS.

1. Ordinary Parcels Service as far as the Frontier and by International Parcels Service beyond.

While the problem has practically been solved for France itself—at any rate, on the main railway systems (the smaller companies having so far retained complete freedom of action as regards their tariffs)—this is not the case beyond the frontier. Consequently, this method of carriage, notwithstanding its rapidity, can be used by a French newspaper only to adjacent countries: England, Belgium, Switzerland, Italy, Spain.

Elsewhere, the charges of successive transit agents make it absolutely prohibitive.

Thus a consignment for Bucharest is handled four times by four transit agents and is subject to four different tariffs.

Moreover, delays are frequent at frontier stations whenever printed matter coming from abroad is subject, by the law of the country of transit, to censorship on entry.

2. Air Parcels Service.

The most serious drawback which from the start has made this method of transport difficult is the fact that pilots cannot keep to a time-table.

Thus, for the Paris-London service, the aeroplane (in principle) left Paris at about 8 a.m. and reached London at about 11 a.m., whereas by rail and steamer the papers do not arrive till 3.30 p.m.

Similarly, for the English papers going from London to Paris, the regular time-table was as follows: Leave London 9 a.m.; reach Paris 11.45 a.m., whereas by rail and steamer, the regular time of arrival is 4.5 p.m.

In practice, however, particularly during winter, these services were found to be defective, with the result that the times of departure and arrival of the mails frequently varied.

Thus, when considered against the doubtful gain in speed, the cost of carriage was so extremely high that the experiment had soon to be abandoned.

Those early disappointments have not prevented further experiments being contemplated on other air lines, but here two fresh obstacles arise: (1) the marked differences in the rates charged by different commercial air lines; (2) the question of maximum load, which makes the number of copies that can be carried far too small. The appended table illustrates the extent of the difference in rates.

Comparative Rates charged by Various Commercial Air Lines.

| Company | Route | Rate per kilogram French francs |
|---|--|---|
| Air Union | Paris-London Spain-Morocco | 10.00 17.00 |
| Compagnie internationale de navigation aérienne | Central Europe (Germany) Turkey (Budapest) | 4.75 5.25 |
| Farman (Société générale de transports aériens) | Belgium Denmark Netherlands Sweden Germany (Berlin) Moscow | 3.50 16.00 6.00 17.00 9.30 33.30 |

The arbitrary and impracticable nature of the rates now charged is evidenced by the fact that the same paper when carried to Warsaw by aeroplane costs exactly 0.602 franc per copy and when carried only as far as Berlin by the same means costs 0.80 franc.

To give another example, a commercial air line has recently proposed to put at the service of newspapers, for carriage by aeroplane from Paris to Beilin, a tonnage of 700 kilograms at a charge of 11.40 francs per kilogram on condition that the whole of the tonnage is employed.

By this method, the gross cost of a single copy of a newspaper of average weight would amount at Berlin to 0.91 franc, not including the retailer's profit.

3. Overland Postal Service.

The main difficulty is the lack of uniformity between the postal rates in different countries.

Some countries have adhered to a Convention, signed at Stockholm two years ago, which fixes the uniform rate for the carriage of newspapers in all those countries at 0.15 franc per 50 grammes, or 3 francs per kilogram.

There are twenty-two of these countries out of thirty in Europe. They are as follows:

| Albania | Germany | Poland |
|----------------|-----------------------|------------------------------|
| Austria | Greece | Roumania |
| | Hungary | Kingdom of the Serbs, Croats |
| Belgium | _ • | and Slovenes |
| Bulgaria | Latvia | |
| Czechoslovakia | Lithuania | Soviet Russia |
| Estonia | Luxemburg | Spain |
| Finland | Morocco (not Spanish) | Turkey |
| France | Netherlands | • |

In the remaining countries the rate is 30 centimes per 50 grammes or fraction thereof, i.e., 6 francs per kilogram.

It will be seen that, even in the twenty-two countries which signed the Convention, the

rate is still relatively very high.

Moreover, the fact remains that after the French frontier has been crossed there is no further possibility of control over the fate of the copies forwarded, and indeed in some countries the newspapers are simply not delivered and the consignor is not even notified of the seizure or destruction of censored copies.

4. Air Postal Service.

This is at present impracticable owing to the enormous extra charges made, which,

moreover, vary considerably under different companies.

Generally speaking, every newspaper sent by aerial post is, in the first place, charged for at the international postal rate—either the Stockholm Convention rate or the rate charged by the non-signatory countries. In addition, there is the extra charge, which varies as shown in the table below:

Table of Extra Postal Charges made by the Principal Air Transport Companies.

| Company | Route | Extra charge per 100 grammes French francs |
|---|--|--|
| Air Union | Paris-London | 1.25 |
| Farman (Société générale de transports aériens) | Paris-Brussels Paris-Netherlands Paris-Germany Paris-Sweden-Norway- Denmark | 1.50 2.50 5.00 7.50 |
| | Paris-Moscow | 20.00 |
| Compagnie internationale de navigation aérienne | Paris-Czechoslovakia Roumania-Kingdom of the Serbs, Croats and Slovenes Poland, Turkey | 10.00 |
| Latécoère | Paris-Toulouse-Tangier Paris-Toulouse-Oran | 3.00 2.50 |

CHAPTER III. — WHAT MUST BE DONE TO ACHIEVE PRACTICAL RESULTS.

The increasing development of international relations—diplomatic, political and commercial—urgently calls for a speeding-up of the distribution and expansion of the circulation of the world's newspapers, and at the same time for the reduction to a minimum of the rates

for the carriage of newspapers to facilitate this process of mutual peaceful penetration.

The present need of more and more detailed information as to the aspirations, outlets and resources of every nation raises a number of questions for the solution of which the most reliable and easily consulted source of information is the Press.

If, however, the Press is to render these countless services which the public is entitled to expect, it is essential that it should be provided with the best possible distributing organisation—in other words, that it should be able to count upon a constantly increasing acceleration of distribution by the most improved methods of transport and at sufficiently cheap rates to prevent the sale price of newspapers becoming prohibitive when they have to be carried over long distances in order to reach countries remote from their centres of production.

These methods of quick transport are:

- 1. The great international expresses or trains de luxe of the Sleeping-Car Company.
 - 2. The air lines run in connection with these trains.

1. International Expresses.

The first point to be considered, therefore, is the necessity of a general agreement to increase the facilities for the conveyance of newspapers by international trains, both as regards

the cubic space to be allotted to them and as regards the rates to be charged.

The second point will be to arrange the time-tables so that connection is made in the shortest possible time between international expresses and the air lines run to correspond with them, so that the most distant terminal points can be reached with the maximum speed.

These two conditions can only be fulfilled by the establishment of a kind of international regulation for the distribution of newspapers; for it is obvious that, taking the French point of view for example, it would be impossible to ask other countries to make special sacrifices and special arrangements in order to increase the circulation of French newspapers abroad without reciprocally making similar arrangements to improve the conditions for the importation of foreign newspapers into France.

It will therefore be essential to lay down in the first place the principle that international obligations should be imposed in every country on the railway and air transport

companies running official services in the territory of those countries.

Once this principle is established, only the details will need to be worked out.

Further, the censorship will have to be made easier and simpler.

Here, again, international decisions should be taken, and uniform regulations made, which might require every package to be accompanied by a certified list of the contents, and every consignment by a "sample package" containing one copy of each of the daily newspapers or periodicals included in the whole consignment. The censorship would then be exercised on the specimens in the sample package, and there would be no need to open all the packages and thus dalay their resferwarding. thus delay their re-forwarding.

2. Air lines.

Here, again, an international agreement is required to eliminate the difficulties of differences

in rates between various companies and of insufficient weight-carrying capacity.

Assuming that such an agreement is reached, the conveyance of newspapers by air would make it possible, for example, for the Paris morning newspapers to be at Vienna on the same evening, whereas at present, even by the Orient Express, they take twenty-four hours to get there.

If a connection could be made between the air and railway services, the train that leaves Paris at 7.30 p.m. on Tuesday, for example, reaching Vienna at 6.30 p.m. on Wednesday, might be overtaken at Vienna by the aeroplane that leaves Paris on Wednesday morning, and Wednesday morning's papers, conveyed by the aeroplane (which does not fly at night), could then be sent on by the same train, which would deliver them at Budapest at 11.50 p.m. on Wednesday and at Bucharest at 9.38 p.m. on Thursday.

Other equally useful combinations would be possible on the line from Paris to Constantinople and on many other routes.

Chapter IV. — Summary.

The following should be the main lines of an international agreement to facilitate the expansion of the circulation of the European Press in all the European countries.

- Unification of Rates on the basis of the gold standard, according to a system similar to that adopted by the postal services of the various countries for the unification of international postal rates.
- 2. Reduction of Rates to the strict Minimum irrespective of the methods of conveyance used, in order that they may not be inaccessible to newspapers, which it should always be possible to sell at a price within the means of the general public.
- 3. Conveyance of Newspaper Packages by International Expresses under Regulation, involving the establishment of a system of newspaper-selling on international trains on the return journey by a special staff forming part of the staff of the companies concerned; this staff might also be responsible for the transhipment at stations where trains meet.
- Liaison between Air Transport Companies and Railway Companies, so that newspapers could be sent through by rail and air.
- 5. General Regulation of Customs Formalities, and, more particularly, possible arrangements for allowing aircraft pilots to deliver newspaper packages or drop them in passing (which is a few many control of the contr (which is at present prohibited).

6. Possible Abolition of certain Special Charges made by various countries on the conveyance of foreign newspapers (e.g., taxe régale (Government monopoly tax) in Switzerland, tax on the re-import of returns in Belgium, etc.).

These are, of course, merely a few "critical" suggestions. At the most, they might serve as a basis for a more thorough examination of all these questions, if every country agreed to make special arrangements to impose the general principle on overland or air transport make special arrangements to impose the general principle on overland or air transport companies in existing or future official contracts for their services. 3. Proposals submitted by the International Union of Railway Administrations to the Permanent Committee for Transport by Rail of the Advisory and Technical Committee for Communications and Transit.

Paris, December 24th, 1928.

The Managing Committee of the International Railway Union adopted, in regard to the transport in international traffic of newspapers and periodicals by rail, the following conclusions, which have been approved by the General Meeting:

1. The transport of newspapers in international traffic should be governed by the International Convention concerning the Traffic of Goods by Rail (C.I.M.), and not by the

domestic legislation of the various countries concerned.

The regulations adopted should only apply to daily newspapers, including the free supplements of these newspapers. Financial newspapers which appear only on Stock Exchange days should be regarded as daily newspapers. The regulations referred to should not be applied to "periodicals" owing to the difficulties which would be experienced in practice in deciding what are and what are not "periodicals", in determining the duties applicable, and as a result of the diversity of Customs treatment to which periodicals are subject.

The following suggestions may be put forward in connection with the practical application.

The following suggestions may be put forward in connection with the practical application

of the proposed system:

(a) Handing over for Transport. — The consignor should hand in his packages and the waybill of the International Convention concerning the Traffic of Goods by Rail (C.I.M.) to a specified office at the station of consignment, a baggage office, or some other office specially designated.

(b) Acceptance. — After checking (weighing) the consignment, the office would stamp the waybill and accept the consignment for transport.

- (c) Placing on Train. The consignment would be placed on the train by the above-mentioned office, or to simplify the procedure, this might be done by the consignor
- (d) Route to be followed. The trains by which transport might be effected would be determined by agreements between the Administrations concerned.
- (e) Delivery to Consignee. Delivery would be made direct to the consignee, preferably at the luggage-van of the train conveying the consignment. A receipt would be given by the consignee.
- (f) Payment of Costs of Transport. All such transport would be prepaid. As payment of the costs might be effected in various ways, the consigning Administration would determine, after agreement with the consignor, the particular method to be adopted (payment by instalments, periodical payment, bank deposit, etc.).
- 2. No satisfactory arrangement regarding the unification of the reductions which might be allowed by the various Administrations for the transport of newspapers in through international traffic can be suggested owing to differences in the economic situation of the countries concerned and in the tariff systems, and also owing to the fact that a unification of the reduced rates might be against the actual interest of the consignors of newspapers (in some cases there might be an increase in the very low rates allowed in certain countries).
- 3. Where possible the transport of packets of newspapers might be allowed by through trains and "trains de luxe" so far as such transport is not effected by the International Sleeping-Car Companies. Transport by trains of the said Companies would be authorised only in so far as this was allowed by the terms of the agreements entered into with the Railway Administrations. The trains by which newspapers would be despatched would be determined in each case and for each time-table period by means of agreement entered into by the Administrations concerned in the transport, after arrangement with the consignors.

 The preparation of the detailed regulations to be adopted for the traffic in question cannot

The preparation of the detailed regulations to be adopted for the traffic in question cannot, however, be pursued with advantage by the International Railway Union until the League Advisory and Technical Committee for Communications and Transit has given an opinion on

the above conclusions.

In accordance with those conclusions the International Railway Union would suggest, as regards the transport in international traffic of daily newspapers (including the free supplements of these newspapers) and financial newspapers appearing only on Stock Exchange days, and of such newspapers only:

(a) That a system based on the Berne International Convention concerning the Traffic of Goods by Rail (C.I.M.) should be adopted in accordance with the general principles of application laid down;

(b) That such transport should, as far as possible, be effected by through trains and "trains de luxe" and possibly by trains of the International Sleeping-Car Company.

As regards the unification of the reductions which might be granted by the Administrations concerned, it is recognised that no satisfactory solution can under present circumstances be

As stated in the above conclusions, the drafting of the detailed regulations to be adopted for the transport in question cannot be pursued with advantage by the International Railway Union until the Advisory and Technical Committee for Communications and Transit has given an opinion on the principle contained in the above-mentioned conclusions.

4. Extract from the Report of the Committee of Customs Experts on Transport Questions of the Advisory and Technical Committee for Communications and Transit on its Session held in Paris from December 20th to 22nd, 1928.

(C.C.T.370.)

The Committee of Customs Experts, consisting of:

M. S. HAUSERMANN, Inspector-General of Swiss Customs,

M. A. L. J. Janssen, Director-General of Belgian Customs,

M. E. LECUYER, Administrator of French Customs,

M. E. Siegert, Ministerial Counsellor in the German Ministry of Finance,

met in Paris from December 20th to 22nd, 1928. M. Janssen took the chair.

The Committee had on its agenda:

1: Customs questions affecting the international transport of newspapers (Recommendation of the Conference of Press Experts and Memorandum from the Messageries Hachette).

The Committee examined the first question with the assistance of:

M. G. GLATT (Head of the Foreign Department of the Messagerics Hachette),

M. H. W. von Herwarth (Bookseller and Publisher, of Georg Stilke & Co., Berlin),

M1. A. E. Pope (representing Messrs. W. H. Smith & Son, London).

International Transport of Newspapers: Recommendations of the Newspaper TRANSPORT COMPANIES.

The attempt of the newspaper transport companies to secure the adoption of measures to reduce the delays in the transport of newspapers is perfectly legitimate. Every precaution is taken to enable perishable goods to reach their destination in as fresh a condition as possible, and newspapers, whose value resides primarily in their being up-to-date, should also be protected from delays in reaching their distributors at the earliest possible moment.

The statements made before the Committee of Experts show that, in the opinion of the newspaper transport companies, the Customs measures described below should be brought into

operation in order to improve the present system of transport.

These recommendations relate to newspapers and periodicals. The rapid conveyance of other printed matter is also, of course, of considerable though less importance.

Duties and Taxes. — The transport companies point out that Customs regulations in regard to duties are very variable, that the accompanying formalities produce complications, and that, accordingly, it would be desirable for these charges to be abolished, or at any rate unified.

One point should be made clear at the outset. In the great majority of countries imported newspapers are not liable to Customs duty; but in some cases, owing to the existence of internal

taxes, corresponding charges are made on importation.

Whatever the nature of these charges they are part of the independent fiscal policy of each country, and changes or unifications affecting other countries could only be brought about by agreement. In other words, the problem is not one of Customs regulation, and cannot be solved on those lines.

Transport by Rail. — The transport companies wish the fastest expresses — even trains de luxe and the like — to be available for the transport of newspapers.

The Committee would observe that this is primarily a matter for the railway administrations. It is for them to consider how far their traffic would justify such an arrangement.

There is no doubt whatever that the Customs authorities would willingly agree to newspapers being carried by express trains.

Transport in Transit. — The transport companies complain that newspapers consigned to countries not immediately adjoining suffer repeated delays at the frontiers, because when the parcels enter each country "transit agents" have to be brought in to re-forward them and discharge the Customs formalities.

It appears from the particulars obtained that newspaper parcels are not accepted by the railway administrations as through traffic from the country of origin to the country of destination because during the successive stages of the journey these consignments are carried under different regulations, as the transport companies are anxious to take advantage of the most favourable rates. If, therefore, the administrations concerned could agree upon concerted transport rates, through workills sould be used for newspaper parcels, and this would remove transport rates, through waybills could be used for newspaper parcels, and this would remove the difficulties at once, for if the newspapers were carried under this system, the railway administrations themselves could discharge the Customs formalities in the intermediate

countries. As these formalities are very simple, being commonly limited to the issue of a short document and to verification or sealing, the existing visits would entirely disappear.

On certain journeys the railway administrations cannot make themselves responsible

for newspaper parcels from start to finish, because they pass through countries in which it is the law that newspapers must be carried by post. In this case also arrangements would probably be made to avoid interruptions in the journey. It would, of course, rest with the transport services to make such arrangements.

The foregoing survey makes it clear that the obstacles to the rapid conveyance of newspapers

in transit cannot be attributed to Customs regulations.

Transport by Air. — The newspaper transport companies ask that aircraft carrying newspapers should not be required to land, but that the pilots should be allowed to throw the parcels out at specified places.

This is a complicated question affecting the general conditions of air traffic, public safety.

police regulations, etc. etc.

Presumably the competent Customs authorities would not be absolutely opposed to the throw-out system for newspaper parcels. It is clear, however, that if it were allowed it would be on very strict conditions, and in no case could the parcels be thrown out except at air-ports where there is Customs supervision.

The Committee confines itself to these general observations because the Governments of the various countries would obviously have to be consulted before the question could be further

studied.

Various Difficulties. — The newspaper transport companies are anxious that all the obstacles to the delivery of newspapers should be eliminated, and in particular that the censorship, where it exists, should be carried out rapidly, that newspapers should not be confiscated without warning the consignors, and that it should be made possible to fix responsibility in the case of lost parcels.

These requirements, reasonable as they are, have nothing to do with the Customs, but

the Committee would like to emphasise their real importance.

General Conclusion. — The suggestions made relate to matters which only partly concern the Customs authorities. In particular, the conditions for the carriage of newspapers by rail are a matter within the immediate sphere of the railway companies. There is, however, a certain interdependence in this field, and, in order to complete the enquiry, it might be advisable, as a final step, to hold a meeting of representatives of the various parties concerned.

5. Resolution adopted by the Advisory and Technical Committee for Communications and Transit on March 23rd, 1929, with regard to the Convocation of a European Conference on the Transport of Newspapers.

The Advisory and Technical Committee for Communications and Transit has noted the resolution adopted by the Conference of Press Experts on the transport of newspapers and periodicals (see No. 1 above).

It has considered the memorandum submitted to this Conference by the representative of

the newspaper-distributing agencies (see No. 2 above).

It has noted the report submitted by the Permanent Committee for Transport by Rail after examination of the investigations made by the International Union of Railway Administrations (see No. 3 above); and the Special Committee of Customs Experts (see No. 4 above).

The question of the transport of newspapers and periodicals by rail concerns not only the

railway administrations, but also the postal, Customs and police administrations.

Certain questions connected with the transport of newspapers by air, particularly that of the dropping of newspapers or periodicals in the course of flight, should also be studied by certain of these administrations.

A joint meeting of all those concerned is therefore necessary

The Committee accordingly proposes that the Council should convene for next autumn a Conference of Governments and administrations concerned, which representatives of publishing, forwarding or distributing undertakings interested in the transport of newspapers

and periodicals might be invited to attend in an advisory capacity.

The Secretary-General of the Committee is instructed to prepare for this Conference an abstract of all previous documents which might be useful to this Conference. All observations subsequently received from the Governments or administrations concerned and from the representatives of the undertakings interested in the transport of newspapers and periodicals will be communicated to the Conference.

6. Rates charged for the Carriage of Packets of Newspapers in Different Countries.

[C.E.T.J./8.]

MEMORANDUM OF THE SECRETARIAT.

Geneva, November 25th, 1929.

As the outcome of the 1927 Conference of Press Experts, the Communications and Transit Section applied to the proper authorities in the various countries for the following information relating to the carriage of parcels of newspapers:

- I. What rates are charged for such parcels;
- 2. Whether there is any special tariff;
- 3. Whether, apart from the inland tariff, there is an international tariff to which the country in question has adhered;
 - 4. If so, what are the rates under that international tariff.

The replies received from the Governments are summarised hereunder.

Germany. — Under the Law of 1891, newspapers published more than once a week may only be conveyed by post; this applies both to inland traffic and to traffic proceeding abroad

in transit through Germany.

Germany has consequently no railway tariff for newspapers sent either inland or in international transit.

Austria. — 1. The special reduced tariff mentioned below applies to newspapers conveyed in Austria both as parcels by grande vitesse and as express consignments.

2. There is no special tariff for international traffic, and the tariff referred to in paragraph I applies to such traffic over the Austrian section of the journey.

The tariff is as follows:

- (a) Grande vitesse, beginning at 0.16 schilling per 100 kg. for distances from 1 to 6 km., the tariff increases, on a scale graduated according to distance, to 2.73 schillings per 300 km. or over.
- (b) For express consignments, beginning at 0.016 schilling per 10 kg. for distances from 1 to 6 km., the tariff increases, on a scale graduated according to distance, to 0.264 schilling for 290 km. and 0.274 schilling for any greater distance.
- Belgium. 1. Parcels of newspapers and periodicals not exceeding 50 kg. in weight are conveyed at the following special reduced rate: up to 3 kg., 0.70 Belgian franc for any distance; then rising to, for a parcel weighing 40 to 50 kg., 2 francs up to 70 km.; 2.40 francs up to 110 km.; 3.20 francs over 110 km.
- 2. In addition, there is a special reduced grande vitesse tariff for newspapers despatched from Paris, Lille and Rouen to certain Belgian stations.

Denmark. — There is no special railway tariff for parcels of newspapers, either inland or in international traffic with Denmark.

Parcels of newspapers are generally sent by post.

If sent by rail, they are sent either as express parcels or as parcels with parcel stamps.

- I. For express parcels the same rates are paid as for grande vitesse parcels, on double the weight of the parcel expressed in multiples of 10 kg. (no fractions of 10 kg. admitted), with a minimum weight of 40 kg. and a minimum charge of 120 ore per parcel.
- 2. Parcels with parcel stamps, when sent separately by grande vitesse and weighing not more than 25 kg., are carried at the following rates: up to 5 kg., 40 ore up to 120 km.; 60 öre over 120 km.

This tariff rises, on a scale graduated according to weight, to: for parcels weighing from 20 to 25 kg., 120 öre up to 120 km.; 180 öre over 120 km.

Spain. — 1. Inland. Parcels of newspapers and periodicals are conveyed by post. The minimum weight is 700 grammes, and the charge 1 centimo per 140 grammes.

The same tariff applies to parcels for Gibraltar, Portugal and the American Republics.

2. For all other countries the ordinary general rate is 10 centimos per 50 grammes.

3. Exceptionally, however, for most countries half-rates are allowed, i.e., 5 centimos per 50 grammes (probably under reciprocity agreements concluded in consequence of the Stockholm Convention).

Regarding transport by rail no particulars are given.

Finland. — Parcels of newspapers are carried at the following rates:

- I. Inland:

 - o.o3 Finnish mark per copy;o.30 Finnish mark per kg. for parcels sent by post.

2. As regards parcels proceeding abroad or in transit, Finland has acceded to the "Arrangement concerning subscriptions to newspapers and periodicals" signed at Madrid on November 30th, 1920.

All traffic of this kind is carried exclusively by the Post and Telegraph Department.

- Greece. I. Newspaper parcels despatched to destinations in Greece by the Hellenic State Railways are carried free of charge over the whole system.
 - 2. There is no international tariff for this traffic.

Hungary. — The following rates per 100 kg. are charged for parcels of newspapers:

- (a) Grande vitesse: from 242 filler per 50 km. to 765 filler per 200 km.
- (b) Petite vitesse: from 164 filler per 50 km. to 508 filler per 200 km.
- (c) In addition, there is a special tariff for newspapers sent by grande vitesse from Budapest to any inland destination: from 87 filler per 50 km. to 152 filler per 250 km.
- (d) There is no international tariff for this traffic, but there is a reduced grande vitesse tariff between Vienna on the one hand and Budapest and certain other Hungarian stations on the other.
- Italy. 1. The inland rate is 0.05 lire per kg. for any distance, with a minimum charge of 0.40 lire. At present, a 300 per cent increase on this tariff is in force. If the packets of newspapers are completely wrapped up, double rates are charged.

 The maximum weight of any parcel is 20 kg.

- 2. There is no international tariff for this traffic.
- Norway. 1. There are no special inland or international tariffs for packets of newspapers; the ordinary grande vitesse tariffs apply.
 - 2. Returns, however, if sent by petite vitesse, are charged waste-paper rate.

Netherlands. — 1. The rate for inland grande vitesse traffic is as follows: up to a weight of 15 kg., beginning at 0.30 florin per kg. for distances not exceeding 50 km.; the rate rises in proportion to weight and distance up to 1.30 florin for from 13 to 15 kg. for distances over 100 km.

For parcels weighing over 15 kg., the charge for every additional 10 kg. is from 0.08 florin for distances not exceeding 10 km. to 0.67 florin for distances exceeding 250 km.

- 2. For parcels up to 15 kg. sent by accelerated grande vitesse, the rates for the same weights and distances as in paragraph 1 are 0.45 florin to 1.95 florin; and for every additional 10 kg. over 15 kg., 0.12 florin to 1 florin.
 - There is no international tariff for this traffic.
- Poland. I. Newspaper parcels consigned to inland destinations are carried by ordinary or mixed trains. The weight of the parcel must not exceed 100 kg. The rates are the same as for passengers' luggage, namely, for every 10 kg., from 0.76 grosz for 1 km. to 195 groszy for 600 km., plus 2.52 groszy for every kilometer above 600 km.
 - 2. There is no international tariff for this traffic.

Roumania. — 1. The inland rates are: for parcels weighing not more than 5 kg., 0.25 lei for every 50 grammes; and not more than 10 kg., 4 lei for every kg.

2. The rate for parcels proceeding abroad is 2 lei per 50 kg.

However, under reciprocity conventions concluded in consequence of the Stockholm Convention, this latter rate is reduced by 50 per cent for most countries.

Sweden. — There is no special inland or international tariff for parcels of newspapers. The ordinary rates are as follows:

- (a) Beginning at 0.60 crown for parcels not exceeding 3 kg. in weight and for distances not exceeding 100 km., the tariff rises in proportion to weight and distance up to 3 crowns per 10 kg. for distances exceeding 1,000 km.
- (b) The rates for parcels weighing more than 10 kg. by grande vitesse begin at 8 ore per 11 kg. and 60 ore per 100 kg. for the minimum distance (6 km.), and rise to 472 ore and 3.517 ore respectively per 2,000 km.

Switzerland. — 1. Newspapers are mostly sent by post at the ordinary printed-matter rate.

Parcels weighing more than 5 kg. may, however, be sent by rail. In this case there is no special tariff; the rate is the ordinary express-parcel rate, equal to that for passengers' luggage; for 100 kg. it begins at 0.77 franc for 1 km. and increases, on a scale graduated according to distance, up to 27.86 francs for 700 km.

2. Where there is an international service and an express-parcel tariff, newspapers are accepted for direct carriage at the express-parcel rate, provided there is no legal objection. At the time the reply was received, there were international express-parcel tariffs in force between Switzerland, on the one hand and Germany, Austria and Italy on the other, and it had been announced that similar agreements, to come into force in 1928, had been concluded with Czechoslovakia, Poland, Hungary, Roumania and Yugoslavia.

These international rates are given separately as between all Swiss stations and stations in the countries mentioned on the one hand and the respective frontier stations on the other;

they, therefore, cannot be summarised.

3. Express parcels services have been organised by the International Sleeping-Car Company on the Simplon-Orient and Paris-Switzerland-Arlberg-Vienna expresses. Newspapers can accordingly be carried by rail to stations served by these trains, provided there is no legal objection.

Here, again, the rates in force are shown separately for every station.

Czechoslovakia. — I. There is a special inland railway rate for newspapers, as follows: for every 10 kg., beginning at 0.30 crown for distances not exceeding 20 km., it rises to 2.20 crowns for distances exceeding 350 km.

2. There is no international tariff for this traffic.

Yugoslavia. — 10 By rail. — This traffic is carried under the same conditions as parcels by grande vitesse or small express parcels. There is no special inland tariff for this traffic. There is also no international tariff for this traffic to which Yugoslavia has adhered.

- 2. By post. The inland rates for packets of newspapers—allowed only to newspaper offices for their own newspapers—are as follows: for parcels despatched to newsagents, 0.02 dinar per copy (up to 500 grammes). These parcels may weigh up to 10 kg. If similar parcels are sent to a private address, the charge is 0.05 dinar per copy.
 - Apart from these rates, there is no special tariff in force.
- 4. For international traffic, the same rates are charged as for printed matter, i.e., 0.50 dinar for every 50 grammes, with a maximum weight per parcel of 2 kg.

For most countries, however (probably under reciprocity agreements concluded in consequence of the Stockholm Convention), a 50 per cent reduction is granted, making the rate only 0.25 dinar per 50 grammes.

ANNEX 3.

INFORMATION CONCERNING CUSTOMS DUTIES AND CUSTOMS FORMALITIES APPLICABLE TO CONSIGNMENTS OF NEWSPAPERS AND PERIODICALS, COMMUNICATED BY THE NETHERLANDS DELEGATION.

[C.E.T.J./10.]

Geneva, November 26th, 1929.

Generally speaking, there is no import duty on newspapers and periodicals except on newspapers and periodicals printed in Dutch, which are liable to an 8 per cent ad valorem duty. Flemish and South African newspapers are not regarded as Dutch newspapers; similarly, newspapers from oversea territories are also allowed to enter duty free. The sole object of the stipulation relating to Dutch newspapers is to impose a duty on Dutch newspapers printed abroad for account of Dutch nationals. All goods, whether liable to import duty or

not, must be mentioned by the railway or shipping undertaking in its general declaration.

A general declaration is not necessary for newspapers imported by post, neither is it necessary to declare newspapers which are not dutiable. As regards postal packages, these are cleared after the international Customs declarations have been presented.

Newspapers in transit are covered by the general declarations of railway or navigation undertakings unless they have been sealed by the Customs. They can be sent in transit by

post and by parcel post without any Customs formality.

In addition to import duties, statistical fees are levied on importation and exportation at the rate of one per thousand ad valorem. These fees are payable on goods, whether dutiable or not, if the value of a single consignment exceeds 25 florins and the goods are not sent by post, by parcel post or as hand luggage. The statistical fees, which are charged in multiples of 5 cents, are payable when the import or export declaration is presented; in the latter case, they are paid in the form of stamps which are affixed to the declaration.

ANNEX 4.

[C.E.T.J.7.]

MEMORANDUM FROM THE ASSOCIATION OF AUSTRIAN DAILY NEWSPAPERS (FEDERATION OF PUBLISHERS OF AUSTRIAN DAILY NEWSPAPERS).

[Translation.]

Vienna, November 19th, 1929.

In reply to your esteemed communication of the 4th instant, kindly inviting us to take part in the Conference of November 25th, we have the honour to inform you that our Federation greatly regrets its inability to send a representative to Geneva at the present time, as, unfortunately, we cannot spare any of our prominent members on account of the important legislative proceedings in which we are at present engaged.

In order, however, to give, at all events, some idea of our views on the important Press questions which are on the agenda of the Conference, we venture to send you the enclosed memorandum, and request you to be so good as to bring it to the notice of the Conference.

Association of Austrian Daily Newspapers (Federation of Publishers of Austrian Daily

Newspapers).

(Signed) FLIEGEL,

President.

(Signed) DORFLER, Secretary-General.

REPORT ON THE QUESTION OF THE SIMPLIFICATION AND REDUCTION IN COST OF THE International Transport of Newspapers, placed on the Agenda of the Press CONFERENCE TO BE HELD AT GENEVA.

[Translation.]

The best way for Austrian newspaper publishers to approach this question is to consider it separately with reference to the former foreign countries on the one hand and the Succession States on the other. The terms on which newspapers are transported in both directions between Austria and the Succession States, as far as the Czechoslovak Republic, Hungary and Poland are concerned, are extremely favourable to the countries concerned. They are based on special agreements between those States and Austria, whereby the former undertake to apply inland postal newspaper rates to newspaper traffic with Austria. Thus, it costs an Austrian publisher no more to send newspapers to Prague, Budapest or Warsaw, or vice versa, than to send them to places in Austria itself.

Further, the Austrian Federal Ministry of Commerce and Communications has succeeded in obtaining from the railway authorities concerned special tariffs which are particularly favourable to traffic between Vienna (and Austria in general) and the stations in the abovementioned countries to which the bulk of Austrian newspapers are sent. Under the terms of these tariffs, it has for some time past been possible once more to send consignments of newspapers by an express service or by grande vitesse, even though the large railway system which before the war was under a single management has now been divided up.

In traffic with these countries, Austrian newspapers cannot expect to obtain further privileges, since, in the opinion of Austrian newspaper publishers, all the special concessions

that could possibly be granted have already been conceded.

Yugoslavia is the only exception. Since February 1920, that country has refused to apply the inland newspaper rates to consignments of Austrian newspapers to Yugoslavia, and at that time charged the ordinary universal postal newspaper rate (then 8 groschen per 50 grammes). In 1925, however, Yugoslavia agreed, under Article 34 of the Universal Postal Convention of Stockholm, concluded on August 28th, 1924, to a 50 per cent reduction on that rate for newspapers sent direct by the publisher. Thus, to-day, the situation as regards Yugoslavia is satisfactory, and consequently we cannot really expect any improvement or Yugoslavia is satisfactory, and consequently we cannot really expect any improvement or reduction in the rates applicable to the transport of newspapers as regards the territory of the former Austro-Hungarian Monarchy, except the parts of that territory ceded to *Italy*. We will return to this point later.

We will return to this point later.

Thanks, therefore, to the conciliatory spirit displayed by the postal and railway administrations of the countries concerned, the traffic question between Austria and the Succession States has been settled in a manner satisfactory to newspaper publishers, and we now turn to the second part of the question under discussion, namely, the simplification and reduction of costs of the international transport of newspapers in so far as it affects former foreign countries. Unfortunately, the newspaper traffic from Vienna and the rest of Austria to those

countries is not large or important enough to necessitate consignment by an express service or by grande vitesse. Moreover, the railway administrations concerned, however accommodating their attitude, could not grant a transport tariff as low as the existing rate for printed matter. Apart, however, from the question of the rates charged, there are certain objections to consignment by rail in connection with the despatch and carriage of consignments and their delivery at destination, and, in consequence, however well disposed the administrations concerned might be, it would not be practicable to consider any very extensive use of this means of transport, in view of the various manipulations necessitated and of the relatively short stop of trains at frontier and destination stations.

Thus, the quantity of newspapers sent daily from Austria abroad is unfortunately too small for consignment by express or by grande vitesse to offer any special financial advantage, while difficulties would certainly arise in connection with the handling of consignments by the railway. There is, however, one way in which the very legitimate desire for the transport of newspapers to be cheapened and simplified may be met. We will consider this point in detail later. We would first observe, however, that the proposal by the Messageries Hachette of Paris—that newspapers should be carried by international express—seems to us in part unnecessary, since the expresses which are organised by the railway administrations themselves and provide a regular daily service already carry newspapers; and, further, the suggestion that the expresses of the International Sleeping-Car Company should be utilised is valueless, since those trains do not run daily but only once or twice a week, and it has been the experience of Austrian newspaper publishers that to use for the carriage of daily newspapers a means of conveyance which cannot be employed daily is simply confusing to the addressees and to local newsagents, so that the benefit derived on certain days of the week would seem more than counterbalanced by the attendant disadvantages.

The transport of newspapers by air is certainly an increasing possibility. Nevertheless, air transport still depends so much on the season and on weather conditions that it cannot be regarded as a means of transport available throughout the year. At the same time, the Austrian and the Polish Air Transport Companies, the German Luft-Hansa Company and, this season, the Cidna (International Air Navigation Company) have been willing to grant to newspaper publishers facilities for the transport of periodicals in so far as the limited space available for baggage in each aeroplane allows. The Cidna, in particular, has done its utmost to grant favourable rates for the transport of newspapers. These special rates granted by aircraft companies apply, of course, not only to consignments despatched from Vienna but also to traffic to Austria.

The Messageries Hachette of Paris has suggested, among other things, that the prohibition of the practice of dropping parcels of newspapers from aircraft should be cancelled. We are unable to associate ourselves with this proposal. Air transport is in itself by no means so safe as transport by rail or ordinary postal transport, and the element of uncertainty with regard to the receipt of consignments is without doubt greatly increased by the dropping of parcels from aircraft which, although not in full flight, are yet moving; such a practice would often lead to the consignments being damaged or entirely lost, or at least to considerable delay in delivering them to the addressees.

The Association of Austrian Daily Newspapers takes the view that, owing to the regrettably small quantities sent, the normal method of despatch through the post as printed matter should prove adequate, especially as it must in fairness be admitted that all the postal administrations concerned have for years made every effort to ensure regularity of transport and the greatest despatch in delivery to the addressees and generally to make the service more reliable.

The rate of 8 groschen per 50 grammes, it is true, makes the prices of newspapers prohibitive, particularly for the middle-class and for intellectual circles. This was admitted by the Universal Postal Congress of Stockholm in August 1924, and for that reason the following provision was inserted in Article 34 of the Convention of August 28th, 1924:

- "Administrations have the right in their reciprocal relations to allow a reduction of 50 per cent of the ordinary rate for printed papers to newspapers and periodicals posted direct by the publishers.
- "The same right is accorded to them in respect of sewn or bound books, excluding all publicity matter or advertisements.
 - "The same applies to literary or scientific works exchanged by learned institutions."

Unfortunately, up to the present, by no means all countries have made use of this right; so far, in their relations with Austria, the following 44 countries only have stated their willingness to allow the 50 per cent reduction, whereby the rates are reduced to 4 groschen per 50 grammes:

Abyssinia Albania Algeria Argentine State of the Alouites Belgium Belgian Congo Brazil Bulgaria Chile Colombia Cuba Dominican Republic Ecuador -

Egypt Estonia Finland France, with Monaco (Colonies, preferential postal tariff) Greece Guatemala Haiti Latvia Lebanon Lithuania Luxemburg Могоссо Mexico Newfoundland Netherlands

Paraguay Persia Portugal and Colonies Roumania Saar Territory Salvador Spain U.S.S.R. Union of South Africa Syria Turkey Tunis Uruguay

Venezuela

Yugoslavia

It is a striking fact that, unfortunately, the countries having a large postal traffic, not only with Austria, but also in general are the very ones that have not yet allowed the 50 per cent reduction, viz., Great Britain, the United States of America, Italy and Switzerland. It would be very much in the interest, not only of Austria, but of these countries also if they could see their way to allow without delay the Stockholm reduction, which is unfortunately optional only and not generally binding, as was pointed out by Dr. Ernst Benedikt, the editor and Austrian delegate to the International Conference of Press Experts held at Geneva in the comprehensive survey he gave in his speech to the delegates on August 27th, 1927.

The Austrian Newspapers Association considers it eminently desirable that at least the above-mentioned countries should adhere to the optional agreement, even if it is not possible

to get this concession transformed at the next Conference of the Universal Postal Union into a general compulsory reduction applicable to all the members of the Universal Postal Union.

Finally, there remains the question of the international postal service for newspapers and periodicals, which, in the traffic between countries, enables subscriptions to foreign newspapers to be taken out through the postal administrations. This system of subscribing to foreign newspapers is hampered—in every country and not only in Austria—by certain bureaucratic practices which cannot be altogether eliminated owing to the nature of the postal service. As a rule, a subscription can be taken out at a post office—whether for an Austrian paper, say, in Paris, or for a French or other foreign paper in Austria—for a calendar quarter only. In Germany, as a matter of fact, it is possible, as an exceptional measure, to take out a subscription for the second or third month of a calendar quarter only; but everywhere else, without exception, the rule seems to be that such subscriptions can (although this is not usually stipulated by the publishers) be taken out only for calendar quarters. During the last few years there has been a welcome increase in international travel, which is no longer confined to the summer months. Owing to the variety of places visited, with their different seasons, it goes on all the year round, and it would therefore be extremely desirable if facilities could be accorded, with the consent of the publisher, for taking out subscriptions for any calendar month or for several calendar months. In most cases, the publisher would have no objection, as the editors of monthly scientific publications are practically the only ones who make it a condition that the publication in question must be taken for at least six months or a year. Another proposal made by the Messageries Hachette, namely, that certain charges should be done away with abroad, such as the taxe régale in Switzerland, may also be considered in this connection, and the reduction of the present charges for ordering and forwarding might be contemplated, as these considerably increase the cost of subscriptions to newspapers. It should be added, however, that, even if the postal administrations were to grant concessions more considerable than any granted at the present time, direct despatch by the publisher or wholesale agent would, for practical reasons, still be preferable, so that the whole question of postal subscriptions for newspapers and periodicals is only of secondary importance.

The importation of foreign newspapers into Austria has been unrestricted since 1919. Only in exceptional cases is use made of the right, provided for in the new Press Law, to cancel postal subscriptions to newspapers, and this right may be exercised only where a serious Press offence has been committed by the newspapers in question. Action has been taken in two cases only during the eight years which have elapsed since the introduction of the Press Law. It must be admitted that the Austrian postal and railway administrations have been making constant efforts to facilitate the transport of newspapers to and from all countries, and the undersigned association can only say that it has not yet received any serious complaints from the sister organisations in the Succession States or in foreign countries.

We consider that we have now dealt with the question exhaustively in all its aspects, though we will, of course, be glad to give any further information desired if requested to

ANNEX 5.

[C.E.T.]. 2.]

MEMORANDUM BY THE ESTONIAN GOVERNMENT.

Tallinn, November 7th, 1929.

The competent Estonian authorities, after examining the preparatory documents for the European Conference on transport of newspapers and periodicals, have made the following observations on the questions under review;

> RESOLUTION ADOPTED BY THE CONFERENCE OF PRESS EXPERTS, HELD AT GENEVA FROM AUGUST 24TH TO 29TH, 1927.

The Estonian Postal Administration is prepared to make every effort to assist in developing the circulation and interchange of newspapers and periodicals between the various countries. In principle, it considers desirable the reduction of postal rates for newspapers and periodicals to the strict minimum. No further reduction in present rates in Estonia can, however, be entertained, as these rates have already been considerably reduced. The international service of postal subscriptions and the 50 per cent reduction in rates—for periodicals despatched direct by the editors—constitute such considerable privileges that the Estonian Postal Administration does not see its way to going further in this direction, at least under present circumstances. According to the statistics, each postal consignment (transport, delivery to the consignee, etc.) now costs the postal administration 3.4 sents on an average, i.e., 4.7 gold centimes, only 0.7 sent, or about 1 gold centime, of the cost of transmission being borne gold centimes, only 0.7 sent, or about I gold centime, of the cost of transmission being borne by the subscriber.

II. REPORT PRESENTED BY THE MESSAGERIES HACHETTE TO THE LEAGUE OF NATIONS (CHAPTER IV. - SUMMARY).

Unification of Tariffs.

The competent Estonian authorities would welcome the unification of rates as proposed in this report, and are prepared to give their support to any international action which may be taken in this connection.

Reduction of Rates to the strict Minimum.

The view of the competent Estonian authorities is given in point I of the present memorandum.

Possibility of abolishing Certain Special Taxes levied in Various Countries.

In Estonia, there is only one special tax on foreign newspapers—that on postal subscriptions to newspapers and periodicals, which amounts to 5 per cent of the original price of the newspapers. The competent Estonian authorities are of opinion that this tax, which is designed to cover correspondence, forwarding, etc., cannot be abolished.

III. PROPOSALS SUBMITTED BY THE INTERNATIONAL UNION OF RAILWAY ADMINISTRATIONS.

The Estonian State Railways Administration associates itself with the conclusions adopted by the International Union of Railway Administrations.

IV. Customs Questions.

According to the Customs regulations in force in Estonia, newspapers and periodicals of all kinds issued in foreign languages, including those which contain notes, maps, drawings or engravings, either embodied in their text or issued as supplements, are admitted free of Customs duty.

Only periodicals in Estonian and bound periodicals are liable to an import duty of 0.18 gold franc + 30 per cent, and 0.22 gold franc + 30 per cent respectively, per kilo net.

OBSERVATIONS FROM THE NORWEGIAN ASSOCIATION OF NEWSPAPER OWNERS.

Oslo, November 18th, 1929.

The Norwegian Association of Newspaper Owners has the honour to draw the attention of the Secretariat to a matter, which it considers of great importance in connection with the discussion of the question of international circulation of newspapers. It therefore respectfully

suggests that this matter be treated by the Conference.

Our Association received on August 8th, from the Press Office of the Norwegian Foreign Department, a communication from M. J. Avenol, to which were attached Committee reports and resolutions of the International Press Conference held at Geneva in 1927, with a request for our Association's comments on the questions to be dealt with by the Conference this month. We sent the following reply:

"Your communication of August 8th has been discussed by our board of directors" which agreed that the questions mentioned in M. Avenol's communication, and the enclosures therein, were of the greatest importance for the Press in general.

"We would like to emphasise that it is of great importance to the Norwegian Press that the ponderous and expensive mailing conditions with foreign countries should be

altered.

"This condition is mentioned in the Messageries Hachette's report, Chapter IV (Summary), paragraph II, which reads as follows:

- "'Reduction of rates to the strict minimum irrespective of the methods of conveyance used, in order that they may not be inaccessible to newspapers, which it should always be possible to sell at a price within the means of the general public.'
- "Newspaper subscribers in countries which are parties to the Berne Convention are fairly reasonably treated, although we consider it desirable that an alteration should be made in the decisions that subscription and payment should pass through the postal authorities in the respective countries, and suggest that subscribers should obtain the same advantages through the postal authorities in the home country, or through a newspaper as a medium.

 "It would be of very great value if the Conference could be instrumental in bringing the nations which are not parties to the Berne Convention.

- "This is especially the case as regards the United States of America and England. At present, the postage to the United States of America, for instance, often exceeds the amount of the subcription itself, which is naturally a great obstacle to a wider circulation of the home country's Press among the Norwegian immigrants in the United States of America.
- "We consider it important that the League of Nations should endeavour to make the Berne Convention more comprehensive in these matters, which will otherwise make any agreement concerning 'reduction of rates to the strict minimum' quite illusory for the States whose Press is in the same situation as the Norwegian Press.

"These difficulties were, we presume, also discussed by the Press Conference at Geneva in 1927, in connection with the resolution adopted, paragraph II of which reads

as follows:

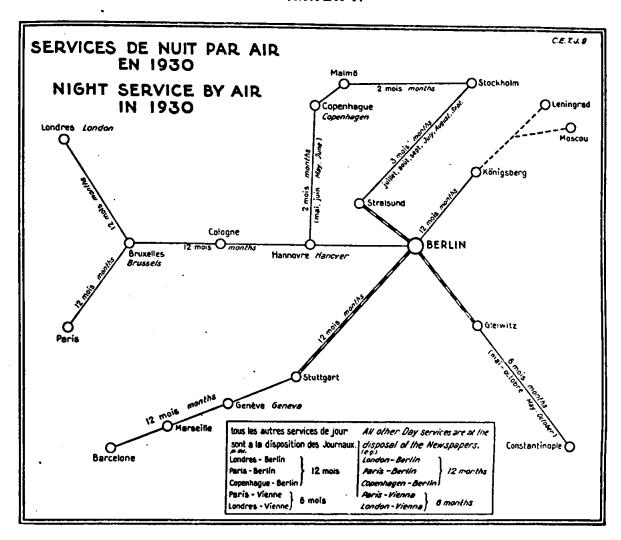
- "'Believing that international understanding and the promotion of peace can best be encouraged by the widest possible dissemination of news, the Conference urges the Governments concerned to consider the urgent need for early abolition of any taxes and other restrictions on newspapers which hinder a fuller and more extended circulation of the international Press.
- "We have no observations to make on the present plan for the Conference or the questions to be treated therein.'

We consider a more detailed description of our Association's point of view on these questions unnecessary, as it will be perfectly evident from the examples quoted in the above communication that the less practical provisions of the Berne Convention are the main hindrance to a quick and effective transmission of newspapers to foreign countries, and particularly the fact that some great nations are not parties to the Convention, a fact which compels the newspapers to maintain prohibitive subscription rates in order to cover the higher postage to these countries.

We consider it, therefore, of the greatest importance for a wider circulation of the Press that these questions should be solved and the difficulties avoided.

In presenting this matter to the Secretariat, we take the liberty of expressing our most sincere hope that it will be thoroughly examined and discussed.

ANNEX 7.



ANNEX 8.

[C.E.T.J.12.]

Geneva, November 28th, 1929.

SUMMARY OF THE DISCUSSIONS OF THE COMMITTEE ON QUESTIONS CONNECTED WITH CUSTOMS AND POLICE FORMALITIES.

The Committee appointed to examine questions of Customs and police formalities met at Geneva on November 27th and appointed as its Chairman M. Djouritchitch. It came to the following conclusions:

I. IMPORTATION OF DAILY NEWSPAPERS BY RAIL.

- (a) Duties and charges. The Committee noted that these duties and charges are very small everywhere; their method of collection does not constitute an obstacle in the way of the rapid transmission of newspapers.
- (b) Customs formalities. It appears from almost all the explanations given that these formalities can be carried out through the intermediary of the railway authorities whilst the train is stopping at the frontier. Attention is also drawn to the fact that in certain countries not even a statement is handed to the Customs.
- (c) Police supervision. This may be carried out while the train is stopping at the station of entry at the same time as the Customs formalities. If packets are seized, the railway officials will inform the consignor of this fact by telegraph if he has expressed the desire beforehand that this should be done.

The necessary additional steps might be taken by the International Committee on Transport in application of the C.I.M.

II. Passage through the Customs of Newspapers in Transit.

As in the case of imports, the railway authorities should undertake to carry out the Customs formalities; consignments should be sent under lead seal, if necessary.

III. DROPPING OF PACKETS OF NEWSPAPERS FROM AIRCRAFT IN FLIGHT.

The dropping of newspapers without landing may be allowed when this operation is carried out under satisfactory technical conditions, both from the point of view of safety and the proper working of the Customs Service.

IV. RECOMMENDATIONS.

1. That the simplifications and facilities for the transport of newspapers should be granted to the transport of periodicals, which might be treated on the same footing

2. That the work at present in progress for the establishment of a single transport document for combined railway and air transport should be continued with a view to obtaining a result which would be particularly desirable in the case of the transport of newspapers.

ANNEX 9.

[C.E.T.J.13.]

Geneva, November 28th, 1929.

SUMMARY OF THE DISCUSSIONS OF THE COMMITTEE ON POSTAL QUESTIONS.1

The Committee appointed to consider the questions which arise in the case of countries that possess a postal monopoly for the transport of newspapers met on November 27th and

elected M. Duijnstee as its Chairman.

After discussion, the Committee came to the conclusion that, although very many questions of detail should be settled by negotiations between the postal administrations of countries having a postal monopoly and the administrations of railways represented in the International Union, it would not seem to be difficult, in principle, to arrange that the postal administrations of countries possessing a postal monopoly should participate in the general agreement proposed by the International Railway Union on the basis of the Berne Convention on the Traffic of Goods. In such cases, the postal administrations would participate in these agreements instead of the railways of their country. The question of responsibility might doubtless give rise to certain delicate questions of adaptation, as railways are responsible under the Berne Convention, and the postal authorities do not generally admit responsibility. But in the case of the transport of newspapers, the question of responsibility is of so small a practical of the transport of newspapers, the question of responsibility is of so small a practical importance (taking into account the periods allowed for delivery under the Berne Convention, which would be the only periods legally binding on the transporter, even if, in fact, consignment were sent by the most rapid means of transport) that it is not likely to constitute an obstacle to a satisfactory settlement.

The representatives of the International Railway Union have stated that the International Union would under these circumstances invite the postal administrations of countries.

Union would, under these circumstances, invite the postal administrations of countries possessing a postal monopoly—a list of which will be communicated by the League of Nations—to the forthcoming session of its Commission on Goods Traffic.

Members of the Committee, who are officials of the postal administrations concerned, have stated that, although they cannot at present bind their administrations, they are personally in favour of the above arrangement, provided the details thereof are settled on a satisfactory basis.

Appendix.

(C.E.T.J.11.)

Geneva, November 28th, 1929.

REPORT BY M. FISCHER TO THE COMMITTEE ON POSTAL QUESTIONS.

May I draw the attention of the second Committee of the Conference on the Transport of Newspapers to the question of the Swiss postal régale? This tax only affects the importation of foreign dailies into Switzerland in the form of packages sent by rail, while periodicals and journals subscribed for postally or sent in transit through Switzerland are not liable to payment

The régale was originally introduced in Swiss legislation in order to protect the general interests of our small country, which, having three national languages, is in a very special situation. The same reasons still hold good to-day. Under the provisions of the régale, foreign dailies, on entering Swiss territory, must be handed over to the postal service and are then delivered to the addressees on payment of a régalian duty at present amounting to 2 centimes per copy and per 50 gr. This duty covers not only the delivery of the newspapers to the

¹ A report by M. Fischer on the Swiss postal monopoly is attached (see Appendix).

addressees but their despatch from the Swiss frontier to any part of the country by the most rapid means of conveyance. It is, therefore, not so much a fiscal duty as a transport charge. Moreover, it cannot hinder the circulation of foreign newspapers in Switzerland, since the number of newspapers imported is continually increasing and is now more than six times as

large as the number of Swiss journals exported.

Switzerland cannot give up this tax, and, indeed, must reserve not only the right to levy it upon foreign political newspapers but also the liberty to fix its amount in accordance

with her requirements.

In my opinion, the Swiss postal régale in no way precludes a satisfactory settlement of the questions before the present Conference. Moreover, it should shortly become possible to reduce the existing duty of 2 centimes per copy and per 50 grammes to 1½ centimes, though without prejudice to the fundamental principle. At all events, this step is under contemplation.

As regards the reduction of 50 per cent on the general printed papers rate for the despatch of newspapers and periodicals, I may say that the refusal up to the present on the part of the Swiss Postal Administration to conclude agreements of this kind was based primarily on the fact that, according to the Final Protocol of the Universal Postal Convention, the international printed papers rate may exceptionally be reduced to 3 centimes for each 50 grammes a rate which, in comparison with our scale of inland charges, would in several respects have been inequitable. This provision was deleted at the Postal Union Congress held in London this year, and, further, under Article 6, paragraph 2, of the Executive Regulations, the postage for newspapers sent at helf the international rate for printed papers may now be paid in for newspapers sent at half the international rate for printed papers may now be paid in cash. In view of these changed conditions, the Swiss Postal Administration is prepared to conclude agreements of this kind, to date from the entry into force of the new Universal Postal Convention, i.e., July 1st, 1930.

ANNEX 10.

(C.E.T.J.14.)

Geneva, November 28th, 1929.

DRAFT FINAL ACT.

The European Conference on the Transport of Newspapers and Periodicals, convened by the Council of the League of Nations on June 12th, 1929, in pursuance of the work of the Conference of Press Experts held in Geneva in August 1927, sat at Geneva from November 25th to...... 1929. It includes representatives of the following States...... whose Delegations were thus composed:..... The Conference was also attended

The Conference found that the Governments represented were unanimously in favour of encouraging the international circulation of newspapers and facilitating their transport, considering how desirable it is in the public interest that each country should be acquainted with the state of opinion in others. It felt that the measures set out below were best calculated, in the existing circumstances, to bring about this result, as they could easily be carried into effect by the departments concerned (Railway, Postal, Customs and Police Departments) and could readily be accepted by Governments in cases where such acceptance was necessary. The measures in question are designed to secure increased speed in transport, the abolition of intermediate agents in the course of transport, the simplification of formalities of all kinds involved in transport, and hence greater speed in the distribution of newspapers and a reduction in expenses enabling the prices at which foreign newspapers are sold to the public to be likewise reduced.

I. System of Transport for Daily and Similar Newspapers in International Traffic.

In accordance with the proposals submitted by the International Union of Railway Administrations, the transport system for daily newspapers in international traffic will be based on the International Convention concerning the Traffic of Goods by Rail (C.I.M.). In practice, however, newspapers will be carried in the same way as passengers' luggage; that is to say, as far as possible by through trains and trains de luxe, including the International Sleeping-Car Company's trains. The detailed regulations to be introduced for this traffic will be prepared by the International Railway Union, which will endeavour to lay down uniform rules

The trains by which newspapers are to be forwarded will be determined in each case and for each time-table period by agreements between the administrations concerned in such traffic, after consultation with the senders. Generally speaking, so far as concerns formalities, the following solution would be contemplated:

- Handing over for Transport. The consignor should hand in his packages and the waybill of the International Convention concerning the Traffic of Goods by Rail (C.I.M.) to a specified office at the station of consignment, a baggage office, or some other office specially designated.
- Acceptance. After checking (weighing) the consignment, the office would stamp the waybill and accept the consignment for transport.

- (c) Placing on Train. The consignment would be placed on the train by the abovementioned office, or to simplify the procedure, this might be done by the consignor himself.
- (d) Route to be followed. The trains by which transport might be effected would be determined by agreements between the Administrations concerned.
- (e) Delivery to Consignee. Delivery would be made direct to the consignee, preferably at the luggage-van of the train conveying the consignment. A receipt would be given by the consignee.
- (f) Payment of Costs of Transport. All such transport would be prepaid. As payment of the costs might be effected in various ways, the consigning Administration would determine, after agreement with the consignor, the particular method to be adopted (payment by instalments, periodical payment, bank deposit, etc.).

With reference to traffic with countries which are not parties to the Berne Convention, notably Great Britain, the Conference took note of the statements made by the representative of the British railways and the representative of the International Railway Union, according to which, in traffic between London and most of the European capitals, similar or identical results could be obtained by special tariffs providing for through transport and a single

transport contract.

In the case of countries in which the Post Office has a monopoly of the transport of newspaper parcels, it is desirable, in order that the system described above may produce the necessary practical results, that the Post Office, in place of the national railways, should contract agreements on the basis indicated above with the railway administrations of other countries. The Conference, attaching special importance to the settlement of this question, without which its affects would be needed that the Leader tha without which its efforts would be partially nullified, has noted that the International Railway Union intends to invite the Post Offices in question to join in its deliberations on the subject, and trusts that every endeavour will be made on both sides to prosecute the negotiations in such a manner as speedily to bring about the desired result.

For the present, at least, the system described above would apply only to daily newspapers (that is to say, to papers appearing at least six days per week), including their free supplements. Financial newspapers published only on Stock Exchange days would be regarded as daily

papers; so, also, would special papers such as those that are published in various European countries, for instance, on Sundays.

The Advisory and Technical Committee for Communications and Transit should keep itself informed of the manner in which the above-mentioned measures are carried out, and will report to the Council. If, in the application of these measures, difficulties arise which can be overcome by the conclusion of an agreement between Governments, the Committee will propose to the Council suitable steps to bring about the conclusion of such an agreement.

II. RATES.

It does not seem possible to contemplate, at least on any general scale, a unification of the reductions which could be granted by the administrations for the transport of newspapers in through international traffic, owing to the differences in the economic situation in different countries and in their system of rates, and having regard to the consequences—prejudicial to the public interest—of such a unification of reductions (which would involve in certain cases an increase in the extremely low rates charged in some countries). As a general rule, therefore, the rates charged in international traffic will be calculated by adding together the rates charged in inland traffic. The attention of the Governments and Administrations concerned is called to the desirability of reducing these rates to the lowest possible level and keeping them there. Unless exceptional circumstances prevent this, the rates charged for the carriage of foreign newspapers should in no case be higher than those charged for the carriage of home newspapers within the country.

III. Customs and Police Formalities.

The system described in Section I means that newspaper parcels, though carried on an international waybill (grande vitesse), must be dealt with by Customs authorities at frontiers and by inland Customs offices in such a manner as to cause no delay in transport or delivery to consignee, and, more particularly, in such a way as to enable the parcels to be re-forwarded by the same train as brought them to the frontier, or by the next connecting train if the first train goes no further. It appears from statements made to the Conference that these conditions can easily be fulfilled; newpaper parcels would be examined in the same way as luggage, the railway official presenting the parcels to the Customs in place of the passenger, and handing to the Customs the declaration accompanying the consignment, where such a declaration is required.

The Conference likewise found that police formalities can be carried out simultaneously

with the Customs operations without additional delay.

If a consignment of newspapers should be stopped for Customs or police reasons, the railway would advise the consignor in accordance with the C.I.M. regulations (Berne Convention). If the consignor so requested, the advice could be sent to him at his own expense by telegraph; the arrangements necessary for this purpose could be adopted by "the International Transport Committee" under the above-mentioned Convention. The Conference considered that, not only in the case of railway traffic, but generally, anything that occurs to prevent the conveyance or delivery of newspapers should at once be brought to the knowledge of those concerned..

IV. CUSTOMS AND FISCAL DUTIES APPLICABLE TO NEWSPAPERS.

The Customs formalities applicable to the transport of newspapers would undoubtedly be still further simplified if the various duties on newspapers could be abolished. The statements made at the Conference show that these duties are, as a rule, very small and cannot bring in any considerable revenue in the various countries.

The Conference of Press Experts has adopted the following resolution:

"Believing that international understanding and the promotion of peace can best be encouraged by the widest possible dissemination of news, the Conference urges the Governments concerned to consider the urgent need for early abolition of any taxes and other restrictions on newspapers which hinder a fuller and more extended circulation of the international Press."

The Council of the League of Nations is requested to ask the competent organisations of the League to consider the possibility of all or part of these duties being abolished.

V. Dropping of Packets of Newspapers from Aircraft in Flight.

The Conference recommended that, whenever technical conditions permit and suitable Customs and/or police supervision can be provided, Governments should allow packets of newspapers to be dropped from aircraft in flight.

The Secretary-General of the League is requested to communicate this recommendation

also to the International Air Navigation Commission.

VI. COMBINED RAILWAY AND AIR NAVIGATION TRANSPORT.

The Conference has noted the efforts made to create a single transport document for combined railway and air navigation transport. It hopes that these efforts will speedily prove successful and calls attention to the importance, in the case of the transport of newspapers, of a settlement of this question.

VII. PERIODICALS.

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".

VIII. POSTAL QUESTIONS RELATING TO NEWSPAPERS AND PERIODICALS.

In view of the great importance of the International Postal Agreement regarding subscriptions to newspapers and periodicals and of the optional provisions of the Stockholm Convention for a 50 per cent reduction in the ordinary rate for printed matter, the Conference requests the few European Governments which have not yet been able to adhere to this Agreement or apply these provisions to consider afresh, in the most sympathetic spirit, the possibility of acceding to this Agreement or applying these provisions. It would also be desirable that the possibility be given of arranging postal subscriptions to newspapers for a period of less than three months.

ANNEX 11.

[C.E.T.J.16.]

Geneva, November 29th, 1929.

ADDITION TO THE FINAL ACT OF A NEW CHAPTER PROPOSED BY THE SWISS DELEGATION.

Add at the end of the Final Act:

"IX. Instruction of Staff.

"To ensure the execution of the above arrangements, the Conference calls the attention of Governments to the need for the regular instruction of the staff of the administrations concerned in regard to the provisions of the existing Conventions and of all regulations or arrangements that may be in force."

ANNEX 12.

FINAL ACT ADOPTED BY THE CONFERENCE ON NOVEMBER 29TH, 1929.

The European Conference on the Transport of Newspapers and Periodicals, convened by the Council of the League of Nations on June 12th, 1929, in pursuance of the work of the Conference of Press Experts held in Geneva in August 1927, sat at Geneva from November 25th to November 29th, 1929.

The Council, by a resolution dated September 6th, 1929, had designated the Right Honourable Viscount Burnham, G.C.M.G., C.H., as President of the Conference.

It included representatives of the Governments of GERMANY, BELGIUM, GREAT BRITAIN AND NORTHERN IRELAND, BULGARIA, DENMARK, SPAIN, FINLAND, FRANCE, HUNGARY, ITALY, THE NETHERLANDS, POLAND, PORTUGAL, ROUMANIA, SWEDEN, SWITZERLAND, CZECHOSLOVAKIA, TURKEY, YUGOSLAVIA and the SAAR TERRITORY GOVERNING COMMISSION, Whose Delegations were thus composed: 1

The Conference found that the Governments represented were unanimously in favour of encouraging the international circulation of newspapers and facilitating their transport, considering how desirable it is in the public interest that the people of each country should be made acquainted with the state of opinion in countries other than their own. The Conference was of opinion that the measures set out below were the best that, under existing circumstances, can be devised to bring about this result, as they can be carried into effect without difficulty by the organisations concerned with Railway, Postal, Customs and Police Administration, and could further be readily accepted by Governments in cases where such acceptance was necessary. The measures in question are designed to secure increased speed in transport, the abolition of intermediate agents in the course of transport, the simplification of formalities of all kinds involved in transport, and, as a consequence, such greater speed in the distribution of newspapers and with such reduction in expenses as will enable the foreign newspapers to be sold to the public at reduced prices.

I. System of Transport for Daily and Similar Newspapers in International Traffic.

In accordance with the proposals submitted by the International Railway Union, the transport system for daily newspapers in international traffic will be based on the International Convention concerning the Transport of Goods by Rail (C.I.M.). In practice, however, newspapers will be carried in the same way as passengers' luggage; that is to say, as far as possible by through trains and trains deluxe, including the International Sleeping-Car Company's trains. The detailed regulations to be introduced for this traffic will be prepared by

the International Railway Union, which will endeavour to lay down uniform rules.

The trains by which newspapers are to be forwarded will be determined in each case and for each time-table period by agreements between the Administrations concerned in such traffic, after consultation with the consignors. Generally speaking, so far as concerns formalities,

the following solution would be contemplated:

- Handing over for Transport. The consignor should hand in his packages, together with the waybill of the International Convention concerning the Traffic of Goods by Rail (C.I.M.), to a specified office at the station of consignment, a baggage office, or some other office specially designated.
- (b) Acceptance. After checking (weighing) the consignment, the office would stamp the waybill and accept the consignment for transport.
- (c) Placing on Train. The consignment would be placed on the train by the above-mentioned office, or, to simplify the procedure, this might be done by the consignor himself.
- (d) Route to be followed. The trains by which transport might be effected would be determined by agreements between the Administrations concerned.
- (e) Delivery to Consignee. Delivery would be made direct to the consignee, preferably at the luggage-van of the train conveying the consignment. A receipt would be given by the consignee.
- (f) Payment of Costs of Transport. All such transport would be prepaid. As payment of the costs might be effected in various ways, the consigning Administration would determine, after agreement with the consignor, the particular method to be adopted (payment by instalments, periodical payment, bank deposit, etc.).

With reference to traffic with countries which are not parties to the Berne Convention, notably Great Britain, the Conference has taken note of the statements made by the representative of the British railways and the representative of the International Railway Union, according to which, in traffic between London and most of the European capitals, similar or identical results could be obtained by special tariffs providing for through transport and a single transport contract.

¹ The composition of the Delegations appears on page 5.

In the case of countries in which the Post Office has a monopoly of the transport of newspaper parcels, it is desirable, in order that the system described above may produce the necessary practical results, that the Post Office, in place of the national railways, should contract agreements on the basis indicated above with the railway administrations of other countries. The Conference, attaching special importance to the settlement of this question, without which its efforts would be partially nullified, has noted that the International Railway Union intends to invite the Post Offices in question to join in its deliberations on the subject, and trusts that every endeavour will be made on both sides to carry out the negotiations in such a manner as speedily to bring about the desired result.

For the present, at least, the system described above would apply only to daily newspapers (that is to say, to papers appearing at least six days per week), including their free supplements. Financial newspapers published only on Stock Exchange days would be regarded as daily papers; so, also, would special papers such as those that are published, for instance, on Sundays, n various European countries.

The Advisory and Technical Committee for Communications and Transit should keep itself informed of the manner in which the above-mentioned measures are carried out, and should report to the Council accordingly. If, in the application of these measures, difficulties arise which can be overcome by the conclusion of an agreement between Governments, the Committee will propose to the Council suitable steps to bring about the conclusion of such an agreement.

II. Rates.

It does not seem possible to contemplate, at least on any general scale, the introduction of a uniform rate which could be applied by the Administrations for the transport of newspapers in through international traffic, owing to the differences in the economic situation in different countries and in their system and scales of charges. Further, such a uniform rate would in some cases be prejudicial to the public interest, as it might involve an increase in the very low rates at present being charged in certain countries. As a general rule, therefore, the rates charged in international traffic will be calculated by adding together the rates charged in internal traffic. The attention of the Governments and Administrations concerned is drawn to the desirability of reducing these rates to, and maintaining them at, the lowest possible level. Unless exceptional circumstances prevent this, the rates charged for the carriage of foreign newspapers should in no case be higher than those charged for the carriage of home newspapers within the country.

III. Customs and Police Formalities.

The system described in Section I means that newspaper parcels, though carried on an international waybill (grande vitesse), must be dealt with by Customs authorities at frontiers and by inland Customs offices in such a manner as to cause no delay in transport or delivery to consignee, and, more particularly, in such a way as to enable the parcels to be re-forwarded by the same train as brought them to the frontier, or by the next connecting train if the first train goes no further. According to the statements made to the Conference, these conditions might easily be fulfilled; newspaper parcels would be examined in the same way as luggage, the railway official presenting the parcels to the Customs in place of the passenger, and also handing to them the Customs declaration. The Conference notes, moreover, that in several countries no written declaration is handed to the Customs; it requests Governments to bring the verbal declaration into as general use as possible with a view to still further assimilating packets of newspapers to passengers' luggage.

The Conference likewise found that police formalities can be carried out simultaneously with the Customs operations without additional delay.

If a consignment of newspapers should be stopped for Customs or police reasons, the railway would advise the consignor in accordance with the regulations of the International Convention concerning the Traffic of Goods by Rail (C.I.M.). If the consignor so requested, the advice could be sent to him at his own expense by telegraph; the arrangements necessary for this purpose could be adopted by "the International Transport Committee" under the above-mentioned Convention. The Conference considered that, not only in the case of railway traffic, but generally, anything that occurs to prevent the conveyance or delivery of newspapers should at once be brought to the knowledge of those concerned.

IV. Customs and Fiscal Duties applicable to Newspapers.

The Customs formalities applicable to the transport of newspapers would undoubtedly be still further simplified if the various duties on newspapers could be abolished. The statements made at the Conference show that these duties are, as a rule, very small and cannot bring in any considerable revenue in the various countries.

The Conference of Press Experts adopted the following resolution:

"Believing that international understanding and the promotion of peace can best be encouraged by the widest possible dissemination of news, the Conference urges the Governments concerned to consider the urgent need for early abolition of any taxes and other restrictions on newspapers which hinder a fuller and more extended circulation of the international Press.

The Council of the League of Nations is requested to ask the competent organisations of the League to consider whether or not it is possible for all or part of these duties to be abolished.

V. Dropping of Packets of Newspapers from Aircraft in Flight.

The Conference recommended that, whenever technical conditions permit and suitable Customs and/or police supervision can be provided, Governments should allow packets of newspapers to be dropped from aircraft in flight.

The Secretary-General of the League is requested to communicate likewise this

recommendation to the International Commission for Air Navigation.

VI. Combined Railway and Air Navigation Transport.

The Conference notes the efforts made to develop the use of a single transport document for combined railway and air navigation transport. It hopes that these efforts will speedily prove successful and calls attention to the importance, in the case of the transport of newspapers of a settlement of this question.

VII. Periodicals.

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".

VIII. Postal Questions relating to Newspapers and Periodicals.

In view of the great importance of the International Postal Agreement regarding subscriptions to newspapers and periodicals and of the optional provisions of the Stockholm Convention for a 50 per cent reduction in the ordinary rate for printed matter, the Conference requests the few European Governments which have not yet been able to adhere to this Agreement or apply these provisions to consider afresh, in the most sympathetic spirit, the possibility of acceding to this Agreement or applying these provisions. It would also be desirable that the right given to Governments of accepting postal subscriptions to newspapers for periods of less than three months should be made use of as far as possible.

IX. Instruction of Staff.

To ensure the execution of the above provisions, the Conference calls the attention of Governments to the need for the regular instruction of the staff of the Administrations concerned in regard to the provisions of the existing conventions and of all regulations or arrangements that may be in force.

DONE at Geneva, in a single copy, on the twenty-ninth day of November, one thousand

nine hundred and twenty-nine.

The President of the Conference: (Signed) BURNHAM.

Geneva, April 8th, 1930.

LEAGUE OF NATIONS

[Translation.]

AGREEMENT

BETWEEN THE

SWISS FEDERAL COUNCIL

AND THE

SECRETARY-GENERAL OF THE LEAGUE OF NATIONS

CONCERNING THE

Establishment and Operation in the Neighbourhood of Geneva

WIRELESS STATION

In view of the resolution of the League of Nations Assembly dated September 24th, 1929, relating to the establishment of a wireless telegraph station destined to ensure independent communications for the League of Nations in times of emergency,

The Swiss Federal Council, hereinafter termed the "Swiss Government" and

The Secretary-General of the League of Nations, hereinafter termed the "Secretary-General", acting in virtue of the powers granted him under the above-mentioned resolution,

Have agreed upon the following provisions:

Article 1.

- 1. In conformity with the provisions of the present Agreement and of the special Convention to be concluded between the Secretary-General and the Société Radio-Suisse, hereinafter termed «Radio-Suisse», a wireless station, destined chiefly to meet the needs of the League of Nations in normal times and to ensure independent communications to the League in times of emergency, shall be established in the neighbourhood of the seat of the League.
- 2. This station, known as "Radio-Nations" and established on land and in buildings belonging to the Radio-Suisse, shall, in particular, include, firstly, a central telegraph office and a long-wave post already in operation, constructed at the cost of the Radio-Suisse and the property of the latter; and, secondly, a short-wave post to be established as soon as possible at the cost of the League, whose property it shall be.
- 3. The Radio-Nations station shall be operated in normal times by the Radio-Suisse and in times of emergency shall pass under the exclusive management of the League.

Article 2.

- 1. The Swiss Government shall take the necessary steps to enable the Radio-Suisse to discharge any obligations devolving upon it in virtue of the above-mentioned special Convention.
- 2. If, during the existence of the present Agreement and of the Convention between the Secretary-General and the Radio-Suisse, the Swiss Government exercises any right of reversion with regard to the Radio-Suisse or repurchases by mutual agreement the buildings and installations of the Radio-Suisse, the latter's rights and obligations arising out of the Agreement and Convention shall pass to the new proprietor, who will be either the Swiss Administration or a new Swiss company under the control of the Swiss Government.
- 3. The Swiss Government guarantees the execution of the provisions of the abovementioned Convention by the Radio-Suisse or by any other concessionnaire or administration.

Article 3.

The Swiss Government shall give the station and the installations connected therewith, at all times, the same protection and the same security as it gives to the premises of the League of Nations. The legal status of the station in times of emergency shall be the same as that of the buildings of the League of Nations.

Article 4.

As soon as the Secretary-General notifies the Swiss Government that a period of emergency has begun, the Radio-Nations station shall pass under the exclusive management of the League of Nations. The latter shall, at its own risk, take possession of the whole of the installations, including the long-wave transmitter and all other wireless installations with which the station may subsequently be supplied.

Article 5.

While the state of emergency lasts, the staff of the station shall be placed at the disposal of the Secretary-General and shall be regarded as League of Nations Secretariat staff. This provision shall apply even in the case of the mobilisation of the Swiss army. Nevertheless, the Swiss Government may, as an exceptional measure and after previous notice, withdraw a part of the staff from the station.

Article 6.

- 1. The Secretary-General shall, in times of emergency, take any measures relating to management which he may consider desirable; in particuler, as regards the increase and replacement of the staff. Nevertheless, in order to facilitate the resumption of normal operations by the Radio-Suisse on the termination of the period of emergency, the replacement of permanent staff shall be effected only as an exceptional measure, i.e., in cases where the Secretary-General deems it necessary in order to ensure the satisfactory working of the station or the independence of the communications of the League of Nations.
- 2. The Secretary-General shall equitably compensate any permanent official of the station whose contract is suspended and for whom other employment cannot be provided by the Radio-Suisse or the Swiss Administration.

Article 7.

- 1. In times of emergency the station shall be primarily intended for the despatch and receipt of official communications of the League of Nations (messages from or to the Secretariat of the League, the International Labour Office, the official representatives of the States Members of the League and delegations to the Council, the Assembly and Conferences of the League).
- 2. Nevertheless, the Secretary-General shall endeavour to ensure the transmission of all other communications in so far as this does not interfere with the official communications of the League. It is understood, however, that non-official communications shall be subject to all measures of control existing in Switzerland. Accordingly, such telegrams may be handed in only at a Swiss telegraph office, and, after receipt by Radio-Nations, shall be transmitted to the addressee only through the agency of a Swiss telegraph office. Non-official telephone calls shall be effected through the agency of a Swiss central telephone office.

Article 8.

- 1. During the period of emergency, the cost of the station, including charges for amortisation and the interest on the capital, shall be borne entirely by the League of Nations.
- 2. The League of Nations shall collect the total revenue from official communications despatched by Radio-Nations without the assistance of the Swiss Administration. In the case of non-official communications, which must be exchanged with the assistance of the Swiss Administration in accordance with the preceding article, and in the case of official communications exchanged with that assistance, the League of Nations shall receive through the Swiss Administration the total revenue from the share of the transit charges accruing to the station, the terminal charge being retained by the Swiss Administration.
- 3. Any net profit from the operation of the station shall be divided between the League of Nations and the Radio-Suisse proportionately to the revenue from official and non-official communications.

Article 9.

1. In conformity with the resolution adopted on September 24th, 1929, by the Assembly of the League of Nations, concerning the establishment of a wireless station, the Swiss Government shall, in times of emergency, be represented at the station by an observer, whose duties will be those defined by the Council of the League of Nations in its resolution of March 9th, 1929.

- 2. The Secretary-General shall give this observer every facility for carrying out his mission. The Secretary-General shall, in particular, supply him with full information as to the origin of messages transmitted by the station and the destination of messages received by the station. The same facilities shall, if necessary, be given to the observer's assistants.
- 3. The Secretary-General and the services controlled by him shall refrain from transmitting through the station any communication of a nature to affect the regime of the neutrality of Switzerland as defined in the Declaration of London of February 13th, 1920.
- 4. The Swiss Government, in conformity with the resolution of the Council of the League of Nations dated March 9th, 1929, reserves the right to ask for explanations from the Council regarding any activity of the station in times of emergency which appear to it to affect the essential interests of Switzerland.

Article 10.

Immediately on the termination of the period of emergency, the station shall be handed back to the Radio-Suisse, which shall resume operation thereof in accordance with the provisions of the Convention to be concluded with the Secretary-General.

Article 11.

It is understood that, as regards the official communications of the League of Nations, the Radio-Nations station shall not be deemed to be a party to the Telegraph Union as coming under the Swiss Confederation; nor, as regards the installations which are the property of the League of Nations, shall it be a party to the Radio-Telegraphic Union as coming under the Swiss Confederation.

Article 12.

- 1. Disputes which may arise concerning the interpretation or application either of the present Agreement or of the Convention to be concluded between the Secretary-General and the Radio-Suisse shall be deemed to be disputes between the parties to the present Agreement. Should it prove impossible within a reasonable time to settle them by amicable agreement, they shall be submitted, subject to the provisions of paragraph 2 of the present Article, to an arbitral tribunal; such tribunal, unless otherwise agreed between the parties, shall consist of three members appointed by the Chamber for Summary Procedure of the Permanent Court of International Justice. The arbitral procedure shall be governed by the provisions of the Convention for the Pacific Settlement of International Disputes of October 18th, 1907.
- 2. Should the dispute, in the opinion of one of the parties, relate to the interpretation or application of the Declaration of London of February 13th, 1920, it shall be examined by the Council of the League of Nations. Should such examination not result in the settlement of the dispute by amicable agreement, recourse shall be had to the arbitral procedure provided for above, unless it has been possible to submit the question at issue to the Permanent Court of International Justice.
- 3. The present Agreement and the Convention between the Secretary-General and the Radio-Suisse shall be interpreted in accordance with the general principles of law.

Article 13.

- 1. The present Agreement shall enter into force immediately upon its signature and shall cease to have effect on the expiry of a period of ten years as from the date on which the short-wave transmission post is officially opened for operation.
- 2. Unless it is denounced two years before the expiry of this period of ten years, the Agreement shall remain in force until denounced by either party subject to two years' previous notice being given. In such a case, however, the denunciation shall take effect only at the end of the current financial year.
- 3. On the expiry of the present Agreement, a settlement shall be effected in conformity with the provisions of the Convention to be concluded between the Secretary-General and the Radio-Suisse.

In faith whereof the undersigned have concluded the present Agreement.

DONE in duplicate at Geneva, on the 21st day of May, one thousand nine hundred and thirty.

(Signed) Eric DRUMMOND.

(Signed) MOTTA.

Geneva, April 9th, 1930.

LEAGUE OF NATIONS

[Translation.]

CONVENTION

BETWEEN THE

SECRETARY-GENERAL OF THE LEAGUE OF NATIONS

AND THE

RADIO-SUISSE, INCORPORATED WIRELESS TELEGRAPH AND TELEPHONE COMPANY, BERNE.

CONCERNING THE

Establishment and Operation in the Neighbourhood of Geneva

OF A

WIRELESS STATION

The Secretary-General of the League of Nations, hereinafter termed the "Secretary-General",

and

The Radio-Suisse, Incorporated Wireless Telegraph and Telephone Company, hereinafter termed the "Radio-Suisse", acting with the approval of the Swiss Federal Council,

Have agreed on the following provisions in execution of the agreement concluded on May 21st, one thousand nine hundred and thirty between the Swiss Federal Council and the Secretary-General of the League of Nations.

I. TECHNICAL ARRANGEMENTS.

Article 1.

- 1. Subject to the provisions of paragraph 3 below, the Radio-Suisse shall be the owner of the wireless station situated in the neighbourhood of Geneva and known as "Radio-Nations" by reason of its international character. This station shall comprise:
 - (a) A transmitting station, including the land, in the neighbourhood of Prangins, near Nyon, and having a long-wave transmitter with an aerial power of 50 kw.;
 - (b) A receiving station, including the land, in the neighbourhood of Colovrex, near Geneva, equipped with two high-speed long-wave telegraphic receivers and two high-speed short-wave telegraphic receivers;
 - (c) An operating-office.
- 2. The Radio-Suisse shall complete the equipment of this station, at the cost of the League of Nations, by installing short-wave transmitters and a certain number of receivers. The technical specifications of the installations to be added to the wireless centre owned by the Radio-Suisse at Geneva shall be determined by the Secretary-General after consultation with the competent technical Committee of the League of Nations and with the Radio-Suisse.
- 3. All technical installations (machinery, apparatus, etc.) acquired at the expense of the League of Nations and set up in the buildings of the Radio-Suisse or on land belonging to the Radio-Suisse, shall be the property of the League of Nations. The Radio-Suisse shall have the right of user, but undertakes to restore such installations to the League of Nations on the expiry of the present Convention, in conformity with the provisions contained therein.

Article 2.

1. The purchase of the material for the short-wave post and the purchase of any other wireless installations deemed necessary by the Secretary-General for the short-wave post of Radio-Nations shall be effected by the Secretary-General, after consultation with the competent technical organ of the League and with the Radio-Suisse.

- 2. The Radio-Suisse shall accept final delivery of installations and material after authorisation by the Secretary-General. The Secretary-General shall satisfy himself that the installations and the material correspond to the specifications agreed upon; for this purpose he shall consult the competent technical organ of the League and the Radio-Suisse.
- 3. An auxiliary centre capable of being used at times of emergency and in direct communication by wire with the station and with the Geneva Central Telegraph Office shall be established, whenever desired by the League of Nations and at the latter's expense, at the seat of the Secretariat.

Article 3.

The station shall be equipped with all the improvements that may be found practicable and adaptable to its service; it shall always be kept up to the highest technical standard. The cost of the necessary purchases for the long-wave post shall be borne by the Radio-Suisse and for the short-wave post by the League of Nations, except the land and buildings and the central operating-office.

II. OPERATION.

A. OPERATION IN NORMAL TIMES.

Article 4.

- 1. In normal times the station shall be operated by the Radio-Suisse.
- 2. The station shall be so organised that it shall have at Geneva or in the neighbourhood of Geneva, in case it should have to work independently of the other Radio-Suisse organs at times of emergency, all elements and services necessary for its operation and its satisfactory working.
- 3. The central operating-office shall be placed in separate premises but in direct communication with the Geneva Central Telegraph Office, which is already connected with the Secretariat of the League of Nations by pneumatic post for the rapid transmission of messages.

Article 5.

The Radio-Suisse undertakes to ensure the most economical operation of the station. The salaries of the staff of the station shall, in general, correspond to the salaries that the Radio-Suisse normally pays its staff.

Article 6.

- 1. The programme of operation of the short-wave post shall be drawn up by the Secretary-General after consultation with the Radio-Suisse, in accordance with the provisions of Article 1, paragraph 1, of the Agreement between the Swiss Federal Council and the Secretary-General of the League of Nations, and with due reference to the provisions of the following paragraph of the present article.
- 2. The Radio-Suisse undertakes, subject to the provisions of paragraph 3 hereunder, to despatch by the short-wave post extra-European telegrams which do not bear any instructions by the sender precluding the use of such means, provided always that it is technically and practically possible to do so and that such despatch ensures satisfactory transmission.
- 3. As regards communications with North America, the League of Nations reserves the right to use the short-wave post for official communications. In the case of other communications with North America, this post shall not be used except at the request of the Radio-Suisse, and the latter further undertakes not to despatch via North America communications to South America or to the Far East, unless the sender has indicated the use of this route or unless the Secretary-General has signified his agreement.
- 4. The short-wave post shall normally be used for extra-European communications, but the Secretary-General may despatch through this post official communications of the League intended for European countries. The Radio-Suisse shall also be entitled to use the short-wave post for European messages in the case of exceptionally heavy traffic with European countries, provided always that the official communications of the League are not delayed and that communications intended for extra-European countries are not hindered.
- 5. The programme for the short-wave post may include the organisation of special liaison services between the League of Nations and the various States, such as services for the radiotelegraphic or radiotelephonic broadcasting of information, or for the exchange of official documents, special listening-in services, etc.

Article 7.

The programme of operation for the long-wave post shall be drawn up by the Radio-Suisse with due regard to the provisions of Articles 8 and 9.

Article 8.

The Radio-Suisse undertakes to establish immediately, by means of the long-wave post or the short-wave post, direct communication with countries not ordinarily connected with the Radio-Nations and with which the Secretary-General may, subject to the provisions of Article 17, paragraph 1, deem it necessary to be in direct communication, provided that such communication is feasible and that the corresponding station agrees thereto.

Article 9.

- 1. The following special measures shall be provided for in the programme of operation of the long-wave post:
 - (a) The establishment on a single occasion, as an experiment, of direct wireless communication with each of the corresponding stations designated by the League of Nations, in so far as the post and the corresponding stations possess adequate technical equipment and consent to this measure;
 - (b) A weekly exchange of communications, at a pre-concerted time, with the stations designated by the League of Nations (calling-up and calling-off) in order to ensure that wireless communications with these stations can be established by Geneva at any moment;
 - (c) The daily broadcasting of one or more communications from the League of Nations in order to establish daily contact with the stations concerned in the reception of Geneva wireless communications;
- 2. This special programme shall be carried out to the extent that the Secretary-General may deem necessary. It may be extended by agreement between the Secretary-General and the Radio-Suisse.

Article 10.

The official communications of the League of Nations shall enjoy any special facilities that may be provided for in arrangements concluded between the League of Nations and foreign administrations, without such facilities being similarly extended to unofficial communications.

Article 11.

In order that the Secretariat of the League of Nations may have at its disposal at times of emergency the necessary additional or substitute staff and may give such staff in normal times an opportunity of becoming familiar with the working of the station, the Radio-Suisse shall give reasonable facilities in respect of the admission, for purposes of training or, preferably, as additional staff in times of heavy traffic (sessions of the Assembly, conferences, etc.), of specialists whom foreign administrations may place at the disposal of the Secretariat, with a view to the operation of the station at times of emergency. Any additional expenditure thereby incurred by the Radio-Suisse shall be chargeable to the League of Nations.

B. OPERATION AT TIMES OF EMERGENCY.

Article 12.

- 1. As soon as the Radio-Suisse is informed by the Swiss Government that the Secretary-General has officially notified it that a period of emergency has begun, the Radio-Nations shall immediately pass under the management of the League of Nations. The Radio-Suisse shall take all necessary measures to facilitate such transfer.
- 2. While the period of emergency lasts, the permanent staff employed at the station shall receive the salary they would receive if the station were operated at times of emergency by the Radio-Suisse.
- 3. On the termination of the period of emergency, the Secretary-General shall hand the station back to the Radio-Suisse in conformity with the provisions of the Agreement concluded with the Swiss Government. The League of Nations shall take all necessary measures to facilitate this measure.

III. FINANCIAL ARRANGEMENT.

Article 13.

The Radio-Suisse shall, without payment of any compensation by the League of Nations, not only bear the cost of the installations already in existence at Prangins, Colovrex and the Geneva Central Office, but also the whole of the cost of acquiring land and the cost of initial establishment of the buildings of the transmitting station and of the receiving station and also the costs of acquiring and setting up the additional apparatus at the Central Office.

Article 14.

- 1. The League of Nations shall provide the necessary capital for the purchase and installation of the short-wave post and the receivers for the operation of the short-wave post, and also the necessary capital for such extensions or changes in the technical installations of the station as may be executed in conformity with the provisions of Article 2 above.
 - 2. An annual statement of expenditure shall be drawn up, including:
 - (a) The operation expenses duly vouched for by the Radio-Suisse. These expenses shall be calculated on the basis of the actual expenditure on electrical power, material used, repairs and upkeep, the station's technical, telegraphist and accountancy staff, and miscellaneous expenses such as insurance premiums, etc. The expenses in respect of staff shall be assessed jointly by the Secretary-General and the Radio-Suisse with due regard to the fact that certain of the staff will be employed simultaneously in the operation of installations belonging to the League and in the service of the Radio-Suisse installations.
 - (b) Ten per cent of such operation expenses due to the Radio-Suisse for general administrative costs.
- 3. The categories of expenditure to be charged to the capital account and the operation account respectively shall be defined in a special arrangement between the Secretary-General and the Radio-Suisse.

Article 15.

Should the operation receipts in any financial year prove insufficient to balance expenditure, the deficit shall be met by the League. The Secretary-General shall, in the course of the financial year, advance to the Radio-Suisse a sum sufficient to meet expenses.

Article 16.

The allocation of revenue in respect of communications by the short-wave post shall be effected in accordance with the following provisions:

- 1. The terminal charges for official communications shall accrue to the League, including the terminal charges for communications effected with the co-operation of the Swiss administration from or to the Geneva area. If, however, the Swiss administration is called upon to co-operate outside that area, the terminal charges shall accrue to the said administration. The terminal charges for non-official communications shall accrue to the Swiss administration.
- 2. The revenue from the transit charges due to the station in respect of communications, whether official or non-official, shall accrue to the League, subject to the provisions of paragraph 3 hereunder.
- 3. On the revenue derived from the transit charges due to the station in respect of communications, whether official or non-official, the Radio-Suisse shall be allowed a premium by way of interest in the development of the traffic. Such premium shall be calculated as follows:
 - (a) Of the gross revenue up to a sum equal to the expenses shown in the operation account: 10 per cent;
 - (b) Of the gross revenue in excess of such sum up to a sum equal to the amount which would be required to cover the amortisation, at the rate of 10 per cent per annum of the capital represented by the installations established at the cost of the League and 5½ per cent interest on the unredeemed portion of such capital: 20 per cent;
 - (c) Of the gross revenue in excess of such sum, up to an amount of which 70 per cent would be equal to the premiums mentioned in (a) and (b) plus the deficits, if any, (operation, amortisation, interest on capital) from previous financial years: 30 per cent;
 - (d) Of the gross revenue in excess of such sum: 50 per cent.

Article 17.

- 1. The League shall pay a special charge to the Radio-Suisse for any special services that the Secretary-General may require in respect of the long-wave post.
- 2. The cost of the special measures under Article 9 (a) and (b), carried out by means of the long-wave transmitter, shall be borne by the Radio-Suisse. In the carrying out of the measure under paragraph (c) of the same article the League shall be charged the sum of 10 centimes per word.

Article 18.

The Radio-Suisse shall keep for the capital, reserve material, and operation receipts and expenditure in respect of the short-wave post and other installations covered by the financial arrangement a separate account, which the organ appointed by the Secretary-General may ask to inspect at any time. All details regarding the drawing up of this account shall be decided in the arrangement referred to in Article 14, paragraph 3.

Article 19.

The accounting year shall coincide with the civil year. The Radio-Suisse shall submit the yearly account to the Secretary-General as soon as the accounts with foreign administrations have been worked out and, at latest, by the end of April of the year following the accounting year. The organ appointed by the Secretary-General may ask to inspect the books of the accounting service in so far as they relate to operations carried out by the short-wave post.

Article 20.

- 1. In times of emergency, the operation of the station shall be transferred to the League on payment to the Radio-Suisse of the various items mentioned in paragraph 2 hereunder, on the understanding that the provisions of Article 16 above shall not be applicable. For this purpose, the Radio-Suisse shall draw up for the Secretary-General a detailed statement of all movable and immovable property belonging to the Radio-Suisse, as at the date of the handing over of the station. The value of this property shall be calculated on the basis of its book value. In the case of property entirely amortised, the value shall be calculated on the basis of its marketable value, which shall be assessed by the Radio-Suisse in agreement with the Secretary-General, or, failing agreement, by expert valuation. The Radio-Suisse shall debit the League with the value of the installations handed over, which are the property of the Radio-Suisse.
- 2. The value of the property of the Radio-Suisse shall be amortised by the League of Nations during the period of emergency, at the following rates: 10 per cent for machinery, apparatus and instruments, 5 per cent for furniture and 4 per cent for buildings and aerials. This percentage shall, in the case of installations that have not been amortised, be calculated on the basis of their initial capital value. In the case of installations which have been amortised at the time the station is handed over, or which may be amortised during the period of emergency, the League shall, at the termination of thesaid period, pay the Radio-Suisse a sum corresponding to the actual depreciation of these installations; such sum shall not in any case be less than 5 per cent per annum of their marketable value, assessed as provided above, for machinery, apparatus and instruments, 2½ per cent for furniture, and 2 per cent for buildings and aerials. Further, the League shall pay the Radio-Suisse interest on the capital shown in the statement of capital values drawn up at the end of each accounting period. In the case of installations that have not been amortised, this interest shall be calculated on the part of capital invested that has not been amortised, and in the case of installations that have been amortised, on the basis of their marketable value. It shall be fixed at 1 per cent over and above the average discount rate charged by the Banque Nationale Suisse during the period of emergency.
- 3. The amortisation and interest account shall be drawn up by the Radio-Suisse on the termination of the period of emergency; it shall cover the period included between the date on which the station is handed over to the League and the date on which it is handed back to the Radio-Suisse.
- 4. Should the period of emergency continue beyond the close of the financial year (civil year) of the Radio-Suisse, the amortisation and interest account shall be drawn up, first, as at the end of the accounting year and, subsequently, as at the end of each succeeding accounting year, or as at the end of the period of emergency.
- 5. The account kept in normal times by the Radio-Suisse of the value of installations effected at the cost of the League of Nations shall be handed to the Secretary-General as soon as the operation of the station is transferred to the League of Nations. During the period of emergency, this account shall continue to be kept in the same way by the League of Nations, unless the League requests the Radio-Suisse to undertake this duty. If so requested, the Radio-Suisse shall place at the disposal of the Secretary-General the necessary staff for this accounting service.

- 6. In view of the possible use of the station for the transmission of private messages, the Secretary-General shall instruct those in charge of the post to organise a complete accounting service such as will exist in normal times. At the request of the Secretary-General, the Radio-Suisse will put at his disposal all the necessary staff for this accounting service.
- 7. The allocation of revenue and of any profits from the operation of the station shall be effected in accordance with the provisions of Article 8 of the Agreement between the Swiss Government and the Secretary-General of the League.

Article 21.

There shall be an equitable settlement between the Secretary-General and the Radio-Suisse as regards losses sustained or advantages secured as a result of the operation of the station in times of emergency by the League of Nations. Should the Secretary-General and the Radio-Suisse fail to reach agreement on this matter, the terms of settlement shall be decided by a Committee of five experts, two of whom shall be appointed independently by each party, while the fifth, who shall of right be Chairman of the Committee, shall be appointed by mutual agreement or, failing agreement, by the President of the Permanent Court of International Justice. The terms of settlement drawn up by this Committee shall be binding on both parties.

IV. GENERAL PROVISIONS.

Article 22.

The competent organ of the League of Nations may at any time verify the technical efficiency and working of the Radio-Nations station.

Article 23.

- *1. A representative of the Secretary-General shall participate, without the right to vote, in the discussions of the Board of Directors of the Radio-Suisse regarding any question that might effect the Radio-Nations. For this purpose, the agenda of any meeting of the Board of Directors shall be communicated to him at least ten days in advance. On his request, submitted at least five days before the meeting of the Board of Directors, any new question which might affect the Radio-Nations and which he thinks should receive consideration will be placed on the agenda.
- 2. On the request of the representative of the Secretary-General, extraordinary meetings of the Board of Directors shall be convened for the consideration of any questions raised by the representative of the Secretary-General and of which that representative thinks consideration cannot be postponed until the next ordinary meeting of the Board of Directors.
- 3. Should the Secretary-General consider that a decision of the Board of Directors might prejudice the interests of the League or affect the application of the agreement between the Swiss Government and the Secretary-General or of the present Convention, the question in regard to which the decision was taken shall, on the request of the Secretary-General, be re-examined by the Swiss Government and the Secretary-General, and, failing agreement between them, shall be decided according to the procedure provided for in Article 12 of the Agreement between the Swiss Government and the Secretary-General. If any of the above-mentioned decisions should affect the working or operation of the short-wave post, which is the property of the League of Nations, the execution of such decision shall be postponed until an agreement has been reached between the Swiss Government and the Secretary-General, or, if necessary, until there has been a settlement by arbitration, under the conditions defined above.
- 4. In order to facilitate the exercise of the powers conferred on the Secretary-General and on the organs of the League by the Agreement between the Swiss Government and the Secretary-General and by the present Convention, the Secretary-General shall be represented by a technical delegate accredited to the Director of the Radio-Suisse and to the head of the Radio-Nations station. Every facility shall be given to this delegate to carry out his duties.

Article 24.

The Radio-Suisse shall be responsible to the League for all damage to installations belonging to the League due to gross want of care of the Radio-Suisse or its agents.

V. FINAL PROVISIONS.

Article 25.

- 1. The present Convention shall remain in force for the same period as the Agreement concluded between the Swiss Government and the Secretary-General concerning the Geneva station. A denunciation of the Agreement by either party shall involve the cancellation of the present Convention as on the same date.
 - 2. The present Convention may be revised at any time by mutual agreement.

Article 26.

- 1. Should the Convention be denounced, the League of Nations, if it proposes to use its material in any other way, may resume possession of the technical installations for which it has provided the capital; it shall bear the costs of the removal and transfer thereof.
- 2. The removal and transfer of the installations shall be so effected as to avoid as far as possible any complete interruption of the operation of the station.
- 3. If the League of Nations waives its right to resume possession of the installations in question, they shall become the property of the Radio-Suisse. The Radio-Suisse shall pay the League the marketable value of such installations, i.e., their commercial value from the point of view of Radio-Suisse operation.
- 4. The marketable value to be paid by the Radio-Suisse to the League shall be determined by agreement between the Secretary-General and the Radio-Suisse. Failing agreement, it shall be determined by a Committee of experts on which each party shall be represented by one delegate and of which the Chairman shall be an expert chosen by mutual agreement. Should the two parties not agree on the choice of the third expert, he shall be appointed by the President of the Permanent Court of International Justice at The Hague. The Committee's decisions shall be binding on both parties.

In faith whereof the undersigned have concluded the present Convention.

Done in duplicate at Geneva, on the 21st day of May, one thousand nine hundred and thirty.

(Signed) Eric DRUMMOND.

(Signed) FÜRRER. Dr. F. ROTHEN.

Geneva, May 22nd, 1930.

LEAGUE OF NATIONS

ADVISORY AND TECHNICAL COMMITTEE FOR COMMUNICATIONS AND TRANSIT

MINUTES OF THE FOURTEENTH SESSION

Held at Geneva from March 10th to 15th, 1930. (WITH ANNEXES)

The Committee is at present composed as follows:

- M. R. HEROLD (appointed by the Government of Switzerland), Chief of District of the Federal Railways (Chairman).
- M. A. Politis (appointed by the Government of Greece), Technical Adviser of the Greek Legation in France (Vice-Chairman).
- M. F. L. Schlingemann (appointed by the Government of the Netherlands), Chief Engineer, Director of the Rijkswaterstaat (Vice-Chairman).
- Dr. Raul Amador (appointed by the Government of Panama), Counsellor of Legation, Charge d'Affaires of Panama in Paris.
- Sir John Baldwin (appointed by the Government of Great Britain), Representative of Great Britain on the International River Commissions.
- M. B. Djouritchitch (appointed by the Government of the Kingdom of Yugoslavia), Director-General of the Royal State Railways.
- M. Silvain Dreyfus (appointed by the Government of France), Vice-President of the General Council of Roads and Bridges and of the High Council of Public Works.
- His Excellency M. Charles Duzmans (appointed by the Government of Latvia), Minister Plenipotentiary; Permanent Delegate accredited to the League of Nations.
- Dr. J. Enciso (appointed by the Government of the Argentine), Counsellor of Embassy.
- Dr. H. GRÜNEBAUM (appointed by the Government of Austria), Ministerial Counsellor at the Federal Ministry for Commerce and Communications.
- His Excellency Dr. J. G. Guerrero (appointed by the Government of Salvador), former Minister for Foreign Affairs; Envoy Extraordinary and Minister Plenipotentiary in France.
- M. P. G. HÖRNELL (appointed by the Government of Sweden), Member of the Swedish Academy of Technical Sciences, former Professor at the Royal Polytechnic University, Stockholm.
- M. N. Ito (appointed by the Government of Japan), Counsellor of Embassy; Assistant Director of the Imperial Japanese Office of the League of Nations.
- His Excellency Phya Abhibal Rajamaitri (appointed by the Government of Siam), Envoy Extraordinary, Minister Plenipotentiary in Italy.
- His Excellency Dr. A. J. RESTREPO (appointed by the Government of Colombia), Permanent Delegate accredited, to the League of Nations.
- His Excellency Dr. A. Seeliger (appointed by the Government of Germany), Minister Plenipotentiary.
- M. G. Sinigalia (appointed by the Government of Italy), former Chief Inspector and Adviser to the Board of Directors of the Royal State Railways.
- His Excellency Dr. A. DE VASCONCELLOS (appointed by the Government of Portugal), Minister Plenipotentiary, Secretary-General of the Portuguese Service of the League of Nations.

Secretariat:

M. R. HAAS, Secretary-General of the Advisory and Technical Committee; Chief of the Communications and Transit Section of the League of Nations.

PERMANENT COMMITTEES

1. Permanent Committee for Ports and Maritime Navigation.

Sir Norman Hill, Bart. (Chairman).

(a) Committee for Ports:

- Mr. G. E. BAKER, Assistant Secretary of the Board of Trade, London.
- M. HÖRNELL.
- M. G. Ingianni, Director-General of the Italian Mercantile Marine.
- М. Іто.
- Dr. F. E. Robinow, Ministerial Counsellor of the German Ministry for Communications.
- M. P. H. Watier, Counsellor of State; Director of Navigable Waterways and Maritime Ports in the French Ministry of Public Works.

(b) Committee for Maritime Navigation:

- Sir Alan Anderson, Vice-President of the Chamber of Shipping of the United Kingdom.
- M. M. Boeger, President of the Shipowners' Association of Hamburg.
- M. G. Breton, Shipowner (France).
- M. Léon Dens, Senator (Belgium).
 - M. A. G. Kroeller, Member of the Economic Council of the Ministry for Foreign Affairs of the Netherlands.
 - M. Arthur H. Mathiesen, Vice-President of the Norwegian Shipowners' Association.
 - M. A. Palanca, Naval Architect; Representative of the Navigazione Generale Italiana, Genoa.

II. Permanent Committee for Inland Navigation.

M. Silvain Dreyfus (Chairman).

Sir John Baldwin.

- M. Delmer, Secretary-General of the Department for Roads and Bridges at the Belgian Ministry of Public Works.
- M. G. Popesco, Engineer; Professor at the Polytechnic School, Bucharest.

Phya Abhibal Rajamaitri.

- His Excellency M. C. Rossetti, Minister Plenipotentiary; Representative of Italy on the International River Commissions.
- His Excellency M. A. DIETRICH VON SACHSENFELS, Minister Plenipotentiary; Hungarian Delegate of the International Danube Commission.
- M. Schlingenann.
- Dr. SEELIGER.
- M. Milan Yovanovitch, Director of Inland Navigation in Yugoslavia.

III. Permanent Committee for Transport by Rail.

M. HEROLD (Chairman).

M. DJOURITCHITCH.

Dr. Grünebaum.

M. Politis.

(Administrative Section).

M. SINIGALIA.

- General R. DE CANDOLLE, former Managing Director of the Great Southern Railway Company, Buenos Aires.
- Sir Francis' Dent, former Chairman of the Railways Committee of the Second General Conference on Communications and Transit; ex-Managing Director of the South-Eastern and Chatham Railway.

- M. J. Kalff, Director-General of the Netherlands Railways.
- Dr. O. Lankas, Director at the Czechoslovak Ministry of Railways.
- Dr. G. Leguizamon, Secretary-General of the South American Railway Congress, Buenos Aires.
- M. F. Moskwa, Head of Division at the Polish Ministry of Communications.
- M. Ouang-Hang, Railway Engineer; Technical Secretary to the Chinese Legation in Paris.
- M. C. M. GRIMPRET, Director-General of Railways at the French Ministry of Public Works.
- Sir Henry Thornton, Chairman of the Board of Directors and President of the Canadian National Railways.
- Dr. Vogel, Geheimer Oberregierungsrat at the German Ministry of Communications.
- Colonel T. A. Hiam, Assistant to the President of the Canadian National Railways.
- M. A. POURCEL, Assistant Chief Engineer of the Paris-Lyons-Mediterranean Railway Company; Assistant Secretary-General of the International Railway Union.

M. P. Wolf, Director of the German State Railway Company.

(Technical Advisers assisting the Chairman.)

IV. Permanent Committee on Electric Questions.

- M. HÖRNELL (Chairman).
- Dr. de Vasconcellos (Vice-Chairman).
- Sir John Brooke, Electricity Commissioner, Electricity Commission, London.
- M. J. Chuard, Civil Engineer; Director of the "Banque pour entreprises électriques", Zurich.
- M. Colson, Chief of the Roads Department, of Hydraulic Power and Distribution of Electric Energy at the French Ministry of Public Works.
- Dr. R. Haas, Director of the Kraftübertragungswerke, Rheinfelden, Germany.
- M. Oreste Jacobini, Engineer, Chief of the Main Service of the Italian State Railways.
- The Chairman of the International Executive Council of the World Power Conference.
- A Representative of the "Conférence des grands réseaux à haute tension".
- A Representative of the "Commission électrotechnique internationale".

V. Permanent Committee on Road Traffic.

- Dr. A. STIÉVENARD, former Member of the Communications and Transit Committee (Belgian) (Chairman).
- M. GRÜNEBAUM.
- M. F. Amunategui (Chilian), Engineer of Bridges and Roads; Secretary-General of the Mixed Courts of Arbitration.
- M. O. BILFELDT, Head of Section at the Ministry of Justice of Denmark.
- M. E. CHAIX, President of the Conseil central du Tourisme international, Paris.
- M. S. Crespi, Vice-President of the International Federation of Automobile Clubs; President of the Royal Italian Automobile Club.
- M. E. Delaquis (Swiss), Professor at the Hamburg University.
- Dr. Enciso.
- Mr. P. C. Franklin, of the Roads Department, Ministry of Transport of Great Britain.
- M. E. Mellini, Chief Inspector of Railways, Tramways and Automobiles of the Kingdom of Italy.
- M. Pflug, Ministerial Counsellor of the German Ministry of Communications.
- M. J. F. Schönfeld, Administrator at the Department of Communications of the Netherlands.
- M. WALCKENAER, Inspector-General of Mines at the French Ministry for Public Works.

VI. Permanent Legal Committee.

- His Excellency Dr. F. J. URRUTIA, Envoy Extraordinary and Minister Plenipotentiary of Colombia in Switzerland (Chairman).
- Dr. Guerrero (Vice-Chairman).
- M. A. BAGGE, Conseiller référendaire at the Swedish High Court of Justice.
- Mr. W. E. BECKETT, Assistant Legal Adviser, Foreign Office, London.
- M. DUZMANS.
- 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. Königs, Head of Section at the German Ministry for Communications.
- M. René Mayer, Maître des requêtes honoraire au Conseil d'Etat (France).
- M. M. Pilotti, Counsellor at the Court of Cassation, Rome.
- Dr. Scie Ton-Fa, of the Chinese Legation at Paris.
- M. B. Winiarski, Deputy, Professor of the Faculty of Law at the University of Posen.

PERMANENT OR TEMPORARY SUB-COMMITTEES

I. Budget Sub-Committee.

- M. Politis (Chairman).
- M. AMADOR.
- Sir John Baldwin.
- M. Silvain DREYFUS.
- M. Duzmans.
 - M. Guerrero.
- M. RESTREPO.
 - M. SINIGALIA.
 - M. DE VASCONCELLOS.

II. Sub-Committee on Questions of Communication and Transit raised by the Council during its Examination of Polish-Lithuanian Relations.

- M. DE VASCONCELLOS (Chairman).
- Sir John Baldwin.
- M. DJOURITCHITCH.
- M. Silvain DREYFUS.
- M. Guerrero.
- M. HEROLD.
- M. SEELIGER.
- M. SINIGALIA.

(a) Committee on Legal Questions:

- M. Guerrero (Chairman).
- Мг. Вескетт.
- M. VAN EYSINGA.
- M. Königs.
- M. René Mayer.
- М. Риотті.

(b) Committee on Economic and Technical Questions:

- M. HEROLD (Chairman).
- M. DE CANDOLLE.
- M. KROELLER.

TEMPORARY COMMITTEES

I. Technical Committee for Buoyage and Lighting of Coasts.

- M. WATIER (Chairman).
- M. P. VAN BRAAM VAN VLOTEN, Director of the Technical Lighthouse Service of the Netherlands.
- M. E. Hägg, Director-General of the Royal Administration of Pilotage, Lighthouses and Buoys of Sweden.
- М. Іто.
- M. José Herbella y Zobel, Assistant Chief Engineer in the Central Service for Maritime Signals of Spain.
- Admiral L. Langlois, former Director-General and Chief of the Chilian Naval General Staff.
- Colonel A. Luria, Military Engineer of the Italian Navy.
- M. G. MEYER, Ministerial Counsellor of the Navigable Waterways Section in the German Ministry of Communications.

Captain M. Norton, Director of the Portuguese Lighthouse Service.

Commander Razicotsicas, Greece.

M. A. DE ROUVILLE, Chief Engineer for Bridges and Roads and for the French Central Lighthouse and Buoyage Service.

Baron G. WREDE, Director-General of the Finnish Naval Administration.

For the International Hydrographic Bureau:

The President of the Directing Committee of the Bureau.

II. Technical Committee for Maritime Tonnage Measurement.

- M. A. VAN DRIEL, Advisory Naval Architect to the Netherlands Navigation Inspection Service (Chairman).
- M. L. AALL, Principal Surveyor for Tonnage in Norway.
- Mr. F. W. Bickle, Principal Surveyor for Tonnage, Board of Trade, London.
- M. BRETON.
- M. P. A. LINDBLAD, Commercial Adviser, Chief of the Shipping Inspector Service of the Central Administration of Trade and Industry in Sweden.
- M. PALANCA.
- M. Robinow.
- M. Y. Saito, representing the Nippon Yusen Kaisha in London.
- Mr. C. Skentelbery, European Manager of the Maintenance and Repair Department of the United States Shipping Board, London.

Drafting Committee:

- M. VAN DRIEL (Chairman).
- M. AALL.
- Mr. BICKLE.
- M. BRETON.
- M. J. F. RICHARD, Head of Section of the Customs Department of the French Ministry of Finance assisting M. Breton.

III. Committee on the Unification of River Law.

- M. B. Winiarski (Chairman).
- M. E. Bonaki, First President of the Court of Appeal of Galatz.
- M. P. Charguéraud-Hartmann, Secretary of the International Oder Commission; Legal Adviser to the French Ministry of Marine.
- M. J. Hostie.
- M. E. DE JARMAY, Director of the Royal Hungarian River and Maritime Navigation Company, Ltd. (M.F.T.R.)
- M. G. Nauta, Barrister at Rotterdam.
- M. R. RICHTER, Head of Department at the German Ministry of Justice.
- M. Rossetti.
- M. F. Sitensky, Chief Counsellor at the Ministry of Commerce of Czechoslovakia.

IV. Committee on Competition between Railways and Waterways.

Professor E. F. Heckscher, Professor of Political Economy at the University of Stockholm (Chairman).

Commander C. Dillon, Technical Delegate of Great Britain to the International Danube Commission.

M. T. EBERHARDT, former Under-Secretary of State in the Polish Ministry of Railways.

V. Committee on Combined Transport.

- M. Umberto Brocca, Director-General of the Società Italiana dei Servizi Marittimi. Jonkheer van den Berch van Heemstede, General Director of the International Air Traffic Association, The Hague.
- M. Gaston Leverve, Secretary-General of the International Railway Union, Paris.
- M. Anton Mens, Director of Freight Service of the firm W. M. Müller & Co., Rotterdam.
- Ministerial Counsellor in the German Ministry of M. Henri NIEMACK, Communications.
- M. RIPERT, Professor at the Faculty of Law of Paris.
- Mr. Walter Leslie Runciman, of Runciman & Co., Shipowners, London, representing the International Chamber of Commerce.

VI. Committee on the Unification of Transport Statistics.

(a) Maritime Navigation Section:

- M. CLAESSENS, Director of Commercial Statistics, The Hague (Chairman).
- Mr. A. W. Flux, Head of the Statistical Department of the Board of Trade, London.
- M. GAYON, Head of the Commercial Statistical Department of the General Directorate of French Customs.
- M. S. GIACHETTI, of the Directorate of the Italian Mercantile Marine.
- Mr. Grening, Director for Europe of the U.S. Shipping Board Merchant Fleet Corporation, London.
- M. Hostie.
- Dr. W. TEUBERT, Ministerial Counsellor at the Prussian Ministry for National Economy.

(b) Inland Navigation Section:

- M. J. H. F. CLAESSENS (Chairman).
- M. P. DEMETRIAD, Engineer; Inspector-General; Director of the Docks at Braïla.
- General Wm. W. HARTS, U.S. Army, Military Attaché, American Embassy in France.
- M. Hostie.
- M. H. HOUPEURT, Chief Engineer of Bridges and Roads; Director of the French National Office of Navigation.
- M. PIEKALKIEVICZ, Head of Section of the Polish Central Statistical Office.
- M. TEUBERT.
- M. F. VILFAN, Delegate of Yugoslavia to the International Danube Commission.

(c) Railways Section:

- M. C. Colson, Member of the Institut de France (Chairman).
- Mr. W. Fayette Allport, Commercial Attaché, U.S. Embassy in France.
- M. Hondl, Ministerial Counsellor at the Czechoslovak Ministry for Railways, Head of the Department for Statistics and Organisation.
- Mr. A. E. Kirkus, Director of Statistics, Ministry of Transport of Great Britain.
- M. Muselle, Chief Engineer, National Society of Belgian Railways.
- M. STEUERNAGEL, Director of the Reichsbahngesellschaft.
- M. Tosti, Engineer of the Italian State Railways.

Drafting Committee:

- M. CLAESSENS.
- Mr. Flux.
- M. TEUBERT.
- M. WATIER.

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.

IX. Special Committee on the Question of the Jurisdiction of the European Commission of the Danube.

- M. W. Burckhardt, Professor at the University of Berne (Chairman).
- M. Hostie.
- M. KROELLER.

ad the Countries Comment of the

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 Monday, March 10th, 1930, at 11 a.m.

Chairman: M. SEELIGER; later, M. HEROLD.

Present: All the members of the Committee, except M. Guerrero, and Phya Abhibal Rajamaitri, who was replaced by Prince VARNVAIDYA, Minister of Siam in Rome.

The following were also present: . /

For the Central Commission for Rhine Navigation:

M. J. Hostie, Secretary-General;

For the International Danube Commission:

M. A. BAULE, Secretary-General;

For the International Commission for Air Navigation

M. A. ROPER, Secretary-General;

For the International Technical Committee of Legal Experts for Air Navigation:

M. E. Sudre, Secretary-General;

For the International Chamber of Commerce:

M. J. LACOUR-GAYET, Representing the Chamber;

M. P. Wohl, Director of the Transport and Communications Section of the

Secretariat: M. Haas (Secretary-General of the Committee), M. Romein, M. Metternich, M. LUKAČ and M. Tombs.

I. COMMUNICATIONS BY THE CHAIRMAN.

The CHAIRMAN declared open the fourteenth session of the Advisory and Technical Committee for Communications and Transit, and welcomed all those who had come to assist in its work.

He had great regret in informing his colleagues of the death of M. Hansen, Swedish member of the Committee, who had been well known to all. His pleasant character and the great competence which he had always put at the service of the Committee were highly valued.

The Committee would also deplore the loss of His Excellency Phya Chammong Dithakar,

the Siamese member, who had loyally co-operated in its work.

The Chairman wished to express the deep regret of the members of the Committee and requested the members to rise in their seats as a sign of respect for the memory of their departed colleagues.

He welcomed the four new members: M. Hörnell (Sweden), Prince Varnvaidya (Siam),

M. Grünebaum (Austria) and M. Amador (Panama).

He informed the Committee that M. Guerrero regretted his inability to attend the present session. He had been obliged to go to The Hague to take part in the Conference on the

Codification of International Law.

Finally, he reminded the Committee that Colonel Hiam had left the Secretariat, of which he had been a member for many years. The Committee would regret his departure, but would wish to congratulate him on the important and brilliant position which he was now called upon to fill. He would ask the Secretary-General of the Committee to be good enough to address a letter to Colonel Hiam in that sense.

II. ELECTION OF THE BUREAU.

The Chairman invited the Committee to appoint the Chairman and two Vice-Chairmen.

Sir John Baldwin proposed that the Committee should elect as President M. Herold, who was the member appointed by the country which gave the League its home. M. Herold had been entrusted with many difficult tasks and had always discharged them in a markedly

- M. HEROLD was elected Chairman by acclamation.
- M. Sinigalia proposed as Vice-Chairmen M. Politis and M. Schlingemann, whose competence and personal qualities well fitted them for such a position.
 - M. Politis and M. Schlingemann were elected Vice-Chairmen by acclamation.

The Chairman thanked the members of the Committee for the confidence which they had shown in him, thus making it very easy for him to carry out his duties. In particular he wished to thank the Secretary-General of the Committee and the members of the Secretariat for their excellent co-operation in the work of the Committee.

M. HEROLD took his place as Chairman.

He thanked the Committee for the honour conferred upon him. He would endeavour to justify the confidence shown in him and would appeal to all the members for their cooperation and indulgence.

He had the pleasant task of congratulating M. Seeliger for the brilliant manner in which he had carried out his duties as Chairman and was sure that all the members would wish to associate themselves with him in expressing their thanks.

III. FLOODS IN THE SOUTH OF FRANCE: CONDOLENCES OF THE COMMITTEE.

M. DE VASCONCELLOS was sure that the Committee would desire to express to the French Government, through the intermediary of the French member of the Committee, the deep emotion with which they had heard of the terrible disasters due to floods in the south of France.

The Chairman warmly endorsed M. de Vasconcellos' suggestion and, in the name of the Committee, asked M. Dreyfus to express to the French Government the regret and sympathy of the Committee.

M. Silvain Dreyfus thanked the Committee, whose condolences he would not fail to transmit to his Government.

IV. PROGRAMME OF WORK.

The Secretary-General of the Committee then passed in review the different points on the agenda, explaining why, in his opinion, certain points should be examined later. He proposed that the Committee should begin immediately to study the other questions.

The CHAIRMAN approved these proposals.

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The Committee adopted the draft agenda (see Annex 1).

V. Work relating to Road Traffic (Item 2 of the Agenda).

The Secretary-General of the Committee pointed out that the replies to the questionnaires addressed to European Governments on the subject of frontier visas and the triptych system had been comparatively satisfactory, although some of them contained only a statement of the present position (see Annexes 2 and 3). The Committee would have to await the results of the next meeting of the Permanent Committee on Road Traffic which would be held in May 1930. A first study of the question of the exemption from fiscal taxation of automobiles remaining only a short time in a foreign country had been undertaken by a Mixed Committee.

M. Grünebaum asked for further information regarding that Committee.

The Secretary-General of the Committee replied that this Committee had been constituted from among the members of the Permanent Committee on Road Traffic—which represented, to a certain extent, the users—and the Fiscal Committee of the League of Nations, which was competent in respect of the substance of the question.

Sir John Baldwin pointed out that in his opinion it would be useful to draw up for each of the points of the agenda a resolution summarising the conclusions to which the discussion had led.

M. Silvain Dreyfus approved the proposal. The resolution should, if possible, contain a very short summary which would render the Committee's resolution comprehensible to everyone, thus eliminating the necessity of referring to other documents.

M. Seeliger pointed out that in certain cases it would be very difficult to draw up a brief summary of that kind.

M. Silvain Dreyfus recognised that it would be undesirable to establish too rigid a rule. Each case should be considered separately.

The CHAIRMAN approved the proposal that had been made, specifying that each case should be taken as an individual case.

VI. Work relating to Inland Navigation (Item 3 of the Agenda).

The Secretary-General of the Committee summarised the purport of the Memorandum on the work relating to inland navigation (see Annex 4). He emphasised that the work had principally dealt with social questions (conditions of labour, etc.). Endeavours to reach an international settlement on this subject had already been made by the International Labour Office, which had completed its information by sending out a questionnaire to the various Governments concerned. The Committee for the Unification of River Law had considered that it would be useful if these questions could be studied by experts. A Mixed Committee of representatives of the International Labour Organisation and of the Transit Organisation had been set up with this object and had put forward proposals concerning an investigation to be carried out by experts, to which proposals the Governing Body of the International Labour Office had given effect at its last session. The experts appointed by the Governing Body of the International Labour Office were M. Houpeurt (France), M. Sitzler (Germany), M. Konopka (Poland), M. Westhoff (Netherlands) and M. Botez (Roumania). The representatives appointed by the Employers' Group were M. Cort van der Linden (Netherlands), M. Vogel (Germany) and M. Vanek (Czechoslovakia). The representatives of the Workers' Group had not yet been nominated.

The representatives of the Workers' Group had not yet been nominated.

The result desired by the Committee for the Unification of River Law had therefore been obtained. The report of the experts would be submitted to the Mixed Committee and forwarded to the Governing Body of the International Labour Office and to the Committee for Communications and Transit. The latter, and likewise the Committee for the Unification of River Law, would have an opportunity of submitting any observations they might wish

to make on this report.

M. GRÜNEBAUM asked whether the letters from the President of the Central Commission for Rhine Navigation (see Annex 5) and from the International Danube Commission (see Annex 6) had been communicated to the Mixed Committee.

The Secretary-General of the Committee replied that they had been communicated to the Mixed Committee and to the International Labour Office and would be forwarded to the experts as well.

Sir John Baldwin asked whether the members of the Conference for the Codification of International Law to be held at The Hague had been informed of the resolution adopted by the Committee at its previous session concerning the codification of international law relative to territorial waters.

The Secretary-General of the Committee replied that the resolution in question had been communicated to all the Governments and that consequently the Hague Conference would have knowledge of it.

Sir John Baldwin hoped that the Secretariat of the Committee would keep in touch with the discussions at The Hague on the subject of territorial waters.

On the proposal of Sir John Baldwin, the Committee decided to adopt a resolution to that effect.

VII. RESULTS OF THE EUROPEAN CONFERENCE ON CARDS FOR EMIGRANTS IN TRANSIT.

The Secretary-General of the Committee explained that the European Conference on Transit Cards for Emigrants had drawn up an Arrangement (document C.L.180. 1929.VIII, Annex). The list of signatory States was to be found in document C.4.1930.V. Certain important countries had not yet signed.

- M. Seeliger had reasons for thinking that the future was not altogether black in this matter.
- M. Grunebaum informed the Committee that the Austrian Cabinet had, on January 17th, 1930, decided to adhere to the Arrangement.

The Secretary-General of the Committee added that the League of Nations had been informed on February 3rd, 1930, of the Austrian Government's adhesion, and added that the following countries had definitely signed the Arrangement: Austria, Belgium, Spain, Finland, France, Great Britain and Northern Ireland, Italy, Poland, Roumania, Governing Commission of the Saar Territory. The following had signed only ad referendum: Free City of Danzig, Greece, Hungary, the Netherlands, Switzerland.

The Committee took note of the foregoing information.

VIII. QUESTION OF INTERPRETATION OF THE TELEGRAPHIC CONVENTION OF St. Petersburg (Item 12 of the Agenda).

The Secretary-General of the Committee observed that the extract from the proceedings of the Council circulated to members of the Committee (see Annex 7) indicated the conditions under which the questions arose if Governments, in virtue of the Telegraphic

Convention of St. Petersburg, could obtain facsimiles of telegrams despatched in connection with the smuggling of narcotics. The question would be submitted for examination by the Legal Committee of the Communications and Transit Organisation. The Committee would no doubt consider that the results of this study might be submitted to the Council by the Chairman of the Committee.

It was decided that a draft resolution be prepared to that effect.

IX. CODIFICATION OF INTERNATIONAL LAW IN MATTERS OF COMMUNICATIONS AND TRANSIT (Item 13 of the Agenda).

The Secretary-General of the Committee drew attention to the fact that on the invitation of the Assembly the Council had taken a resolution to submit the question of the codification of certain categories of Conventions to the Committee for examination (see Annex 8). The resolution adopted by the Assembly on September 24th, 1929, read as follows:

"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

"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 to having the results of their work eventually brought into force by appropriate international conferences."

The Committee would thus, no doubt, have to examine conjointly the Conventions concluded under the auspices of the League and the other general Conventions relative to communications, in particular postal and telegraphic Conventions, Conventions on aerial navigation and certain maritime Conventions and to see whether they contained any uniform principles which would make their codification possible.

He thought, moreover, that the question should be referred to the Legal Committee which might work in co-operation with other bodies if it thought fit.

M. Silvain Dreyfus thought that the Legal Committee's terms of reference should be clearly defined. Could the Legal Committee take the initiative by declaring in favour of codification, or must it first consult the Advisory Committee?

The SECRETARY-GENERAL of the Committee replied that in his view the Legal Committee should consider which were the Conventions that were suitable for codification and submit a report on this subject to the Committee.

The CHAIRMAN shared this view.

M. Grünebaum thought that it might perhaps be expedient to recommend that the Legal Committee should study, in addition to multilateral Conventions, certain bilateral Conventions concerning, in particular, railways.

The SECRETARY-GENERAL of the Committee was of opinion that this should be done, provided the bilateral Conventions in question were Conventions which were sufficiently important and general in character.

M. Seeliger drew attention to the danger of imposing in this way on the Legal Committee a task which it would be impossible to fulfil owing to the enormous number of Conventions. The Legal Committee should confine itself to studying certain major questions and pass over all minor administrative questions which might have been dealt with in Conventions.

M. Silvain Dreyfus pointed out that M. Seeliger's view was in conformity with the intentions of the Council, as expressed in its resolution.

The SECRETARY-GENERAL of the Committee thought that, without going into details too deeply, the Legal Committee might indicate the general provisions which were to be found in a number of bilateral Conventions. The point was to bring into harmony the partial codifications which had been achieved in various fields.

The Legal Committee should submit the results of its study to the Advisory Committee, which would then determine what and footier should be prepared.

which would then determine what codification should be proposed.

The CHAIRMAN also thought that the Legal Committee's terms of reference should not be limited too strictly and said that he agreed with the Secretary-General of the Committee.

X. Annual Report of the Memel Harbour Board (Item 14 of the Agenda) (see Annex 9).

The Secretary-General of the Committee said that he had no further information to give.

Sir John Baldwin asked whether M. Widding, member of the Memel Harbour Board appointed by the Chairman of the Transit Committee, was expected to come to Geneva during the present session.

The Secretary-General of the Committee replied that arrangements had been made for M. Widding to meet the new Chairman of the Committee, but that it had not been thought necessary for their meeting to take place during the present meeting of the

M. Ito asked when the report for 1929 would be received.

The Secretary-General of the Committee replied that the report could not yet be regarded as late and that it would probably be received in the course of the summer. The report for 1928 existed in only a small number of copies. He thought that it was useless to have the report printed among the documents of the Communications and Transit Organisation; the report would, moreover, become more voluminous every year.

XI. DISPUTE RELATING TO THE COMPETENCE OF THE EUROPEAN COMMISSION OF THE DANUBE (Item 16 of the Agenda).

The Secretary-General of the Committee observed that there had been no great change in the position. An agreement had been achieved (see Annex 10). The regulations to be annexed to the draft Convention were under consideration.

A letter had been addressed by the Chairman of the Communications and Transit Committee to the Council, which had decided to communicate to the Powers who were parties

to the Convention establishing the definitive statute of the Danube, the draft declaration annexed to the above letter.

It had not yet been possible to effect this communication as certain purely formal points had still to be settled.

He hoped that it would be possible to despatch the letter within a month, and that the replies of the Powers would be received in September 1930.

The Committee took note of the foregoing statement.

SECOND MEETING

Held on Monday, March 10th, 1930, at 5 p.m.

Chairman: M. HEROLD.

Present: All those present at the preceding meeting.

Secretarial: M. Haas (Secretary-General of the Committee), M. Romein, M. Metternich M. LUKAČ and MR. TOMBS.

XII. DRAFT REPORT OF THE ADVISORY COMMITTEE PRESENTED BY THE SUB-COMMITTEE on Questions raised by the Council concerning the Freedom of Communications AND TRANSIT DURING THE EXAMINATION BY THE COUNCIL OF THE STATE OF NEGOTIATIONS BETWEEN POLAND AND LITHUANIA (Item 10 of the Agenda).

M. DE VASCONCELLOS informed the Committee that the Sub-Committee instructed to study this question had met at the beginning of the afternoon. After an exchange of views, it had considered that it would perhaps be useful to give a certain amount of supplementary information to the proposed report, and it had proposed eventually to hear the experts of the two parties concerned if the Sub-Committee so wished. He hoped that this hearing might take place during the present session. He therefore asked that the discussion on this point

This was agreed.

XIII. Effect given to the Decisions of the Committee relating to the Convocation of a Committee of Enquiry on Civil Air Transport Co-operation (Item 17 of the Agenda).

The Secretary-General of the Committee recalled that, at its last meeting, the Advisory Committee had decided to summon the Committee of Enquiry in the autumn of 1929: it had, however, been urged that this meeting should be postponed in order to make it possible for a collection of general information to be undertaken bearing particularly on the economic aspects of the problem, this being necessitated by the contemplated enquiry. The reason why a fairly early date for the meeting of this Committee had originally been chosen was because of the necessity of examining, especially in the case of European countries, the situation in regard to the international organisation of aerial navigation. The Committee which had been set up by the Convention of 1919 only comprised representatives of certain European States. These reasons were no longer so imperative. Negotiations had taken place, the position was still being examined, and the question dealt with by a somewhat different procedure. The Committee's main task would be to examine the problems of organisation and economic development in connection with aerial navigation, which were very important questions. For these various reasons the meeting of the Committee was less urgent, but it was all the more necessary to prepare a sufficiently large amount of information. It would doubtless be possible to complete this documentation, which would be published, in the form of a collection of information, in two months' time, and for the Committee to meet either towards the end of June or, at latest, in July. The Secretary-General of the Committee added that he did not think that the Advisory Committee had for the moment any decision to take in the matter. He wished merely to explain why no action had been taken in regard to the decision adopted at the last session in respect of the meeting of the Committee of Enquiry.

Sir John Baldwin asked whether the question would come before the Advisory Committee once more after the proposed Committee had met.

The Secretary-General of the Committee thought that this would be the case. For the moment, however, it was impossible to judge whether other meetings of the Committee of Enquiry would be necessary.

XIV. Communications of Importance to the League of Nations at Times of Emergency (Item 19 of the Agenda): Facilities to be granted to Aircraft.

The Secretary-General of the Committee recalled that the Committee must examine the question of facilities to be granted to aircraft. It had before it the resolution of the Assembly (document A.82.1929.IX.) and the conclusions reached by the International Commission for Air Navigation. The matter had also been placed on the agenda of the Committee on Arbitration and Security, which was shortly to meet (see Annexes 11 and 12). In view of the fact that the International Commission for Air Navigation had made a close study of the problem, and since the question would be dealt with by the Committee on Arbitration and Security from the political point of view, and in so far as the decisions to be taken were concerned, he thought it useless for the Advisory Committee to begin discussion of the substance of the problem. Further, in forwarding to the Secretary-General of the League the observations of the International Commission for Air Navigation, the Chairman of the Advisory Committee pointed out that he reserved the right to communicate any observations which that Committee might make at a future date.

General of the League the observations of the International Commission for Air Navigation, the Chairman of the Advisory Committee pointed out that he reserved the right to communicate any observations which that Committee might make at a future date.

There was one point — mainly formal — in regard to which the Committee might assist the future work of the Committee on Arbitration and Security. The latter had received the proposals of the International Commission for Air Navigation in the form of amendments to the Convention of 1919 (see Annex 11). This procedure might perhaps be excellent in so far as the States parties to the Convention of 1919 were concerned. The work, however, would take a long time, and perhaps the possibility of adopting another procedure which would give more rapid results, and which would apply uniformly to all States, whether or not they were parties to the Convention, might be contemplated. If the resolutions prepared by the International Commission for Air Navigation were examined, it appeared to the Secretary-General of the Committee that it would be possible to achieve, if not an identical result, at any rate one which very closely approached their suggestions by incorporating the ideas put forward by the International Commission for Air Navigation in a text which would form the basis of a draft resolution of the Assembly. This proposal would make it possible to open the negotiations contemplated in the Convention between the Secretary-General of the League and the countries concerned without having to wait — which would be very unfortunate — for the Convention to be ratified by all States. At the same time, a sounder legal basis would be secured. Every Member of the League, and a resolution of the Assembly could be prepared containing special reference to the characteristics of aircraft, and inviting the Secretary-General of the League and the Governments concerned to reach an understanding on the practical measures necessary to secure application to aircraft of principles of free

any opinion as to the substance of the matter, more especially as this draft would not differ in principle from the text prepared by the International Commission for Air Navigation. He would add that he in no way intended, in making this proposal, to diminish the great importance of the work undertaken by the International Commission for Air Navigation.

M. Roper recalled that, after the session of the Assembly, the International Commission for Air Navigation had been called upon to prepare a draft Convention on the matter. The only basis which it could take had been that of the Convention of 1919, the application of which it was the duty of the International Commission for Air Navigation to secure. For that reason that Committee had studied the provisions to be inserted in that Convention, though these would naturally be binding only on States which were parties to it. It was clear, however, that the problem was considerably wider and there would certainly be an intermediate period during which the League would have to take a decision. Perhaps a draft resolution of the Assembly, in the form proposed by the Secretary-General of the Committee, would make it possible to widen the scope of the matter and for the Secretary-General of the League to begin the negotiations provided for in the Convention itself. The Advisory Committee would certainly be right in presenting in a somewhat wider form the conclusions reached by the International Commission for Air Navigation after two years of investigation.

M. Seeliger entirely agreed with the suggestions made by the Secretary-General of the Committee and supported by M. Roper. He thought, however, that the Advisory Committee could not usefully discuss the matter until it had before it the text prepared by its Secretary-General, which would constitute a useful basis for discussion, should any discussion be necessary.

The Secretary-General of the Committee replied that this had been his idea. The draft which he would put forward would merely draw the attention of the Arbitration Committee to the usefulness of employing a procedure whereby the Assembly would adopt a resolution. The Advisory Committee would abstain from examining the substance of the ideas put forward by the International Commission for Air Navigation in order to avoid discussing the same matter three times over.

Sir John Baldwin thought that the suggestion of the Secretary-General of the Committee would be more practical than the procedure, which consisted of the amendment of the Convention of 1919. Difficulties would only arise if the text prepared by the International Commission for Air Navigation contradicted the terms of that Convention.

M. Roper considered that there could be no contradiction between the proposals of the International Commission for Air Navigation and the Convention of 1919, for it had always been understood that any amendment must be kept within the scope of that Convention.

The Secretary-General of the Committee did not think that any difficulty would arise in practice. The contemplated procedure would in no way prevent States parties to the Convention of 1919 from making amendments to that Convention. States would be perfectly free to bring their legislation into harmony with any arrangements adopted.

- M. Silvain Dreyfus thought that in order to prevent any possible contradiction it should be stated in the draft resolution that the arrangements to be concluded must remain within the scope of the Convention of 1919.
- M. Roper recalled that it would be somewhat difficult to refer in a general resolution to a Convention to which certain States had not adhered. It would be better to refer to the general opinion which the International Commission for Air Navigation had been asked to give.
- M. Seeliger urged that the discussion should not be repeated when the Committee had before it the draft resolution to be prepared by the Secretariat.

The Secretary-General of the Committee said that, in his view, the matter was purely one of drafting and it was not for the Advisory Committee to discuss whether the texts drawn up by the International Commission for Air Navigation were well founded. That would be within the competence of the Committee on Arbitration and Security.

- XV. Resolutions adopted by the Fifth Congress of the International Chamber of Commerce (Item 21 of the Agenda).
 - I. Comments by M. Lacour-Gayet on the Resolutions of the International Chamber.
- M. Lacour-Gayet briefly explained the recommendations voted by the International Chamber of Commerce at its Fifth Congress held at Amsterdam from July 8th to 13th, 1929 (see Annex 13).

Highway Transport.

Triptych System.

The Congress had supported the recommendations of the Highway Traffic Committee and had noted with great satisfaction the proposal that the views of Governments should be requested. It hoped that this consultation of Governments would achieve positive results in order that the system of triptychs might be made general.

Restrictions on Motorists.

The Congress had asked that all foreign motorists should be exempted from any tax, at least during the first two months which they spent in a foreign country. The International Chamber of Commerce had noted with great pleasure the still more extensive request of the Fiscal Committee to the effect that this period should be extended to ninety days. The International Chamber of Commerce would be glad to receive the draft Convention, if the Advisory Committee took the same view, in order that it could be examined, if necessary, by all its National Committees. Their approval would constitute a further element in support

Highway Statistics.

The International Chamber of Commerce had prepared a second edition for this year of the information it possessed on this subject. Further information was being collected, particularly by the Advisory Committee, and the Congress had expressed the hope that all the information would be co-ordinated.

Highway Finance.

The International Chamber of Commerce had submitted its recommendations merely for information. M. Lacour-Gayet would draw attention to the fact that business men were showing a far greater interest in this question owing to the development of motor traffic.

Sea Transport.

This was the most important part of the recommendations which the International Chamber of Commerce was forwarding to the Advisory Committee.

Customs and Consular Formalities in regard to Maritime Navigation.

While recognising the necessity for Customs and consular formalities, the International Chamber of Commerce urgently requested that their number should be reduced and that they should be simplified. These were administrative formalities which were very vexatious in so far as international commerce was concerned. A draft report which would be submitted to the Advisory Committee for their information had been drawn up by M. Whol and approved by the Maritime Transport Committee of the International Chamber of Commerce. It had not, however, been submitted to the National Committees. The report consisted of an impressive list of all the formalities which interfered with shipping in too large a number of countries. In regard to all these points there were considerable improvements to be made, and the International Chamber of Commerce would warmly welcome any effort made by the Organisation for Communications and Transit to discover and do away with such unfortunate practices as far as it was possible to do so. He thought it would be of great use if an organisation such as the Transit Organisation would submit each year to the Council a programme of what could be achieved in this respect.

Flag Discrimination.

The International Chamber of Commerce had, for a long time, protested against the excesses committed in regard to flag discrimination. It urgently asked for the ratification and the strictest possible application of the Convention on Maritime Ports as well as that concerning the Simplification of Customs Formalities. The report of the International Chamber of Commerce contained a very large number of examples of abuses connected with flag discrimination.

Rail Transport.

Combined Transport.

The International Chamber of Commerce was following with much sympathy the work of the Transit Organisation in this matter. Side by side with it, it was studying the question of through traffic documents, and a Sub-Committee, of which the speaker was the Chairman, was at the moment endeavouring to bring into closer touch the League experts of Customs Nomenclature and the experts belonging to the International Railways Committee.

Negotiable Transport Documents.

M. Lacour-Gayet added that the International Chamber of Commerce was following with great attention the work undertaken by the Transit Organisation on the question of negotiable transport documents. In that connection, a very useful reform for international commerce might be introduced, but, as yet, the full adhesion of the railway administrations had not been obtained.

The International Railways Union was studying the question, and the International Chamber of Commerce would submit it to its Banking Committee. The International Chamber of Commerce would be very glad if the Transit Organisation would support its efforts.

Question of Containers.

Finally a competition had been organised under the patronage of the International Chamber of Commerce with a view to the establishment of an improved system of containers for the transport of goods. He thanked the Communications and Transit Organisation for being good enough to facilitate this competition through the appointment of M. Sinigalia, for being good enough to facilitate this competition through the appointment of M. Sinigalia, General de Candolle and M. Stievenard as members of the jury on the best system of containers. The judging would take place in the summer, and it was hoped that, as a result, a mode, acceptable both by international trade and the railways, would be discovered. M. Wohl was at the disposal of the Advisory Committee for the purpose of giving further information on the subject. on the subject.

In conclusion, M. Lacour-Gayet stated that the International Chamber of Commerce would be very glad to co-operate with the Advisory Committee and to inform it whenever possible of the solutions put forward by its organisations.

The CHAIRMAN thanked M. Lacour-Gayet, and stated that the Advisory Committee would be glad to co-operate as far as possible with the International Chamber of Commerce.

He proposed to examine the recommendations of the Congress of Amsterdam one by one, for the purpose of discovering whether the various questions had not already been studied or whether they should be studied by the various committees of the Advisory Committee.

II. General Discussion.

Highway Transport.

Triptych System.

The Secretary-General of the Committee stated that the questionnaire which had been circulated had, on the whole, given encouraging results (see Annex 2) with a few exceptions, and that the work should be continued.

M. Seeliger proposed that the recommendation of the Congress of Amsterdam should be forwarded to the Permanent Committee on Road Traffic for its opinion.

The Secretary-General of the Committee explained that the question of triptychs was dealt with by that Committee from a more general point of view. It would be desirable to call the attention of the International Chamber of Commerce to the usefulness of considering the problem in a more general manner than had been done in the recommendation from Amsterdam. The triptych was, in fact, only a kind of acquit à caution. It was important, particularly in certain conditions, to ensure freedom of circulation for commercial automobiles without in all cases the necessity of applying the triptych system, which was intended in particular for tourist traffic. In the light of the above observations, it would be interesting to forward the recommendation of the Congress of Amsterdam to the Permanent Committee on Road Traffic.

M. LACOUR-GAYET observed that the triptych system had the merit of being in existence.

The Secretary-General of the Committee replied that that was equally the case with the acquit à caution. As to the triptych, it was open to certain objections owing to its origin. In emphasising the question of the triptych, it would be necessary to avoid furnishing Governments who wished to reply in the negative with a good reason for so doing.

Sir John Baldwin stated that certain Governments refused to accept the proposed assimilation.

Restrictions on Motorists.

The Secretary-General of the Committee recalled that in questions concerning international trade, the International Chamber of Commerce had always been invited to attend the meetings of the various committees of the Advisory Committee. Although the question was essentially one connected with tourist traffic, if the International Chamber of Commerce desired it would not be impossible to invite it. of Commerce desired it would not be impossible to invite it to be represented on the Committee on Road Traffic when this question was under discussion. The International Chamber of Commerce should certainly be in a position to know the text of the convention which would be drawn up.

Highway Statistics.

The Secretary-General of the Committee said that the present documentation collected by the Advisory Committee was somewhat succinct; consequently, only a minimum co-operation could at present be offered. On the other hand, the Committee would be glad to receive the very interesting documentation of the International Chamber of Commerce. He would ask whether the latter was collecting documentation, though it was a difficult task, on the plans for the construction of new highways.

- M. Wohl replied that the International Chamber of Commerce had some documentation on that subject which it would place at the disposal of the Committee.
- M. Silvain Dreyfus asked what was meant by the words "plans for the construction of new highways." The French Government had recently deposited with the Bureau of the Chamber of Deputies a plan for the transformation of 40,000 kilometres of departmental or communal roads into national roads, in order to improve them for tourist traffic. He believed that that plan could, in great measure, be assimilated to construction of new highways and that the text of the International Chamber of Commerce should be completed in that sense,

Highway Finance.

The Secretary-General of the Committee said that the Advisory Committee would wish to know the results of the work done in this connection by the International Chamber of Commerce; they would, of course, be transmitted to the Permanent Committee on Road Traffic.

The CHAIRMAN added that the Advisory Committee had not yet taken up this question.

Sir John Baldwin asked whether the Advisory Committee would confine itself to taking note of the recommendation by the International Chamber of Commerce.

The Chairman replied in the affirmative. For the moment the Advisory Committee would leave the question to the International Chamber of Commerce, while asking it to forward any information in due course. It did not seem that the Committee could co-operate in a more effective manner.

Sea Transport.

Customs and Consular Formalities in regard to Maritime Navigation.

The Secretary-General of the Committee thought that this very important recommendation should be forwarded to the Committee on Ports and Maritime Navigation for examination and for an opinion on the action to be taken. Pending the meeting of this Committee it would be useful to have further information so that the Chairman of the Committee might be able at once to arrange for a first study to be made so far as was possible.

The Chairman pointed out that the Committee was confining itself to taking note of the recommendations made on this subject by the International Chamber of Commerce, without, for the moment, going into the substance of the question.

Flag Discrimination.

- M. DE VASCONCELLOS wished to make a reservation on this point. Certain countries still had, for a variety of reasons, the system of flag discrimination as a basis for the protection of their mercantile marine, and it would be very difficult for them to waive the exercise of this privilege immediately. Setting aside, for the moment, the principle of the question of flag discrimination, he was obliged to make every reservation as to its immediate abolition.
- M. Seeliger asked whether the Portuguese Government had ratified the Maritime Ports Convention.
 - M. DE VASCONCELLOS replied that this had not yet been done.

The Secretary-General of the Committee thought it useless to take any decision on this subject and to reopen the question. In so far as the League was concerned, all the work which could be done had been achieved, and it was unnecessary to make a new recommendation urging the ratification of the Convention. The Advisory Committee could not, of course, do otherwise than hope that the largest possible number of conventions would be ratified by the largest possible number of countries. What still remained to be done was the business of the Governments. He thought that it would suffice for the moment if the Committee took note of the recommendation.

M. SEELIGER approved this suggestion.

Railway Transport.

Combined Transport.

The Secretary-General of the Committee said that the question, although under examination, might be said to be in abeyance, pending more especially the examination of the problem of negotiable transport documents.

M. SEELIGER thought that the study of the question would once more be actively pursued.

The CHAIRMAN observed that the committee on negotiable transport documents was to be nominated shortly.

M. LACOUR-GAYET, in reply to a question by the Secretary-General of the Committee, said that the Banking Committee of the International Chamber of Commerce would meet on April 2nd, 1930.

The Secretary-General of the Committee thought that, in these circumstances, the committee, which it had been decided in 1929 to set up, might meet at the beginning of the summer or in the autumn.

M. DJOURITCHITCH said that the question had been placed on the agenda of the International Railways Union for the end of the current month.

The Secretary-General of the Committee thought it essential that, when the Committee met to make a fresh examination of the question; it should not be bound by any decision which might have been taken. For instance, the position the Union might take up could not definitely bind all the railways in Europe. The value of the meeting would be to make it possible to establish contact between countries where the system in question existed and countries where it did not exist. The Committee must not merely agree to say: "This is what the European countries can do", as if the enquiry would then be terminated. It should be possible to reopen the discussion on the positions which had been taken up.

M. Politis asked whether the Committee had yet met.

The Secretary-General of the Committee replied in the negative. The International Chamber of Commerce was making a first study of the question from the financial point of view. The Committee was to consist of a sufficient variety of elements to take into account both the financial aspect of the question and the experience of the European railways and likewise of the countries where no difficulties had been encountered in the application of the system.

M. Seeliger suggested that the recommendation by the Chamber of Commerce should be transmitted to the Committee for information.

The Chairman approved this suggestion, but added that the recommendation contained nothing new and only confirmed what had been done in the previous year.

Uniform Nomenclature of Goods.

The Chairman reminded the Committee that this question was being studied. It would suffice if the recommendation of the International Chamber of Commerce was brought to the notice of the Committee on Transport by Rail.

The Secretary-General of the Committee added that this recommendation might also be communicated to the Committee on the Unification of Transport Statistics. Further, some sort of liaison with the Economic Organisation on the work of Customs nomenclature seemed to be necessary, although it was not always easy.

- M. LACOUR-GAYET, in reply to a question by M. Sinigalia, said that the experts on Customs nomenclature would probably finish their work towards August 1930.
- M. Sinigalia, in regard to the question of containers, after thanking M. Lacour-Gayet for what he had said, thought that the only thing to do for the moment was to await the results of the competition which had been organised under the patronage of the International Chamber of Commerce.
- M. Politis reminded the Committee that the matter had been placed on the agenda of the International Railways Union.

THIRD MEETING

Held on Tuesday, March 11th, 1930, at 3.30 p.m.

Chairman: M. HEROLD.

Present: All those present at the preceding meeting with the exception of M. Lacour-Gayet, M. Roper and M. Sudre, and M. Poppius, temporary member appointed by the Government of Finland, Director-General of the Finnish Customs.

Secretariat: M. Haas (Secretary-General of the Committee), M. Romein, M. Metternich, M. Lukač and Mr. Tombs.

XVI. SMUGGLING OF ALCOHOL (Item 11 of the Agenda).

(M. Poppius came to the table of the Committee.)

M. Poppius thanked the Committee for the honour done to Finland and to himself in inviting him to take part in the discussion on the smuggling of alcohol. He recalled that the Finnish Government had had distributed a memorandum which gave an account of the question (see Annex 14). The conclusion of that memorandum showed clearly "that this is a special case which does not in any way affect the general legal position with regard to territorial waters or their extent and which consequently can and ought to be settled without prejudice to this position". The Finnish Government was not asking for the creation of a new law, but for the opinion of the Advisory Committee on the moral and practical effect of the suppression of certain abuses committed against the law.

The Chairman recalled that the essence of the Finnish proposals was summarised in two recommendations which Finland hoped would be adopted by the Council. Those recommendations were as follows:

"The Council,

"Having had its attention drawn to the special difficulties encountered by certain countries in their campaign against the smuggling of certain products, and particularly alcohol, owing to the fact that, in order to baffle pursuit, ships engaging in the illicit traffic in these products fly the flags of countries which are not contracting parties to the agreements concluded with a view to suppressing this traffic, although in most cases the owner and the greater part of the crew are nationals of the contracting parties:

"Recommends the Governments of Members of the League of Nations to instruct their consular agents abroad not to issue documents certifying a change in the nationality of ships until they have procured sufficient information to satisfy themselves that this change is not intended to facilitate the committing of breaches of the laws of other

States, particularly with regard to smuggling."

"The Council recommends (expresses the hope) that the Governments not parties to Conventions providing for a special zone in which the laws of the riparian country can be applied to smugglers' ships should refrain from opposing the application of the provisions of these treaties also to vessels flying their flags and manifestly engaged in smuggling; on condition that the requisite supervision should never affect ordinary navigation (in the waters and ports of the Baltic Sea)."

M. Poppius cited some examples to show how smugglers worked. They did not hesitate to resist the Finnish Customs officials, if need be, by arms. Some of the vessels engaged in smuggling flew flags of European countries which had no sea-coasts; others flew no flag. On one occasion a ship was held up by the Finnish authorities because it bore neither name nor flag. That all went to show that the methods employed by the smugglers in Baltic waters recalled the days of piracy. Their activity was not only directed against the public authority of Finland, but undermined generally the principles and customs on which her social life and international trade were based. Finland believed that the most elementary idea of equity would lead the other nations to support her efforts in repressing that smuggling. She firmly believed that no State careful for the maintenance of its dignity would adopt an attitude which, in the long run, would amount to the protection of such enemics to international order.

The Chairman recalled that the question had been submitted in the first place to the Economic Committee of the League of Nations, which had decided to ask the Communications and Transit Section of the Secretariat of the League of Nations for its opinion on the Finnish recommendations.

Sir John Baldwin asked what exactly were the Advisory Committee's terms of reference as regards this question.

M. Romein replied that it was defined in the note by the Secretariat of the Economic Committee (see Annex 15), which contained, in particular, the following statement:

"The Economic Section was accordingly instructed by the Economic Committee to ask the Transit Section to obtain the Communications and Transit Committee's opinion, more especially regarding the consequences which the rule formulated in the Finnish Government's proposal might involve as regards freedom of navigation, particularly if applied in seas where the shores are in close proximity to each other or where there are islands lying between the shores, so that the practical effect would be to prevent access to the sea without entering the territorial waters of the riparian States."

M. Ito, who was a member of the Economic Committee, pointed out that the latter had discussed the question several times. At its last session it had examined the Finnish proposals. The first recommendation had given rise to no objections. The second, on the other hand, had led to certain observations. On the one hand, there were legal objections which the Committee was unable to solve, and on the other practical objections. One member

of the Economic Committee in particular had pointed out that, if the Committee approved the proposal of the Finnish Government, there would perhaps be a risk of affecting the freedom of navigation in the Baltic Sea and the principles relative thereto. The Economic Committee had therefore decided to consult the Advisory and Technical Committee for Communications had therefore decided to consult the Advisory and Technical Committee for Communications and Transit. M. Ito considered that the rôle of the latter was to say whether or not the recommendations of the Finnish Government would injure freedom of communication in the Baltic Sea. It was a question of the extension of the Helsingfors Convention signed in 1925. In his opinion, the Advisory Committee was not called upon to pronounce on the principle of the prevention of smuggling in general.

- M. Duzmans asked whether the Economic Committee had expressed any opinion on the matter.
- M. Ito replied that certain members had feared that the Finnish proposal would lead to a restriction of the freedom of navigation.
- M. Seeliger approved M. Ito's observations. The Economic Committee examined the question in January 1930 and several suggestions were made. One of them was to the effect that it should be suggested to the Council that it might forward to the Members of the League of Nations the following recommendation:

"The Council recommends (or hopes, or considers that it would be desirable) that Governments which are not parties to the Conventions prescribing a special zone in which the laws of the riparian State may be applied to vessels engaged in smuggling should at once decide not to object to the application of those provisions of such Conventions to vessels flying their respective flags, particularly in the case of storeships which are clearly engaged in smuggling, provided always that such surveillance can in no case interfere with ordinary navigation (in the waters and ports of the Baltic Sea)."

That recommendation raised the question of the freedom of navigation, and the matter was therefore referred to the Committee for Communications and Transit.

The Secretary-General of the Committee observed that the Advisory Committee had sufficient real freedom of action in defining its terms of reference. In whatever manner it was approached, whether from the practical point of view or even from certain legal aspects, the matter concerned maritime navigation, and the competent organ of the League of Nations was the Advisory and Technical Committee. The Economic Committee could only be thanked for having recognised that fact. Since the Economic Committee had asked for the opinion of the Advisory Committee on what was primarily an economic and Customs question, the latter Committee could examine not only the recommendation submitted to the Economic Committee but also the question as a whole, with a view to discovering the most satisfactory solution. It would be difficult to separate the practical from the legal aspect, leaving the latter on one side. Moreover, the Economic Committee had asked the Legal Section of the Secretariat to study the question. The Secretary-General of the Committee had received the notes prepared by the Legal Section and would communicate them to the Committee. He considered that it would be interesting for the Committee to send the Economic Committee a short report on the whole question.

The Economic Committee had discussed, not only the recommendation, but also certain problems regarding the flag. The Committee on Ports and Maritime Navigation had also been consulted, on the question of the changing of the flag, by the Advisory Committee on the Traffic in Opium. The Transit Committee could, if it desired, examine to what abuses the regulations regarding the nationality of vessels might lead.

M. Schlingemann agreed with M. Ito and M. Seeliger that the Transit Committee was not asked to combat smuggling and that it should confine itself to considering whether the measures proposed would strike a blow at freedom of navigation. The idea of the freedom of navigation, however, was somewhat complex and might give rise to abuses. For that reason the Advisory Committee, in examining the Finnish proposal, could not limit itself a priori to the study of one side of the question only.

M. DE VASCONCELLOS considered the situation of the Committee somewhat embarrassing. Its opinion, had been asked on one aspect — one side of a general question — and M. de Vasconcellosì was very reluctant to admit that that question was within the competence of the League of Nations. If the League of Nations were to be induced to take special measures against the smuggling of this or that product because certain countries had passed special laws restricting or prohibiting its consumption, it would be impossible to say where such action would lead. To-day certain countries restricted or prohibited the consumption of alcohol; to-morrow they might take similar measures in regard to tobacco. Could the smuggling? Certainly, if it so desired, it might study the question of the changing of the flag, but the general question should be left on one side, for it was not within the competence of the Committee.

The Secretary-General of the Committee replied that it would be very difficult for the Committee to refrain from examining the question. It had been referred to the Economic Committee as the result of an Assembly resolution concerning the prevention of smuggling in general and the smuggling of alcohol in particular.

M. Ito could understand M. de Vasconcellos' point of view. The Assembly resolution envisaged the question of smuggling as a whole, but the Advisory Committee had been asked to study it simply in connection with the smuggling of alcohol.

M. DJOURITCHITCH considered that it would be difficult for the Committee to say that the question of smuggling was outside the scope of the League of Nations. It had been put on the agenda because smuggling could not be prevented without, to some extent, affecting the question of communications. It was the second recommendation particularly that the Committee should study.

The CHAIRMAN replied that, as a matter of fact, only the second recommendation concerned it.

The Secretary-General of the Committee observed that the first recommendation formed part of the documentation and the Committee was not prohibited from considering it, for the question of the nationality of vessels could certainly affect that of navigation.

M. Silvain Dreyfus asked whether there were other Conventions on the same lines, analogous to that of Helsingfors.

The SECRETARY-GENERAL of the Committee replied that, apart from that Convention, there existed only a series of Conventions between the United States of America and a certain number of States. Those Conventions were not altogether identical, but provision was made in all of them for police surveillance within a zone of twelve nautical miles from the coast of the signatory States.

M. Silvain Dreyfus asked whether the Conventions could be said to come within the framework of the Finnish recommendation.

The Secretary-General of the Committee drew attention to the Finnish recommendations contained in the Finnish memorandum (see Annex 14), which mentioned navigation "in the waters and ports of the Baltic Sea". If that wording was accepted, the only Convention concerned would be that of Helsingfors.

M. Silvain Dreyfus stated that the Transit Committee could hardly take decisions concerning only one particular sea.

The Secretary-General of the Committee replied that nevertheless regional problems could be considered.

M. Romein added that the bilateral Conventions concluded between the United States of America and a certain number of other countries dealt only with the right to inspect and the right of seizure, whilst the Helsingfors Convention was concerned with measures for supervision which the contracting States undertook to put into force at their ports in regard to vessels carrying alcohol. Vessels of less than 160 tons had no right to accept cargoes of alcohol, and vessels of less than 500 tons net were submitted to certain restrictions.

M. Silvain Dreyfus considered that the question which concerned the Committee more especially was that of the zone of supervision.

Sir John Baldwin stated that if the Committee decided not to confine itself strictly to the terms of the Economic Committee's resolution, but to examine the question in its entirety, the Committee would propose measures which went further than the recommendation. The Committee might consider that the application of the recommendation would not, in fact, have the desired result, and that freedom of navigation would be hampered. In that case, it would be acting within its rights in making another suggestion in regard, for example, to the supervision of the shipment of alcohol in neighbouring countries.

Referring to the observations of M. Silvain Dreyfus, Sir John Baldwin stated that it would be a mistake to take into account treaties other than those concerning the riparian countries of the Baltic Sea. If, however, the Committee found that the Finnish Government's proposal decreased the facilities for communication, those concerned should take account

of the fact and not act in such a way as to hamper freedom of navigation.

Sir John Baldwin recalled that M. Romein had said that the Conventions concluded by the United States of America did not provide for the supervision of lading in the ports. He believed, however, that the convention now being concluded between Canada and the United States provided for such supervision.

M. DE VASCONCELLOS reminded the Committee that the question of the smuggling of alcohol had been submitted by the Assembly to the Economic Committee in the following terms:

"And, considering that, while it is for the Governments to put a stop to the contraband trade carried on in violation of the Conventions in force between them,

it may nevertheless be useful to examine the terms in which such Conventions or Agreements might be drawn up, for the prevention of smuggling in general and that of alcohol in particular;

"Decides to ask the Council to request the Economic Committee to carry out this investigation and to submit to the Council any proposals arising out of its conclusions."

Thus, the Assembly had forwarded the question to the Economic Committee for consideration. Whether the problem was within the competence of the League of Nations had not been decided. In his opinion, the Advisory Committee should declare that it was not one which concerned the League of Nations. The latter had many other delicate tasks to fulfil. It was possible that to-morrow the Economic Committee might decide that it was not within the scope of the League. Why, then, should the Committee consider one particular case in a problem which might be outside the competence of the League of Nations? Obviously certain points of detail, such as those relating to the flag, could be usefully examined. For that purpose, it would be desirable to appoint a sub-committee which would studthem.

The Secretary-General of the Committee agreed that it would perhaps be desirable to appoint a sub-committee which could first deal with the questions concerning the freedom of navigation. At the same time, it was not certain that its investigations would not lead it further. It would no doubt be difficult and dangerous to limit the field of action of that sub-committee too strictly.

M. Ito approved the proposal, but considered that, if certain useful suggestions were made in regard to the changing of the flag, the Committee should be in a position to take them into account.

M. Seeliger repeated that the problem had been referred to the Economic Committee, which had been faced with a question coming within the scope of the Transit Committee. That was why it had addressed itself to the latter, which had in fact been asked: Is it possible to act in a certain manner without hampering the freedom of communication? That was the first question to be solved. At the same time, M. Seeliger believed that discussion would lead to certain other questions. The Advisory Committee could point out that fact to the Economic Committee, and the latter would judge for itself whether to take account of the suggestions made by the Advisory Committee. The fact must not be lost sight of that, in the last analysis, it was the Economic Committee which had been called upon to deal with the question.

M. Duzmans understood that the sub-committee would be asked to study both aspects of the problem — the practical and the legal. It would perhaps be advisable to lay down certain precise indications to guide it in its work. So far it had not been made clear whether the measures laid down in the Finnish proposal related only to the Helsingfors Convention or to all other Conventions. Moreover, it would be desirable to discuss whether the Members of the League of Nations should adhere to the Conventions or should simply authorise their application although they were not parties to them. That constituted the first series of questions. It would then be necessary to see if the problem was considered to be within the competence of the League of Nations, and what would be the legal results of the Finnish proposal.

M. Duzmans considered that the question was within the competence of the League of Nations, and that it was the duty of the Committee to study it, but he did not know whether

the practical object proposed by the Finnish Government could be attained.

M. Schlingemann thought that it was not for the Committee to say whether the question was within the competence of the League of Nations. That should be decided by the Assembly, and the Assembly had asked the Economic Committee to examine the question.

The Secretary-General of the Committee added that it was impossible to examine the problem of the smuggling of alcohol without considering the legal point of view. By that he did not mean that the sub-committee should establish a legal doctrine; that was one of the questions to be dealt with by the Conference for the Codification of International Law at The Hague, which was sitting at present. The Conference would consider whether it was possible to establish certain zones in territorial waters, or whether the States should exercise certain supervisory rights. The sub-committee, however, should endeavour to follow the work of the Conference and take account of it.

M. Politis considered that it would be unwise for the sub-committee to consider only the smuggling of alcohol; that would create a precedent and would lead to the raising of the question in connection with other contraband goods. The question should be considered from a general point of view.

The Secretary-General of the Committee replied that even the manner in which the problem had been put implied that the Committee and the sub-committee could not but examine all the questions raised in regard to the prevention of smuggling.

- M. DJOURITCHITCH observed that the question of the international suppression of the smuggling of alcohol differed from others. It presented a moral aspect which did not enter into other cases of smuggling an aspect which had perhaps been taken into consideration when the investigation of the problem had been instituted.
- M. Politis replied that it was very difficult to say whether a product was harmful or not. That depended on the point of view. In the United States of America, for instance, wine and beer were also considered harmful.
- M. Poppius pointed out that, if the Committee wished to confine itself to the Helsingfors Convention, it was not a question of the smuggling of wine or beer. That Convention only covered an alcoholic strength of 18 degrees but, as a matter of fact, the smuggled alcohol seized by Customs officials had nearly always a strength of 96 degrees, and could not be considered a desirable product, even by wine-producing countries. Moreover, the question was not whether or not the drinking of alcohol should be permitted, but whether the smugglers should be allowed to continue their trade, if need be by force, or whether the task of the Finnish Government should be facilitated. M. Poppius added that it would be very difficult for Finland to solve the question without the moral support of the League of Nations. She did not ask for the establishment of a law, but only that the League of Nations should recognise that the methods employed by the smugglers were undesirable and that, in consequence, the Governments should facilitate the action of the Finnish Government.

Sir John Baldwin considered that it was not the business of the Committee to discuss the injurious or non-injurious effects of alcohol. He himself would be prepared to say that meat might be as dangerous as alcohol. He did not, however, suppose that, on that account, the Advisory Committee would make a suggestion regarding the comparative value of meat and alcohol. The Committee was by chance faced with the problem of the smuggling of alcohol. Its rôle was to see what would be the effect on the freedem of navigation of certain measures which this or that Government might wish to see adopted.

Appointment of a Sub-Committee.

The Chairman proposed that the Sub-Committee asked to study the question should be composed as follows: M. Schlingemann (Chairman), Sir John Baldwin, M. Hornell, M. Poppius and M. Ito. He would ask M. Hostie to replace M. Guerrero on the Sub-Committee as a member of the Legal Committee. M. Guerrero would undoubtedly have been appointed had he been present.

The Secretary-General of the Committee defined the terms of reference as follows:

"The Sub-Committee is requested to consider whether the measures studied by the Economic Committee are such as to hamper unduly the freedom of communication and to suggest, if necessary, what measures should actually be taken."

He pointed out that the second part of the terms of reference would enable the Sub-Committee to examine the first recommendation of the Finnish Government if it considered that it had anything to say in regard to that recommendation.

Sir John Baldwin interpreted the second part in the following manner. If the Sub-Committee should find that the second recommendation of the Finnish Government could not be adopted without hampering the freedom of navigation, it could suggest other measures for giving satisfaction to the Finnish Government. Such measures might be quite different from any previously suggested. It might perhaps be a great deal easier, for instance, to control the shipment of alcohol in the ports of embarkation.

The Secretary-General of the Committee remarked that Sir John Baldwin had correctly interpreted the meaning of the proposal which had been submitted.

The proposals of the Chairman and of the Secretary-General of the Committee were adopted.

The CHAIRMAN thanked M. Poppius for the assistance which he had been good enough to give to the Advisory Committee.

(M. Poppius left the table of the Committee.)

XVII. COMMUNICATIONS OF IMPORTANCE TO THE LEAGUE OF NATIONS AT TIMES OF EMERGENCY (continued) (Item 19 of the Agenda).

1. Wireless Station.

The Secretary-General of the Committee recalled that the Committee had received documents showing the present state of the question (see Annex 12). The latter had been decided in principle by an Assembly resolution. Negotiations were in progress between the Swiss Government and the Secretary-General, who were on the point of signing an agreement.

The Advisory Committee could only congratulate itself on the co-operation of the League of Nations, on the one hand, and the Swiss Government and the Société Radio-Suisse on the other. The Secretary-General of the Committee would forward a copy of the Convention to the members of the Committee as soon as it had been signed. In order to gain time, and in view of the fact that it seemed clear that the negotiations would be successful, the Technical Committee on Radio-Electricity had been called, in order to discuss with the Société Radio-Suisse the technical specifications needed for the station. The Secretary-General of the League would doubtless make these specifications known in the course of the

Société Radio-Suisse the technical specifications needed for the station. The Secretary-General of the League would doubtless make these specifications known, in the course of the month, to the undertakings desirous of tendering for the construction of the station, which would doubtless be ready towards the spring of 1931.

The Secretary-General of the Committee considered that, in regard to the working of a short-wave station, the Secretary-General would need technical advice. He thought the Committee would agree that assistance should be given by the Advisory Committee on Wireless Technical Questions, presided over by General Ferrié. It would be necessary, moreover, for the Secretary-General to have the advice of an advisory committee on radio-electricity, though it was impossible at the moment to give the names of those who would form the Committee.

form the Committee.

In regard to the relations of the Advisory and Technical Committee and the Advisory Committee charged with the duty of giving information to the Secretary-General, the Committee would understand that it would not be necessary for the Advisory Committee to report to the Committee, for it would be responsible to the Secretary-General. At the same time, it would be of interest to the Committee to follow its work and to be able to express its own point of view. The reports of the Committee could be communicated to the Committee for Communications and Transit in order that the latter might be informed at each of its sessions of the state of the question. The Secretary-General of the Committee wondered whether it would not be desirable to appoint a member of the Committee to whom reports could be rapidly forwarded in the intervals between sessions.

The Secretary-General of the Committee attached a certain importance to the question. If such provisions were not made, the Secretary-General of the League would find himself in a somewhat delicate situation. He would receive reports only from committees of technicians, whereas certain questions might present aspects which were not entirely technical.

technical.

M. GRUNEBAUM considered the suggested procedure excellent, but asked whether it would not be necessary to give it a legal basis. It might be possible to lay down rules in the new internal regulations of the Committee.

The Secretary-General of the Committee did not consider that any such modification in the internal regulations was necessary. The Committee's responsibility in the matter was very limited. In his opinion, it should confine itself to laying down in a resolution the methods for co-operation.

The CHAIRMAN stated that the Committee took note of the declaration of its Secretary-General, and congratulated itself on the agreement reached between the League of Nations and the Swiss Government.

2. Construction of an Aerodrome near the Seat of the League.

It was decided that the Chairman should consult experts on the new proposals submitted, and should forward their report to the Secretary-General of the League for submission to the Assembly.

XVIII. COMMUNICATION BY RAIL WITH THE SEAT OF THE LEAGUE (Item 18 of the Agenda).

- 1. Report by the Representative of the Committee at the European Time-table Conference.
 - M. Politis made the following declaration:

In a letter dated September 4th, 1929, from the Federal Political Department to the Secretary-General of the League of Nations, the League of Nations was invited, on the request of the Administration of the Swiss Federal Railways, to take part in the European Time-table and Direct Service Conference, which met at Warsaw from October 21st to 26th, 1929. The Secretary-General of our Committee was good enough to forward to us on September 13th, 1929, the letter from the Federal Political Department together with his reply. He informed the Political Department that I had been appointed by the Committee to represent 13th, 1929, the letter from the Federal Political Department together with his reply. He informed the Political Department that I had been appointed by the Committee to represent it at the Conference on Time-tables and Direct Services. I at once replied to the Secretary-General of the Committee that I accepted this mission. I went to Warsaw and represented the Committee at the European Time-table Conference.

Since our Organisation had not placed any question on the agenda of the Conference, I was not called upon to play an active part. At the same time, I followed the work of and railway authorities of the Polish Republic were good enough to offer to the delegates. I would add that, as a representative of the League of Nations, I received the greatest attention and was specially honoured by those authorities.

M. Politis pointed out that the next Time-table Conference would take place at Copenhagen in October 1930.

The Committee took note of M. Politis' declaration.

2. Establishment of a Direct Sleeping-car Service between Geneva and Berlin.

The Chairman recalled that the Advisory Committee had asked him to request the Federal Railways Administration to take the necessary action for the establishment of a direct

sleeping-car service between Geneva and Berlin.

In the first place, it had been necessary to decide whether the Mitropa or the Compagnie Internationale de Wagon-lits would provide the sleeping accommodation. That delicate question was settled in favour of the Mitropa, and a direct Berlin-Geneva service was instituted from August 31st to October 3rd, 1929, that was to say, during the last Assembly, and from January 13th to 31st, 1930, during the Council session. Unfortunately, the number of passengers was altogether insufficient. In September, on only one or two days were there more than ten passengers in the sleeping-car. On certain days during the Assembly, there were only one or two passengers. Slightly more use had been made of the service from Geneva to Berlin than of that from Berlin to Geneva. Between Berlin and Geneva there was an average of one first-class and four second-class passengers a day. In the other direction, the average was two first-class and four second-class passengers. During the last session of the Council, the average was 3.7 passengers from Berlin to Geneva and three in the opposite direction. It was to be feared that, apart from meetings and the Assembly and Council, the service would not be sufficiently utilised.

M. Politis asked whether the public had been notified of the service. He reminded the Committee that the direct sleeping-car service between Berlin and Athens had hardly been used at all during the first year. The experiment having been continued, however, the situation had improved from year to year. He considered that the experiment between Berlin and Geneva had been insufficient. The public should be given time to become accustomed to the new service.

M. SEELIGER stated that there was no opposition on the part of the Reich Railways, which were prepared to continue the service. He suggested that a new effort should be made over a period, for instance, of six months.

M. DJOURITCHITCH asked whether the figures given by the Chairman referred only to the Swiss part of the journey.

The CHAIRMAN replied in the affirmative.

Sir John Baldwin asked at what time the Basle-Geneva part of the journey was made.

The CHAIRMAN pointed out that the train left Basle at 7.45 a.m. and reached Geneva at mid-day. In his opinion, all that the Committee could do was to recommend that the Federal Railways should persevere in their effort.

The Secretary-General of the Committee supported the proposal. This was agreed.

XIX. RESULTS OF THE EUROPEAN CONFERENCE ON TRANSPORT OF NEWSPAPERS AND PERIODICALS (Item 7 of the Agenda) (see Annex 16).

1. System of Transport for Daily Newspapers in International Traffic.

The Secretary-General of the Committee pointed out that the Conference on the Transport of Newspapers and Periodicals had been very successful. The results of the negotiations between the International Union of Railways in regard to the transport of newspapers were now awaited. The Conference was in agreement on the principle that newspapers should be transported under the same conditions as passengers' luggage under the legal system of the transport of goods, that was to say, by the suppression of intermediaries at the frontiers. The main difficulty arose from the postal monopoly existing in certain countries. It would be desirable that the transport should come under the same system, whether it was undertaken by rail or by the postal administration. The International Union of Railways would hold a meeting at Nice on March 27th, 1930, to discuss the transport of newspapers. Certain legal difficulties would probably arise. Nevertheless, agreement might be expected.

might be expected.

The Secretary-General of the Committee recalled that, according to the Final Act of the Conference, the Committee should keep itself informed of the manner in which the above-mentioned measures were carried out and should report to the Council accordingly. If, in the application of these measures, difficulties arose which could be overcome by the conclusion of an agreement between Governments, the Committee would propose to the Council suitable steps to bring about the conclusion of such an agreement.

It seemed to him that the Committee should ask the Chairman to report to the Council if any difficulty arose; if not, the preparation of the report could be entrusted to the Administrative Section of the Permanent Committee on Transport by Rail, with the assistance, if necessary, of the members of the Permanent Legal Committee.

The Chairman considered that it would be advisable to give the Bureau the necessary powers for submitting to the competent committee any difficulties which might arise; it should also be given full powers to present a report.

2. Customs and Fiscal Duties applicable to Newspapers.

The Secretary-General of the Committee pointed out that Customs and fiscal duties applicable to newspapers gave rise to a certain number of delicate questions. It would be desirable to adopt a procedure similar to that employed for the study of the question of the exemption of transports by motor from taxation; the Fiscal Committee could be charged with the study of this question, with a view to forming a mixed committee, which, so far as the Transit Organisation was concerned, should include one or more members of the Advisory Committee and a few specialists to represent firms engaged in the distribution and transport of newspapers.

The Committee approved the suggestion of its Secretary-General.

3. International Definition of the Term "Periodical".

The Secretary-General of the Committee considered that the best procedure would be to forward this question to the Legal Committee, which would probably appoint a temporary sub-committee recruited among persons belonging to the circles interested. A documentation should, moreover, be collected by the Secretariat.

- M. Sinigalia thought that the definition of the term "periodical" was very simple; everyone knew what a periodical was. What it was important to know, however, was what the railways understood by "periodicals". The most delicate question was not the distinction between periodicals and newspapers, but that between periodicals and certain books, such as year-books, for example.
- M. Grünebaum pointed out that, in Austrian Press law, a definite distinction was made between periodicals and books; it might perhaps be useful to refer to that law.

FOURTH MEETING

Held on Thursday, March 13th, 1930, at 10 a.m.

Chairman: M. HEROLD.

Present: All those who attended the preceding meeting, except M. Poppius. There were also present: M. E. F. Heckscher, Professor at the University of Stockholm, Chairman of the Special Committee on Competition between Railways and Waterways, and M. J. de Ruelle, Legal Adviser to the Ministry of Foreign Affairs, temporary member appointed by the Belgian Government.

Secretariat: M. Haas (Secretary-General of the Committee), M. Romein, M. Metternich, M. Lukač and Mr. Tombs.

XX. Report of the Special Committee on Questions of Competition Between Railways and Waterways 1 (Item 9 of the Agenda).

(M. Heckscher and M. de Ruelle came to the table of the Committee.)

M. Heckscher pointed out that the question was raised for the first time in a report by Mr. Walker D. Hines , who had received from representatives of river navigation on the Rhine and the Danube numerous complaints against the competition of the railways. He had pointed out that the question was too complex for him to study in detail. The Advisory Committee had then appointed a Committee to examine it. That Committee had collected

Document C.127.M.43.1929.VIII. Documents C.444(a).M.164.1925.VIII and C.444(a).M.164(a).1925.VIII.

the opinions of those concerned, and had itself taken account of tha facts, drawing to a great extent on the existing statistics. The main points of its enquiries and the conclusions at which it had arrived were contained in the report now before the Committee.

Unfortunately, the Committee had been obliged to limit its examination, on account of the lack or inadequacy of certain information. The statistics for the Danube were extremely meagre and in general were not comparable with pre-war statistics owing to the frontier changes which took place after the war. For the Rhine, the Committee had only inadequate information for France and Belgium. In addition, it was very difficult to base any conclusion on the statistics of those two countries, since they had been rendered unreliable by reason of fluctuations in exchange. The Committee was thus obliged to confine itself to studying the situation in Germany. It was there, however, that the problem was most urgent, though doubtless the situation in Germany had its counterpart on the other side of the Rhine.

The Committee had also confined itself, but in that case voluntarily, to questions of an international character. Competition between German navigation companies on the Rhine and the Reich Railways did not concern the League of Nations. The Committee had concentrated its attention on competition between German scaports and the scaports of other countries, which appeared to be the crux of the situation.

M. Heckscher pointed out that the relative position of waterways and railways had not changed to any great extent since the war. A comparison of the tonnage showed that the waterways had a slight advantage. At the same time, if the details were examined, a certain number of changes could be observed. The number of kilometric tons transported by water had decreased. The transport of coal down the Rhine had increased considerably, it was true, but upstream traffic had decreased generally; and between Bremen and Hamburg and southern Germany a new railway traffic had sprung up.

It seemed clear that the German railways and, to some extent the French and Belgian railways, preferred direct rail traffic to combined rail and water traffic. The situation at the river port of Rotterdam remained good, but the river ports of southern Germany, and in particular Mannheim, had suffered greatly and had protested strongly. All those concerned in the prosperity of river traffic in the above districts considered that the unfavourable position in which they found themselves proved that the policy followed by the railways was bad.

The Committee did not adopt that point of view. It could not admit that there existed any indefeasible right to a position once acquired. The fact that the traffic at such ports was not what it had been in 1913 was not enough to condemn the measures taken by the railways. The only general rule which would enable the fairness of any particular measure to be judged could be expressed as follows: tariffs should be calculated in such a manner as to give the best possible result in transportation; in all cases they should cover the additional cost of transport; the tariffs should ensure the same surplus to the railway in either case. On that basis of calculation the trader would be able to choose the least expensive, when each offered the same advantages from the point of view of transport and, if one route offered greater advantages, account could be taken of that fact.

That principle would not appear to be difficult to apply. It simply involved a great knowledge of the real costs of transport. The German railways had studied the question very closely, but only very general figures had been published, and in the absence of certain information the Committee had experienced numerous difficulties in arriving at practical conclusions. The Committee had examined one instance of competition which could be considered characteristic, since attention had been drawn to it in a memorandum of the Chamber of Commerce of Mannheim and it had been later criticised by Dr. Spiess, one of the Directors of the German Reich Railways. It was the case of the transport of paper from Albbruck on the Baden-Swiss frontier to Bremen on the one hand and Mannheim on the other. The distance between Albbruck and Bremen was 836 kilometres and that between Albbruck and Mannheim 305 kilometres. Nevertheless, the absolute amount (not only the amount per kilometre) to be paid for transport by rail was higher via Mannheim than via Bremen. The explanation of the railway administration was that, even if transport via Mannheim were facilitated on such a basis as would give the railway company the same surplus on that line as on the competing one, the port of Mannheim would not be able to acquire the traffic because the combined transport by rail and water would, in fact, be more expensive than on the all-rail route to Bremen. It was difficult, at first sight, to accept that assertion; and, if it were correct, no harm would be done by quoting a rate which would give the same surplus on both routes. Why were not traders given the choice?

It seemed obvious that the policy followed was not in the interest of the German railways. It had been said that the Dawes Plan involved the Reichsbahngesellschaft in the necessity of carrying as much traffic as possible. Its interest, however, and that of reparations, was to earn as much as possible, which was quite a different proposition, e.g., wagons employed for transport between Albbruck and the North Sea ports were used for a longer period for the same goods than if they were used on the route to Mannheim, and no railway interest appeared to be favoured by that.

The real reason was that the German railway authorities were not actuated only by commercial considerations, but also, and above all, by considerations of national policy, which had nothing to do with the working of the railways. It was not a question of competition between railways and waterways, but of competition between German seaports and the ports of other countries where the railway problem did not arise. The attitude of the German authorities in favouring German seaports was no doubt legitimate. It was

none the less true that that should be done, if at all, in a way which made it clear to everyone what was going on; and that could only be achieved by granting actual bounties to traffic what was going through them, instead of directing traffic over a more expensive route with the aid passing through them. of railway rates not based upon additional cost of carriage.

The Committee recommended:

(1) In rate-making, the self-cost of working should always be considered (Germany was in an exceptional situation in that connection, as she had the benefit of the work of several experts - in particular, Dr. Tecklenburg); (2) The users should be able to employ the cheaper route if it offered the same commercial

advantages ;

(3) If it was desired to lead traffic in a certain direction, it should be done by means

of bounties and not by railway tariff modifications.

M. Heckscher did not wish to dwell on the question of competition between railways and waterways from the point of view of France and Belgium. There was little exact information on that subject, and the situation was not serious. It could therefore be left on one side.

The CHAIRMAN desired to thank M. Heckscher and to congratulate him on the excellent work he had accomplished in collaboration with Mr. Dillon and M. Eberhardt.

M. SEELIGER congratulated Professor Heckscher on the report of the Special Committee over which he had presided and on the very clear statement which he had just made. He appreciated its complete objectivity, and his sole regret was that, owing to the lack of the necessary information, the report only dealt with the problem of competition between the Rhine river navigation and the railways from the German side.

He recalled that the question was raised in Mr. Walker D. Hines' report which was

based on complaints coming from the navigation undertakings.

Competition between railways and waterways had existed from the time when the first railways had begun to function. Everywhere and at all times inland navigation had complained of the railways. It was somewhat amusing to recall that in 1850 the Rhine navigation had complained that, if the railways continued to develop to the same extent as

hitherto, the navigation companies would be obliged to suspend operations.

M. Seeliger was very glad to note that in studying the question of competition between railways and waterways, the Committee had recognised in general that that competition was in reality a national question. Obviously it could have international repercussions, but the international interest was not injured by the fact that a railway administration, by introducing reduced tariffs, established a second possibility in addition to traffic by waterways, and in fact opened up the possibility of greater activity. What, in fact, was it desired to protect; the interests of the means of transport or the interest of the traffic itself? The policy followed by the railways had given a new impulsion to goods traffic. Competition between seaports and river-ports had contributed to the development of trade at those ports, in spite of competition. Moreover, in regard to railway rate-making the administrations had not as free a hand as M. Heckscher's statement might lead one to suppose. Tariff reductions on one line had to be compensated by increases on another. No railway administration could, in the long run, afford to lose its running expenses. But, whenever railways raised their tariss, they were faced with the competition of other means of transport; inland navigation, the coasting trade, and, at the present time, motor transport. When the railways wished to increase certain rates excessively, they came up against the barrier of competition. The railways were thus obliged to act with prudence.

In regard to national policy which had been so much criticised by the Committee, M.

Seeliger said that every State must endeavour to obtain for itself as large a share as possible in world traffic by encouraging the exchange of goods. But, in the first place, it was imports and exports which were benefited by preferential rates granted to the seaports. The German railway policy had never been designed to injure foreign seaports. The present situation was not the result of any particular measure taken; it was rather a consequence of the fact

that the economic system of a country formed one whole.

M. Seeliger then considered the suggestion made in the report that tariffs should in all cases cover the additional cost of transport and that, in that connection, it was necessary to choose, as between two routes, the one which gave the best result for the lowest cost. He stated that the German railway administration would never contemplate attracting traffic to certain lines by means of special tariffs. It was obliged to publish all its tariffs, and the criticisms from economic circles to which it was always exposed made necessary the explanation, for the benefit of public opinion, of the motives which had actuated it in fixing these tariss.

M. Seeliger was unable to admit the justice of the arguments in all their details raised in the report and by M. S. Heckscher in his statement. It was natural that even so eminent an expert, who was so well qualified and so rich in experience, should find difficult the extremely complicated machinery of the German railways. That admitted, however, his report was a very valuable contribution to the study of the problem of competition between

railways and waterways.

M. Djouritchitch associated himself with the words of the Chairman and M. Seeliger in expressing gratitude to the Committee for its useful and conscientious work. He hoped that the Committee would not make reservations on the value of the statistical and other information contained in the report. It was a tradition that it should accept the work of the committees of competent experts which it constituted. On the other hand, it was for the Committee to see whether or not it could adopt as its own the conclusions of the Special

Committee's report.

The first of those conclusions and the most important for the Committee was that inland navigation had not greatly suffered from the competition of the railways, which thanks to a system of decreasing tariffs had succeeded in attracting a certain amount of traffic. The a system of decreasing tariffs had succeeded in attracting a certain amount of trained establishment of those tariffs, however, was justified in view of the fact that the self-cost was much smaller when the distances traversed were longer. The rates might be based to be a succeeded in attracting a certain amount of trained establishment of those tariffs, however, was justified in view of the fact that the self-cost was much smaller when the distances traversed were longer. The rates might be based to be a succeeded in attracting a certain amount of trained establishment of those tariffs, however, was justified in view of the fact that the self-cost was much smaller when the distances traversed were longer. The rates might be based to be a succeeded in attracting a certain amount of trained establishment of those tariffs, however, was justified in view of the fact that the self-cost was much smaller when the distances traversed were longer. The rates might be based to be a succeeded in attracting a certain amount of the fact that the self-cost was much smaller when the distances traversed were longer. The rates might be based to be a succeeded in attracting a certain amount of the self-cost was much smaller when the distances traversed were longer. changes from one route to another had affected in particular certain river ports, but those changes were of an almost entirely national character. It could be seen, therefore, that the fears expressed by Mr. Hines had no basis. Consequently the Committee could adopt as its own that conclusion of the experts' report.

The Committee had made use of a great number of recent documents in proposing an international tariff policy which would permit of the almost total suppression of competition. Its work had furnished very interesting observations and would enrich the

science of transport.

However, even if they adopted the Committee's point of view, the report was incomplete; it mentioned the harmful competition due to tariff policy, but failed to mention investment policy and new works, although these also resulted in competition, the value of certain invested capital being destroyed by the investment of other capital which might have been used for more useful purposes. Such investment policy already contained the nucleus of all tariff policies and was frequently advanced in justification of the latter. Unfortunately, public funds were often employed within a State in putting two routes into competition. It was easy to see what difficulties would arise if an attempt were made to control this policy from the point of view of the international interest as the international problem was still more complicated. Even if there were perfect co-ordination within each country in this particular field, no attempt could be made to co-ordinate on international lines without taking into consideration all the economic interests of each country.

In rate-making, the calculation of partial self-cost and of additional cost was obviously essential and was indispensable to good administration. The Committee had seen fit to recommend that all railway tariffs should be put to the test of a comparison with their actual

self-costs and that no tariff should be fixed higher than its partial self-cost.

These sound principles governing the commercial exploitation of railways and national economy were not always carried out integrally in the tariff policy of the individual countries. because they were combined with other principles, exigencies or working methods connected with the economic system of the country in question. Might it not therefore be premature to insist that they should be applied in the international field?

Moreover, the value of partial self-cost was indeterminate and differed from one form of transport to another, frequently reaching vanishing-point for the railway; any attempt to check the application of such values (supposing such a course were recommended or imposed)

would therefore be illusory.

At the present juncture, in the international field above all, only measures which were clear, definite and unquestionable, and which could be checked in their application should

With a view to removing the uncertainty which prevailed in reference to the determination of actual partial self-cost, the Committee had taken as its basis the expenditure incurred in respect of one supplementary train-kilometre. Leaving out of account the element of uncertainty in this new idea, they could see that, although it might be convenient and suitable for use in economic studies of railway administration, it was nevertheless only an average and therefore was never the same as the actual value, which alone should be taken into

account in the cases they dealt with.

Railways had an advantage over waterways in the matter of tariff competition, because the partial self-cost was usually extremely low. This advantage was counterbalanced by the enormous initial outlay and the necessity for having tariffs which were fixed publicly in advance and applicable to all comers on the same footing. The advantage of waterways (in so far as their use was not restricted by competition) was that they could apply to the various categories of transport any tariff they wished, provided that the traffic could bear it. By forcing a railway to calculate its partial self-cost on the basis of the costs of a supplementary train, and by forcing it to keep in all cases its cost of transport higher than the cost price resulting therefrom, they should, as a rule, be making the railways lose to shipping interests, if the latter were interested in the traffic, all traffic for which it was not necessary to introduce supplementary trains, and for which the actual self-cost would naturally be lower than the self-cost calculated in accordance with the proposed method. Traffic in which the waterways were not interested would become impossible, although the railways might have been able to carry it with a margin of profit.

Again, the shipping interests would still enjoy the advantage of being able to fix their

rates as they wished in each individual case (because they could not be prevented from doing so, and these rates were not published and might often be lower than the partial self-cost where the interests concerned wished to secure or retain certain traffic, or to give preferential

treatment to certain ports or other interests.

M. Djouritchitch did not need to dwell at great length on the vagueness of the Committee's recommendation concerning the cheapest routes.

He would therefore sum up his opinion on the last two recommendations of the Committee.

They presented certain drawbacks owing to the vagueness of their contents and to the fact that they dealt prematurely with certain methods that formed part of the general economic policy of each country and that could not be treated in isolation; the recommendations could therefore hardly be adopted by the Committee for immediate application.

He nevertheless recognised the great value of the Committee's work, which would enrich

one of the most important branches of the science of transport.

M. Schlingemann would be glad to have some explanations on the question of additional cost. He understood what was meant by the term but feared that in attaching too much importance to the calculation of additional costs as a tariff basis there was a danger that new means of transport would be benefited to the detriment of the old. Indeed, if a part of the amortisation of the invested capital was not charged to the new means of transport, tariffs could be maintained, at any rate for some time, at very low levels, as a means of

M. Seeliger had said, on the other hand, that competition between railways and waterways was a permanent fact. That was true. The existence of such competition was not a danger to the world, but rather an advantage. It was, however, important to see how it was carried out. The railways had facilities which they did not possess in 1850, but which they had obtained by reason of their de facto or de jure monopoly. They could, if they wished, penetrate all parts of a territory, but the waterways were unable to do so, and had to follow a railway. to all parts of a territory, but the waterways were unable to do so, and had to follow a route which was always more or less imposed on them by nature. Consequently, it was not so much a question of competition between waterways and railways as of competition between combined transport by water and rail on the one hand and rail transport on the other. railways could always have the advantage in that competition. It was to the interest of everyone that they should not abuse their situation. In the first place, it was a national question, but there was a certain interdependence in the economy of the various countries which made it also of world interest. From the international aspect, what advantage there in forcing traffic to leave its natural route in order to favour a particular port?

As to the question of self-cost, it was natural that the railways should always take it into account, and should not attempt to carry goods at a price lower than self-cost. Nevertheless, as a result of their monopoly which sometimes enabled them to gain on certain transport operations what they lost on others, they might be tempted to dispense with that rule and to adopt tariffs favouring a particular port which did not benefit the world as a whole. Consequently the problem dealt with by the Committee over which M. Heckscher

had presided was pre-eminently of an international nature.

M. Silvain Dreyfus admired the Committee's report and M. Heckscher's statement, as well as the clearness and skill with which M. Seeliger had defended the German Railway Administration.

M. Seeliger had recalled that navigation had always complained of the railways. should not be forgotten, however, that the converse was also true, and it could be said that the railways were in the habit of complaining of the competition of navigation.

M. Seeliger had observed, moreover, that international interests were not injured by the facilities given to certain seaports. That, however, was only one side of the question. The "Hines" report raised, above all, the question of competition between railways and waterways.

M. Seeliger had said that it would be difficult for the railways to lower their rates on certain lines and to seek compensation elsewhere. It would certainly be difficult but would not be impossible. As M. Schlingemann had said, the railway went everywhere, while the waterways were strictly limited by nature. It could be supposed that railways would profit by that situation to raise their rates where there was no competition from the waterways and to lower them elsewhere. Such a policy might lead to the ruin of certain water traffic. It would then no longer be a question of competition between two means of transport but of the disappearance of one of them. That would injure the interests of the public.

M. Silvain Dreyfus recalled that in the preceding year the Advisory Committee had considered whether it should discuss the question of competition between railways and waterways and had decided to do so. It was important now to decide whether, as a result of the Advisory Committee's discussions and decisions, account being taken of the reserves made both in the Minutes and in the resolutions, the Special Committee's report should become the report of the Advisory Committee itself, or whether the members of the latter Committee

should simply be called upon to give their opinion on its conclusions.

M. Silvain Dreyfus considered that the first solution would be the better. There were, in the body of the report, extremely useful and interesting observations and considerations. An examination of the report showed, however, that it was often difficult to interpret the tariffs. Thus, for example, on page 27, the report spoke of "special tariffs applicable to goods exported or imported through the French Channel or North Sea ports". In reality, to goods exported or imported through the French Channel of North Sea ports. In reality, however, the reduction of 10 per cent on goods exported was a general reduction which applied equally to exports by land and by sea. In the conclusions on page 28, the Committee quoted special tariffs which would appear to exercise, at any rate on certain districts, a direct influence on Rhine navigation. But the special tariffs mentioned in section 1 of the conclusions applied to the export of products emanating from the northern districts and destined to be transported by sea either by shine from America or from the Concret Islands. destined to be transported by sea either by ships from America or from the Canary Islands. It was not clear how, at any moment, the Rhine could be utilised for the transport of these products. On page 172 would be found a table "summarising the measures taken by the French reilway systems in respect of goods experted or imported through the Channel and French railway systems in respect of goods exported or imported through the Channel and

North Sea ports". Among the tariffs quoted under "A" only eight had been conceded on the plea of defence against inland navigation. For example, Tariff P.V.No.5/105 (molasses), Tariff P.V.No.9/109 (carriage of baulks of rough timber, etc.) and Tariff P.V.No.9/109 (carriage of rough rattan wood), were designed to combat competition on the Seine. It was also the competition of the waterways which led to the creation of tariffs P.V.No.10/110 and No.11/111. They were not tariffs for the purpose of favouring French ports to the detriment of foreign ports. Tariff P.V.No.29/129 (special arrangements for carriage of goods consigned in lift-ways from any station on the Fst or Nord system to any carriage of goods consigned in lift-vans from any station on the Est or Nord system to any seaport station on the Nord system or vice versa) was intended to offset the competition of motor transport. Finally, the direct Paris-London tariff mentioned in B (International Tariffs) was simply the result of the assimilation of English and French home tariffs.

In the conclusions of the report it was stated that the railways should never carry goods at a price lower than the self-cost of transport; this was an excellent method, but the great difficult lay in the uncertainty which surrounded the computation of "additional costs". It might perhaps be possible to adopt also another principle, which was often employed by the French organisations which were concerned with tariffs (High Administration of the Railways, etc.) when establishing rates in cases in which water and rail transport were in competition. That principle consisted in taking as a point of departure the self-cost of the waterway and adding thereto, for the purpose of fixing the railway tariff, a certain percentage intended to cover the advantages of speed and regularity afforded by the railway.

Both these methods should be taken into consideration, while admitting the impossibility of adopting absolute rules applicable to all kinds of transport. Each individual case should be considered separately. It should be possible to arrive at reasonable solutions if the general observations which had just been made were borne in mind.

M. Sinigalia wished to associate himself with the appreciation expressed by the members of the Committee with regard to the report of the Special Committee presided over by Professor Heckscher. He agreed with the observations of M. Silvain Dreyfus, especially

M. DE RUELLE drew attention to the fact that, in the report, Belgium - in extenuating circumstances, it was true - was included among those countries which had adopted a tariff policy calculated to handicap the waterways by establishing tariffs entirely in favour of the railways. In view of the small area of Belgium and the lack of points of contact between Belgium and the Rhine, that reproach did not appear to be entirely deserved. The object of the tariffs was, indeed, to facilitate the sending, via Antwerp, of goods from the natural hinterland of the port of Antwerp. Combined tariffs for combined rail and water transport were hardly justified in Belgium, but, nevertheless, tariffs had been established in favour of combined transport. For example, Lorraine ores destined for the Ruhr were brought to Antwerp at a moderate tariff, which enabled them to proceed to the Ruhr via Antwerp and the Rhine.

M. de Ruelle supported M. Schlingemann's statement that in economic matters competition was no doubt an element of progress, but, as M. Schlingemann had also pointed out, there was, apart from competition which was admissible and justifiable, another kind of competition which was open to criticism and could almost be called unfair. case it was not, strictly speaking, a case of competition between railways and waterways, but rather of competition between the ports themselves. In that connection, M. Heckscher had put forward a solution which the Advisory Committee should not merely file in the archives of the Communications and Transit Section, but should keep in mind in view of its future studies.

M. HECKSCHER thanked the Committee for its kind appreciation of his report: he had

been prepared for much more adverse criticism.

In regard to the documentation, he would reply to M. Silvain Dreyfus that it had been practically impossible for the Committee to study the French and Belgian tariffs thoroughly;

it had confined itself to reproducing them as they were received.

M. Silvain Dreyfus had spoken of the uncertainty in regard to the calculation of selfcost and additional cost. He, M. Heckscher, recognised the justice of that observation, but had been unable to find a more efficacious principle than that adopted. He considered Dr. Tecklenburg was quite right in saying:

"Still, for the railway, as well as for every other industrial undertaking, a knowledge of its self-cost is indispensable; it needs it in the first place for judging its internal efficiency. . . . And it needs it as a basis for its rate policy. A solution must consequently be found, and can also be found, in spite of all difficulties, if that principle is taken as a guide that there is no question of computing the self-cost of each particular transport service on the basis of mathematically exact figures, but that it amounts to creating a picture which is true to life within reasonable limits and which makes it possible for the administration to base its decisions upon a judgment of facts which corresponds to the realities."

That was, in fact, the basis adopted by the German Railway Administration in calculating the cost of transport. It would be a pity not to make use of it in rate-making. M. Heckscher agreed with M. de Ruelle that there must be competition between the railways and the waterways. He considered, however, that, in order to be healthy, it should be based on an evaluation of the additional costs of transport.

He had not entirely followed M. Silvain Dreyfus when the latter had said that in estimating tariffs, a percentage should be added to the additional cost, in the case of railways, which would represent the advantages of speed and regularity of rail traffic. That was a problem for the trader. It was for him to decide of which route he would make use, whether he preferred to take into account the cost of carriage or regularity and speed.

On the other hand, M. Heckscher could understand very well M. Seeliger's point of view,

On the other hand, M. Heckscher could understand very well M. Seeliger's point of view, that each country had to endeavour to attract to itself the greatest possible share of world trade. It was none the less true that if, in order to attract such trade, the railways were willing to lose on certain lines, someone had to bear the cost. Probably it would not be foreign countries which suffered, but certain German interests.

The railway administrations should do all they could not to obscure the problems, and to permit the effects which tariffs could have on the different branches of their economy to be seen clearly. But the only means of arriving at such a clear situation if it were desired to be seen clearly. But the only means of arriving at such a clear situation, if it were desired

to give preference to one particular route over another, was by means of bounties.

M. Heckscher considered, moreover, that the policy followed by the railways in the case of the paper transports between Albbruck and Bremen led to a clear loss for the German

or the paper transports between Albertack and Bremen led to a clear loss for the definant railways, their wagons gaining less by being prevented from going to Mannheim, though they would then be in use for a shorter period.

In concluding, M. Heckscher stated that the work carried out by the German Railway Administration in establishing the self-cost of transport was of primary importance, and he hoped that the Committee would encourage the continuation of that enquiry.

M. Seeliger was not sufficiently expert to give a reply on the question of carriage from Albbruck to Mannheim, but he would endeavour to find out the main reason which had actuated the railways. So far as he remembered the discussion, it was to the effect that the problem was so complicated, that so many elements entered into rate-making, that it was extremely difficult to detach the question from the framework of the commercial policy of each country.

On the other hand, he would point out that M. Heckscher, in asking that every preferential system should be based on the granting of bounties, had raised the question on to the moral plane. That was a very fine consideration, but it went beyond the present pre-occupations

of the Advisory Committee.

Sir John Baldwin stated the main point was to know whether the interests of consumers were unduly injured by certain measures of an artificial nature. He considered, on the other hand, that it would be very difficult to discover whether, in fact, the States which established such measures attained the results for which they hoped. Professor Heckscher had claimed that, in general, they did not. Sir John Baldwin thought that it would perhaps be interesting to pursue the study on a different basis. be interesting to pursue the study on a different basis. He believed that in the United States of America there existed many very detailed statistics which would bring nearer the solution

of the question.

He considered that the Committee should adopt the report, taking note of the inaccuracies pointed out by M. Silvain Dreyfus and the slight divergencies of opinion which had come to Attention could be drawn to those matters in the Minutes. Moreover, the Committee could recommend that the Special Committee should continue its enquiry in the direction he had just indicated. Finally, he would point out, in connection with the remarks on page 29 regarding Rhine traffic, that it was difficult for the ports of Rotterdam and Antwerp to enter into competition with the other ports by means of preferential tariffs. They were bound by international treaties, which did not admit of any discrimination on the basis of origin or destination. The duties imposed on the vessels and on goods in transit had to be based solely on the cost of the service rendered. They were, in fact, rather at a disadvantage.

M. Seeliger replied that the policy of all the great ports, when they desired to obtain the maximum trade possible, was to reduce their tariffs so far as possible. Thus, the treaties presented no danger for the ports in question.

The Chairman proposed that the Committee should ask the Bureau to prepare a draft resolution before the next meeting.

This proposal was adopted.

XXI. DRAFT REPORT OF THE ADVISORY AND TECHNICAL COMMITTEE PRESENTED BY THE SUB-COMMITTEE ON QUESTIONS OF COMMUNICATIONS AND TRANSIT RAISED BY THE Council during its Examination of Polish-Lithuanian Relations (Item 10 of the Agenda) (continued).

M. DE VASCONCELLOS pointed out that new facts had arisen which would prevent the termination of the study of the question during the present session of the Advisory Committee. He proposed the adjournment of the matter to a special session to be held on September

M. Ito had no objection to that proposal. He would ask, however, whether it could not be adjourned until the next ordinary meeting of the Committee.

The Secretary-General of the Committee remarked that the matter had been referred to the Committee by a Council resolution, dated December 1928.

M. de Vasconcellos's proposal was adopted.

The Secretary-General of the Committee observed that the agenda of the session of September 1930 might include all questions which were ready to be examined at that moment.

This proposal was adopted.

The Secretary-General of the Committee pointed out that the draft report drawn up by the Sub-Committee and transmitted to the Committee had not been printed. In order to gain time proofs could be prepared and submitted to the members and, as soon as the Committee had come to a decision, the final report could be forwarded to the Council.

This proposal was adopted.

FIFTH MEETING

Held on Thursday, March 13th, 1930, at 5 p.m.

Chairman: M. HEROLD.

Present: All those present at the preceding meeting. There were also present: IIis Excellency M. P. de Hevesy, Resident Minister, Chief of the Hungarian delegation to the League of Nations, temporary member appointed by the Hungarian Government, M. A. Russ, Director-General of the Roumanian Railways, and M. V. Alexandresco, Legal Adviser to the Ministry of Communications and Public Works, temporary members appointed by the Roumanian Government. by the Roumanian Government.

Secretariat: M. R. HAAS (Secretary-General of the Committee), M. Romein, M. METTERNICH, M. LUKAČ and Mr. Tombs.

XXII. FLOODS IN THE SOUTH OF FRANCE: CONDOLENCES OF THE COMMITTEE (continued).

M. Dreyfus communicated a letter from His Excellency the French Minister for Foreign Affairs thanking the Committee for the condolences addressed to it on the occasion of the disaster due to floods in the South of France.

XXIII. Work concerning Transport by Rail (Item 4 of the Agenda).

Applications from Certain Local Railway Companies previously belonging to the Former Austro-Hungarian Monarchy.

The CHAIRMAN welcomed M. de Hevesy, M. Russ and M. Alexandresco, who had been appointed to take part in the Committee's work concerning disputes between certain local railway companies previously belonging to the former Austro-Hungarian monarchy and the Yugoslav and Roumanian Governments.

M. Politis informed the Committee that a Committee formed by the Administrative Section of the Permanent Committee on Transport by Rail, with the addition of M. de Hevesy, M. Russ and M. Alexandresco, had met on March 11th and 12th, 1930, under the chairmanship of M. Herold for the examination of the applications addressed to the Council by certain railway companies in virtue of Article 304 of the Treaty of Trianon.

Five applications had already reached the Council, which had communicated them to the Committee for examination. A sixth would shortly be forwarded to the Council, and the Committee had considered it useful to examine it at once in order to save time.

For each of the six applications the Committee had prepared two reports.

For each of the six applications the Committee had prepared two reports. One report advised the Council to adjourn the examination of the application until the Council's session in January 1931, in order that the parties might be enabled to reach a friendly settlement. If such a settlement had not been reached before that session, the Committee would forward to the Council, in good time, the supplementary report prepared for each application, which suggested that the Council should proceed to appoint arbitrators.

In regard to the sixth application which had not yet reached the Council, the Committee should give full power to its Chairman to submit the first report to the Council as soon as the Committee was informed of the question and later, if necessary, the supplementary

report.

The CHAIRMAN invited the Committee to study each case in turn.

The Committee approved the reports concerning the applications of the Nagykikinda-Arad Local Railway Company (see Annex 28, Appendices 1 and 2) and the South-East Hungary (Delkeleti) Local Railway Company (see Annex 28, Appendices 3 and 4).

The Committee then proceeded to examine the third case — that of the application of the Halas-Bácsalmas Rigyicza Local Railway Company.

M. DE HEVESY recalled that Article 304 of the Treaty of Trianon laid down that negotiations should be carried on between the railway companies and the Governments concerned with a view to reaching a friendly settlement. That article also prescribed that, if no such agreement were reached, the Council should appoint arbitrators. On eight different occasions during the last ten years negotiations had been entered into, but without result.

occasions during the last ten years negotiations had been entered into, but without result. The railway companies were now of opinion that all hope of reaching a friendly settlement should be given up, and consequently they had made an application for immediate arbitration.

The treaty envisaged negotiations, but in view of the character of the word negotiations a single breakdown in such negotiations would suffice to bring about the situation forescen in the Treaty, which prescribed the appointment of arbitrators. In negotiation it was necessary that there should be at least two parties; if one party did not negotiate, no negotiation existed and, if no negotiation existed arbitrators should be appointed negotiate, no negotiation existed and, if no negotiation existed, arbitrators should be appointed

immediately.

M. de Hevesy declared that it was unfair to leave one of the parties — in this case, the M. de Hevesy declared that it was umair to leave one of the parties — in this case, the Hungarians — in a situation of manifest inferiority by reason of their having neither the railways nor their equivalent. In passing, he would draw attention to the fact that the districts concerned had previously formed part of Hungarian territory which had been transferred under the terms of the peace treaty — territory belonging to the other local railways taken over by the Succession States against an indemnity of less than twenty per cent. It would be unjust to say to these companies: "Wait another year for arbitration", because of the fact that in previous cases other railways had been asked to wait another year for arbitration. year for arbitration.

M. de Hevesy therefore asked that the appointment of arbitrators should take place at the next session of the Council, that was to say, in May 1930. He suggested that the Committee should request the Council to nominate, in any case during the next session, the arbitrators who would enter upon their duties on January 1st, 1931, if, up to that time, no friendly settlement had been reached. Their appointment would, in a manner, play the rôle of a sword of Damocles and would incite the parties to make a last attempt to reach a friendly settlement, in order to avoid the expenses of arbitration.

M. de Hevesy pointed out that on the previous evening, at the meeting of the Administrative Section of the Permanent Committee on Transport by Rail, his proposal had been rejected and the members of the Administrative Section had insisted, on account of precedents, that the two parties should wait still another year before arbitrators were appointed. He considered that this procedure would be altogether unfair and that the League of Nations, being a new institution, was called upon to create precedents rather than to follow them. He hoped that the members of the Committee would come round to his point of view in spite of the apposition, which he was a ship to the contract of the contract to his point of view, in spite of the opposition — which he was unable to understand — which

he had encountered the previous evening at the meeting of the Administrative Section.

M. de Hevesy remarked that, furthermore, during the meeting of the Administrative Section he had been given to understand that, if he insisted, the Committee would merely declare that they were by no means obliged to deal with one of these railways, in view of the fact that that question had not yet been submitted to the Council and that, in consequence, the Committee was under no formal obligation to deal with it. He had been threatened with the cancellation of this item from the agenda, although it was already inscribed and had been dealt with on the previous day. M. de Hevesy would say that, in his opinion, such a procedure did not correspond to the dignity and good faith of the League of Nations. To remove from the agenda a question which had already been dealt with, merely because a delegate had persisted in his point of view, was, in his opinion, a manœuvre which was technically unacceptable.

The Chairman objected to the intentions which M. de Hevesy attributed to the Committee.

M. DE Hevesy observed that the Treaty of Trianon had in view as rapid a settlement of the railway situation as possible, and that it was paradoxical that Hungary should, also in this case, be obliged to insist on the application of a paragraph of a treaty which had been imposed upon her. If in certain other cases, as had been pointed out to him, the appointment of an arbitral tribunal had been indefinitely postponed, it was doubtless because neither of the parties had requested, after the breakdown of negotiations, the immediate appointment of arbitrators

Finally, M. de Hevesy repeated his request that the Committee should recommend the Council to appoint three arbitrators at its meeting in May, who would enter on their duties on January 1st, 1931, if at that time a friendly settlement had not been reached. He observed that there was a precedent for such procedure.

M. Politis regretted that M. de Hevesy should have considered it necessary on two occasions — on the previous evening before the Administrative Section and on the present occasion in the plenary meeting — to doubt the Committee's good faith and impartiality. For nearly ten years the members of the Committee had co-operated in a spirit of complete

confidence, and the same spirit reigned in all the organisations of the League of Nations. He considered it his duty to object to the terms of M. de Hevesy's declaration: the members of the Committee were not accustomed to such statements.

In regard to the basis of the discussion, M. Politis wished to point out that, since the delimitation of the new frontiers of Hungary, the railway companies had had nearly ten years for presenting applications to the Council in virtue of Article 304 of the Treaty of Trianon. If they had done so at an earlier date, the Council and the Committee would have made the necessary provisions, and the delay of which the companies complained could only be imputed to themselves.

M. Politis then read a passage from a letter from the petitioning company dated March 8th, 1930, which could only imply that the companies accepted a period of three months for the continuation of the negotiations. The draft submitted for the Committee's approval, however, provided that a first report should be presented to the Council at its session in May, that was to say, in two months. The Committee could not act more quickly. Thus, if the companies considered that there was any delay, it could be attributed neither to the Committee nor to the League of Nations but to the companies alone.

M. DE HEVESY pointed out that the fact that the company had waited for nearly ten years, in spite of successive failures in the negotiations, before addressing the Council was

not an excuse for postponing the appointment of the arbitrators for yet another year.

The fact that the company had replied politely to an invitation of the Roumanian Government to continue friendly negotiations proved nothing at all, because a railway company whose system was in Roumanian territory was naturally obliged to observe all the rules of courtesy in regard to that Government; but the accredited representatives of the railway company had informed M. de Hevesy that they had no faith in the outcome of those negotiations, that they were of opinion that these postponements were only to gain time and insisted on the appointment of arbitrators with the least possible delay.

Sir John Baldwin asked whether it would not be possible to give satisfaction to the member designated by the Hungarian Government. Seeing that the negotiations had been continued without result for nearly ten years, the possibility of reaching a friendly

settlement would appear to be inconceivable.

Consequently, Sir John Baldwin considered it desirable to constitute an arbitral tribunal as soon as possible. That would bring pressure to bear on the parties to the dispute without which any new postponements would amount simply to a loss of time.

M. SINIGALIA asked what was the case to which M. de Hevesy had alluded, in pointing out that there was a precedent for the appointment of arbitrators who would not begin work at once.

M. DE HEVESY replied that it was the question of the Boldva Valley Railway.

The Secretary-General of the Committee confirmed that in the Boldva Valley case the conditions were the same as those of the present question. The Committee had suggested to the Council that it should adjourn the matter. When at the end of the period no agreement had been reached, the Council decided to appoint arbitrators but to specify that they would only enter upon their duties after a certain supplementary period which would enable the parties to come to a friendly settlement. General de Candolle had been asked to act as an intermediary in order to facilitate the conclusion of such an agreement, which was shortly afterwards realised (see Annex 17).

M. Politis observed that the proposal which he had presented to the Committee put forward an almost identical solution.

The Secretary-General of the Committee emphasised that in all similar cases the same solution had been adopted with the difference that the period was usually shorter (generally six months).

M. SINIGALIA considered that in view of the above precedents the Committee could accept M. de Hevesy's proposal which would leave the parties sufficient time.

Sir John Baldwin recognised that precedents had their value, but in his opinion each case should be considered on its merits. In view of the fact that one of the parties to the dispute had declared that the negotiations seemed to it to be hopeless, it appeared useless to prolong the delay. Would it not be possible to adopt a compromise and to forward the supplementary report to the Council at its September session instead of its session in January 1931?

- M. GRÜNEBAUM asked M. Politis whether there would be any serious objection to adopting that "solution.
 - M. Politis saw no objection.
 - M. DE HEVESY also accepted the solution.

The CHAIRMAN, in reply to certain requests for explanations, outlined the proposed solution which was accepted by the Committee (see Annex 28, Appendices 5 and 6).

M. Politis, having pointed out that it would be desirable to make the same modification in the reports already adopted for the first two applications, the Committee adopted his proposal.

The Chairman then examined the reports concerning the fourth application presented by the Dravavölgy Local Railway Company (see Annex 29, Appendices 7 and 8) and the reports concerning the fifth application presented by the Zsebely-Csákóvár-Boka Local Railway Company (see Annex 28, Appendices 9 and 10) which the Committee adopted with the modification which had been made in regard to the previous applications.

The sixth application, presented by the Gyula Local Railway Company (see Annex 28, Appendix 11) was that which had not as yet reached the Council. The Administrative Section had, however, studied it, in order to avoid the necessity for a new meeting of the Advisory Committee. The latter should give to its Chairman full power to enable him, when the Council referred to the Advisory Committee the sixth application, to take the necessary measures. necessary measures.

The Secretary-General of the Committee observed that, in regard to the sixth application, one report would suffice in which the Council would be asked to appoint arbitrators immediately, in view of the fact that in any case it would only be presented to the Council in September. At the same time, the Committee should, without delay, inform the parties to the dispute of the solution adopted in order that they might have at their disposal a sufficiently long period which would thus be practically the same as that allowed in the case of the other applications.

M. GRÜNEBAUM pointed out that, since the last session of the Committee, the question of the Sopron-Koszeg Railway had been the object of arbitration, of which no mention was made in the documents submitted to the Committee. M. Grünebaum had been in a position to appreciate the scrupulous and detailed manner in which the arbitral tribunal had carried out its duties, and he had noted the unusual fact that all parties to the dispute had accepted with satisfaction the award given. M. Grünebaum proposed that congratulations be addressed to the members of the tribunal, and in particular to its Chairman, M. Guerrero.

The Secretary-General of the Committee explained that no mention had been made of the matter because no juridical connection existed between the tribunal and the Committee for Communications and Transit. Of the three members of the tribunal, however, two were members of the Legal Committee and another was a member of the Committee on Transport by Rail.

M. Grünebaum's proposal was adopted.

XXIV. APPOINTMENT OF AN ASSISTANT TO THE CHAIRMAN OF THE PERMANENT COMMITTEE ON TRANSPORT BY RAIL.

M. Sinigalia recalled that, at the beginning of the present session, the Chairman had drawn attention to the unanimous regrets which had been expressed on the departure of Colonel Hiam. He pointed out that two experts had already been designated to assist the Chairman of the Committee on Transport by Rail. In view of Colonel Hiam's competence in this matter and in the hope that it would give the members of the Committee an opportunity of seeing him among them, he would propose his appointment as a third expert.

The proposal was adopted unanimously.

The Secretary-General of the Committee said that he would telegraph to Colonel Hiam in the above sense. He considered that, even if the great distance prevented Colonel Hiam from taking part in the work of the Committee in person, his appointment would enable him to keep in touch with the activities of the Transit Organisation.

The CHAIRMAN thanked M. de Hevesy, M. Russ and M. Alexandresco for their valuable assistance in the Committee's work, the discussion of Article 4 of the Agenda being concluded.

M. DE Hevesy thanked the Committee for the welcome which had been extended to him. If the terms of his declaration had been rather strong, he would ask the Committee to excuse him but, convinced of the fairness of his point of view, he was happy to note that the members of the Committee had accepted it.

(M. de Hevesy, M. Russ and M. Alexandresco left the table of the Committee.)

XXV. Report of the Special Committee on Competition between Railways and Waterways (Item 9 of the Agenda) (continued).

M. Sinigalia said that he had been under the impression at the previous meeting that the discussion of this item had been brought to an end when Sir John Baldwin had proposed that the enquiry which had been made the object of the report in question should be continued. Sir John Baldwin had, in particular, referred to the possibility of combined transport, in the difficulties described in the report to the difficulties described in the report.

M. Sinigalia thought that, apart from any question of expense, a new enquiry would take a very long time and that its results would be problematical. Competition between railways and waterways had numerous aspects, and the causes which determined them might be considered in very different ways according to circumstances. It would be difficult,

therefore, to reach any general conclusion.

Sir John Baldwin had also referred to the situation in certain ports of Northern Europe. If M. Sinigalia had properly understood his observations, that question appeared to be outside

the terms of reference of the Committee.

He did not wish to reopen the discussion which had enabled the various points of view to be clearly expressed. He would merely ask Sir John Baldwin to consider afresh whether the enquiry in question should be prolonged, and whether it would not be better to rest content with the valuable material collected by the Special Committee and with the very full discussion that had taken place at the previous meeting.

Competition had always existed and would always exist; if it did not do so, it would be necessary to provoke competition for the general good of humanity. It could not, therefore, be condemned, but care must be taken to see that it did not exceed reasonable limits.

The railway, which bore the main weight of the accusation, must examine its attitude in regard to the waterway transport undertakings which were competing with it, but it should not forget that those undertakings also provided it with a certain amount of its traffic. In conclusion, M. Sinigalia would offer this piece of advice to the Committee: "Allegretto, ma non troppo!"

The Secretary-General of the Committee said that the Committee was faced with a difficulty of procedure which was not insoluble. At the previous meeting, the Committee had been unanimous in considering the report submitted by the Committee presided over by Professor Heckscher to be an important piece of work and a valuable contribution to the solution of a question affecting European economy. It was obvious, on the other hand, that a detailed discussion of this report was materially impossible. In the interests

of its scientific value, it would be better to maintain it intact, without seeking to amend it in any way in order to meet the views of members on any particular point.

The discussion which had taken place at the previous meeting was, in itself, a result which added to the value of the report. What the Committee had done was to associate itself, with a number of reservations made during the discussion, with the conclusions of the report. It should not therefore be difficult to draft a resolution in this sense, and this would report. It should not, therefore, be difficult to draft a resolution in this sense, and this would

be supported by the Minutes recording the discussion.

The question of an additional investigation remained to be considered. It would obviously not be necessary for the Committee to decide that the investigation should continue, unless it explained exactly in what that investigation should consist. In respect of the point raised by Sir John Baldwin concerning the information to be collected regarding special conditions in other continents, the Committee had always tried to complete the information it possessed by pursuing such studies. It would thus certainly be of interest at the moment, for example, as far as North America was concerned, to study the organisation of the Interstate Commerce Commission. The information on the subject could be collected by the Information Office and should not be lost sight of.

For the moment, the Committee should confine itself to examining the draft resolution

concerning the report.

Sir John Baldwin said that he wished to go beyond the desires of M. Sinigalia. The proposal of the Secretary-General of the Committee was more or less satisfactory. Personally, he thought it preferable for the question to remain on the agenda, in order that it might not be forgotten. It was a very important problem, the theoretical study of which might lead to interesting practical suggestions.

M. Schlingemann agreed with Sir John Baldwin in thinking that the question should remain on the agenda. The report, which was the result of very important work, was only the foundation-stone of a building whose future dimensions could not be gauged. Not only did the matter concern competition between two methods of transport, but it concerned also the economic side of transport. It was true that it would be necessary to collect an important amount of information, but this was not sufficient. Conclusions must also be drawn from that information.

Consequently, M. Schlingemann proposed that the question should remain on the agenda and that the study of it might be entrusted to a sub-committee.

- M. SINIGALIA wished to define the elements of discussion. The Committee had been instructed to examine the question of competition between railways and waterways in so far as navigation on the Rhine and Danube was concerned. It must put forward a resolution on this definite point. If the problem were to be widened in scope, if the study of the investigations were to be continued, if information concerning other countries, other epochs and other means of transport were to be collected, a fresh discussion would have to take place.
- M. Silvain Dreyfus agreed with M. Sinigalia. He would, however, recall that the Committee had, so to speak, drafted its own instructions, as the result of a resolution of the Genoa Conference of 1922. A preliminary report submitted by General Mance dealt

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practically entirely with the question of railways, and it merely touched upon waterways. The Permanent Committee for Inland Navigation had initiated an enquiry into inland navigation, and Mr. Hines had been instructed to carry out this enquiry. The present situation had therefore been reached step by step. M. Silvain Dreyfus thought the moment had some to adopt a general resolution in reply to that adopted by the Gance Conference. had come to adopt a general resolution in reply to that adopted by the Genoa Conference.

Sir John Baldwin emphasised the interest of the history of the question, as explained by M. Silvain Dreyfus. The report of the discussions of the Committee showed that it would

be useful to continue the investigation, but not necessarily on the same basis.

M. Schlingemann had been right in maintaining that a study should now be made of the economic side of transport in general. Though Sir John Baldwin had no objection to changing the name borne by the study in question, he thought, however, that the report submitted by the special Committee presided over by Professor Heckscher should be regarded as a starting-point for the new investigation.

M. Seeliger said that the account given of the question by M. Silvain Dreyfus had been entirely accurate. The Committee was required to undertake certain investigations periodically. This had been the practice followed up to the moment, in the form of enquiries described in the report submitted by Committee and the committee of the committee of

described in the report submitted by General Mance and Mr. Hines.

The report of Mr. Hines left over certain points for investigation, among others the question of competition which had been made the object of a report by the Special Committee at the end of the present discussion. M. Seeliger agreed with M. Sinigalia and M. Silvain Dreyfus in thinking that the present enquiry could now be considered at an end. The Committee should state this, but should be prepared to take up the investigations again at a future date, though, in order to do so, it should not be necessary always to maintain the question on the agenda.

M. Hönnell wished to associate himself with the views expressed by Sir John Baldwin and M. Schlingemann. The conclusions of the report of the special Committee were certainly very valuable with regard to the parts of Europe with which they dealt, and the Advisory Committee should adopt them as their own; the Committee should, however, reserve the right to take up the investigation once more on a wider basis and with regard to parts of the world other than Europe where these problems arose in an entirely different manner.

The CHAIRMAN noted that the discussion had now reached the end of one stage. The Committee must now decide whether the investigation should be undertaken anew in another form or whether it should be retained on the agenda in order that it should not be overlooked.

- M. Sinigalia said that the discussion at the previous meeting called for the adoption of a resolution which should constitute something final. If it were desired to continue the investigation, this would be a fresh question and a definite starting-point, for it would have to be settled. It was impossible to carry out a general enquiry in the hope of reaching general conclusions. If similar questions were submitted to the Committee in the future, it must study them and, if possible, settle them, but there was no object in discussing a theoretical general enquiry.
- M. Schlingemann felt the force of the objections raised by M. Sinigalia. He would be satisfied if the Committee asked the Secretariat, not only to collect data concerning competition between railways and waterways, but also to group them with a view to future examination.
- M. Silvain Dreyfus said that while he was not very strongly in favour of the proposal to maintain the question on the agenda, it was because he did not see on what grounds such action could be taken. In every precedent that he could remember, the maintenance of such an item had been justified by special reasons (expectation of a report from experts, etc). The Information Service had been definitely created not only to collect information, but also to communicate it, if need be, to the various Organisations of the League. This service was competent to hold at the disposal of the Committee the information forming the subject of the present discussion.

The Committee could obviously decide to proceed to a new enquiry and to instruct a sub-committee to carry it out, but M. Silvain Dreyfus did not think that this was the intention of any of his colleagues.

Sir John Baldwin pointed out that the draft resolution had not yet been submitted to the Committee. He would make his observations when the resolution was examined.

The SECRETARY-GENERAL of the Committee said that the draft resolution must, in his view, constitute a conclusion to the discussion of the report of the Special Committee. Any new investigation should be made the object of another resolution. This point was of no great importance in view of the fact that are marked on the fact that are great importance in view of the fact that any member of the Committee might ask for the inclusion of a new item in the agenda.

M. SEELIGER said that the programme contemplated by the Genoa Conference was not yet exhausted and that a third enquiry might always prove eventually possible.

Sir John Baldwin said that his only object was to prevent the burial of a report which he thought to be of great interest.

The Chairman concluded by deciding that the question should be examined simultaneously with the draft resolution concerning Item 9 of the agenda.

XXVI. WORK RELATING TO THE UNIFICATION OF TRANSPORT STATISTICS (Item 8 of the Agenda).

- M. Romein said that the Committee was called upon to conduct a preliminary examination of this question.
- M. Seeliger said that Germany wished the work regarding the unification of transport statistics to be hastened as much as possible, for provision had been made for changes in the German statistics to take place in the near future. It would be very desirable for account to be taken of the results obtained by the League.
- M. Romein said that the section dealing with railways would have finished the examination of the question during the year. As far as inland navigation was concerned the work was also advanced. The Drafting Committee would proceed before the end of the year to co-ordinate the data furnished by the various sections. At its first session of next year, the Committee would therefore be in possession of a complete report.
- M. Romein summarised the proposal concerning the organisation of an investigation into the use of sea-going vessels (see Annex 18). If the Committee were ready in principle to accept the request of the Statistical Committee, the Drafting Committee might usefully revise a number of points in the programme with a view to its possible simplification, and might ask the States to furnish the necessary information; for example, European States were only asked for information on vessels whose destination was America, and the American States for information regarding vessels whose destination was Europe. In view of the fact that the programme concerned a mere investigation, the number of European States might be still further restricted to the following: France, Belgium, Great Britain and Northern Ireland, Irish Free State, the Netherlands, Germany, Denmark, Sweden and Norway. The other Baltic countries could be provisionally omitted from the study which was to be undertaken.
- M. Silvain Dreyfus said that it would be difficult for the Committee to enter into these details. It was called upon merely to examine in principle the circular letter which had not yet been drafted.
- M. Seeliger said that from such information as he possessed the question was very complex. The Committee should wait until the circular was drafted and should take up the question at its September session.
- M. Romein said that a number of States, more particularly Germany, already possessed the data which had been asked for from them.
- M. Schlingemann pointed out that the data to be collected would deal only with loading and discharging of cargo in ports. Trade at the moment was not in a very active condition; a large number of vessels were laid up, and the statistics obtained would therefore not give an accurate picture of the situation.
- M. Romein replied that there were other statistics which gave information on vessels laid up in ports.
- M. Sinigalia said that, in addition to loading and discharging in the ports of departure and arrival, information should also be obtained concerning these operations in the intermediate ports of call.
 - M. Romein said that this point was covered in the draft scheme of enquiry.
 - M. Seeliger asked for explanations regarding the object of the proposed enquiry.
- Sir John Baldwin replied that the object of the enquiry was to study the economic use of a certain means of transport in a strictly limited field.
- M. Seeliger said that the steamship companies were themselves conducting investigations and were concluding an agreement between themselves to lay up a number of their vessels during periods when trade was slack.
- M. Silvain Dreyfus shared the views of Sir John Baldwin, and proposed that the Committee should adopt the scheme of the Sub-Committee. That scheme amounted in fact to no more than a mere request for information.

The Secretary-General of the Committee agreed that the actual question for the Committee to decide was whether the present enquiry was a matter of real interest. It was not necessary for the Committee to agree to play the part laid down for it or its Secretariat in the scheme. Governments should be asked whether they were ready to give their assistance. If they replied in the affirmative, the study would be undertaken, and the question could be re-examined.

M. GRÜNEBAUM, referring to the division of countries in districts provided for in the report of the Committee on the Unification of Transport Statistics (see Annex 19), said that it would be difficult to obtain the adhesion of small countries if this division into districts were insisted upon in the case of all countries.

M. Romein said that what the Committee for the Unification of Transport Statistics had had in mind was the division into districts of all countries. The number of districts, however, was not laid down, and this was a matter which would be left to Governments to decide.

M. Ito thought that the Committee should take a decision in regard to a reply to be given to a circular sent to the Sccretary-General of the Committee by the President of the International Statistical Institute (see Annex 20). He was in favour of accepting the proposal to co-operate with the Institute by means of a mixed committee, for he knew by experience the great help which a mixed committee was in a position to give towards the solution of this kind of problem.

The Secretary-General of the Committee emphasised the fact that the Institute was mainly scientific in character. So far as the question of railways was concerned, it was in the Committee's interests to get into touch with the Institute, provided that no delay in its work thereby resulted. The establishment of a mixed committee would not be very difficult. The Committee might choose three or four of its members to form that mixed committee with an equal number of members of the Institute. Its task would be to co-ordinate the work of the two organisations and to inform each of the results obtained by the other. The two organisations would continue to remain perfectly free in so far as their decisions were concerned.

The Chairman said that a draft resolution would be prepared on the subject, as well as on the proposal of the Permanent Committee on Ports and Maritime Navigation concerning the organisation of an enquiry into the use of vessels.

SIXTH MEETING

Held on Friday, March 14th, 1930, at 10.15 a.m.

Chairman: M. HEROLD.

Present: All those present at the preceding meeting, except M. de Hevesy, M. Russ and M. Alexandresco.

Secretariat: M. Haas (Secretary-General of the Committee), M. Romein, M. Metternich, M. Lukač and Mr. Tombs.

XXVII. DRAFT RULES OF PROCEDURE OF THE COMMITTEE (Item 23 of the Agenda).

The Chairman considered that it was not necessary to return to the general discussion, but that it would be preferable to begin at once to examine, article by article, the Draft Rules of Procedure.

Article 1.

He then read Article 1 which is as follows:

"The Advisory and Technical Committee shall elect from among its members a Chairman and two Vice-Chairmen, who shall take office on the date of their appointment and remain in office until the beginning of the first session of the calendar year following that of their election. They shall not be immediately re-eligible."

Sir John Baldwin wished to know whether the Bureau considered the solution put forward in the draft of the article which had just been read was the best. He had some doubt on that point, for he did not consider it desirable that a chairman should take office at the beginning of a session, when the Committee entered on its various tasks. In his opinion new chairman to take office immediately. The latter would be elected at the last meeting would be aware of the resolutions and decisions which had been adopted, and would thus be better able to fulfil his functions during the following year.

- M. Schlingemann considered that, if Sir John Baldwin's suggestion were adopted, it might happen, particularly when the mandate of the members of the Committee was renewed, that a chairman elected for the following year might not be a member of the Committee when he should in his turn preside over the Committee's session.
- M. SEELIGER associated himself with Sir John Baldwin's suggestion. It would be desirable that the chairman should be in a position to examine the documents which would be the object of the debates during the session held under his chairmanship. He would point out to M. Schlingemann that the eventuality to which he had alluded would only arise, in exceptional cases, every four years when the General Conference on Communications and Transit reorganised the Committee, but that was a slight inconvenience in comparison with the great advantages of the method proposed by Sir John Baldwin.
- M. Silvain Dreyfus agreed with Sir John Baldwin and M. Seeliger and pointed out that, if the chairman nominated found himself unable, for any reason, to take office, he would in the normal course be replaced in accordance with Article 8, providing for a member provisionally to fulfil the duties of chairman. There was therefore no need for special provisions.
- M. Grünebaum observed that, if the Committee adopted the system under which the chairman would be elected at the end of the first session held in a calendar year and retained office until the end of the first session of the calendar year following his election, it might happen, if the Advisory Committee should hold an extraordinary session in January of the latter year, that the chairman would never be required to exercise his functions for an ordinary session. According to the new ruling his mandate would end with the closing of the extraordinary session.
- M. Silvain Dreyfus did not consider it necessary to lay down a distinction between ordinary and extraordinary sessions. The so-called extraordinary sessions, like the others, had an agenda, but it was less heavy. According to the method recommended above, the chairman's mandate would normally terminate at the end of the first session, whenever that might be, held during the calendar year following that in which he had been elected, but he would in any event have presided over a session.

The Chairman noted that the members of the Committee were in agreement in principle with Sir John Baldwin's proposal. He suggested that the Secretariat should draft a new text in accordance with that suggestion, as well as with the various amendments of form which had been proposed. The new text would be submitted to the Committee for a second reading at a future meeting.

Agreed.

Article 2.

The CHAIRMAN read the first paragraph of Article 2:

- "The Committee shall be convened on the Chairman's initiative. Notices of meeting shall be sent out by the Secretary-General of the Committee, acting on the Chairman's instructions. Except in urgent cases, they shall be sent to members of the Committee at least one month before the opening of each session."
- M. Politis asked if it would not be possible to indicate in the notices of meeting the probable length of the session.

After a short exchange of views, the Committee recognised the impossibility of deciding the probable length of the sessions and adopted paragraph 1, with the reservation of amendments of form suggested by M. Silvain Dreyfus.

The CHAIRMAN read paragraph 2:

"The Committee shall hold at least one session annually. Except in special circumstances it shall meet at the seat of the League of Nations."

This paragraph was adopted.

The Chairman read paragraph 3:

"The Chairman shall be bound to order the Committee to be convened either upon the decision of the Council of the League of Nations, or, if requested to do so, by onethird of the members of the Committee, such request to be addressed to the Secretary-General of the Committee."

This paragraph was adopted with the reservation of slight drafting amendments.

The Chairman read paragraph 4:

"The Chairman's decision to convene the Committee, as laid down in the present article, shall be subject to consideration of the funds available, which shall be notified to the Chairman by the Secretary-General of the Committee."

- M. Sinigalia observed that the last paragraph seemed to be in contradiction to paragraph 3. If the Council of the League of Nations decided that the Committee should meet and if the Chairman considered that the funds available did not permit of a meeting, could the Chairman reply in the negative to the Council's invitation?
- M. Romein said that, in such case, the Chairman would, as a matter of fact, point out to the Council the lack of funds, and it would be for the latter to decide, if it were necessary, to the Council the fack of rands, and it would be lot the latter to decide, if it were necessary, to furnish the funds required for the meeting of the Committee and to judge whether a budgetary transfer were necessary. It was obvious that the question would only arise for sessions other than the Committee's annual session which had to take place, apart from budgetary considerations.
- M. SINIGALIA wished at the same time to know whether, in the two cases provided for in paragraph 3 regarding the convening of the Committee on the one hand on the invitation of the Council of the League of Nations, and on the other at the request of one-third of the members of the Committee, a request would be made to the Council for the necessary credits.

The Chairman replied that in the second case it would not appear to be possible to ask the Council for credits. The meeting could only take place if the necessary funds were available.

- M. SINIGALIA observed that, if one-third of the members considered it desirable to ask for a meeting of the Committee, their initiative would doubtless be based on powerful reasons, and it would undoubtedly be a case of the examination of an urgent and important question. In such conditions, why would it not be possible to ask the Council for the necessary funds where they were lacking?
- M. Seeliger, Sir John Baldwin and M. Silvain Dreyfus associated themselves with M. Sinigalia's observation.
- M. Politis added that, if, on the request of one-third of the members of the Committee caused by an important question, the Secretariat was obliged to reply with a plea of budgetary considerations, it would find itself in a very difficult situation. M. Politis considered it irregular that a request for a meeting of the Committee should be rejected without the possibility of referring the matter to the Council.

The Secretary-General of the Committee observed that, in practice, satisfaction would be given to a request, except in the case of a budgetary impossibility. It was obviously desirable to see whether or not there was any possibility of the transfer of credits in the budget, and to ask the Council to authorise such a transfer. He must, however, reserve the question of the responsibility of the Secretary-General of the League. He was sure that the latter was not bound to forward to the Council, against his own view, a request for a transfer of credit. At the same time, the Secretary-General of the Committee did not believe that, in practice, the question would raise difficulties. If the funds for a transfer were in existence, the Secretary-General would doubtless be willing to forward the request to the Council.

In order to meet the problem the Secretary-General of the Committee proposed to insert in paragraph 4 some such wording as the following: "in accordance with the provisions of

the Financial Regulations.'

The CHAIRMAN did not consider that it would be possible to take an immediate decision, and asked the Secretary-General of the Committee to be good enough to obtain information as to the possibilities of giving effect to M. Sinigalia's suggestions. The question of paragraph 4 should be reserved and taken up at a future meeting.

Agreed.

Article 3.

The CHAIRMAN read Article 3, paragraph by paragraph:

" The Chairman shall draw up a draft agenda for each session, which shall accompany

the notices convening the session.

"Any member of the Committee may, at least 15 days before the opening of the session, make application to the Secretary-General of the Committee for a specific question to be placed on the agenda of the session. In such case the Secretary-General of the Committee shall prepare a supplementary agenda and communicate it to the members of the Committee without delay.

"At the beginning of each session the Advisory and Technical Committee shall decide upon the final agenda. It may also, by a majority of two-thirds of the votes of the members present, decide to add a question to its agenda in the course of a session.

"The Committee's agenda shall be communicated to the Council of the League of Nations in conformity with the Assembly's resolution of December 2th 1920."

Nations in conformity with the Assembly's resolution of December 8th, 1920.

The Secretary-General of the Committee pointed out that the fourth paragraph corresponded with the text in the old rules. Would it not be desirable to modify it and to provide for the possibility of communicating the draft agenda to the Council, for, in reality, the agenda of the Committee was communicated after some of the questions had been discussed? After a short discussion, the Committee decided, on the proposal of M. Silvain Dreysus, to maintain the existing text, but to give to it a wide interpretation. The Secretary-General of the Committee would thus in practice be enabled to communicate the draft agenda and the agenda to the Council.

Article 3 was adopted.

Article 4.

The CHAIRMAN read the first paragraph of Article 4.

"The Committee shall exercise the powers conferred upon it under Article 13, section 5, of the Statute as regards the invitation of temporary members. In cases of urgency or necessity, these powers may be exercised by the Chairman before the Committee meets, when the draft agenda submitted to the Committee appears to him clearly to require such invitation.'

M. Silvain Dreyfus suggested several drafting modifications.

M. Sinigalia observed that, as the Committee usually met once a year, the provisions of the article were almost always brought into operation. It therefore seemed to be necessary to stipulate that the members of the Committee should be informed between the sessions of the nominations made by the Chairman in cases of urgency or necessity.

M. Silvain Dreyfus considered that it would be possible to give satisfaction to M. Sinigalia by inserting a new paragraph at the end of Article 4.

Paragraph 1 was adopted, with the reservation of several amendments of form.

The Chairman read paragraph 2.

"The same procedure shall be followed as regards the invitation of representatives of States not Members of the Organisation, and of representatives of qualified international or national organisations in an advisory capacity."

M. Sinigalia observed, in regard to the invitation of representatives of qualified international or national organisations, that it would perhaps be desirable that, before inviting any particular organisation, the Chairman should consult the members of the Committee by correspondence; the latter would often be able to make useful suggestions.

The Secretary-General of the Committee recalled that the Chairman exercised the powers in question in the name of the Committee. If he was in any doubt, he would obviously obtain the opinion of his colleagues. At the same time, the Secretary-General of the Committee would point out the inconvenience of taking decisions by correspondence, which almost always led to the approval of the suggestions put forward. Such procedure should be avoided as much as possible, for the responsibility for the decision was transferred to the Committee without its having the opportunity of discussing the matter.

In regard to the invitations to representatives of national organisations, there did not appear to him to be any doubt that, if a national of the country concerned was on

the Committee, the Chairman would consult him.

Sir John Baldwin could not accept the thesis of the Secretary-General of the Committee. The members of the Committee did not represent their countries. If the Chairman considered it necessary to invite national organisations, he should not be bound to consult those members of the Committee who were of the same nationality as the organisation in view. A member of the Committee was not justified in pronouncing for or against the invitation of an organisation of his country for reasons of sympathy or personal appreciation.

M. Schlingemann agreed with Sir John Baldwin.

M. DE VASCONCELLOS considered that the Committee should have confidence in the Bureau.

M. SINIGALIA reserved his opinion.

Article 4 was adopted, with the reservation of the addition of the paragraph proposed by M. Silvain Dreyfus.

Article 5.

The CHAIRMAN read the first paragraph:

"In accordance with the provisions of Article 15 of the Statute, the Committee shall set up five permanent committees. These committees shall respectively keep under continual consideration questions relating to transport by rail, inland navigation, ports and maritime navigation, road traffic and electric power."

M. Sinigalia, with reference to the various permanent committees, pointed out that the Committee dealing with questions relating to electric power had held very few meetings, and, in these circumstances, he wondered whether it should be kept as a permanent committee. He thought that it would be better to replace it as a permanent committee by a committee dealing with aviation questions.

The Secretary-General of the Committee thought that it would be better for the moment to adhere to the present text and to keep the Permanent Committee on Electric Power, part of whose duties it was to follow up the application of the resolutions of the General Conference, which might receive applications for advice and resume its activities. Furthermore, in regard to aviation, the question of setting up a permanent committee would be a somewhat delicate one to settle at the moment.

Paragraph 1 was adopted.

The CHAIRMAN then read paragraphs 2, 3 and 4:

"The Committee shall also set up a permanent Legal Committee.

"The Committees referred to in the preceding paragraphs shall enjoy complete freedom in their decisions. All resolutions of these Committees involving recommendations to Governments or proposals to the Council or the Assembly shall be forwarded to those authorities by the Advisory and Technical Committee in its own name as soon as they have received the approval of the Committee in plenary session.

As an exception, in cases which must be justified by reasons of urgency or pecessity. As an exception, in cases which must be justified by reasons of urgency or necessity, this approval may be given on behalf of the Committee by its Chairman, who, if in doubt, may consult his colleagues by correspondence and, in any event, shall report

his decision to the next plenary session.

"The present provisions shall not apply to cases in which the Advisory and Technical Committee is called upon to decide a question disputed between States under the conditions laid down in Article 18 of the Statute. The Committee in plenary session shall alone be competent to express an advisory opinion in such a case."

Paragraphs 2, 3 and 4 were adopted.

Article 6.

The CHAIRMAN read Article 6:

"The Committee may set up temporary or permanent sub-committees composed of its own members, avail itself of the assistance of experts, and appoint temporary committees of experts in accordance with the provisions of Article 15 of the Statute. In cases of urgency or necessity, the Chairman may appoint experts in the interval between sessions, and, subject to the Committee's subsequent approval, may set up temporary committees of experts when such measures seem to him necessary to prepare the Advisory and Technical Committee's work.'

M. Silvain Dreyfus suggested certain textual changes.

M. Sinigalia made the same reservation as for Article 4.

Article 6 was adopted with certain formal amendments and the reservation made by M. Sinigalia.

Article 7.

The CHAIRMAN read the three paragraphs of Article 7 in turn:

"The present rules shall be applicable to permanent and temporary committees and to sub-committees; but the Chairmen and the Vice-Chairmen, if appointed, of permanent and temporary committees and of sub-committees, shall be appointed, in the case of temporary committees or sub-committees, for the term of office of such committees or sub-committees, and in the case of permanent committees and sub-committees, for the term of office of the Advisory and Technical Committee.

"The term of office of these Chairmen or Vice-Chairmen is renewable.

"The meeting places of sub-committees, payment committees, and the case of sub-committees, and the case of sub-committees.

"The meeting-places of sub-committees, permanent committees and temporary committees shall be determined by their respective Chairmen in agreement with the Secretary-General of the Advisory and Technical Committee, account being taken both of practical necessities and of budgetary considerations."

Article 7 was adopted subject to certain drafting amendments.

M. GRÜNEBAUM observed that Article 7 covered only the terms of office of the Chairmen and Vice-Chairmen of the Committees and Sub-Committees. That being so, it might be thought that the members of the Committees would continue to sit on the Committees after should be made to exclude this possibility.

The Secretary-General of the Committee recalled that hitherto the term of the Committees had in practice been the same as that of the Advisory Committee. The setting up of a new Advisory Committee had involved the reorganisation of the Committees. That was a procedure which he thought should be maintained. Nevertheless, he agreed that it would be advisable to insert a precise formula to this effect and proposed that the beginning of the third paragraph of Article 5 should be amended in this sense.

A greed.

Article 8.

The CHAIRMAN read the two paragraphs of Article 8 in turn:

"The term of office of the Advisory and Technical Committee shall expire in accordance with the conditions laid down in Article 13 of the Statute.

"The Chairman and Vice-Chairman of the Committee shall continue to exercise their duties pending the election of the new Committee's officers, provided they have been appointed members of the latter Committee; otherwise the senior Chairman or Vice-Chairman of the Committee, or failing him, the senior member of the Committee, provided always that he has been appointed a member of the new Committee, shall provisionally exercise the duties of Chairman. For the purposes of this paragraph, seniority shall mean seniority in membership of the Committee."

M. Silvain Dreyfus remarked that the provision contained in paragraph 1 was, in point of fact, a stipulation which formed part of the Statute, and that there was no need to keep it as a separate clause in the Rules of Procedure. He proposed that paragraphs 1 and 2 should be combined.

In connection with the end of paragraph 2, he raised the question of the conditions in which the seniority of the Chairman or Vice-Chairman should be calculated.

After an exchange of views, the Committee decided to instruct its Secretary-General to draft a new text which would be examined at a later meeting.

Article 9.

The CHAIRMAN read Article 9:

"The present rules of procedure may at any time be altered by a majority of the votes of the members present."

Article 9 was adopted.

Entry into Force of the New Rules of Procedure.

M. Silvain Dreyfus pointed out that the question of the entry into force of the new Rules of Procedure raised one difficulty. If the Chairman was to be elected at the end of the first session of the calendar year, the question of the election of the next Chairman would accordingly have to be settled.

M. SEELIGER said that it would suffice if the rules were immediately put into force and the Chairman continued in office.

The Secretary-General of the Committee thought that some provisional arrangements

would have to be made.

The Fourth General Conference on Communications and Transit would meet in 1931. If, therefore, the new system was put into force at once, the next Chairman would never exercise his functions. Further, he did not think it possible to impose a Chairman on the new Committee.

M. Romein pointed out that the same case would recur every four years, that was to say, each time that the General Conference met.

The Chairman emphasised the importance of the question. He thought that it required further reflection and that the discussion should be taken up again when the Committee came to examine the text at the second reading. He instructed the Secretariat to prepare a new revised text which would be examined at a later meeting.

XXVIII. GRAVE OCCURRENCES OF A GENERAL CHARACTER AFFECTING ROUTES OF COMMUNICATION (Item 15 of the Agenda).

The Chairman reminded the Committee that this question had been very closely discussed at the thirteenth session of the Advisory Committee. It might help members if he read the following passage from the Minutes of the thirteenth session summarising the debate.

"The Chairman said that the divergent opinions expressed had shown that the problem arose, not merely in the case of railways, but in the case of other means of transport also. He proposed that the Secretary-General of the Committee should be requested to draw up draft recommendations and agreements based on the discussion. They could then consider the main question at their next session.

The memorandum by the Secretary-General of the Committee had accordingly been drafted in accordance with the debate which had taken place in the previous year. The Chairman then read the memorandum (see Annex 21).

The CHAIRMAN, in reply to Sir John Baldwin, said that the two drafts contained in the memorandum were alternative solutions.

M. Seeliger thought it difficult to form an opinion immediately on the substance. There must be some opportunity to study the arrangements proposed. He would, however, observe in passing that Germany had a very dense railway system, and that, in the event of observe in passing that Germany nad a very dense ranway system, and that, in the event of the interruption of communications at any point, it was always possible to send traffic round by another route and to undertake immediate repairs. The position was less favourable in other countries. Furthermore, he asked whether, in the event of the draft protocol being accepted, the provisions should be interpreted as forbidding two States to enter into bilateral arrangements in order to provide for a case of this kind. In his opinion it would be better to leave the countries free to conclude arrangements between themselves.

The Secretary-General of the Committee pointed out that the question was one of a general Convention and, like all general Conventions, this one did not in any way exclude bilateral treaties which might offer greater advantages.

M. Politis observed that, before discussing the two drafts submitted to the Committee, it would be desirable first to make a choice between them. He reminded the Committee that he had spoken against the proposal at the previous meeting, but as choice must be made between the two drafts submitted, he thought it useless to keep the draft protocol, and he would acquiesce in the second proposal, that was to say, the draft recommendation. Both proposals, however, appeared to him to entail the same consequences in effect. If a country for any reason found itself unable to carry out certain transport operations, the other countries would hasten to re-establish traffic, if only for reasons of interest, but if the actual conditions were such that it was impossible for them to re-establish traffic, they would be unable to do anything at all, whatever the obligations they had accepted. The case occurred frequently during the discussion of time-tables, when application was made for a new train.

The country concerned was often obliged to reply that its schedule of trains was complete.

In conclusion, the adjacent countries would always do everything in their power to re-establish traffic, and in these circumstances he preferred the draft recommendation to the

draft protocol.

M. Sinigalia recalled that the question had been brought before the Committee by a resolution taken by the General Conference. Out of deference to the Conference he would, therefore, support the draft protocol rather than the second proposal, which was only a simple recommendation. He recognised, however, that the object and effects of the two proposals were identical.

Sir John Baldwin agreed with M. Politis that the draft protocol should be rejected and the draft recommendation accepted.

M. GRÜNEBAUM associated himself with the opinion of M. Politis and Sir John Baldwin. He pointed out, however, that if the Committee decided to adopt the draft protocol, it would have to be altered in form so as to be restricted to railways, otherwise there would be difficulties in Austria in regard to transport by motor-car and on inland waterways which were not under State control.

M. SEELIGER did not think that a mere feeling of deference was sufficient justification for adopting the draft protocol. It must be remembered that the question had already been solved in practice, and consequently a recommendation would suffice.

M. Djouritchitch pointed out that at the next Conference explanations would certainly be required as to the scope of the obligations and the extent of the sacrifices imposed on the contracting States. In his country, for instance, at the time when beetroots were being transported, the entire rolling-stock available was used for this purpose and it was often impossible to give other users complete satisfaction. In these circumstances he asked how far a country would be obliged to injure its own trade in order to satisfy its international

The Secretary-General of the Committee did not wish to make a statement on the desirability of adopting the draft protocol or the draft recommendation. In his view that desirability of adopting the draft protocol or the draft recommendation. In his view that was a question which came within the purview of the General Conference, which was competent to settle the question of form. The Committee could nevertheless express a preference. It would therefore be possible to submit the two drafts to the next Conference by placing the question on the agenda and possibly specifying which of the drafts the Committee preferred. As to M. Djouritchitch's objection, the Secretary-General of the Committee thought that the obligation imposed on a country amounted to what it was reasonably possible to do. In reply to M. Grünebaum, he observed that provision had been made — and it was an entirely novel idea — for co-operation by road transport services, but reference had been

an entirely novel idea — for co-operation by road transport services, but reference had been made only to transport services run by the State or granted on concession, that was to say, services over which the State exercised control. It had, of course, been assumed that it

would be impossible to force private transport concerns to take part. Such concerns would, however, take part spontaneously. In regard to services granted on concession, it would be easy to provide for the obligation in the concession contract.

M. Silvain Dreyfus observed that everything depended on the meaning of the word "concession". The conditions under which the transport services worked varied widely, and in any case it would be desirable to make provision for the system of authorisations in addition to that of concessions.

The Chairman proposed that the Committee should first take a decision on the question whether it wished to transmit both drafts or only one to the General Conference on Communications and Transit.

- M. Politis associated himself with the Chairman's suggestion, but pointed out that, if both proposals were transmitted to the Conference, their examination would give rise to very long discussions. He thought that the Committee might make a choice and forward only one draft to the Conference.
- M. Sinigalia disagreed and proposed that both proposals should be submitted to the General Conference.

The CHAIRMAN put M. Sinigalia's proposal to the vote.

The proposal of M. Sinigalia was adopted by seven votes to six.

The Committee decided that both drafts would be submitted to the General Conference.

The CHAIRMAN proposed to take up the consideration of the texts.

M. Silvain Dreyfus pointed out that the formula in Article I reading "through the territory of the contracting States" should be replaced by the words "through the territory of one or more contracting States".

After a short exchange of views in which M. Grünebaum, M. Duzmans, M. Sinigalia and the Secretary-General of the Committee took part, the text of the drast additional protocol to the Convention of the International Regime of Railways was approved, with certain drafting amendments.

The CHAIRMAN said that the Committee would next discuss the draft recommendation.

M. Silvain Dreyfus observed that at the end of the third paragraph the words "or authorised" should be added, in accordance with the amendment made in the draft protocol.

The text of the draft recommendation was approved, with the foregoing amendment.

The Chairman asked the Committee whether or no it wished to express a preference for either of the two texts.

- M. Politis pointed out that the Committee had an advisory character and as such should express an opinion.
- M. Sinigalia thought that, if the two texts were forwarded to the General Conference, there was no need to express any preference.
- M. Duzmans was in principle opposed to recommendations, but in the present case he would favour the draft recommendation, seeing that the draft protocol as modified during the discussion was now, in substance, only a simple recommendation.

The CHAIRMAN put the question of principle to the vote.

The Committee decided by seven votes to five to express its preference.

The CHAIRMAN then put to the vote the question as to which text should be submitted first.

The Committee decided by a large majority to express its preference for the draft recommendation.

SEVENTH MEETING

Held on Friday, March 14th, 1930, at 5 p.m.

. Chairman: M. Herold.

Present: All those present at the preceding meeting and M. Heckscher and M. DE RUELLE.

Secretariat: M. Haas (Secretary-General of the Committee), M. Romein, M. Metternich, M. Lukač and Mr. Tombs.

XXIX. DRAFT BUDGET OF THE ORGANISATION FOR COMMUNICATIONS AND TRANSIT FOR 1931 (Item 24 of the Agenda).

The Chairman reminded the Committee that a special Sub-Committee under the chairmanship of M. Politis had been requested to examine the draft budget (see Annex 28, paragraph I).

M. Politis pointed out that the special Sub-Committee had approved the figures in the budget and had merely made simple drafting modifications in the text.

The CHAIRMAN thanked the Sub-Committee and its Chairman, M. Politis, in the name of the Committee, for the work which they had done.

M. SEELIGER asked why the draft budget was not balanced.

M. Politis replied that the figures regarding "salaries" and "removal expenses of the Secretariat" had not yet been introduced into the budget, which explained why it was not balanced.

XXX. ORGANISATION OF THE SERVICE FOR THE COLLECTION AND EXCHANGE OF INFORMATION CONCERNING COMMUNICATIONS AND TRANSIT: REPORT BY THE SECRETARY-GENERAL OF THE COMMITTEE (Item 22 of the Agenda).

The Secretary-General of the Committee commented on the report on the above question (see Annex 22). He drew attention to the decision to undertake for the moment only such publications as were strictly necessary. It would first be desirable to profit by all the information to be found in the documents already in the hands of the League of Nations are which could be seed to a result of a previous decision of the Committee versions. or which could be easily obtained. As a result of a previous decision of the Committee various countries had been invited to forward documents, and the results obtained had, in some cases, been very interesting. On the other hand, it had been noticed that a large number of the documents sent in were already in the Library of the League of Nations. Consequently, the first work to be undertaken would be the analytical study of the documents in the League's possession and the drawing up of an inventory concerning them. That inventory would, moreover, enable note to be taken of the countries and matters on which the documentation was still insufficient, and it could then be completed by applying to the member of the Committee belonging to the country in question, or by a request to the correspondents, or

was still insufficient, and it could then be completed by applying to the member of the Committee belonging to the country in question, or by a request to the correspondents, or by any other procedure which might be judged best in each of the cases in question.

If the members of the Committee found gaps in the documentation regarding their countries, he would ask them to send him any useful suggestions on the matter.

He pointed out the prudence with which the work had been carried out. In particular, all the necessary personnel had not yet been appointed. The draft which had been drawn up would in his opinion, when approved by the Committee, form a solid basis for the future development of the service.

He would observe on the other hand, that the documentation is a solid basis for the future

He would observe, on the other hand, that the documentation already collected by the Secretariat had enabled it to reply to all the requests for information received from States and from other sources. He did not think that it would be necessary at present to consider periodical publications. It would be sufficient to send to the members of the Committee a list of the questions on which the documentation was up to date.

M. Iro pointed out that, in Japan, considerable importance was attached to the work of documentation undertaken by the Transit Organisation. He had received letters from correspondents in Japan showing a very great desire to be kept in touch with the progress

of the collection of the documentation.

He wished, nevertheless, to know whether the documentation which was being collected and which was intended to be of assistance in the future development of the Committee's and which was intended to be of assistance in the future development of the committees activities, would be carried out according to the lines already laid down, or whether it would be necessary to consider modifying the orientation of the work. He wished in particular to know whether the documentation which had at one time been sent from Japan could be considered satisfactory and whether it would suffice for the object in view,

The Secretary-General of the Committee replied that the documentation received from Japan had been extremely valuable and had made it possible to put in order the information concerning that country. It would, however, be difficult to give a definite reply to M. Ito's question, for it could only be judged later, both by question and by country, what gaps would have to be filled in. In regard to Japan, he was under the impression that the documentation service already assured gave every satisfaction.

M. Ito pointed out that a national association for communications and transit of considerable importance was set up in Japan two years ago. It had expressed a desire to receive from the Secretariat the documents likely to be of interest to it.

The Secretary-General of the Committee asked whether the association which M. Ito had just mentioned collected its own documentation.

M. Ito replied that it did collect its own documentation and had acquired considerable importance. It would certainly be prepared to communicate all the information which it possessed and which might be of interest to the Secretariat.

The Secretary-General of the Committee concluded that it should be able, in consequence, to provide useful information, not only in regard to Japan, but in regard to the neighbouring regions. He considered that it would be desirable to get into communication with the association.

The CHAIRMAN, in the name of the Committee, took note of the memorandum of the Secretariat and of the explanations which had accompanied it.

M. SEELIGER had understood that in future months the Transit Organisation would collect as much information as possible and would get into touch with the liaison agents selected in the various countries. He would ask what had been decided in regard to Germany.

The Secretary-General of the Committee replied that it was difficult to say exactly what would be done in regard to each question and each country, for it would be necessary in the first place to draw up a table of the existing information. The gaps would then be seen and the most appropriate method for filling them would have to be discovered. He could say, however, that the Secretariat of the League of Nations already possessed considerable documentation concerning Germany and he thought that it would be easy to complete it without having recourse to a German correspondent.

XXXI. Report of the Special Committee on Questions of Competition between Railways and Waterways (Item 9 of the Agenda) (continued).

The Chairman invited the Committee to examine the draft resolution submitted as a basis for discussion (see Annex 23).

The Secretary-General of the Committee read and commented on the draft resolution. He observed that the object of the first paragraph was to summarise the opinions expressed by the various members of the Committee, and pointed out that it was not intended to suggest at the end of the paragraph that the report offered a solution to the problem. It confined itself to making an important contribution without any pretension to having solved the problem. In the remainder of the resolution stress had been laid on the fact that the Committee had not considered it expedient to present a formal opinion on the subject of the use of the means of transport for purposes connected with economic policy, particularly in view of the limited nature of the question submitted for examination.

In the third paragraph, on the contrary, the Committee adopted a positive attitude. The meaning which it had given to the expression "normal lines" would be explained by an

extract from the Minutes of its discussions.

The Secretary-General of the Committee recalled the recommendation on the subject of the relation which should exist between additional costs of transport and tariffs; the latter should not in any case be lower than the additional cost. At the same time, he reminded the Committee that it might nevertheless be advantageous in certain cases to draw up provisions which, for a certain time, might lead to a deficit, if there was a possibility, by so doing, of making an effective contribution to the general economy. It had appeared that certain exceptions would remain possible even from the economic point of view.

M. Seeliger considered that the draft resolution offered a good basis for discussion. He would prefer, however, to see the word "solution" at the end of the first paragraph replaced by "appreciation", seeing that the Committee was still very far from being able to offer a solution to the problems.

Even after the explanations of the Secretary-General of the Committee, he felt some apprehension on the subject of the expression "normal lines", which appeared in the third paragraph. Personally, he would have preferred to retain the three first lines of the first paragraph, and to add to them the third paragraph regarding the conclusions of the report.

Sir John Baldwin preferred the original text of the draft resolution. The first paragraph was a commentary; the third was a statement of the action taken by the Committee. He did not think it would be possible to combine them. The draft resolution did not give him entire satisfaction. He considered it inferior to the proposal which he himself had made. He would, however, accept it as a minimum.

M. DJOURITCHITCH proposed to say in the third paragraph: "the general conclusions are such as to make possible an improvement".

The Secretary-General of the Committee observed that it must not be allowed to appear that these normal lines of tariff policy were not at present applied.

M. DJOURITCHITCH replied that their application was less extended than was desired in the report. The railways began by applying them, but later had to give way before the pressure of questions of national economy and politics.

The CHAIRMAN invited the Committee to examine the draft, paragraph by paragraph.

First Paragraph.

M. Schlingemann observed that the first paragraph dealt only with the problems so far as they concerned European economic life. Since the enquiry did not concern Europe only, it seemed that the report should make clear the fact that it was also of interest for world economy.

The Secretary-General of the Committee recognised that the problem might arise in a similar manner in other continents. The enquiry had nevertheless been made only in Europe. Somewhat delicate problems might arise. The Committee should avoid appearing to give advice to countries faced with similar problems, but which were not represented on the Committee, in particular the United States of America. In reality, the problem only concerned each continent taken separately, and appeared under a different aspect for each. The enquiry had been undertaken without liaison between the continents.

M. Silvain Dreyfus considered that the expression suggested by M. Seeliger — "the appreciation of the problem" — would lead to ambiguity. It was necessary to place oneself in the position of the unitiated person called upon to read the resolution. The "appreciation of problems" was difficult to define, whereas everyone knew what was meant by "the solution of problems".

M. DE VASCONCELLOS saw no objection to retaining the words "solution of problems".

seeing that the report would in fact tend towards the finding of a solution.

He was in agreement with M. Schlingemann that the question should not be limited to Europe. The report was a contribution to the study of world economy, and it was particularly important to avoid suggesting that the League of Nations wished to limit its efforts to Europe.

- M. SEELIGER explained what he understood by the "appreciation" of a problem. A problem had to be stated clearly before it was possible to consider its solution. That was what the report endeavoured to do.
- M. Sinigalia agreed with M. Seeliger. He was prepared to omit the word "solution", in view of the fact that it was necessary to refrain from suggesting that a solution had been found.
- M. DE RUELLE considered that the formula proposed in the text of the resolution was the minimum and that no omissions could be made. There were two sides to the problem—examination and solution. The Committee had not undertaken to find a solution to the It offered a simple contribution in the direction of a solution.
- M. Silvain Dreyfus proposed the phrase "in order to facilitate the solution", which was accepted.

The Chairman invited the Committee to give its opinion on the expression "European economic life".

The Secretary-General of the Committee considered that it would be possible to reply to the various objections which had been raised by leaving the words "European economic life", and introducing a new paragraph expressing the Committee's interest in the study of similar conditions in other parts of the world.

The balance between Europe and other continents in the Committee's work would thus

be maintained.

M. DE VASCONCELLOS insisted that from the point of view of the League of Nations it was important to avoid limiting the field of study to Europe. The suggestion made by the Secretary-General of the Committee appeared to him to be acceptable.

M. HÖRNELL pointed out that Sir John Baldwin's proposal would give him satisfaction, for the report of the Special Committee could not be considered complete before the possibilities of progress and economy by means of the concentration of traffic on one railway line instead of two had been considered.

He added that in America the employment of very large wagons, which made possible the loading of 17,000 tons on a single train, had considerably lowered the cost of transport. Enquiries in that direction would be of interest. The report had been drawn up as a result of enquiries made in a small section of Europe, and it was difficult to base general considerations on such limited enquiries.

Sir John Baldwin regretted that no account had been taken of the proposal which he had made on the previous day. He would support the proposal of the Secretary-General of the Committee, for he considered that it filled up a gap. If the expression "European economic life" were maintained, it would be necessary to make it clear that the Committee hoped that the problem would be considered in relation to other continents.

M. SEELIGER withdrew his proposal.

Second Paragraph.

- M. Silvain Dreyfus asked for an explanation of the expression "forms of national economic life". He wished to know whether it referred to the protection of scaports. He proposed to replace the word "forms" by "organs" or "instruments".
 - M. Djouritchitch proposed the words "elements", "branches", or "aspects".

The Secretary-General of the Committee observed that it had been endeavoured to include all the manifestations of national economic life.

The Chairman, after a short exchange of views, noted the agreement of the Committee on the expression "elements of national economic life".

M. Schlingemann considered that the paragraph was not clear. It did not show clearly whether the use of national means of transport for the protection of certain elements of national economic life was desirable or not. He added that the Committee had not dealt with the desirability of examining the problem but had confined itself to deciding that the problem was rather within the competence of the Economic Committee.

The Secretary-General of the Committee agreed with M. Schlingemann and explained that the paragraph of the draft resolution was simply intended to show that the Committee had not considered it desirable, in view of the problem submitted to it, to examine the question of the use of the national means of transport for the protection of certain elements of national economic life.

M. DE RUELLE would have preferred to maintain the word "opportun". The Committee could reserve the right to do later what it did not at present consider desirable.

Sir John Baldwin agreed with M. Schlingemann, that an allusion to the effect on international economic life of protectionism exercised by means of national transport should be introduced.

The Secretary-General of the Committee considered that the question was worthy of consideration. He added that it would be preferable not to suggest that the question was considered as still open. The Transit Committee had, as a matter of fact, already dealt with it.

The CHAIRMAN considered that paragraph 2 could be accepted provisionally.

Third Paragraph.

- M. Seeliger proposed that the last part of this paragraph should be drafted as follows: "The general and normal lines of tariff policy".
- M. Silvain Dreyfus asked that it should be made clear that it was a question of transport undertakings.
- M. Seeliger also thought it advisable to explain that it was desired to consider, on the one hand, the public and, on the other, transporters.
- M. DJOURITCHITCH wished for an explanation of the expression "tariff policy", which he considered too vague. He would have liked some indication that it was a question both of national and of international policy.

After an exchange of views, the Committee adopted the third paragraph in the following form, in order to confine itself to a simple statement, while reserving the possibility of future action:

"Notes that, apart from this question and simply from the standpoint of the legitimate interests of all the users of the means of communication on the one hand and of transporters employing railways and waterways on the other, the general conclusions of the report are such as to form a useful indication of the general and normal lines of tariff policy."

Fourth Paragraph.

The Secretary-General of the Committee read the text proposed for the fourth paragraph, the bearing of which was as follows:

- "Requests the Secretary-General to collect, so far as possible, all information on the manner in which the same problem or similar problems have been dealt with in continents other than Europe."
- M. Seeliger did not consider that that paragraph should appear in the draft resolution, seeing that the question referred to the Committee for examination was limited to the points raised by the Hines report.
- Sir John Baldwin recalled that, when a question was examined, it often led to developments the study of which was considered interesting. The question of European communications seemed to lead to an extension of the enquiry, and to the collection of information concerning other continents, in particular, North and South America. It might be of interest to the Committee to pursue its task in that direction.
- M. Silvain Dreyfus pointed out that all the members of the Committee were in agreement on the principle. It was a simple question of drafting, that was to say, of deciding whether the question should be attached to the problem of competition between railways and waterways or whether it should be the object of a special study. He supported the second alternative.
 - M. Sinigalia drew attention to the necessity for providing for the competition of other means of transport, in addition to waterways and railways.
 - M. Seeliger thought it preferable to confine attention to the question studied at the present session and, if necessary, to place the question of future developments on the agenda for the next session.
 - M. Sinigalia recalled that on the previous day the Committee appeared to have decided to adopt two resolutions.

The Chairman proposed to leave the question in suspense and to invite the Secretary-General of the Committee to present a text at the next meeting.

M. Politis explained that the fact that the new text had been proposed in order to explain the use in the first paragraph of the expression "European economic life" should be borne in mind.

The Secretary-General of the Committee replied that it would be easy, even if it were decided to adopt the principle of a separate resolution, to maintain in the present text the words "European economic life".

The Chairman noted that the Committee agreed to invite the Secretary-General of the Committee to present a draft resolution which would be read at the next meeting.

XXXII. SMUGGLING OF ALCOHOL (continued) (Item 11 of the Agenda).

The Secretary-General of the Committee read the draft report on the smuggling of alcohol (see Annex 24).

M. Schlingemann commented on the draft report and reminded the Committee that two recommendations had been studied by the Economic Committee. The first concerned the considered that that recommendation was not desirable and that it would tend to create a new legal principle.

In replying to the question which had been put to the Committee, the Sub-Committee had considered that the measure proposed by the Finnish authorities — that was to say, the possibility of asking the States concerned for a special authorisation, for each separate case, to inspect certain specified vessels flying the flag of such States — would be no obstacle to the freedom of communications.

The second recommendation examined by the Economic Committee referred to the question of the changing of flags. It expressed the desire that the authorities should ensure that flags should not be changed as a means of disguising smuggling. The Sub-Committee had thought that a decision to that effect would go too far, for it would involve the obligation

to study the various national legislations. Nevertheless, it had thought it desirable to put forward the recommendation that the national agents should examine in each case whether the requirements of the national legislation regarding the right to the flag had been fulfilled.

The Sub-Committee proposed, in addition, that a comparative study of the national

legislations should be undertaken.

The CHAIRMAN thanked the Sub-Committee and its Chairman for the care with which they had proceeded to the elucidation of such a delicate question.

- M. Politis stated that he was in agreement with the report. He would, nevertheless, point out that it had been necessary to hear M. Schlingemann's explanations in order to understand the first five paragraphs, the text of which did not seem to him to be very clear. He also considered that the term "agreement" in the fifth paragraph should be defined.
- M. Schlingemann said that the Sub-Committee had considered that a general agreement concerning the supervision of vessels suspected of being engaged in smuggling alcohol would hinder navigation but that, on the other hand, the Finnish Government might make an agreement with the State concerned regarding specific vessels. In that case, each authorisation to inspect would constitute an agreement.

M. DE VASCONCELLOS stated that he was in agreement with the report in principle. He noted that the Committee had acted wisely in leaving the League of Nations outside the question. If it was a case of agreements concerning specified vessels, he could accept the proposal. He emphasised the impossibility of involving the League of Nations in such questions as smuggling, which might be made the object of international conferences, but were entirely outside the scope of the League of Nations.

EIGHTH MEETING

Held on Saturday, March 15th, 1930, at 10 a.m.

Chairman: M. Herold.

Present: All those present at the preceding meeting, except M. Heckscher and M. de Ruelle. Also present: M. Poppius.

Secretariat: M. Haas (Secretary-General of the Committee), M. Romein, M. Metternich, M. LUKAČ and Mr. Tombs.

XXXIII. Smuggling of Alcohol (continued) (Item 11 of the Agenda).

M. SEELIGER would emphasise three main points in the draft report (see Annex 24). In view of the general interest which the question of alcohol presented from the point of view of public health, he approved the first point concerning the supervision to be exercised within territorial waters of vessels flying the flags of States not parties to the Convention of Helsingfors of 1925. He noted that it had been desired to restrict the scope of this provision, for it was contemplated to apply it only to certain types of vessels.

It was, however, impossible for him to approve the second point, concerning the granting of a floor and certain similar questions.

of a flag and certain similar questions. In each country the granting of a flag was regulated by a series of laws. In drawing the attention of the various Governments to the necessity of ensuring a strict observation of its laws, the League of Nations was arrogating to itself

an exaggerated right of guardianship, and such action might be harmful to it.

The third point which was contained in the last paragraph of the draft report concerned a comparative study of the national legislations governing the granting of the right to fly a flag. There was, however, at the present moment a very complete collection of this legislation and it would be easy to obtain the necessary information from it. M. Seeliger did not understand therefore the object of the study to be undertaken, and for that reason he was unable to approve the draft.

Sir John Baldwin did not wish to reply to M. Seeliger in so far as the question of substance was concerned. He would merely point out that the members of the Committee had never, in taking any decision in regard to questions concerning alcohol, regarded them from the point of view of the effects of alcohol upon health. The facts brought forward by the Finnish delegation concerned public order.

He would also point out that the first point in the draft report made no allusion to certain kinds of vessels, but to certain specific vessels known to the Finnish authorities to be specialised

in the smuggling of alcohol.

Finally, Sir John Baldwin did not think that the conclusions of the report, if they were adopted, would subject the various Governments to an exaggerated form of supervision on the part of the League. The Committee should take account of the fact that the legislations of the various countries were not scrupulously applied, especially in the case of honorary

consular agents serving in distant posts. It was therefore perfectly legitimate to suggest that Governments should ensure a strict application of their laws by means of adequate measures.

- M. Seeliger thanked Sir John Baldwin for his explanation. As far as the question of the effects of alcohol upon health were concerned, he had merely wished to express a personal opinion.
- M. Schlingemann explained that, in so far as the vessels referred to in the first point of the draft report were concerned, a list of such vessels, which numbered about thirty, had been submitted confidentially to members of the Sub-Committee. This showed that the Finnish authorities knew these vessels perfectly well.
- M. Duzmans shared the view of M. Seeliger that the recommendation contained in the second part of the draft report was not only useless but might not prove very welcome to Governments and particularly to consular agents.

It was stated on page 2 of the draft report:

"The Sub-Committee thought it desirable that the League should not, for the time being, formulate any recommendation such as that submitted to the Committee for Communications and Transit, inasmuch as the adoption of such a recommendation would have the effect of involving changes in the general practice of States."

From the legal point of view M. Duzmans thought that the suppression of smuggling could be regarded as a case of legitimate defence. The notion of legitimate defence was universally admitted, and it would be enough to prove that it was a case of legitimate defence in regard to the questions under discussion for all the legal obstacles to disappear. There could be no doubt whatever that this was clearly the case in so far as concerned the smuggling of alcohol which had been carried on for centuries in the Baltic.

In regard to the question of opportunity, M. Duzmans agreed that, for the moment, it would be somewhat difficult to take any decision on this point.

In connection with the last paragraph of the draft report, he pointed out that the League had only too often decided to undertake an enquiry in cases where it lacked the power to adopt more definite measures. The Committee should not add a fresh enquiry to those which it was already carrying on.

M. Duzmans thought therefore that the last paragraph of the draft report should be deleted. The problem submitted to the Committee for its examination required a prompt solution. It was better to state clearly the view that the Committee did not consider it opportune to propose concrete measures at the moment, rather than to recommend the adoption of measures which would subsequently prove to be of no effect.

M. Duzmans approved the recommendation contained in the second paragraph of the draft report.

The Chairman thought it useful to recall the terms of reference of the Committee and read the first paragraph of the draft report, which was to the following effect:

"The Sub-Committee was instructed to ascertain whether the measures contemplated by the Economic Committee for the suppression of alcohol smuggling were of a nature to 'interfere unduly with the freedom of communications', and, if so, to state what measures might be recommended for that purpose."

M. Hostie referred to the study provided for in the final paragraph of the draft report.

All who had examined the list of vessels specially engaged in the smuggling of alcohol were of opinion that measures ought to be adopted in regard to the granting of a flag. Certain Governments probably did not realise the scope of their legislation in this respect. The draft report asked Governments to satisfy themselves as to the actual application of their laws. It would be imprudent and rash to go further before obtaining the results of such a preliminary investigation, which was indispensable for the following reason. Any system of legislation was subject to the law of inertia; many of them did not take sufficient account of the progress achieved in the means of communication by telegraph, telephone, etc. In a large number of countries, especially in countries of an essentially maritime character, too great a latitude seemed to have been granted to consular agents. In view of the means of communication at present at the world's disposal it was necessary to strengthen the control exercised by Governments over the conditions in which they granted their flag. It was mainly in this direction that the investigation should be conducted, for this was its principal interest.

M. Hostie did not think that the existing collection of information gave sufficient details, especially in regard to the instructions issued concerning the application of laws. It would be better to ask Governments to forward, in regard to the granting of their flag, the special points of their legislation in the manner in which this legislation was, in fact, applied.

M. Seeliger took the view that, if it were discovered that the laws in force were not respected by certain agents, the Committee should merely state this fact in its report.

As to the comparative study provided for in the final paragraph of the draft report, which had been so ably defended by M. Hostie, M. Seeliger was still unable to approve it. Such an investigation might not achieve practical results, and in any case it would take too long to enable it to be an effective factor in the discovery of a prompt solution for the urgent problems facing the Finnish Government. Further, as M. Duzmans had pointed out, the number of international investigations already undertaken was too great. The German Government would be only too grateful if the number of such enquiries were limited, for they threw a considerable amount of work on the shoulders of the administrations concerned. M. Seeliger asked therefore that the Committee should decide not to undertake the enquiry suggested in the draft report.

M. Schlingemann thought that, in general, it was useless to undertake theoretical work. In the present case, the enquiry would, however, not be useless. The Sub-Committee had been hindered by the fact that it did not know to what extent the various national laws were applied; it only knew what this situation was, thanks to the explanations furnished by the Finnish delegation.

M. Schlingemann did not think that the suggested study would place any considerable burden of work on the Governments, for they would merely be asked to furnish certain information which would then be examined by the Secretariat.

- M. SEELIGER emphasised the fact that the matter concerned not only the application of the laws but that the main difficulty consisted in establishing the fictitious nature of certain changes in a flag. Those difficulties would not be solved by a mere exhortation addressed to the officials concerned.
- M. Poppius stated that, although the draft report only satisfied in part the desires of the Finnish delegation, that delegation would be faithful to the saying: "If you have not what you like, you must like what you have", and it would be content with what it had.
- M. Duzmans associated himself with the observations of M. Seeliger, who had stated that the first of the three points in the report should be drafted as a mere statement of fact and not as a recommendation.

The CHAIRMAN understood that this was the opinion of the Committee. All members were also agreed as to the second point in the report which formed the subject of the penultimate paragraph. There still remained the question of the last paragraph, which proposed a comparative study of the national legislations governing the granting of the right to a flag.

- M. Seeliger urged that this study must have a practical object and asked what was the object contemplated.
- M. Romein replied that it was difficult to say in advance what the result of the study would be. It was not the first time that a study had been taken up without its having been decided what was the action which should be taken in consequence. This was the case, for example, in regard to the study of the present conditions of the coasting trade.
- M. Hostie agreed with M. Romein. The study must be carried out before conclusions could be drawn from it. Although he had no wish to prophesy, it could hardly be hoped that the study would make it possible to consider the standardisation of conditions governing the granting of the right to a flag, but it was possible that it would result in the recommendation of a minimum number of conditions. Certain legislations contained no provision on the subject, and this made it possible for vessels engaged in smuggling to claim a fictitious nationality.
- M. Schlingemann said that, in order to understand the scope of the Sub-Committee's proposal, it must not be forgotten that the Finnish delegation had asked for more than it had obtained. It had asked that Governments might be invited to take the necessary measures to prevent the use of fictitious flags. This proposal had been held to be unacceptable, but the Sub-Committee had considered that, if the question were studied, it might perhaps be found that the Governments could be asked to give certain guarantees as to supervision.
- M. SEELIGER thought that it would be wrong to begin by taking up a study and then draw the conclusions. This mode of procedure might lead very far. It seemed hardly possible to expect some fifty Governments to undertake a considerable amount of work without being certain of the object of the enquiry.
- M. Silvain Dreyfus was prepared to support M. Seeliger's opinion to a certain extent. The Committee must give a reply to the Economic Committee. It was unanimous on two points but had been unable to agree on the last paragraph of the draft report. It would therefore be expedient to record the agreement on the first two points in a first resolution, and to have a second resolution covering the third point.
- M. Romein thought that it might be helpful if he gave some explanations on the connection existing between the last and the penultimate paragraphs. The recommendation in the penultimate paragraph would have sufficed if all legislations had contained provisions

governing effectively and satisfactorily the granting of the right to a flag, as indeed was the case for the more important maritime countries. The gaps in certain legislations, however, might make a fictitious change of flag possible, even when the strict observance of the laws in force was ensured. It was this omission in the penultimate paragraph that was emphasised in the following paragraph. It would, however, be possible to make the two paragraphs independent by appropriate redrafting.

M. Schlingemann supported M. Silvain Dreyfus's proposal. M. Seeliger had certainly been right in saying that a study should not be begun unless it had a definite object. There was, however, close connection between the question of a change of flag and smuggling. It sometimes happened that, when the Finnish authorities had applied to the country whose flag protected a vessel engaged in smuggling for authorisation to undertake searches on that vessel, they found, after receiving the authorisation, that the ship had changed its flag.

M. Seeliger did not think that this practice, which came under the heading of piracy, could be abolished by legislative changes.

Sir John Baldwin entirely agreed with M. Seeliger in regard to the excessive number of enquiries inflicted on Governments. He especially regretted the fact that all the studies undertaken under the auspices of the League seemed to be dominated by the idea of standardising everything under the sun. Nevertheless, in the case which the Committee was considering, account must be taken of a very important factor. If he were not mistaken, the Committee, when consulted with regard to the illicit traffic in arms and drugs, had found it impossible, as indeed had the Committee on Ports and Maritime Navigation, to give a precise answer. The natural deduction had been that the information in possession of the Committee was inadequate. A similar advantage might, in the present case, result from the proposed study. The laws of many of the Governments regarding the granting of the right to a flag were only imperfect because the attention of those Governments had never been drawn to the question. If a study were undertaken, certain Governments would no doubt observe for the first time the omissions in their laws. For these reasons he thought the study necessary but he wished to make it quite clear that, whatever its nature, its object was not standardisation.

M. Hönnell agreed with Sir John Baldwin.

M. Seeliger observed that the Committee appeared to have been convinced by Sir John Baldwin's arguments. He wished merely to express again his desire that the question of the comparative study should form the subject of a different resolution.

The Chairman asked M. Seeliger if he was unable te accept M. Silvain Dreyfus's proposal.

M. Silvain Dreyfus made his proposal more precise: he requested that the Committee should acquaint the Economic Committee with its opinion concerning the first two points of the draft report, and inform it of its decision to make a comparative study of the national laws governing the granting of the right to a maritime flag.

M. Sinigalia suggested that this latter point should be mentioned in the covering letter to the Economic Committee.

M. SEELIGER was able to accept this proposal.

The CHAIRMAN instructed the Secretariat to revise the text of the draft report.

M. Romein asked M. Silvain Dreyfus to be good enough to assist in revising the draft.

M. Silvain Dreyfus considered that the report, although remarkably well done, was not intended to constitute the resolution. The latter, as he had already suggested, might state that, having examined the Sub-Committee's report, the Committee had adopted the first two points. In the covering letter, the Economic Committee would also be informed that it had been decided to make a comparative study.

After a short exchange of views between Sir John Baldwin, M. Seeliger, M. Silvain Dreyfus, M. Hostie and M. Romein, the Committee agreed to the solution proposed by M. Silvain Dreyfus.

M. Poppius asked that the Finnish proposal should appear in the Minutes of the present session of the Committee.

The CHAIRMAN noted his request (see Annex 25).

M. Duzmans wished to propose certain amendments to the text of the draft report. He suggested that the last paragraph be omitted and replaced by a formula stating that the Committee reserved its right to return later to the study of the whole question, for instance, after the Conference on the Codification of International Law.

The CHAIRMAN replied to M. Duzmans that the discussion was at an end, and that the time at the disposal of the Committee would not permit of the discussion being reopened. The text of the draft report was the result of a very thorough study, and the Chairman would ask M. Duzmans to be good enough to content himself with the mention of his proposal in the Minutes.

M. Duzmans agreed to the Chairman's request.

The Chairman stated that the question would be considered at the next meeting, when the new modified text would be submitted to the Committee.

XXXIV. REPORT OF THE SPECIAL COMMITTEE ON QUESTIONS OF COMPETITION BETWEEN RAILWAYS AND WATERWAYS (continued) (Item 9 of the Agenda).

The Secretary-General of the Committee read the draft resolution which took into account the decisions taken at the previous meetings.

M. SEELIGER, who had been one of those who, at the previous meetings, had raised the principal objections, was the first to declare that he accepted the present resolution. the same time, he accepted the last paragraph less willingly than the remainder of the resolution, for the reason he had already given; i.e., he deplored the ever-encreasing number of enquiries undertaken under the auspices of the League of Nations.

The resolution was adopted by the Committee with several drafting alterations (see Annex 28, paragraphs XIX and XX).

XXXV. GRAVE OCCURRENCES OF A GENERAL CHARACTER AFFECTING ROUTES OF Communication (continued) (Item 15 of the Agenda).

The Secretary-General of the Committee read the draft resolution, which was adopted with several drafting amendments (see Annex 28, paragraph XII).

XXXVI. Agenda of the Fourth General Conference on Communications AND TRANSIT (continued) (Item 20 of the Agenda).

The Secretary-General of the Committee pointed out that the question of the reform of the calendar had been placed on the agenda for the fourth General Conference on Communications and Transit by a resolution of the Assembly (see Annex 26).

Enquiries had been pursued on that subject in a large number of countries. National Committees had been set up in nearly all of the countries of the American continent, and the

setting up of such Committees was being carried out in other parts of the world.

It would be necessary to make a slight modification in the organisation of the General Conference. The study of the reform of the calendar was in its first stage. The discussion should be quite free, and the greatest possible number of representatives of those interested should take part. The discussions should be of an advisory character, and each Government should, he thought, be free to appoint representatives of economic circles, universities, etc., who would form a special Committee which would present a report to the General Conference.

It would also be necessary to consider the desirability of inviting the religious authorities interested to be represented at the Conference and on the Committee.

For the moment it was difficult to do more. In view of the fact that the Committee would be meeting again in September, the text of the invitations to attend the General Conference, etc., could be adopted then. The Committee could also decide at its next session whether expections should be put on the agenda of the Conference in addition to these whether other questions should be put on the agenda of the Conference in addition to those which would normally be included (report on the activities of the Committee, its renewal, etc.).

M. Politis observed that, if he had understood rightly, the question of the reform of the calendar would form the "plat de résistance" of the General Conference, and that that question would be studied by a special committee. M. Politis asked whether that committee should not hold a meeting before the Conference, for he feared that otherwise the latter would be obliged to support its meetings while the appaid as muittee was at most be obliged to suspend its meetings while the special committee was at work.

M. Silvain Dreyfus reminded the Committee that the Italian Government had invited the International Congress on Navigation to meet in Italy in 1931. It would be advisable to take into account the date of that Congress when the date for the General Conference on Communications and Transit was fixed, and a sufficient interval should be left between the two dates.

M. SEELIGER associated himself with M. Silvain Dreyfus's recommendation.

On the other hand, he noted, in the light of the explanations given by the Secretary-General of the Committee, that the study of the question of the reform of the calendar would not be of the character which he had expected. In Germany, it was considered that the ground was as yet insufficiently prepared. Apart from the question of the reform of the calendar, however, the agenda for the Conference appeared to be very light. M. Seeliger hoped that other questions would be placed on the agenda, for instance, that of the tonnage measurement of vessels.

As to M. Politis's proposal, M. Seeliger considered that it should receive the Committee's attention.

Sir John Baldwin supported the proposal of M. Politis. He considered that the work of the special committee which it was proposed to set up should be concluded before the meeting of the Conference, which could only come to a decision on the result of the work of that committee.

The Secretary-General of the Committee pointed out that the Committee could decide on the date for the convening of the General Conference at its next meeting. As to the question raised by M. Politis, it was of great interest and should be studied before the September session. The actual discussion on the reform of the calendar might be very long, and it would be conducted by persons other than the representatives of the Governments at the Conference. It would be a somewhat delicate matter to nominate a committee of the Conference before the Conference had met. Nevertheless, it might be possible to find a

at the Conference. It would be a somewhat delicate matter to nominate a committee of the Conference before the Conference had met. Nevertheless, it might be possible to find a solution. Perhaps the committee and the Conference could overlap slightly.

In examining the results of the work of the special committee, the representatives of the Governments would take into account the degree of maturity of the different aspects of the question, and although the examination made by the Conference would be only of an advisory character, it was possible that it would express a unanimous opinion on contain points.

certain points.

M. SEELIGER saw a difficulty. The results of the work of the committee which would study the reform of the calendar would doubtless be very complex. It would find itself faced with a considerable documentation and the representatives on the Conference would need time for a suitable study of that documentation.

The Secretary-General of the Committee pointed out that various questions of procedure would have to be examined. It might be necessary to interrupt the meetings of the Conference or to leave considerable time between the meeting of the committee and that of the Conference. Certainly if the two were called upon to work at the same time, all that the Conference would be able to do would be to take note of the committee's report. The question would have to be studied carefully at the September session.

In regard to the agenda for the General Conference, it was heavier than that of the last Conference, and he considered it sufficient. It was desirable that the agenda of the Conference should not contain too many special questions involving the drawing up of texts of a contractual nature binding on the Governments, the discussion of which would be prolonged to the detriment of the general questions. At the same time, it might be possible to place on the agenda of the next Conference the drawing-up of an international convention

on commercial motor transport.

The CHAIRMAN noted that all the members of the Committee considered that the question of the organisation of the Conference should be dealt with at the September session. The resolution should simply mention that a first exchange of views had taken place and that the discussion had been adjourned until the next session.

XXXVII. STATE OF THE RATIFICATIONS OF CONVENTIONS DRAWN UP UNDER THE AUSPICES of the Organisation for Communications and Transit (Item 25 of the Agenda).

M. Silvain Dreyfus reminded the Committee that the French Government had asked in 1928 for additional information regarding the interpretation of Article 20 of the Statute relating to the International Regime of Railways, as well as the first paragraph of the Protocol of Signature of the Convention. The study of the question was entrusted to the Legal Committee, and the Advisory Committee had adopted last year a resolution which had been communicated to the French Government. The very clear and complete explanations given therein by the Committee had been satisfactory to the administrations concerned. The agreement between them had now been reached and a draft Bill proposing the ratification of the Railway Convention would soon be deposited with the Burcau of the Chamber of Deputies.

The Committee took note of this statement.

XXXVIII. INVITATION FROM THE BRITISH GOVERNMENT TO THE COMMITTEE TO BE REPRESENTED AT A CONFERENCE WITH A VIEW TO THE CONCLUSION OF AN INTERNATIONAL Convention on the Load-lines of Merchant Ships (Item 26 of the Agenda).

The Secretary-General of the Committee observed that the name of the Conference would explain its object. The Committee could adopt the same procedure as for the Conference on Safety at Sea, and could ask its Secretary-General to represent it at the new Conference. It would be of interest to keep in touch with the work of the Conference, but no useful purpose would be served by taking an active part in it.

This was agreed.

XXXIX. Invitation to the Committee to Exhibit at the International Exhibition.

To be held at Posen (Item 27 of the Agenda).

The Secretary-General of the Committee remarked that an International Exhibition on Transport and Touring would meet at Posen. It appeared that it would be of a very international and representative character. When the Committee was invited to take part in the Basle Exhibition it had accepted. It might be desirable perhaps to accept the invitation of the Polish Government in the same way. Some pamphlets, pictures, photographs, etc., could be sent. The Exhibition would open on July 6th, 1930.

The Committee adopted the proposal.

XL. VARIOUS COMMUNICATIONS (Item 29 of the Agenda).

1. Reorganising Quarantine Services in China.

The Secretary-General of the Committee read a letter from the Medical Director of the Secretariat of the League dated March 13th, 1930 (see Annex 27), communicating to the Committee a resolution of the Health Committee. The Advisory Committee was invited to appoint experts who would assist in the work to be undertaken by the League of Nations in response to the request for its co-operation with the Chinese Government in health matters. The Committee, which had already assisted certain Governments, would certainly wish

The Committee, which had already assisted certain Governments, would certainly wish to accord the co-operation for which it had been asked and would appoint experts to confer with the Committee appointed by the Health Committee in regard to the reorganisation of the quarantine service in China.

M. Ito was in agreement with the appointment of experts. The organisation of quarantine in the Chinese ports was of a very special nature and the advice of experts could not fail to be useful.

M. DE VASCONCELLOS also emphasised the interest of the question.

The Secretary-General of the Committee considered that three experts would suffice, one of whom should be a member of the Committee. Would M. Hörnell, who knew China, be willing to accept appointment?

Sir John Baldwin considered that the appointment of M. Hörnell was indicated.

M. Hörnell accepted the appointment.

The Secretary-General of the Committee proposed that Sir Alan Anderson, member of the Committee for Ports and Maritime Navigation should be asked either to accept appointment as an expert, or to nominate a substitute. As to the third expert, the Secretary-General of the Committee proposed the appointment of M. Kröller, member of the Committee for Ports and Maritime Navigation.

The Committee adopted these proposals.

2. Request by the Singapore Epidemiological Bureau of the Health Organisation for Help in improving its Radiotelegraphic Service.

The Secretary-General of the Committee informed the Committee that he had received another communication from the Medical Director in regard to certain difficulties encountered by the Eastern Bureau of the Health Organisation at Singapore in regard to the radiotelegraphic communication of epidemiological information. He understood that it was simply a case of certain technical questions of diffusion, and suggested that the Chairman should ask the Technical Committee of Wireless Experts to give their advice on the matter. It would then be seen whether it was desirable that the Chairman should comply with the request.

The Committee adopted this proposal.

3. Recommendation of the National Belgian Congress on Inland Navigation.

The Secretary-General of the Committee stated that he had received from M. Delmer, member of the Permanent Committee for Inland Navigation, a letter informing him of the following recommendation of the National Belgian Congress on Inland Navigation.

- "Recommendation No. 4.
 - "The Congress recommends,
- To encourage the international unification of agreements concerning inland navigation, initiatiative which could be entrusted to the Advisory and Technical Committee for Communications and Transit of the League of Nations."

The Secretary-General of the Committee, in reply to a request from the Chairman, said that that communication could be considered as official, and that he proposed that it should be submitted for examination to the Permanent Committee for Inland Navigation.

- M. Silvain Dreyfus asked whether it would not be possible to take advantage of the next meeting of the Committee to convene, at the same time, a meeting of the Committee for Inland Navigation.
- M. Schlingemann observed that the question of unification was certainly of interest but was not at all urgent.

After a short exchange of views between Sir John Baldwin, M. Seeliger, M. Silvain Dreyfus and the Secretary-General of the Committee, the Committee decided to adjourn the examination of the question to the next session of the Committee and to ask M. Delmer, in the meantime, to provide supplementary information.

4. Request of the International Life-Saving and First-Aid Association.

The Secretary-General of the Committee read the following letter dated March 11th, 1930, from the Secretary-General of the League of Nations to the Chairman of the "mmittee:

"The International Life-Saving and First-Aid Association in case of Accident, having asked to be placed under the authority of the League of Nations in virtue of Article 24 of the Covenant, the Council by a resolution dated January 15th, 1930, has requested me to proceed with the enquiries and consultations necessary for determining whether, in view of the rules adopted by the League of Nations in this matter, the constitution and activity of that Association are in agreement with the conditions of admission for an international official organisation under the auspices of the League of Nations

"Your Committee was represented at the Third International Congress on Life-Saving at which, if I am rightly informed, the above organisation was created. I should be glad if the Advisory and Technical Committee for Communications and Transit would be good enough to consider the question and to forward to me any information which it may have on the character and activity of the Association."

The Secretary-General of the Committee considered that it would be necessary to supply information on de jure and de jacto questions, but he considered that the Committee was at present hardly in a position to reply. It should ask its Chairman to study the question with M. Schlingemann, who appeared to be best qualified to discuss it, seeing that the office of the International Life-Saving and First-Aid Association in case of Accident was in the Netherlands.

The Committee adopted this proposal.

NINTH MEETING

Held on Saturday, March 15th, 1930, at 5 p.m.

Chairman: M. HEROLD.

Present: All those present at the preceding meeting except M. Heckscher, M. de Ruelle and M. Poppius, the latter being replaced by M. HIITONEN, Chief of the Office of the League of Nations at the Finnish Ministry for Foreign Affairs.

Secretariat: M. HAAS (Secretary-General of the Committee), M. ROMEIN, M. METTERNICH, M. Lukač and Mr. Tombs. And the State of t

XLI. ADOPTION OF THE RESOLUTIONS.

1. Draft Budget of the Organisation for Communications and Transit for 1931.

The draft budget was adopted without discussion (see Annex 28, paragraph I).

2. Work relating to Road Traffic.

M. SEELIGER was under the impression that the Committee had retained the suggestion to the effect that the Convention on Commercial Motor Transport might possibly be included on the agenda of the fourth General Conference.

M. Romein recalled the statement made by the Secretary-General of the Committee that morning. It was not certain that the work of the Permanent Committee on Road Traffic would terminate their work in time to permit of that question being put on the agenda of the next General Conference.

The draft resolution was adopted (see Annex 28, paragraph II).

3. Work relating to Inland Navigation.

The draft resolution was adopted without discussion (see Annex 28, paragraph III).

4. Work relating to Transport by Rail.

M. Romein, in regard to point (f) of the draft resolution (see Annex 28, paragraph IV), wondered whether the Council would definitely, at its May session, decide to refer the matter to the Advisory Committee.

The Secretary-General of the Committee said that, in view of the importance that M. de Hevesy attached to the reference to the month of September, it would be better to leave the text of the draft resolution unchanged. If the matter were not referred to the Committee in May by the Council, this would be entirely due to the Council.

The draft resolution was adopted without amendment (see Annex 28, paragraph IV).

5. Work relating to Maritime Navigation.

The draft resolution was adopted without discussion (see Annex 28, paragraph V).

6. Results of the European Conference on Cards for Emigrants in Transit.

The draft resolution was adopted without discussion (see Annex 28, paragraph VI).

7. Results of the European Conference on the Transport of Newspapers and Periodicals.

The draft resolution was adopted without discussion (see Annex 28, paragraph VII).

Work relating to the Unification of Transport Statistics.

M. Ito was under the impression that the Committee had decided that the representatives of the Advisory Committee upon the Mixed Committee would number three and not four.

The Chairman replied that the text merely stated that the representatives of the Advisory and Technical Committee "should not exceed four in number".

The Secretary-General of the Committee explained that, in the proposal made by the President of the Statistical Institute, the number was three. Nevertheless, since the Drafting Committee of the Committee for the Unification of Transport Statistics included four persons, the Statistical Institute might perhaps agree to send four representatives to the Advisory Committee. The only important question was that there should be the same number of representatives from both organisations, and that the connection between the two should be really representative on both sides. The figure of three representatives would not be excluded if the Institute pressed for it.

The draft resolution was adopted (see Annex 28, paragraph VIII).

9. Question of the Interpretation of the St. Petersburg Telegraphic Convention.

M. Iro suggested that the words "smuggling of opium and other dangerous drugs" should be changed to "smuggling of narcotics".

The Secretary-General of the Committee explained that the words in the draft resolution had been taken from the Council resolution.

Prince Varnvaidya preferred that these words should be retained in the resolution, for the term "opium" did not cover raw opium, at any rate so far as Siam was concerned, where different organisations dealt with drugs on the one hand and with opium on the other. The wording of the draft resolution was in conformity with the terminology used by the Advisory Committee on Opium.

, M. Ito would not press his proposal.

... The draft resolution was adopted (see Annex 28, paragraph IX).

- 10. Codification of International Law in Matters of Communications and Transit.
- M. Ito suggested that the phrase "in order to inform the Committee as to the points on which codification would appear possible and desirable" should be completed by an indication explaining whether or not a Conference should be convened.

The Secretary-General of the Committee explained that he had thought it preferable for the investigation to take place in two stages, and for the moment only to refer to the first of those stages.

- M. Hostie wondered whether the list in the final paragraph of the draft resolution deliberately excluded ports, though these were an element of sea communication.
- M. Silvain Dreyfus suggested the phrase "maritime navigation", which should be used in the same way as "inland navigation".

After a discussion, the Committee decided to insert the following list:11

"Transit in general, inland navigation, maritime mavigation, and means of communications, transport by rail, road transport, air transport, postal and telegraphic communications (including telephonic and wireless communications)."

The Spanners Crampus of the Committee explained that there was no convention

The Secretary-General of the Committee explained that there was no convention in existence regarding telephonic communications. Perhaps the Legal Committee might examine the cause for this omission. Up to the moment, telephonic communications had been dealt with in telegraphic Conventions, as had also wireless questions in certain respects.

As far as transport by road was concerned (motor-cars, etc.), there were no plurilateral conventions yet in existence. They were, however, dealt with in certain important bilateral

Conventions of which account should be taken.

The draft resolution thus amended was adopted (see Annex 28, paragraph X).

11. Annual Report of the Memel Harbour Board.

M. Seeliger asked whether the Committee would be in order in expressing its opinion on that report.

The Chairman said that the report had not been discussed, and that the Committee, in its draft resolution, had confined itself to taking note of its receipt.

M. Seeliger considered that in that case it was understood that the Committee would be free, if it were found necessary, to examine this report at its next session.

The draft resolution was adopted (see Annex 28, paragraph XI).

- 12. Grave Occurrences of a General Character affecting Routes of Communication.

 The draft resolution was adopted without discussion (see Annex 28, pagaraph XII).
- 13. Disputes relating to the Competence of the European Commission of the Danube.

 The draft resolution was adopted without discussion (see Annex 28, paragraph XIII),
- 14. Executions of the Decisions of the Committee relating to the Convocation of a Committee of Enquiry on Civil Air Transport Co-operation.

The Secretary-General of the Committee recalled that he had pointed out that several persons had contributed information which would be of great use to the Committee conducting the proposed investigation. The Chairman should be authorised to invite those persons to attend the Committee in an advisory capacity, for the Committee would use the documentation which they had furnished.

M. Iro pointed out that the question of a date on which the Committee of Enquiry would meet was of importance from the point of view of the Committee on Arbitration and Security. If that Committee only met in the summer, it would be too late for the Arbitration Committee to derive at its next meeting any benefit from its work.

The Secretary-General of the Committee considered that the work of the Committee of Enquiry would probably be finished in time for the Committee on Disarmament to On the other hand, the Committee on Arbitration would meet too soon for the Committee of Enquiry to be held beforehand.

M. Ito thought that difficulties would arise if the Committee on Arbitration took decisions differing greatly from those of the Committee of Enquiry. It was of great importance that the latter should make known the results of its work as quickly as possible.

The Secretary-General of the Committee agreed. Nevertheless the Committee on Disarmament might take account of the work of the Committee of Enquiry, but this would not be possible for the Committee on Arbitration.

The draft resolution was adopted (see Annex 28, paragraph XIV).

15. Communications by Rail with the Seat of the League.

M. SEELIGER, in regard to the second paragraph of the draft resolution concerning the administration of the railways of the Reich, reminded the Committee that it had been agreed that the Chairman should verify whether the proposed organisation of a permanent service corresponded to an actual need.

The Committee decided to complete the second paragraph by the addition of the words: "if the need thereof is proved".

- M. DJOURITCHITCH thought it preferable to delete the third paragraph which covered the administration of the Swiss Federal Railways. The Committee should not press too strongly for the establishment of a service which would be run at a loss.
- M. Politis replied that what the Committee wanted to discover was whether the contemplated service would be profitable or the reverse.
 - M. SEELIGER added that the Chairman had accepted the text in question.

The CHAIRMAN said that it was immaterial whether the phrase in question was inserted in the resolution or in the Minutes: the question would be examined impartially and everything that it was possible to do would be done. The text of the draft resolution was in no way offensive in character.

The Secretary-General of the Committee recalled that they had always been represented at the European Time-table Conference by M. Politis. He thought that the intention of the Committee was to make M. Politis its permanent representative at that Conference, in any case until the term of office of the present Committee came to an end.

The Chairman agreed. He had always understood that M. Politis had been appointed representative of the Committee at the European Time-table Conference for the period during which the present Committee was in office.

The draft resolution was adopted (see Annex 28, paragraph XV).

16. Communications of Importance to the League of Nations at Times of Emergency.

(a) Wireless Station.

The Secretary-General of the Committee explained that it was proposed that the reports of the Technical Committee of Wireless Experts and of the Committee for the Establishment of a Wireless Station should be sent to the Secretary-General of the League. There was no need to obtain the approval of the Advisory Committee for the work of these Committees. As, however, they were a co-ordinative organisation for all questions of communications in times of crisis, the Committee should receive their reports and submit their observations if they thought fit.

Sir John Baldwin wondered whether the members of the Advisory Committee who were also members of the Committee presided over by General Ferrié would agree to be members of the Technical Committee of Wireless Experts.

The Secretary-General of the Committee recalled that the latter Committee had only recently entered upon its duties. He was convinced that the present members of the Committee would accept the proposed task, in any case until the station was in working order. He suggested that the Rapporteur provided for in the draft resolution should be appointed immediately.

The Chairman proposed that M. Hörnell should act as Rapportcur.

M. Hörnell was ready to do so, but feared that his insufficient knowledge of French would prove a hindrance.

The Secretary-General of the Committee said that the Secretariat would be very glad to translate any observations which he might wish to submit in Swedish.

The CHAIRMAN thanked M. Hörnell.

The draft resolution was adopted (see Annex 28, paragraph XVI).

(b) Facilities to be granted to Aircraft.

M. Seeliger asked whether the reference in the draft resolutions to "Conventions existing between States parties to the Convention of 1919 and States not parties to that Convention "referred to bilateral conventions which might be concluded between these States.

The Secretary-General of the Committee replied in the affirmative.

M. Ito asked, in regard to the first paragraph of the draft resolution to be submitted to the Assembly, that the word "States" should be deleted in the phrase: "recalling that the States Members of the League of Nations . . ."

This was agreed.

M. Seeliger asked why the resolution stated that the Secretary-General of the League "would endeavour" to give information to States on the proposed routes. Should not this information be given in all cases?

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The Secretary-General of the Committee replied that he was by no means certain that the Secretary-General of the League would always be in a position to give such information. It would be useless if, for example, a Government decided that an aeroplane coming from abroad should land at a frontier aerodrome. In such a case, the Government in question would not need this information.

The resolution was adopted with various drafting amendments (see Annex 28, paragraph XVI).

(c) Construction of an Aerodrome near the Seat of the League.

The draft resolution was adopted without discussion (see Annex 28, paragraph XVI).

17. Resolutions adopted by the Fifth Congress of the International Chamber of Commerce at Amsterdam.

M. Ito asked that reference should be made in the resolution of the memorandum submitted to the Committee by the International Chamber of Commerce, for he considered it to be important.

The Secretary-General of the Committee did not know whether the communication made by the Chamber of Commerce had been really official. He was under the impression that, according to M. Wohl, changes would be made in the final text of the memorandum.

The Chairman thought it would be sufficient to make a reference to the memorandum in the Minutes.

M. Ito said that the memorandum might well serve as a basis for future study.

M. DE VASCONCELLOS said that if it were merely a question of forwarding the resolutions of the Congress of the International Chamber of Commerce, and of taking note of them, he had no objection to make; on the other hand, he would have to make a reservation if the Committee was called upon to approve these resolutions.

M. Ito explained that the text of the draft resolution under discussion referred only to their being forwarded.

M. Romein suggested that any information which the International Chamber of Commerce might furnish on the point would be forwarded to the Committee for Ports and Maritime Navigation.

The Committee decided to complete the draft resolution by the words: "Any additional information which may be received from the International Chamber of Commerce will be forwarded to the appropriate Committee."

The draft resolution was adopted with this addition (see Annex 28, paragraph XVII).

18. Draft Rules of Procedure.

Article 1.

In regard to the election and term of office of the Chairman, the Secretary-General of the Committee explained that, after reflection, he had thought that the only solution acceptable was that indicated in the new draft Rules of Procedure, in view of the conditions governing the work and renewal of the Committee. The other system, which at first sight appeared attractive would compel the Committee to make a special rule concerning the office of Chairman for the first year of the term of office of the Committee, as well as for the last year, since the retiring Chairman would have no session over which to preside, for his term of office would have expired. He had thought, therefore, that it would be better to maintain the present situation in so far as the entry into office of the new Chairman was concerned.

Sir John Baldwin withdrew his former proposal.

- M. SEELIGER regretted that he was unable to withdraw his proposal, for he did not understand to what great difficulties it might give rise. If it happened that the Committee might have chosen as Chairman one of its members who, after the renewal of the Committee, might find himself to be no longer a member of it, the senior member would be called upon to take the Chair provisionally.
- M. Romein said that this was another question which was dealt with in another article of the Rules of Procedure. He recalled that on the previous day the Committee had noted how impossible it was to impose upon a reconstituted Committee a Chairman elected by the former Committee.
- M. SEELIGER would not press the point for the moment, but would return to it at a later stage.

Article 2.

The CHAIRMAN asked M. Sinigalia if he agreed with the text submitted.

M. Sinigalia replied in the affirmative.

Article 3.

No observations.

Article 4.

On the suggestion of M. Sinigalia, the last paragraph was completed as follows: "The decisions taken by the Chairman in virtue of the present article will be communicated without delay to the members of the Committee."

Articles 5, 6 and 7.

No observations,

Article 8.

M. SEELIGER asked what procedure would be followed for the election of a Chairman in cases not covered by Article 8.

Sir John Baldwin thought it would be preferable to leave this to the Committee for approval.

Article 9.

No observations.

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The draft Rules of Procedure were adopted (see Annex 28, paragraph XVIII).

M. Seeliger reserved his right to return to various points in that connection at a later stage.

19. Smuggling of Alcohol.

(M. Hiitonen, replacing M. Poppius, came to the table of the Committee.)

The CHAIRMAN read a letter in which M. Poppius, representative of the Finnish Government, who had been obliged to leave Geneva, authorised M. Hiitonen to take his place

on the Committee.

He recalled that the Committee had asked the Secretariat, in co-operation with M. Silvain Dreyfus and M. Schlingemann, to submit a new text of the report which had been examined that morning. In regard to the report, the only changes made in the original text were the omission of the last paragraph and the replacing of the words "the Sub-Committee" by the words "the Advisory Committee". There were, in addition, various drafting amendments.

Report of the Committee.

The draft report was adopted with several drafting amendments (see Annex 28, paragraph XXIIB).

Draft Resolution relating to Authorisation to fly a Merchant Flag.

The draft resolution was adopted with various drafting amendments (see Annex 28, paragraph XXIII).

Draft Letter from the Chairman of the Committee to the Chairman of the Economic Committee.

In regard to the phrase: "If you agree to this view, the Advisory and Technical Committee can propose to the Council that representations," etc., M. Seeliger observed that the Committee was merely giving its opinion to the Economic Committee and that it would be for the latter to act, if necessary. The Committee had been asked to give an opinion but not to intervene.

M. Sinigalia observed that the question was within the competence of the Advisory Committee.

M. Seeliger considered that the Economic Committee should deal with the whole matter and that it was not desirable for another Committee to interfere.

 $\mathbf{M}.$ DJOURITCHITCH observed that that was in agreement with the opinion of the Economic Committee.

The draft letter was adopted with various drafting amendments (see Annex 28, paragraph XXII A).

M. HIITONEN thanked the Committee for the attention and friendly interest with which it had been good enough to consider the question, whose international importance would escape no one. In particular, he thanked the Chairman of the Committee and the members of the Sub-Committee for the accomplishment of their task and the conciliatory spirit of which they had given proof. Obviously the result obtained would not give to the Finnish Government all the satisfaction for which it had hoped; that was to say, the approval of the proposal submitted to the League of Nations for examination. Nevertheless, there were two points in the report to which, from the Finnish point of view, particular attention should be drawn. In the first place, the Committee had noted that the measures envisaged by the Finnish proposal were not such as to interfere unduly with the freedom of communications, and in the second place, that international solidarity would induce Governments to submit to a favourable examination the legitimate demands of that nature which were addressed to them.

The CHAIRMAN thanked the representatives of the Finnish Government for their very helpful co-operation. It was owing to their spirit of conciliation that it had been possible to arrive at a unanimous decision.

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- (M. Hiitonen left the table of the Committee.)
- 20. Agenda for the Fourth General Conference on Communications and Transit."

 The draft resolution was adopted without discussion (see Annex 28, paragraph XXV).
- 21. State of the Ratifications of Conventions drawn up under the Auspices of the Organisation for Communications and Transit.

The draft resolution was adopted without discussion (see Annex 28, paragraph XXVI).

22. Invitation from the British Government to the Committee to be represented at a Conference with a View to the Conclusion of an International Convention on the Load-line sof Merchant Ships.

The draft resolution was adopted without discussion (see Annex 28, paragraph XXVII).

23. Invitation to the Committee to exhibit at the International Exhibition to be held at Posen.

The draft resolution was adopted without discussion (see Annex 28, paragraph XXVIII).

24. Various Communications.

- (a) Reorganising Quarantine Services in China.
- (b) Request from the Eastern Bureau of the Health Organisation for Help in improving its Radiotelegraphic Service.
- (c) International Life-Saving and First-Aid Association.

The draft resolutions were adopted with slight drafting amendments (see Annex 28, paragraph XXIX).

(d) Representation of the Committee on the International Association of Road Congresses.

The Secretary-General of the Committee pointed out that the representative of the Committee on the Permanent Committee of the Association of Road Congresses was not present. The Secretariat had done its best to maintain the necessary contact with the Association but he had no special information to give.

A Congress would meet in the United States of America at the beginning of October 1930 and it would have to be decided how the Committee should be represented there. Its representative was M. Enciso, who had not taken part for some time in the deliberations of the Committee but who was at present at Washington. If he was prepared to represent the Advisory Committee at the next Congress, that would greatly simplify the malter. If the opposite were the case, the question would have to be considered again. The Secretary-General of the Committee believed that in any case only one journey between Europe and America would have to be charged to the budget of the Transit Organisation. Perhaps the question might be left open and the Chairman be asked, on receipt of M. Enciso's reply, to ensure the Committee's representation at the Congress in the United States.

M. Politis suggested that Colonel Hiam should be approached.

The Secretary-General of the Committee said that the Chairman would no doubt take that suggestion into account and read a draft resolution on the matter.

The draft resolution was adopted (see Annex 28, paragraph XXIX).

(e) Representation of the Communications and Transit Organisation on the International Association of Railway Congresses.

The Secretary-General of the Committee explained that among the important semiofficial international organisations dealing with communications, the International Association of Railway Congresses was the only one on which the Transit Organisation was not represented. He had had some unofficial correspondence on the matter; it had not seemed to him that the question could be settled semi-officially and he would put the problem before the Committee. The Railway Congresses, of which very important meetings were held every five years, included administrations operating the railways. It was obvious that the Transit Organisation did not fall within that category. In addition, they included Governments. The League of Nations was a union of Governments, but according to the interpretation of the Congress of the congre of Nations was a union of Governments, but according to the interpretation of the Statutes on the part of the Association, the League could not be treated in the same way as the Governments. About the time of the last Congress, the Statutes were slightly modified in order to permit of the participation in the Congresses of international organisations having for their main object the operation of the railways. Thus, the Central Office at Berne and the International Railway Union had been invited to attend, but nothing had been done for the Transit Organisation. In view of the interviews which he had had, the Secretary-General of the Committee believed that the modification would, on the contrary, have permitted the participation of the Organisation, or in any case, of the Permanent Committee for Transport by Rail. Nevertheless he had raised no question officially. It appeared that the Permanent Committee of the Association had wondered whether the Permanent Committee for Transport by Rail had a personality distinct from that of the Transit Organisation which, in its turn, was not occupied with railway questions alone. The Secretary-General of the Committee had not continued the discussion of the subject. It was for the Transit Organisation itself to interpret its Statute and to consider, for instance, whether the Permanent Committee had a personality of its own which permitted it to be represented at the Railway Congresses. The problem was, moreover, of a more general character. The Statutes of the Association had already been modified on one occasion but no account had been taken of the existence of the League of Nations. When there was a Railway Congress, the organisation which had drawn up the Convention on the International Regime of Railways was not represented. That was an abnormal situation, contrary at least as much to the aim of the Congresses as to that of the Transit Organisation itself. The Secretary-General of the Committee did not suggest that the Committee should continue its discussions with the Association of Railway Congresses, but that it should examine the problem in a somewhat general manner and should take the initiatives which it had the right to take.

M. Politis asked whether it was not the Belgian Railway Administration which was the executive of the Railway Congresses.

The CHAIRMAN explained that the Director of the Belgian Railways was the President of the Association of Congresses.

M. Politis drew attention to a precedent, the European Time-table Conference having agreed to modify its Statute to permit of the admission of the Committee for Transport by Rail. Would it not be possible to authorise an application in the same sense to the Committee which organised the Congresses?

M. DJOURITCHITCH reminded the Committee that he was a member of the Permanent Committee of the Association of Railway Congresses. The members of that Committee were animated by the greatest goodwill, but some of them had difficulty in overcoming their apprehensions. There had been a question of suggesting to the next Congress certain changes likely to remove the difficulties which, according to some of the members, stood in the way of the admission of the Advisory Committee to membership of the Congress. Nevertheless, he believed that the procedure suggested by the Secretary-General of the Committee was the best, for it would have more authority and there would be a greater certainty of a successful result. He added that the Belgian Railway Administration was not the executive of the Railway Congresses. The latter was an organisation of Governments

and companies constituted for the purpose of perfecting the railways. At first sight it would appear to be a technical association, but it included Governments in its membership. M. Djouritchitch, as a member of the Advisory Committee, was of the same opinion as the Secretary-General of the Committee and found it quite natural that the Advisory Committee or the Permanent Committee for Transport by Rail should be represented at the Congress. or the Permanent Committee for Transport by Rail should be represented at the Congresses. He did not even consider it necessary to say that the Permanent Committee was better qualified than the Advisory Committee, since Governments which also occupied themselves with questions other than those concerning railways were included in the Congress. He would suggest that the various members of the Committee should approach their Governments in order that an appropriate change might be made in the Statutes of the Congresses, although all the members of the Congresses did not consider that there was any statutory impossibility in the way of the Committee's admission.

M. Sinigalia was under the impression that the situation was the same as that of the Berne office. And the second of the second

The CHAIRMAN asked whether the suggestion of the Secretary-General of the Committee was that the Belgian Government should be asked to intervene.

The Secretary-General of the Committee replied that it was necessary to put the matter in one form or another before the various Governments. He did not desire that the Committee should appear to be asking to participate, but only that all the Governments concerned should be informed of the situation and should take all the necessary measures. He explained that he had in mind no intention of criticising the Permanent Committee of the Association of Railway Congresses, which had placed a strict interpretation on the Statutes. If the result arrived at was that the League of Nations, which was a group of Governments, should be treated in the same way as isolated Governments, account would have been taken of the apprehensions of the Association of Railway Congresses which desired to have certain rules permitting it to refuse the entry of certain international organisations. On the other hand, if the Association preferred, the Advisory and Technical Committee would doubtless have no objection to the participation in the Congresses of its Permanent Committee for Transport by Rail.

The draft resolution was adopted (see Annex 28, paragraph XXIX).

XLII. VARIOUS COMMUNICATIONS (continued) (Item 29 of the Agenda).

1. International Association of Navigation Congresses.

M. SEELIGER explained that he had been present on two occasions at meetings of the Committee. He would content himself with pointing out that, at the last meeting, the agenda had been fixed for the coming Congress on inland navigation. He recalled that he had forwarded a note on questions and communications which would be discussed at that Congress.

The Committee noted this communication.

2. Conference on the Unification of Private Law in Aerial Navigation.

The Secretary-General of the Committee recalled that the Chairman had asked M. Guerrero to represent the Committee at the Conference. M. Guerrero being unable to attend, M. Hostie had agreed to take his place.

M. Hostie explained that the Conference had resulted in the conclusion of a Convention on Transport by Air, equivalent to the Berne Convention regarding railways and to the draft Convention on Bills of Lading drawn up at the Brussels Conference. The work undertaken would be judged in a somewhat different manner according to which of the two following points of view were adopted:

(1) From the point of view of the development of aerial transport strictly speaking, the work already accomplished deserved great praise. The Convention had been very carefully prepared, and the discussions had proved that the Conference had been constituted in the most satisfactory manner.

most satisfactory manner.

(2) The most striking feature of the Conference from the more general point of view, was the fact that nine-tenths of the problems put to the Conference — and doubtless it would be the same for the remainder of the work — were not peculiar to the sphere of the air and consisted in general problems connected with the law on communications.

That was particularly striking in regard to aviation, a new field where no traditions existed and where there was a choice of solutions on principle. Thus, according to their others railway law. The lesson which the Committee should learn from the first Conference was that it would be interesting to follow the developments of the new law, always bearing was that it would be interesting to follow the developments of the new law, always bearing in mind the possibility of arriving at co-ordination. In the Final Act of the Conference, the International Technical Committee of Legal Experts on Aeronautics was recognised as a permanent organ, and it might be asked — M. Hostie would be prepared to reply in the affirmative — whether it should not be considered beneforth as an international bureau assirmative — whether it should not be considered henceforth as an international bureau

coming under the authority of the League of Nations. He added that the Conference had not thought it necessary to conform to the rule, which the Communications and Transit Organisation had always followed, of inviting organisations which had taken part in its work in an advisory capacity, to sign the Final Act. M. Hostie, however, did not attach great importance to that fact which was of a formal nature.

3. " Association (belge) des organismes internationaux pour faciliter le séjour des étrangers dans tous les pays."

The Secretary-General of the Committee communicated the letter which he had received from the above Association.

The Committee took note of this Communication.

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

M. SEELIGER explained that, since the last session of the Committee, in addition to the questions dealt with on the agenda, he had, in his capacity of Chairman, carried out the following missions:

1. Reform of the Calendar.

In application of the resolution of the Committee dated June 17th, 1926, to request its Chairman "to take such measures as may appear advisable in order to ensure the further development of the work" of the reform of the calendar, he had considered it necessary to nominate a correspondent of the Committee as an expert charged with assisting in the formation of certain national committees, as well as with liaison work between those committees. M. Roigt of Argentine nationality, who had for a long time followed the work of the League of Nations as correspondent of La Nación of Buenos Aires, was appointed and had taken an active part in the formation of various committees in Latin America, particularly in the Argentine Republic.

2. South American Railway Congress.

M. SEELIGER stated that the Organisation for Communications and Transit had been invited to take part in the South American Railway Congress which met in December 1929 at Santiago de Chile. He had requested the Chairman of the Committee on Transport by Rail to take appropriate measures to ensure that representation. The Chairman of the Committee on Transport by Rail had appointed M. Leguizamon, member of the Permanent Committee for Transport by Rail, and Chairman of the West Argentine Railway. According to the information received, the participation of the League of Nations in the Congress had been greatly appreciated by those interested in South America.

XLIV. APPOINTMENT OF NEW MEMBERS OF THE SUB-COMMITTEES.

The Committee proceeded to make the following appointments:

. .:

Chairman of the Permanent Committee on Electric Questions and member of the Permanent Committee for Ports and Maritime Navigation: M. HÖRNELL.

Member of the Permanent Committee on Road Traffic and of the Administrative Section of the Permanent Committee for Transport by Rail: M. GRÜNEBAUM.

The Committee decided to leave to the Chairman the nomination on the various Committees of members of the Advisory Committee, who were at the moment absent or of members who had been unable to altend the present session.

The Chairman thanked his colleagues for the way in which they had facilitated the discussions and declared closed the fourteenth session of the Advisory Committee.

M. Ito believed he was interpreting the wishes of his colleagues in thanking and congratulating the Chairman.

Section I. - Preparatory Documents.

ANNEX 1:

[C.C.T.414(1)]

AGENDA.

- 1. Election of the Bureau.
- 2. Work relating to Road Traffic.
- 3. Work relating to Inland Navigation
- 4. Work relating to Transport by Rail.
- 5. Work relating to Maritime Navigation.
- 6. Results of the European Conference on Cards for Emigrants in Transit.
- 7. Results of the European Conference on Transport of Newspapers and Periodicals.
- 8. Work relating to the Unification of Transport Statistics.
- 9. Report of the Special Committee on Questions of Competition between Railways and Waterways.
- 10. Draft Report of the Advisory and Technical Committee presented by the Sub-Committee on Questions of Communications and Transit raised by the Council during its Examination of Polish-Lithuanian Relations.
- 11. Smuggling of Alcohol.
- 12. Question of Interpretation of the Telegraphic Convention of St. Petersburg.
- 13. Codification of International Law in Matters of Communications and Transit.
- 14. Annual Report of the Memel Harbour Board.
- 15. Serious Events of a General Character affecting Routes of Communication (Recommendation presented by the Hungarian Delegation at the Third General Conference.)
- 16. Disputes relating to the Competence of the European Commission of the Danube.
- 17. Effect given to the Decisions of the Committee relating to the Convocation of a Committee of Enquiry on Co-operation between Civil Aviation Undertakings.
- 18. Communications by Rail with the Seat of the League (Report by the Representative of the Committee at the European Time-table Conference, and Report by the Secretary-General of the Committee on the Effect given to the Decisions of the Committee).
- 19. Communications of Importance to the League of Nations at Times of Emergency.
- 20. Agenda of the Fourth General Conference on Communications and Transit.
- 21. Resolutions adopted by the Fifth Congress of the International Chamber of Commerce at Amsterdam and forwarded by the International Chamber of Commerce.
- 22. Collection of Information on Communications and Transit.
- 23. Draft Rules of Procedure of the Committee.
- 21. Draft Budget of the Organisation for Communications and Transit for 1931.
- 25. State of the Ratifications of Conventions drawn up under the Auspices of the Organisation for Communications and Transit.
- 26. Invitation from the British Government to the Committee to be represented at a Conference with a View to the Conclusion of an International Convention on the Load-lines of Merchant Ships.
- 27. Invitation to the Committee to participate in the International Exhibition to be held at Posen.
- 28. Report of the Chairman on the Work done since the Last Session of the Committee.
- 29. Various Communications.

ANNEX 2.

REPLIES FROM GOVERNMENTS TO C.L.74.1929. OF APRIL 22ND, REGARDING CUSTOMS **QUESTIONS** RELATING TRAFFIC AND ENCLOSING TWO QUESTIONNAIRES, ONE CONCERNING FRONTIER VISAS AND THE OTHER CONCERNING THE TRIPTYCH SYSTEM.

[C.C.T/407.]

GERMANY

[Translation.]

Questionnaire No. 1.

June 1929,

The arrangments advocated are already in force in Germany. All roads capable of being used for international motor traffic have permanent Customs offices. Under German Customs regulations (section 133 of the Vereinszollgesetz), all motor travellers without exception may cross the frontier at any time, provided they are not carrying any goods for the purposes of trade. Though these provisions do not appear to apply at present on part of the German frontier, this is entirely due to the fact that the countries on the other side of the frontier do not allow formalities to be executed at all times and seasons. No duties are levied for Customs clearance formalities.

Questionnaire No. 2.

Under section 114 of the Vereinszollgesetz, articles imported into Germany for temporary use are admitted duty free. These provisions apply to the temporary duty-free admission of motor touring-cars and to the fixing of time-limits for re-exportation. Foreign motor vehicles with triptychs are deemed to be in temporary use for periods up to one year and, consequently, the time-limit for re-exportation is determined by the period for which the triptych or Customs permit (carnet de passage en douane) is valid. We subjoin replies to the various questions as far as Germany is concerned:

- 1. An extended but temporary stay in Germany is not a sufficient reason for withholding the advantage of the triptych system. Generally speaking, a period of one year is granted, but an extension can always be obtained, depending on the circumstances of each particular case.
 - 2. Residence is deemed to be temporary even in the case of a continuous sojourn for a period such as four or six months.
 - 3. Should these annual sojourns be repeated, the question whether the motor vehicle should be regarded as imported temporarily depends on the length of time spent abroad and not on considerations derived from the material character of such sojourn. For example, a foreigner would still enjoy the advantages of the triptych system if he owned a house in Germany and habitually spent the winter there.
 - 4. The advantages of the triptych may also be granted to:
- (a) Administrators, managing directors, managers of a commercial or industrial business, if they are not continually present in Germany;
 - (b) Persons such as company directors, who have interests in commercial or industrial businesses in Germany and are only required to take an active part from time to time.

AUSTRIA

[Translation.]

July 1929.

Questionnaire No. 1.

(a) Under paragraph 85 of the Customs Law, travellers having with them only their personal luggage, and not goods intended for trade, must be passed by the officials through the frontier Customs offices without delay, by day or by night. If a motor vehicle is cleared at other than the usual office hours, i.e., from 8 a.m. to noon and from 2 p.m. to 6 p.m., a charge of one schilling must be paid under paragraph 8 of the Decree on Customs charges (Annex 2 of Decree No. 251, St. G.Bl. 1920, "Zollvollzugsanweisung").

This is such a trifling clearance charge that it should not affect international tourist troffic especially at its collection does not delay Customs clearance.

traffic, especially as its collection does not delay Customs clearance.

Moreover, the above regulation is frequently a dead letter, as the Customs offices of some neighbouring countries do not permit the frontier to be crossed at all hours of the day or night.

(b) No reply is required to this question, as the foregoing provisions apply to all Austrian Customs offices without exception.

It should, however, be pointed out that, owing to the hours of business observed by Customs offices of neighbouring States, clearance at certain hours of the night cannot in practice be effected at certain places. Austria has therefore no reason to provide special personnel for such cases.

Questionnaire No. 2.

1. Yes (see paragraph 39 of Decree No. 251, St. G.Bl. 1920, "Zollvollzugsanweisung").

2. No. The very fact that more than six months are spent continuously abroad in one year, and less than six months in another year, makes it impossible in practice to exercise such discrimination, as this would imply that the same person residing in the same places would, in one year, be entitled to use a triptych and, in another year, not. As persons with more than one residence spend varying periods of time in such residences, it seems in practice impossible to lay down specific limits for periods thus spent abroad.

3. In view of the regulations current in Austria, the Federal Ministry of Finance considers that the period spent abroad is not a sufficient criterion to enable a reply to be given to the

that the period spent abroad is not a sufficient criterion to enable a reply to be given to the question whether such person holding a triptych is or is not entitled to cross the frontier. Cases have frequently occurred of a motorist, resident in Austria only, travelling for the greater part of the year abroad. If such person were permitted to use in Austria a foreign motor vehicle with triptych, the same concession would also have to be made to persons who had no residence abroad, but lived in Austria, provided they spent most of the year outside the country. In replying to this question, account must necessarily be taken of the actual circumstances, more particularly of the fact that a person whose stay (whatever its actual length) is uninterrupted, and not merely temporary, should never be permitted to use a triptych.

4. (a) The reply should be in the negative, for the reasons already given in the case

of question 3.

(b) This question cannot be dealt with in a general manner, owing to the multiplicity and variety of the possible cases, each of which should be considered and decided on its merits.

BELGIUM

[Translation.]

Questionnaire No. 1

Ad (a). Yes. Ad (b). Yes.

with a contract of a street of the street of Note. — In Belgium, a crossing of the frontier effected in the interval between first arrival and final departure does not require to be endorsed in the case of motor vehicles covered by triptychs. Such arrivals and departures may be freely effected at any time of the day or night and through any Customs office.

Questionnaire No. 2.

Ad 1. No.
Ad 2. Yes.
Ad 3. The period annually spent abroad is in itself a sufficient criterion.
Ad 4 (a). In principle, the advantages of the triptych can only be granted to tourists who are members of recognised foreign associations and are making tours or excursions in

Ad 4 (b). The Belgian authorities, however, give the widest interpretation to the words "tours or excursions", so that the question put in 4 (a) and (b) may be answered affirmatively.

DENMARK

[Translation.]

Questionnaire No. 1.

August 1929. . . .

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August 1929.

As regards the times at which motor vehicles may cross the frontier, the Danish Government expects in principle to be able to adopt the suggestions made in the Questionnaire. The following arrangements are in force in Denmark: Customs offices on the main roads crossing the frontier in the neighbourhood of the Apenrade — Flensburg (Krusaa Customs Office) and Sacd — Soenderlögum (Saed Customs Office) "national," roads are open all day for the clearing of motor vehicles; the clearing of motor vehicles entering or leaving the and departures of the ferry-boats.

Motor vehicles may also enter and leave Depmark by the following materials.

Motor vehicles may also enter and leave Denmark by the following routes:

(1) Padborg-Harreslev (Oksevejen); (2) Rens-Ladelund (Pebersmark Road); (3) Tönder-Aventoft (Mollehus Road);

(4) Rudböl-Rosenkrans (Rudböl Road).

These routes are only open to traffic from 6 a.m. to 10 p.m., however, and motor vehicles may only cross if the vehicle and its driver have international circulation permits. Failing these, or where Customs clearance involves levying duties or fees (issue of permits of residence, receipts for taxes, deposit of Customs duties, etc.), the frontier may only be crossed by these four roads during the hours when the Customs offices normally effect clearance, i.e., from 8 a.m. to 8 p.m. in the case of the first, and from 8 a.m. to 6 p.m. in the case of the other three routes; there is no Customs clearance at these three points on Sundays.

As there is not a great deal of motor traffic entering or leaving Denmark except on the above-mentioned main roads, approval of the principle that motor vehicles crossing the frontier by secondary roads should at certain times of the year be given clearance at any time of the day or night is, of course, subject to such extension of the hours of clearance being generally justified. In this connection, the distance between the frontier point in question and the Customs offices on the main roads where clearance can be effected day and night should be taken into account.

Questionnaire No. 2.

As regards the extent to which triptychs can be used for bringing motor vehicles into Denmark, the Customs regulations permit of all motor vehicles belonging to foreigners being admitted duty free for a temporary sojourn, provided they are not used during that time for remunerative transport between places situated within the country. The privilege thus granted to holders of triptychs or carnets de passage en douane cannot be granted to persons with a settled residence in Denmark. The question whether the party has a settled residence in the country must be decided in each case according to the general rules applicable in this connection, e.g., liability to taxation. Generally speaking, however, the question cannot be settled on the basis of the criteria given in the Questionnaire.

SPAIN

[Translation.]

July 1929.

Questionnaire No. 1.

The Spanish authorities are prepared, when traffic requirements justify it, to institute, temporarily, continuous hours of service in land-frontier Customs offices used for motor traffic and similar services temporarily at minor Customs offices where traffic increases considerably at certain periods of the year. The Spanish authorities consider that this concession should be subject to reciprocity on the part of neighbouring countries, so that sections of the frontier should not have a continuous service on one side and a restricted service on the other. During these extra hours no special fee or tax is levied for visaing permits and triptychs.

Questionnaire No. 2.

The Spanish authorities think that the following constitutes an adequate reply to all the points raised in this Questionnaire:

- (a) The fact of a foreigner's residing in the importing countries can only justify his being denied the benefits of the triptych system if such residence is of a permanent and definitive character;
- (b) A foreigner's casual residence in the importing country is not a sufficient reason for denying him the benefits of the triptych;
- (c) In the opinion of the Spanish authorities the best criterion for the grant or refusal of a triptych is that based on *residence*, permanent being distinguished from casual or fortuitous residence, quite irrespective of the length of the stay;
- (d) The nature of the residence (permanent or casual) may be decided by the law of the country to which the foreigner belongs. For example: In the case of Spanish subjects, the triptych may be used by a Spaniard who, not being domiciled in any commune, resides abroad and is registered with the relevant Spanish Consulate, although he may have a temporary residence in Spain. On the contrary, triptychs should not be issued to Spanish subjects (there have been such cases) inhabiting a town in Spain but possessing a business firm abroad, who wished to use the document for bringing in temporarily the motor vehicle which they owned abroad, for the purposes of such residence. In the case of Spanish subjects, no difficulties of any kind can arise in the application of Article 35 of the Municipal Statute and Rule No. 4a of the Royal Decree of June 20th, 1910. The latter regulation (Rule 4a of the Royal Decree of June 20th, 1910) applies the same criterion to foreigners wishing to bring their motor vehicles into Spain under the system established by this regulation.

ESTONIA -

[Translation.]

... August 1929.,... with the early some thought

Questionnaire No. 1.

Vehicles may cross the Estonian frontier at the following points: Ikla, Laatre, Lämba, Mäe-Murati, Vastse-Roosa, and at places where there are Customs offices, viz., Tallinn, Valga, Parnu, Kuresaare, Paldiski, Loksa, Kunda, Narva.

At all these points and at the Customs offices above mentioned, travellers and vehicles may cross during certain hours. The authorities have not found it possible to alter these arrangements owing to the small number of Customs officials available.

arrangements owing to the small number of Customs officials available.

Vehicles accompanied by triptychs may, however, as an exception, be cleared at any hour through the Tallinn Chief Customs Office. As this office is situated on the coast, however, it is only used by a very small number of vehicles.

Questionnaire No. 2.

Triptychs may be used in Estonia irrespective of the residence of the holder. A vehicle which has entered Estonia under a triptych must leave within the next three months, and any vehicle leaving Estonia is bound to return within the next six months, otherwise the Customs duty will be collected from the automobile club furnishing the guarantee. The following are the replies to the various points raised by the Questionnaire:

1. Estonian regulations do not prohibit the use of the triptych when a de facto

residence is established in the importing country. residence of the holder, such residence might, in the cases referred to in No. 2 of the Questionnaire, be regarded as temporary.

3. The length of time annually spent abroad is, in itself, the sole and sufficient

4. Persons such as those mentioned in point 4 can be granted the advantages of the triptych.

FINLAND

[Translation.]

July 1929.

I.

Questionnaire No. 1.

ar Tar Santar da Arbara In Finland, the only roads which can be considered to be routes of international

communication are those on the Russian and Swedish frontiers. and the first the first that the latest the first that the case of the road from Sweden to Tonio, there is so little traffic (about twenty motor vehicles annually, both ways) that the Customs staff does not need to be increased. as suggested in the scheme, merely to enable vehicles to cross at any time. The Finnish Government, accordingly, is compelled to reply to the questions in Questionnaire No. 1 in the negative.

Questionnaire No. 2.

on the are only a contract a president As regards the enquiries in Questionnaire No. 2, it should be pointed out in the first place that, under Article 11, paragraph 2, of the law regarding the application of the Finnish Customs tariff, all vehicles, provided they leave the country again, are admitted duty free, subject solely to the provision that they have been used in the country for a journey of some kind. This stipulation is clearly intended to provide facilities for foreign tourists to travel in Finland. Even when an account of a mechanical defect or foreign tourists to travel in Finland. Even when, on account of a mechanical defect or for some other reason, the journey has had to be interrupted, this exemption from Customs duty must be granted, though not for a large transfer of the large tra though not for a longer period than six months, as residence extending beyond such a period could no longer be regarded as a casual stay. could no longer be regarded as a casual stay.

In view of the above statements, the Finnish Government begs to reply as follows to the questions in Questionnaire No. 2:

- 1. The advantages of the triptych could hardly be allowed if the holder settled in and. Finland.

2. Temporary residence, i.e., for a maximum of six months, should not, however, deprive the holder of a triptych of its benefits.

3. The length of time annually spent abroad must be properly certified.

4. (a) The advantages of the triptych could not be granted to persons who are actually in charge of a commercial or industrial establishment in Finland as administrators, managing directors, managers, etc., and who are, in the main, residents, though not permanent residents, of the country.

(b) The advantages of the triptych may also be granted to persons such as company directors, who have interests in commercial or industrial businesses, but are only required to take an active part from time to time, if their tour does not last more than six months, and if they have no settled domicile in Finland.

II.

CIRCULAR FROM THE GENERAL DIRECTORATE OF CUSTOMS TO CUSTOMS OFFICES (Communicated by the Permanent Finnish Delegation accredited to the League of Nations on August 21st, 1929.)

[Translation.]

Helsingfors, August 7th, 1929.

In its letter dated June 6th, 1929, the Finnish Ministry of Finance informed the Ministry for Foreign Affairs, in reply to the League of Nations Questionnaire regarding Customs questions relating to the international motor traffic, that exemption from Customs duties is granted in Finland, under Section 11, first paragraph, of the law regarding the application of Customs tariffs, to the holder of a motor-vehicle Customs permit (triptych). If, however, the holder has a residence in Finland, the exemption is granted only if his stay in that country is of a temporary character and does not exceed six months. The same benefit may be granted to persons, who, as members of a managing board, managing directors, etc., are actually engaged in a commercial or industrial business in Finland, or are only engaged in business from time to time, provided that such persons do not possess a permanent residence in Finland. The Ministry of Finance made this condition because the relevant paragraph of the abovementioned law provides that exemption from Customs duty is only allowed if the vehicle is intended for a specific journey, and a journey of more than six months in Finland can hardly be regarded as a "specific" journey.

By the above-mentioned decision of the Ministry of Finance, the period (fixed by the circulars of the General Directorate of Customs, dated May 9th, 1922, No. 18, and November

25th, 1924, No. 20 (e)) within which a motor vehicle must leave the country has been reduced This reduction does not apply to vehicles which entered the country during to six months. the time when the former regulation was in force.

> (Signed) Wille Poppius. F. W. BÄRLUND

FRANCE

[Translation.]

[C.C.T./407(a).]

February 1930.

Questionnaire No. 1.

In the ports, Customs officers are always present on the arrival and departure of passenger steamers. Triptychs and Customs permit books may be endorsed and acquils-à-caution, receipts for deposits, and travelling passes may be issued at any time without extra charge.

On the land frontiers, Customs officers are empowered at a large number of stations to record free of charge, out of office hours, the passages of tourist cars, including their first arrival and last departure, and to issue travelling passes to foreign drivers in possession of Customs papers. These stations conduct business either on all days, both by day and by night, or on Sundays and holidays only, during the day, according to the volume of motor traffic on the roads they serve.

The French Government would have no objection in principle to extending these facilities to secondary roads at times of year when they carry a fair volume of motor traffic.

Questionnaire No. 2.

The triptych system must be exclusively reserved for persons resident abroad who come to France with their cars for the sole purpose of touring for pleasure. The system therefore does not apply to persons with a fixed, even though temporary, residence in France.

It follows that;

- (a) The establishment of a de facto residence, permanent or temporary, is a ground for exclusion from the triptych system, even though the situation may be temporarily changed every year by a continuous stay abroad lasting some time;
- (b) Any rule fixing a minimum duration for the stay abroad and consequently a maximum duration for the stay in France — might restrict the facilities at present granted, to the detriment of genuine tourists; the most reliable criterion is the nature of the establishment at which the person resides;
- (c) Persons entering France on business cannot benefit by the triptych system even if they only take an active part in a profession or business from time to time.

GREAT BRITAIN

September 1929.

Questionnaire. No. 1.

The points mentioned in this questionnaire do not, in the main, affect the Customs administration of Great Britain and there are, in consequence, no observations to be made

Questionnaire No. 2.

1. No. The essential condition is that a person importing a car temporarily must be usually resident abroad.

2. No. See 1, above.

3. No. See replies to 1 and 2, above.

4. (a) No. Such persons would be regarded as having their usual place and residence

in this country.

(b) Yes, but only in the case of a person who is usually resident abroad, is visiting this the care imported. country temporarily for business reasons, and is the owner of the car imported.

HUNGARY

[Translation.]

August 1929.

Questionnaire No. 1.

- In Hungary the passport and Customs services are so organised that Frontier Visas. motorists arriving or departing by the principal routes of communication - which are the motorists arriving or departing by the principal routes of communication — which are the only ones used for international touring — can carry out the necessary formalities at any hour of the day and night. Under existing regulations motor vehicles crossing the frontier in either direction between 8 p.m. and 6 a.m. pay a special fee of 1 pengö per vehicle. The Hungarian Government is prepared, however, to abolish this fee if an international agreement to that effect is concluded. It is also prepared to arrange that motorists arriving or departing by roads on which the volume of traffic is not large except at certain periods of the year should have the same facilities as on main roads.

The Hungarian Government's replies, therefore, to questions (a) and (b) of Questionnaire

No. 1 are in the affirmative.

Questionnaire No. 2.

Triptych System. — It should in the first place be pointed out that, as the law at present stands, the triptych system only applies to motor vehicles owned by foreign nationals and bearing foreign number-plates. Foreign nationals permanently resident in Hungary and Hungarian nationals resident abroad but having a permanent domicile in Hungary may not use triptychs (carnets de passage en douane) to import their vehicles if they bear a foreign number-plate and are of foreign provenance. In practice, however, the Hungarian authorities make no objection to the use by Hungarian nationals resident abroad of a triptych issued by a foreign automobile club for a vehicle owned by them with a foreign number-plate. The Hungarian Government's attitude therefore accords with the intentions expressed in the Report of the Committee of Customs Experts on transport questions, i.e., the sole object in restricting the application of the triptych system is to prevent owners of motor vehicles evading payment of motor-vehicle duties on the pretext of temporary residence.

We give below detailed replies to the separate points in Questionnaire No. 2:

1. De facto residence in the importing country does not of itself preclude the use of a triptych. The point to be considered, where necessary, is whether the party's residence in his own country is not merely temporary and whether the duties of his profession do not involve permanent residence abroad.

2. If the motor vehicle is used, or its owner spends four months abroad annually, that is no reason for regarding his residence in the country as temporary. In the opinion of the Hungarian Government it would be an abuse of the triptych system for the owner of a motor vehicle to claim the benefit of the system for a protracted period, perhaps for years, on the pretext that he spends several months abroad annually, while the nature of his occupation and his domestic and other circumstances all justify the assumption that he is really a resident of the country and that his absences abroad should rather be regarded as temporary.

3. As far as the merits of this question are concerned, the Hungarian Government

thinks that the above remarks under 2 form a sufficient reply. It desires to add that residence in a hotel is not, in present-day circumstances, a sufficient criterion of the

temporary nature of the stay, as many people nowadays live in boarding-houses instead of having a regular home and household.

4. (a) The persons referred to in this paragraph are granted the advantages of the triptych provided their residence in the importing country is not permanent but merely

(b) The above remarks apply equally to the persons referred to in the above

paragraph.

IRISH FREE STATE

Questionnaire No. 1.

June 1929,

The only roads affected are those linking the Irish Free State with Northern Ireland. These roads are open for motor traffic free of charge from 9 a.m. to 5 p.m. When first importation or final exportation takes place outside these hours, a charge of 2/- per motor-car is made. In the case of intervening journeys no charge is made between 8 a.m. and 9 p.m., but outside these hours the standing charge of 2/- in respect of each vehicle applies. The Revenue Commissioners are not prepared to-waive payment of the charge referred to in respect of motor-cars crossing the frontier outside the free periods indicated.

Questionnaire No. 2.

- 1. The establishment of a de jacto residence in this country is not regarded as preventing the issue of a triptych provided that such residence is merely an accommodation residence. The importation of a motor-car on triptych is confined to persons whose only or principal place of residence is outside the Irish Free State.
- 2. A residence is not regarded as temporary by reason only of the fact that a specified period such as four or six months is spent continously abroad. In the case of persons maintaining an accommodation residence, the total period for which the motor-car imported on triptych may be retained in the Irish Free State free of duty must not exceed sixteen weeks in any period of twelve months from the date of first importation.
- 3. The Revenue Commissioners do not consider that the period spent annually abroad is in itself a sufficient criterion in determining the nature of the residence. Further facts would be required as to the actual nature of the temporary residence, e.g., permanent establishment or residence in an hotel.
- 4. (a) and (b) The advantages of the triptych are granted only to persons whose only or principal place of residence is outside the Irish Free State and who intend to make only a temporary stay in the Irish Free State for purposes unconnected with trade or business. These advantages cannot be extended to persons in charge of commercial or industrial concerns though not continually present in the country or to company directors visiting the country for business purposes.

ITALY

[Translation.]

October 1929.

Questionnaire No. 1.

The Royal Italian Government finds no difficulty in agreeing that, in the case of main traffic routes (a list of which will be forwarded), the Customs formalities on arrival and departure from the country (including final arrivals and departures) of motor vehicles accompanied by triptychs or carnels de passage en douane, may be effected at any hour of the day or night, provided that such vehicles do not contain articles liable to Customs duty; otherwise the said formalities have to be effected at any time between sunrise and sunset. In the case of minor traffic routes and those on which traffic increases at certain periods of the year, the Government is prepared to accord all facilities compatible with service requirements.

The above naturally depends on similar treatment being granted by the corresponding Customs offices of neighbouring countries to vehicles entering or leaving the territory of such countries and is subject to special police regulations.

Questionnaire No. 2.

The Royal Government is willing to grant the benefit of temporary importation, without deposit, on the basis of triptychs, to all persons, whatever the object of their journey, arriving in Italy with their own motor vehicles to make a stay of not more than one year from the date of issue of the document, provided they are normally resident abroad and are therefore not entered as permanent residents of Italian communes. After ninety days' actual residence in Italy, counting from the date of first crossing the frontier, they must, however, pay the Italian circulation tax for the remainder of their stay. This concession is of course subject to reciprocity being granted and police regulations being complied with.

An exception is made in the case of motor vehicles belonging to foreigners representing foreign firms, or employed in industrial firms or works engaged in commerce in Italy; these may and usually do retain their domicile abroad, although they establish a de facto residence in Italy and, on account of their removal, have been granted exemption from Customs duties on their effects and vehicles.

LATVJA.

[Translation.]

September 1929.

Questionnaire No. 1.

At the Meitene and Valka Customs Offices, situated near the only roads in Latvia at present of interest to tourists, office hours are such that motorists can effect all arrival and departure formalities at any time and at any hour without any special fees being charged. The competent departments are prepared to make similar arrangements in the case of all Customs offices situated near roads where the volume of traffic might in future require it. Similar arrangements could also be made in the case of roads on which the volume of traffic would only increase at certain periods.

Questionnaire No. 2.

The Latvian authorities concerned do not see any necessity for defining in such detail the qualifications of owners of motor vehicles and the reasons for their residence in the importing country with a view to deciding whether they should enjoy the benefits of the importing country with a view to deciding whether they should enjoy the behends of the triptych or not; in their opinion the only important point is the length of stay. On this basis, the advantages of the triptych are granted in Latvia for a period of two months for each journey, though the triptych itself may be made out for one year from the date of issue. Motor vehicles are even allowed to enter Latvia without triptychs, also for a term of two months, provided that the amount of Customs duty is deposited on arrival. Should the motor vehicle remain in the country more than two months, the deposit accrues to the Government, Similarly, all motorists who have entered Latvia with triptychs are bound, if they stay longer than two months, to pay the Customs duty and to register the vehicle in Latvia. The departments concerned see no reason to make any change whatever in this system, as they consider it affords tourists every possible convenience, and any change would lead to infringements of the Customs tariff to infringements of the Customs tariff.

LITHUANIA

[Translation.]

September 1929.

Questionnaire No. 1.

Ad (a) In the experience of the Customs administration, motor traffic in Lithuania, even in the case of roads forming the principal means of international communication, is not sufficiently important to justify special arrangements being made to carry out arrival and departure Customs formalities at any time and at any hour.

Where necessary, notice is given to the authorities and exceptions made to the general rules.

Questionnaire No. 2.

Ad 1.

Ad 2. Yes.

Ad 3. Yes. Temporary residence should be decided by considerations of its material character (permanent employment, etc.).

Ad 4 (a) and (b). Yes, if the persons in question are not in fact resident in Lithuania.

LUXEMBURG

[Translation.]

June 1929.

Questionnaire No. 1.

In the Grand-Duchy, Customs formalities in the case of motor vehicles leaving or entering the country can only be effected during the Customs office hours, although some latitude is permitted in the case of vehicles whose documents are in order, crossing at other hours if there are officials available to effect the formalities.

In the case of certain Customs offices where motor traffic is fairly frequent (Wasserbillig, Frisange, Esch-s.-Alzette and Rodange) the hours of duty have been extended for the benefit of motorists up to 10 p.m. with no break at noon, in order to enable triptychs, or carnets de passage en douane, to be checked and dealt with. This arrangement is quite adequate for present tourist traffic requirements. The Luxemburg authorities, moreover, could not offer more extensive facilities without increasing the number of officials required to supervise the traffic and to make the necessary entries in registers and documents.

Motorists are very little inconvenienced by the collection of the taxe de séjour, as this is effected by the officials at the same time as Customs formalities.

No other taxes are levied in Luxemburg on foreign motor vehicles.

Questionnaire No. 2.

Our system of triptychs and carnels de passage en douane is the same as that in force in Belgium. It extends the privileges of these traffic documents to travellers who have to proceed temporarily to the Economic Union of Belgium and Luxemburg, even though touring

is not the sole object of their journey. Indeed, complete exemption from Customs duty in the case of motor vehicles which have obviously been used may be granted to persons who, at intervals during the year. (Foreigners residing in a district close to our frontiers, and known by the Customs officials to be bona fide, may be given transit certificates (acquits deposit for their vehicles valid for one year and may be exempted from furnishing a

When travellers furnish the Customs authorities with triptychs, or carnels de passage en douane issued by recognised foreign associations, the Luxemburg Customs authorities have no reason to refuse to accept these documents. Motor lorries, however, are not usually granted temporary admission when used for transport within their country.

Thus, the first question of Questionnaire No. 2 must be answered in the negative, and question 2 in the affirmative.

As regards question 3, dealing with the definition of "temporary residence", the Government of the Grand-Duchy considers that mere residence abroad in an hotel or pied-à-terre cannot be regarded as entitling a person to a triptych in that country, but that he should be required to have a permanent residence.

On this assumption, the advantages of the triptych cannot be granted to administrators, managers, or managing directors of commercial or industrial companies who, although they are engaged permanently or intermittently in the country where they wish to take out their triptych, do not actually possess a residence there (question 4).

NETHERLANDS

[Translation.]

Questionnaire No. 1.

August 1929.

The reply to both questions is in the affirmative.

In the opinion of the Netherlands Government, the measures suggested would only be fully effective if similar steps were taken simultaneously by neighbouring countries in respect, of their corresponding Customs offices. Countries with common frontiers should therefore come to an agreement on this subject. The Netherlands and German Customs authorities have, since June 1st, 1928, adopted an arrangement under which certain Customs offices on the Netherlands-German frontier, where there is a great deal of international motor traffic, are kept open all day and all night, while other offices remain open all day up to midnight.

In the Netherlands, no fees are charged for inspecting motor vehicles or visaing the documents, even if this is done when the offices are closed for commercial traffic.

The Netherlands Government's efforts to make an arrangement with the Belgian Government for the Netherlands-Belgian frontier have not yet been successful.

Vehicles the triptychs of which have already been visaed on first entering the Netherlands and which have road-tax cards, may enter or leave without any Customs formalities, even when the Customs offices are closed, not only by those routes where there are Customs offices but by about forty other routes specially designated. Road-tax cards, however, requiring visas cannot be dealt with on arrival or departure outside the regular office hours.

Owing to these facilities less need is felt for certain Customs offices to be open throughout the twenty-four hours in the Netherlands than in other countries, where a provisional visa has to be affixed to the triptych whenever a motor vehicle enters or leaves the country.

Questionnaire No. 2.

- 1. In the Netherlands, triptychs can only be issued to persons or institutions actually resident or established abroad. Transfer of the residence or the head office to the Netherlands cancels the right to the use of the triptych.
- 2 and 3. Any person having his main residence abroad but spending several consecutive months annually in the Netherlands is not regarded for the purposes of the triptych system as established in the Netherlands. The question of whether the chief residence is in the Netherlands or abroad depends on circumstances. Comparison between the nature of the stay in the Netherlands and that abroad, e.g., in a private house in the one case and in a hotel or boarding-house in the other, may affect the decision, but these circumstances are not in themselves decisive.
- 4. Foreign residents who conduct a commercial or industrial business in the Netherlands or hold the offices of director, commissioner, etc., of a company established there and, for this purpose, come regularly (e.g., daily) to the Netherlands, and also persons residing intermittently in the Netherlands on account of their positions in a company which has its headquarters in the country, may use triptychs for their motor vehicles, provided these vehicles are for their personal use only and not for that of the company referred to.

In view of the tendency in certain countries to protect their nationals against any foreign competition, it should be pointed out that, in the Netherlands, no enquiry is made in regard to foreign residents' reasons for bringing in a motor vehicle. Triptychs, therefore, are used, not only in tourist traffic proper, but also in the motor traffic of business men, as well as in the international traffic of auto-cars and vans.

POLAND

[Translation.]

September 1929.

Questionnaire No. 1.

In the case of roads on which international traffic is particularly important, Customs offices may be kept open uninterruptedly throughout the day for the purpose of carrying out the arrival and departure formalities of vehicles.

No special fee is levied in Poland in the case of motor vehicles crossing the frontier at

night-time.

Arrival and departure formalities for motor vehicles may be carried out at night in the case of roads on which the volume of traffic in not large except at certain periods, provided that traffic at these times is really of such volume as to require Customs offices to beo pen.

Questionnaire No. 2.

Under existing Polish Customs regulations, persons permanently resident in Poland may not use triptychs or carnets de passage en douane.

Exceptions are allowed, however, in the case of the foreign staff of the diplomatic

representations of foreign countries.

Temporary residence in Poland does not preclude the use of the above-mentioned triptychs

or carnets de passage en douane.

Should the owner of a motor vehicle come to Poland for a period of four to six months,

such a stay would be regarded as temporary.

No difficulties are raised in Poland where triptychs or carnets de passage are used by persons proceeding to Poland temporarily for commercial or industrial business, and the Customs authorities make no reservations as to the motive of such persons' presence.

ROUMANIA

[Translation.]

Questionnaire No. 1.

September 1929.

Under Roumanian laws, frontier Customs offices must be open from sunrise to sunset. The Ministry of Finance, through the General Direction of Customs, has, however, taken into account the requirements of motor touring traffic at the frontiers, and has provided every facility for travellers arriving at the frontier at times outside the ordinary office hours.

The institution of a permanent visa service, however, is seriously hampered by the fact that several frontier points, including those where traffic is heaviest, are situated in districts where there is no accommodation for the Customs and police officials, so that the latter have to live some distance away, thus making a solution of the problem difficult.

This is, however, only a temporary state of affairs which will shortly be remedied; the General Direction of Roumanian Customs is quite prepared to make the necessary arrangements as soon as means and circumstances permit.

Questionnaire No. 2.

The General Direction of Roumanian Customs decided two years ago to adopt uniform documents for the importation of motor vehicles used for touring and the only documents now issued on demand by the Royal Roumanian Automobile Club are carnets de passage en douane.

Customs offices have orders, nevertheless, to accept Roumanian triptychs also, when tendered by foreign tourists, until such time as the representatives of all the States Members of the International Association of Recognised Automobile Clubs agree to their abolition.

Apart from the formalities involved in dealing with these documents properly and correctly, the Roumanian Customs and the Roumanian Automobile Club make no other demand in respect of the residence or the personal position of the holders of such documents.

In Roumania there is no import duty on motor vehicles and no taxe de séjour. Foreign vehicles and their owners are only subject to taxation in respect of circulation, transport, etc., after the validity of the requisite documents has expired, and only at the instance of the taxation officials at their place of residence.

SWEDEN

[Translation.]

Questionnaire No. 1.

August 1929.

The formalities to be complied with by a traveller taking his motor-car into Sweden may be carried out at the central or any other Customs office within the country, or at the frontier Customs offices.

As regards the Customs inspection and Customs declaration of motor-cars entering or leaving the country, which are registered in Sweden or for which passes have been issued for Sweden, no special fee is charged, even if the Customs inspection does not take place during the ordinary hours, when the car to be used by the traveller during his journey is taken in or brought back by him by ferry-boat or any other vessel regularly engaged in the conveyance of passengers on a fixed official time-table, or by any other means of transport. A Customs official is always present at the arrival or departure of these vessels, for the Customs inspection of the luggage. The traveller is thus not obliged to give notice beforehand when he desires to take a car in or bring one back with him, even if the Customs inspection is not carried out during the usual hours.

Should the traveller wish to have the formalities on arrival and departure carried out at a land frontier outside the usual hours, he must inform the Customs office during its usual hours, generally between 7 a.m. and 9 p.m.

When a car which is not registered in Sweden and for which no pass has been issued is inspected by the Customs authorities, the motorist must reimburse the costs of the inspection when it is not carried out during the usual hours.

The provisions in force in Sweden, therefore, seem in their broad outlines, to comply with the recommendations contained in the Questionnaire of the League of Nations.

Questionnaire No. 2.

The conditions in which a traveller residing temporarily in Sweden may use, for the period of one year, a car brought by him into the country and to be taken out of the country by him on the expiry of this period, without payment of Customs duties, are contained in His Majesty's communications to the chief Customs office of July 8th, 1923, August 21st, 1925, and May 24th, 1929 (Customs Regulations 1923, No. 150; 1926, No. 48, and 1929, No. 137). These provisions—which were drawn up on the basis of Section 8, paragraph 3, of the Financial Regulations issued in their present form by Royal Decree of May 11th, 1928, No. 111 (Customs Regulations 1928, No. 121)—apply to cars brought into Sweden by persons intending to reside there only temporarily.

1. The question whether a person residing for a longer period in Sweden and having a more or less fixed home there (a leased house or a house belonging to him) may be considered as only residing temporarily in the country, has not been considered by the chief Customs office.

In view of the spirit of paragraph 3 of Section 8 of the Customs Regulations, this paragraph may be interpreted fairly liberally, and it seems that exemption from Customs duties might be accorded in respect of a car brought into the country by a traveller,

if even he intended to settle in the country more or less permanently.

- 2. If the fact of the traveller having a more or less fixed abode during his stay in Sweden does not in itself imply that he thereby ceases to be regarded as a "traveller only residing temporarily in the country", the fact that such temporary residence may occur each year is not necessarily sufficient to prevent his enjoying temporary exemption from Customs duties in respect of any car which he may bring into Sweden.
- 3 and 4. In practice, temporary exemption from Customs duties has only been accorded in respect of cars brought in by tourists within the meaning of Section 8, paragraph 3, of the Customs Regulations. Consequently, this exemption has been refused for any car to be used for business journeys within the country or brought in by a person who, as managing director or member of a managing board of a company, is obliged to travel about within the country for his firm.

SWITZERLAND

[Translation.]

September 1929.

Questionnaire No. 1.

'Motor-cars, motor-cycles and bicyles entering Switzerland for touring purposes may be brought in temporarily at any time of the day or night through any frontier office. The only charge made for clearing is the "statistical fee", provided temporary importation is effected at the following times: In summer from 7 a.m. to noon and from 1 p.m. to 7 p.m.; in winter from 8 a.m. to noon and from 1 p.m. to 6 p.m. The statistical fee amounts to ten centimes per 100 kilogrammes, with a minimum charge of thirty centimes per vehicle.

Outside the above-mentioned hours, a special charge is made for "overtime clearance", but only where the Customs office has to issue or cancel a pass (passavant) or issue an inspection certificate or provisional importation card. No charge is made for examining and checking a triptych or a carnet de passage en douane or for merely visaing such documents at any hour of the day or night.

Questionnaire No. 2.

- 1. As a rule, triptychs are only issued to motorists who have no fixed residence in the importing country. In Switzerland, fixed residence is taken to be any residence established after finally relinquishing the foreign domicile previously held. Establishment of domicile must usually be sanctioned by the police authorities of the new place of residence.
- 2. Foreigners proceeding temporarily to Switzerland with their motor vehicles for a holiday or for the purpose of undergoing medical treatment or for any other reason are entitled to triptychs even if they remain longer than six months.
 - 3. Whether the motorist stays at a hotel or in a villa or elsewhere, the length of stay is of no account, provided the residence is really temporary and the party in question has not come to Switzerland for the purpose of carrying on an occupation.
 - 4. (a) Persons in charge of a commercial or industrial undertaking as administrators, managing directors, managers, etc., are only entitled to triptychs if they do not possess a Swiss domicile. They may not use the motor vehicle for the purposes of trade in Switzerland, and at the close of their day's work they must re-export the vehicle in which they entered Switzerland. For example, a works director resident abroad may proceed daily to his factory in Switzerland in a vehicle registered abroad without paying Customs duty, provided the vehicle is used solely for the journeys between his home across the frontier and the factory or some other place in Switzerland. Journeys between the factory and any other point in Switzerland would be considered to be "internal" and would involve payment of the import duties on the vehicle.
 - (b) Company directors who have interests in commercial or industrial businesses but only take an active part from time to time may bring their motor vehicles temporarily into Switzerland. The triptych may be used to clear the vehicle in the same way as in the case of a works director (see 4 (a) above), i.e., provided the vehicle is not used for internal transport in Switzerland. Thus it cannot be used by third parties.

Mention has been made above (see 1) of the statistical fee (ten centimes per 100 kilogrammes) which must be paid on first entering Switzerland. Thus, on arrival at the frontier, the tourist is occasionally obliged to procure a certain amount of Swiss currency. This inconvenience might be avoided, and motorists holding triptychs would not require to make these payments on crossing the Swiss frontier, if foreign touring associations issuing triptychs were to pay the statistical fees themselves by affixing to the entry-slip of all triptychs issued Swiss stamps for the amount of the statistical fee payable. The formalities would thus be considerably simplified.

CZECHOSLOVAKIA

[Translation.]

Questionnaire No. 1.

September 1929.

- Ad(a). The Czechoslovak authorities agree with the suggestions made under (a), subject to the reservation that at certain hours of the night the frontier may not be crossed for the following reasons:
 - (1) At certain hours of the night there is hardly any traffic and no real demand for motor vehicles to cross the Customs frontier;
 - (2) Frontier Customs offices usually have a comparatively small number of officials and night duty is thus impracticable. Officials must be ensured a certain amount of rest at night-time.

In view of the above circumstances, Czechoslovak Customs Regulations provide that motor vehicles may not cross the Customs frontier between midnight and 4 a.m. (Article 166, paragraph 12, of the Decree for executing the Customs Law). The Czechoslovak authorities consider this to be a necessary restriction. At other times, the frontier may be crossed, out of the usual service hours, without special fees being charged for executing Customs formalities.

Ad(b). The Czechoslovak authorities agree with the suggestion made under (b), subject to the same reservation as in (a) above (no crossing of the frontier at certain hours of the night).

Questionnaire No. 2.

Ad 1 to 3. The establishment of a temporary residence in the importing country would be regarded as preventing the issue of a triptych if it were circumstantially proved:

(a) That temporary residence had been established in the importing country, for reasons other than those of a temporary nature (e.g., for study, touring, or health purposes);

(b) That the period of temporary residence mentioned above under (a) was in any year of such length as to be inconsistent with the purpose of such residence, e.g., more

than three or four months.

Exact definitions, however, should be given of the expressions "permanent residence", "temporary residence", and "mere presence" resulting from the temporary nature of the stay in the importing country.

The fact of temporary residence in the importing country becoming a periodical (annual)

occurrence should not necessarily be regarded as preventing the issue of a triptych.

On the above basis, persons having de facto residences in two countries would be denied the benefits of the triptych system for journeys from the country where their vehicle is ordinarily kept into the other country. Even where such persons kept one vehicle in each place, it would be impossible, if the above principles were to be applied, to cross in them from either country to the other. An exception should therefore be made in the case of such persons. For the purpose of the triptych system, they should be considered to be domiciled in the State where they pay income-tax and should be allowed to bring their vehicles registered there into the other country under a triptych, just as though they were, from the standpoint of the importing State, foreigners. Such procedure could, of course, only be employed where domicile had to be proved in one of two States which had concluded an agreement for the prevention of double taxation. In the absence of such an agreement, the criteria would probably have to be nationality, together with lengthy residence in the State in question. Should the party concerned not be a national of either country, a special ad hoc arrangement would have to be made by the two Customs administrations. Owing to the defects of the present system, the Czechoslovak Customs authorities have already had to initiate direct negotiations with the Austrian Customs authorities in a case where a person was domiciled both in Czechoslovakia and in Austria. In this instance the Czechoslovak Customs authorities suggested an arrangement on the above lines.

Ad 4. The circumstances mentioned under (a) and (b) above should not in themselves determine the question of granting or refusing the benefits of the triptych system. In

such cases the general principles above referred to should be applied.

KINGDOM OF YUGOSLAVIA

[Translation.]

July 1929.

Questionnaire No. 1.

(a) Yes. This applies to the Customs offices which remain open all night, in conformity with Article 227 of the Customs Law. In the case of offices which are closed outside the ordinary hours, the holder of the triptych is required, according to the provisions in force, to pay the official for the additional work involved.

(b) No. The chief Customs office cannot give any undertaking in advance with regard to this. Nevertheless, it is prepared favourably to consider the possibility of introducing continuous work in certain offices where this has not hitherto been required.

Questionnaire No. 2.

1. No. De facto residence in the country, for a maximum period of one year, on the strenght of a permis de séjour, is regarded as temporary, and does not prevent the use of the triptych. When this permit is made out for an indefinite period, the residence is regarded as permanent and the triptych cannot be used.

2. Yes.

- 3. In considering the nature of the residence, it is not sufficient to consider its duration only. The permanent place of residence is deemed to be the locality to which the person in question is bound by his principal occupation.
- 4. (a) Yes. (b) Yes. All the persons enumerated are regarded as residing temporarily in the country.

ANNEX 3.

MEMORANDUM BY THE SECRETARY-GENERAL OF THE COMMITTEE CONCERNING WORK CONNECTED WITH ROAD TRAFFIC

[C.C.T./419.]

February 10th, 1930.

The Permanent Committee on Road Traffic has not met since the last session of the Advisory and Technical Committee. It is proposed to hold the next meeting in the spring of this year, when it will have to examine the text of a draft Convention on commercial motor traffic to be prepared by the Secretariat.

The Advisory Committee at its last session decided to consult the Governments, as suggested by the Committee of Customs Experts set up at the request of the Permanent Committee on Road Traffic, with regard to visas at frontiers and the system of triptychs. A circular to that effect was sent to the European Governments on April 22nd, 1929. The spring of the Governments (Apper 2) have been circulated to the Advisory Committee and replies of the Governments (Annex 2), have been circulated to the Advisory Committee and with these replies the Committee on Road Traffic will be in a better position to resume consideration of the points unsettled.

Furthermore, in pursuance of the decisions taken by the Advisory Committee at its last session, and at the suggestion of the Permanent Committee on Road Traffic, a Mixed Committee of the League Fiscal Committee and the Permanent Committee on Road Traffic has been set up. M. Delaquis, Mr. Franklin and M. Pflug represented the Committee on Road Traffic on this Mixed Committee. The Mixed Committee held a meeting at the end of October 1929 and drew up a draft international Convention on the taxation of foreign motor vehicles. According to this draft Convention the owners, persons in possession, drivers, and occupants of motor vehicles registered by the other contracting parties, and also such vehicles themselves, would be exempt from all taxes, charges or dues on the circulation or possession of motor vehicles during a period of pinetry complete days per year. Such possession of motor vehicles, during a period of ninety complete days per year. Such exemption would not apply to motor vehicles used for the professional public conveyance of passengers or for the transport of goods. The text of this preliminary draft Convention will be considered by the Committee on Road Traffic at its next session.

ANNEX 4.

MEMORANDUM BY THE SECRETARY-GENERAL OF THE COMMITTEE CONCERNING WORK CONNECTED WITH INLAND NAVIGATION

[C.C.T./424.]

February 10th, 1930.

The Permanent Committee for Inland Navigation has not met since the last session of the Advisory and Technical Committee.

The Committee for the Unification of River Law, working under the conditions laid down at the last session of the Advisory Committee, has completed the preparatory work for the Conference on Unification of River Law. After the conclusion of this work, the Chairman of the Advisory Committee forwarded to the Council the resolution adopted by the Committee at its last session, which proposed that the Council should convene a "Conference on the Unification of River Law applicable to Navigation on the Main Systems of Navigable Waterways in Continental Europe". The Council, at its session in January 1930, decided to convene this Conference. The Conference will meet at Geneva on November 17th, 1930, at 3 p.m. It was agreed during the discussions of the Council that those organisations which were designated by the President of the Council, after consultation with the Chairman of the Advisory and Technical Committee, should be invited to the Conference in an advisory of the Advisory and Technical Committee, should be invited to the Conference in an advisory capacity. The International River Commissions and the International Institute of Private Law at Rome were mentioned in this connection.

The Committee is aware that during the work of the Committee for the Unification of River Law, legal questions connected with the problem of labour conditions in inland navigation were raised. Attempts to arrive at an international settlement of these questions had already been made by the International Labour Organisation, which is competent to deal with the matter. The International Labour Office, which was represented in an advisory capacity on the Committee for the Unification of River Law, has completed its information through a questionnaire to the various Governments concerned, and it was thought by the Committee for the Unification of River Law that its investigations should be continued in co-operation with the International Labour Organisation. In order to determine the procedure to befollowed, the Governing Body of the International Labour Office appointed three of its members to serve on a Mixed Committee of the Organisation for Communications and Transit and the International Labour Organisation. The Committee for the Unification of River Law, with a view to such co-operation, had appointed four of its members, from whom the three representatives to serve on the Mixed Committee were to be chosen; certain members three representatives to serve on the Mixed Committee were to be chosen; certain members

had reserved the right to send substitutes. The Chairman of the Committee for the Unification of River Law informed the Chairman of the Permanent Committee for Inland Navigation of the position. The latter was of opinion that, since the International Labour Organisation had not appointed specialists on the questions to be studied to serve on the Mixed Committee, but real representatives of the Organisation, it was desirable that the same procedure should be followed in the case of the Transit Organisation, the task of the Mixed Committee being to organise the studies which would be entrusted to specialists. The Communications and Transit Organisation was therefore represented on the Mixed Committee by M. Silvain Dreyfus, Chairman of the Permanent Committee for Inland Navigation, M. Seeliger, in his capacity as member of the Advisory and Technical Committee and of the Permanent Committee for Inland Navigation, and M. Winiarski, Chairman of the Committee on the Unification of River Law. The Mixed Committee met on September 23rd, 1929. It arrived at the following conclusions:

1. The Committee was of opinion that the time had come to ask the Governing Body of the International Labour Office to consider the possibility of establishing international regulations concerning labour conditions on the main systems of European waterways.

2. It suggested that a Committee of Experts should be set up to indicate, on the basis of the information already collected, which questions could be dealt with in such regulations, and in what districts; and, if necessary, failing regulations, what questions

might lead to conflicts of laws for which a solution should be sought.

3. The number of experts might be seven. One would be appointed by the employers' group of the Governing Body and one by the workers' group. The five others should be chosen for administrative experience and personal competence. Representatives appointed by the Transit Organisation would co-operate with the experts thus appointed.

4. The report of the Committee of Experts would be submitted to the Mixed Committee and forwarded with the comments of that Committee to the Governing Body of the International Labour Office. It would also be communicated to the Transit

Committee.

The Governing Body of the International Labour Office, at its session in February 1930,

acted on the proposals of the Mixed Committee. However, it raised the number of experts appointed by the employers' and workers' groups to four. The names of the experts will be communicated later to the Advisory and Technical Committee.

The Advisory and Technical Committee has had communicated to it letters from the President of the Central Commission for Rhine Navigation and the President of the International Commission of the Danube (see Annexes 5 and 6) in which these Commissions explain the importance of a settlement of the above-mentioned questions so far as navigation on the international waterways for which they are competent is concerned. on the international waterways for which they are competent is concerned.

ANNEX 5.

LETTER FROM THE PRESIDENT OF THE CENTRAL COMMISSION FOR RHINE NAVIGATION TO THE CHAIRMAN OF THE ADVISORY AND TECHNICAL COMMITTEE.

> [C.C.T.409.] [C.C.T./N.1./46.]

Strasburg, December 2nd, 1929.

[Translation.]

We have the honour to inform you that the "Compagnie générale pour la navigation du Rhin" at Strasburg has drawn the attention of the Central Commission for Rhine Navigation to certain unfortunate effects which, in its view, are being caused to shipping by the application to the Rhine of the workers' insurance laws.

The Central Commission discussed the matter at its November session, and decided to forward the request to the Advisory and Technical Committee for Communications and Transit and to the International Labour Office, asking them to submit the correspondence to the organs appointed to study the social provisions of river law, and to inform the Commission as early as possible of any action which might seem possible. I enclose a copy of the letter from the "Compagnie générale pour la navigation du Rhin,"

(Signed) Jean Gout. President. LETTER FROM THE "COMPAGNIE GÉNÉRALE POUR LA NAVIGATION DU RHIN" TO THE PRESIDENT OF THE CENTRAL COMMISSION FOR RHINE NAVIGATION.

Strasburg, January 31st, 1929.

[Translation.]

We have the honour to draw your attention to certain extraordinary situations which have arisen, owing to the application of the workers' insurance laws to the members of our crews.

The crews of Rhine craft are drawn from five nationalities; their composition varies pretty frequently, and individual sailors or stokers sign on whatever the opportunity offers for a voyage, now under the flag of their own country, now under that of a neighbouring

country.

Every country applies its own insurance laws, strictly to vessels navigating under its flag, and pays no regard to the other systems under which new hands may have already been insured. The consequence is that when a man shifts from one flag to another he risks losing the whole or part of the benefits due from previous contributions paid by himself or by the firms who have employed him.

For a long time past we have striven without success for a system of reciprocity. only result hitherto obtained is that sickness insurance funds have been authorised to payforeign sailors the allowances to which they are actually entitled, but no system of "interchange"—no exchange of premiums, rights or charges has ever been arranged between

the insurance funds of the different countries.

We venture to give below some instances in which this lack of reciprocity has imposed

additional charges on individuals or companies.

The "Institut d'assurances sociales d'Alsace et de Lorraine" requires that German hands whom we employ must be insured in its books from the beginning of the week in which they enter our service, without regard to the premiums they have already paid to the German insurance office in respect of the same week. As we cannot charge our men twice over for insurance, the French shipping companies have to find the premiums payable in France out of their own pockets.

In accordance with paragraph 34 of the Regulations of the Strasburg Sickness Insurance Fund, the latter pays the following allowances for members of a man's family detained in hospital: 1.25 fr. per day for the wife, and for children above the age of 10 and 0.60 fr. per

day for children below the age of 10.

As, however, the Rhine barges pass through several different countries, it is physically impossible for all cases of sickness to be sent to the Strasburg hospitals. Thus, in one case a boatman's child had to be left in a Coblenz hospital; the latter is claiming 3.80 RM., or about 22.80 fr. per day for hospital charges; after deducting 0.60 fr. allowed by the Strasburg sickness insurance fund, there is a balance of 22.20 fr. per day to be defrayed by the shipowner or the man himself.

There is also a difficulty in carrying out the sickness and old-age insurance regulations owing to interruptions, due to the frequent transfers of hands from German to French vessels

or vice versa.

The following cases illustrate the injustice to which hands are subjected by being required to pay the premiums twice over, if they wish to preserve their right to an allowance in the country where they were first insured:

.1. Case of Hans Hauswirth:

Applied on June 26th, 1925, for a contribution to the cost of a dental plate. Application refused, on the ground that the number of French stamps affixed was insufficient, and that no regard could be paid to the German stamps.

2. Case of Bruno Engelhardt:

Applied on December 11th, 1925, for expenses of a dental plate. Application refused, on the same grounds as above.

3. Case of Heinrich Hoernis:

Applied on October 25th, 1927, for a higher rate of allowance, having regard to the French stamps affixed by the applicant.

4. Private employees' insurance: Case of Klug:

Captain Klug had reached the age of 65; Germany refused him allowance on the ground that he had not a sufficient number of cards of that country; Klug cannot, however, claim an allowance from the French insurance funds and is therefore obliged to continue his contributions, although he has reached the age-limit.

As the Central Commission is known to have been considering for some years problems arising from the different legislations affecting workers on the Rhine, we desire to draw its attention to this matter and to ask it to bring about a reciprocal arrangement between the riverain States regarding workers' insurance.

(Signed) FOURNIER.

ANNEX 6.

LETTER FROM THE PRESIDENT OF THE INTERNATIONAL DANUBE COMMISSION TO THE SECRETARY-GENERAL OF THE COMMITTEE

Vienna, December 30th, 1929.

[Translation.]

I have the honour to inform you that, as the result of a complaint which it has received from a Danube shipping company regarding the application to its crews of the national social legislation in the territory of one country, the International Danube Commission, at its twenty-third session, decided to point out to the Committee of which you are Chairman how necessary it is for Danube navigation that the States concerned in that navigation should immediately conclude an agreement co-ordinating the methods of applying on the Danube the social legislation in force or to be brought into force in those countries, in such a way as to prevent the double taxation of members of the crews.

I would beg you to draw the attention of the Committee on River Law to the particular

importance which all the different riparian States attach to this question affecting the

internationalised section of the Danube.

(Signed) Buckeisen, President,

ANNEX 7.

EXTRACT FROM THE PROCEEDINGS OF THE FIFTY-EIGHTH SESSION OF THE COUNCIL OF THE LEAGUE OF NATIONS (MEETING OF JANUARY 15th, 1930) CONCERNING THE QUESTION OF THE INTERPRETATION \mathbf{OF} THE INTERNATIONAL TELEGRAPHIC CONVENTION OF ST. PETERSBURG

• [C.C.T.422.]

2573. Traffic in Opium and Other Dangerous Drugs: International Telegraphic Convention of St. Petersburg: Exchange of Facsimiles of Telegrams sent in connection with Smuggling Transactions.

M. CHOUMENKOVITCH read the following report:

"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 fascimiles 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 Internal Telegraphic Convention of St. Danschurz, the question was raised whether the Internal 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

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

"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 Radiotelegraphic 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.

Mr. Dalton agreed with the proposals of the Rapporteur, and appreciated the very

clear way in which he has brought out the essential points in his report.

In so far as the British Government was concerned, it was fully able, under existing law, to give effect to those methods of helping to check the illicit traffic in drugs. The British Government attached great importance to the suppression of this deleterious trade, and he therefore hoped that, as a result of the Rapporteur's proposals, other Governments, in the subsequent enquiries that would take place, would be able to give the fullest assistance by controlling telegraphic reports, and that no merely technical objections — for they could be nothing more — would be allowed to stand in the way of this progressive step.

The conclusions of the report were adopted.

ANNEX 8.

EXTRACT FROM THE PROCEEDINGS OF THE FIFTY-EIGHTH OF THE COUNCIL OF THE LEAGUE OF NATIONS SESSION (MEETING OF JANUARY 13TH, 1930) CONCERNING THE CODIFI-CATION OF INTERNATIONAL LAW ON COMMUNICATIONS AND TRANSIT.

[C.C.T.423.]

2549. Codification of Certain Categories of Conventions.

M. GRANDI read the following report:

"On September 24th, 1929, the Assembly adopted the following resolution:

"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 general codification;

"Observes that the report of the Committee upon the publication, in the form and of the Conventions which are open to States in general shows that such a 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 to having the results of their work eventually brought into force by appropriate international conferences.

"The suggestion made by the Assembly in the above-quoted resolution is one of which the realisation presents obvious difficulties but which is of evident interest from the point of view of the harmonious and intelligible development of international law in the form of view of the harmomous and intemplate development of international law in the form of international conventions. The Council will, I am sure, feel no difficulty in transmitting it to the technical organisations of the League. It will, of course, be understood that both the Assembly, as appears from the actual terms of its resolution, and the Council intend to leave to the appreciation of those organisations themselves the question whether, and at

what date, it may be desirable and possible for them to take up the subject.

"The Assembly's suggestion is evidently not of equal interest to all the technical organisations. It concerns those which deal with subjects in regard to which a considerable number of Conventions are in force. Starting from this point of view, I propose that the Council should ask the Secretary-General to instruct the competent officials of the Secretariat to bring the Assembly's resolution and the present report to the attention of the Economic and Financial Organisation, the Organisation for Communications and Transit, the Health Organisation, the Committees on Traffic in Women and Children and on Child Welfare, the Advisory Committee on Traffic in Opium and other Dangerous Drugs and the Committee on Intellectual Co-operation, for such action, if any, as it may be thought possible and desirable to take.'

The conclusions of the report were adopted.

ANNEX 9.

NOTE CONCERNING THE ANNUAL REPORT OF THE MEMEL HARBOUR BOARD.

[C.C.T.417.]

February 10th, 1930.

The annual report on the work in the Port of Memel for the year 1929 has not yet reached the Committee.

The report for the year 1928 has been received and is at the disposal of the members of the Committee.

· ANNEX 10.

EXTRACT FROM THE PROCEEDINGS OF THE FIFTY-EIGHTH SESSION OF THE COUNCIL OF THE LEAGUE OF NATIONS (MEETING OF JANUARY 16th, 1930) CONCERNING THE DISPUTE REGARDING THE COMPETENCE OF THE EUROPEAN COMMISSION OF THE DANUBE.

[C.C.T.421.]

- 2589. Organisation for Communications and Transit: Jurisdiction of the European Commission of the Danube.
 - M. Antoniade, representative of Roumania, came to the Council table.

The President read the following report and draft resolution:

"The Council will have noted the information contained in the letter from the Chairman of the Advisory and Technical Committee for Communications and Transit dated December 20th, and in the memorandum addressed to the Council by the Secretary-General on January 15th at the request of the Chairman of the Advisory and Technical Committee. The Council will no doubt desire to express its satisfaction with the result of the negotiations carried on by the delegates of France, Great Britain and Northern Ireland, Italy and Roumania, under the auspices and with the assistance of the Advisory and Technical Committee, with a view to the settlement of the difficulties which had arisen concerning the competence of the European Commission of the Danube.

"It will no doubt wish to give effect to the proposals of the Chairman of the Advisory and Technical Committee so as to allow the agreement reached to be put into force as rapidly as possible, once the text of the draft Convention to carry the agreement into effect has been finally adopted. It will only be possible to sign the draft Convention when agreement has been reached on the regulations to be annexed thereto.

"I accordingly have the honour to submit the following resolution.

"'The Council,

"'Has noted the information furnished in the letter from the Chairman of the Advisory and Technical Committee for Communications and Transit dated December 20th, 1929, and in the memorandum addressed to the Council by the Secretary-General on January 15th, 1930, at the request of the Chairman of the Advisory and Technical Committee, on the result of the negotiations carried on by the delegates of France, the United Kingdom of Great Britain and Northern Ireland, Italy and Roumania under the auspices and with the assistance of the Advisory and Technical Committee, with a view to the settlement of the difficulties which had arisen regarding the competence of the European Commission of the Danube;

"'It notes the resolution adopted by the Advisory and Technical Committe on

March 22nd, 1929, and
"Expresses its great satisfaction at the successful issue of the negotiations undertaken; "The Council,

"' Considers it highly desirable that the agreement reached should be put into force as rapidly as possible with the co-operation of all the countries called upon to give their

assent to the changes proposed in the legal regime of the maritime Danube;
"'It therefore instructs the Secretary-General of the League, as soon as the Chairman of the Advisory and Technical Committee has finally communicated to him the text of the draft Convention which the Powers represented on the European Commission of the Danube propose to conclude, to communicate to the Powers parties to the Convention instituting the definite Statute of the Danube the present resolution, together with the letter from the Chairman of the Advisory and Technical Committee, dated December 20th, 1929, the draft Convention mentioned above and the draft declaration annexed to the said letter;

"'The Council,

"'Requests these Powers to appoint representatives to sign, at the seat of the League of Nations, the declaration recording their common consent, the text of which is annexed to the letter from the Chairman of the Advisory and Technical Committee. The date for these signatures shall be fixed by the President of the Council after consulting

the Chairman of the Advisory and Technical Committee;

"'It further requests the Powers represented on the European Commission of the Danube, immediately after the signature of this declaration by all the Powers parties to the Convention instituting the definite Statute of the Danube, to sign the Convention

mentioned above at the seat of the League of Nations.

M. Antoniade, on behalf of the Roumanian Government, accepted the terms of the report and the draft resolution.

The draft resolution was adopted.

ANNEX 11.

LETTER FROM THE SECRETARY GENERAL OF THE INTERNA-TIONAL COMMISSION FOR AIR NAVIGATION TO THE CHAIRMAN OF THE ADVISORY AND TECHNICAL COMMITTEE FOR COMMU-**NICATIONS** AND TRANSIT, CONCERNING COMMUNICATIONS AFFECTING THE WORKING OF THE LEAGUE OF NATIONS AT TIMES OF EMERGENCY: FACILITIES TO BE GRANTED TO AIRCRAFT.

> [C.P.D.187.] [C.A.S.84.]

[Translation.]

Paris, December 18th, 1929.

In reply to your letter of October 14th, 1929. I have the honour to inform you that, at its sessions in June and December 1929, the International Commission for Air Navigation adopted the whole of the attached provisions, which seemed to it to ensure at all times the requisite facilities for air communications affecting the working of the League of Nations, while giving the various States the guerontees passed to the incommission. while giving the various States the guarantees necessary for their security.

If this text were inserted in the Convention on Aerial Navigation of October 13th, 1919 — and that would seem to be the most practical procedure as regards States which are contracting parties to the Convention — it would, of course, be understood that measures would have to be taken so that the provisions contemplated might also be observed by States

Members of the League which are not parties to that Convention.

The International Commission for Air Navigation did not think it necessary to define the "times of crisis" or "crisis" referred to in the attached text; moreover, in view of League procedure, it did not think any difficulties could arise from the absence of

(Signed) Albert ROPER.

DRAFT TEXT TO BE INSERTED IN THE CONVENTION ON AERIAL NAVIGATION OF OCTOBER 13th, 1919.

[Translation.]

CHAPTER ... - AIRCRAFT INTENDED TO ENSURE COMMUNICATIONS OF IMPORTANCE TO THE WORKING OF THE LEAGUE OF NATIONS.

The High Contracting Parties,

Desiring to facilitate at all times and particularly at times of emergency, communications by aircraft of importance to the working of the League of Nations, Have agreed to the following provisions:

Article I.

Aircraft permanently or temporarily employed in transporting the officials or correspondence of the League of Nations or in transporting League delegations or the correspondence of such delegations shall be deemed to be aircraft ensuring air communications of importance to the working of the League of Nations.

Article II.

The aircraft referred to in the preceding article shall enjoy all the rights accorded to the State aircraft of the contracting States other than the military, Customs or police aircraft referred to in the last paragraph of Article 30 of the present Convention.

Article III.

If, in order to ensure air communications of importance to its working, the League of Nations utilises aircraft belonging to the League, such aircraft shall be registered with the Secretariat of the League of Nations under the conditions prescribed by the present Convention

for the registration of aircraft belonging to the contracting States.

If, for this purpose, the League of Nations utilises aircraft registered in a State and placed temporarily at its service, such aircraft shall also be registered with the Secretariat of the League of Nations are required being replaced by a reference to the

official register of the State in which each aircraft is registered.

Copies of registrations and of cancellations of registrations shall be immediately communicated to all contracting States and to the International Commission for Air Navigation.

Article IV.

Save for any special provisions in the present Convention, the aircraft bearing the marks prescribed in Annex A, indicating that they are employed in the service of the League, shall be subject to all the stipulations of the Convention.

Nevertheless, in the case of aircraft utilised by the League and not registered in any State, the certificates of airworthiness, the certificates and licences of the crew and all other documents prescribed may be issued or made executory by any State in accordance with

Further, in the case of aircraft registered in a State which is not a contracting party, these documents shall be issued or made executory in accordance with the laws of that State.

Article V.

In order to ensure communications of importance to the working of the League in times of crisis, the High Contracting Parties undertake to grant to the aircraft referred to in Article I above the fullest freedom of navigation without subjecting them to any exceptional and temporary restrictions that may be applied to air navigation, provided always, that the normal routes to be followed, the rules to be observed and any departures from these routes and rules have been previously agreed to by the Secretary-General of the League of Nations and the respective High Contracting Parties.

In arriving at these agreements, the High Contracting Parties undertake to grant the fullest possible facilities as regards both control and the routes to be followed.

fullest possible facilities as regards both control and the routes to be followed.

The Secretary-General will endeavour, in due time and by appropriate means, to inform States whose territory is flown over of the identification marks of the aircraft which are to fly over such States, the route contemplated and the persons on board. The crew and the persons carried shall be provided with documents certifying their status and their mission. These agreements shall further perscribe the conditions under which States whose territory

These agreements snall further persons the conditions and to the persons on board, is flown over shall furnish assistance to aircraft in difficulties and to the persons on board, with a view to ensuring the continuation of the air transport for the accomplishment of

their mission.

Article VI.

Notwithstanding the provisions of Article V, any State may refuse to allow its territory to be flown over by aircraft registered in a State with which it has a crisis, but in such case it shall take all measures to ensure, with the utmost rapidity, the continuation of the air transport according to the procedure laid down in the agreements referred to in Article V.

ANNEX TO THE CONVENTION.

To be inserted in Annex A:

1. The provisions already adopted by the International Commission for Air Navigation in its Resolution No. 431 (Official Bulletin, No. 14, page 24), namely:

National aircraft effecting transport for the League of Nations at times of emergency shall be identified by the inscription under the normal nationality and registration marks, of a black horizontal stripe, easily effaceable, of the thickness of the letters constituting these marks and completely underlining them.

- 2. Provisions which are now being studied by the International Commission for Air Navigation regarding the call signs of national aircraft which effect transport for the League of Nations (the Commission's Resolution No. 469 Official Bulletin of the International Commission for Air Navigation, No. 15, page 42).
- 3. Provisions to be drawn up regarding the marks to be borne by aircraft belonging to the League of Nations.

The Japanese delegation to the International Commission for Air Navigation has made a reservation concerning the whole of these conclusions.

ANNEX 12.

MEMORANDUM BY THE SECRETARY-GENERAL OF THE COMMITTEE CONCERNING COMMUNICATIONS AFFECTING THE WORKING OF THE LEAGUE OF NATIONS AT TIMES OF EMERGENCY.

[C.C.T.428.]

February 10th, 1930.

1. WIRELESS STATION.

The Secretary-General of the Committee has the honour to forward herewith to the members of the Committee the report and resolution adopted by the Assembly concerning the establishment of a wireless station. Negotiations are at present proceeding between the Secretariat of the League of Nations and the Swiss Government with regard to the application of this resolution. The result of these negotiations will be reported to the Committee so that it may be in a position to consider the constitution of the technical organs whose assistance will be required by the Secretary-General of the League of Nations in execution of the agreement now being discussed with the Swiss Government.

2. COMMUNICATIONS BY AIRCRAFT.

The Secretary-General of the Committee has the honour to forward herewith to the members of the Committee the report and resolution adopted by the Assembly concerning facilities to be granted to aircraft engaged in transport of importance to the League of Nations at times of emergency. In execution of this resolution, the International Commission for Air Navigation was requested by the Council of the League through the Chairman of the Advisory and Technical Committee to forward as soon as possible

Document A.85.1929.IX.

the opinion asked for by the Committee. Apart from certain technical details, the International Commission for Air Navigation has now completed its work. It has forwarded its report to the Chairman of the Advisory and Technical Committee, who has handed it to the Secretary-General of the League for communication to the Committee on Arbitration and Security. That Committee will meet on March 24th. Copies of the letters sent by the Secretary-General of the International Commission for Air Navigation and by the Chairman of the Advisory and Technical Committee are herewith communicated to the Committee (see Appendix). It will be for the Committee to submit, for the consideration of the Committee on Arbitration and Security, and for subsequent consideration by the Assembly, any observations which it may deem desirable.

3. Construction of an Aerodrome near the Seat of the League.

At its last session, the Advisory and Technical Committee thought there was no need for it to study further the arrangements for an aerodrome near the seat of the League until the Assembly had reached a decision concerning the expenses to be incurred for that purpose. Subsequently, however, it appeared that it would be difficult to obtain an opinion from the Assembly on this matter unless, at the same time, the Assembly had before it an estimate, even if only approximate, of the expense involved. Moreover, new and detailed proposals have been received from the competent authorities in regard to the improvement of the Cointrin aerodrome. In view of the Advisory and Technical Committee's decision at its last session, the Secretary-General of the Committee has so far been unable to submit to experts these new proposals, which do not entirely meet with wishes previously expressed by the experts, although they involve less expense than had hitherto been contemplated.

Appendix.

LETTER FROM THE CHAIRMAN OF THE ADVISORY AND TECHNICAL COMMITTEE. TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS [C.C.T.415.]

[Translation.]

Geneva, December 27th, 1929.

I have the honour to send you herewith for communication to the Committee on Arbitration and Security, in conformity with the decisions of the Council of the League, a letter I have received from the Secretary-General of the International Commission for Air Navigation forwarding the provisions adopted by that Commission in order to ensure at all times the requisite facilities for air communications affecting the working of the League of Nations, while giving the various States the guarantees necessary to their security.

of Nations, while giving the various States the guarantees necessary to their security.

I will also forward to you, if necessary, any observations which the Advisory and Technical Committee for Communications and Transit, to which I am communicating this

text, may desire to submit.

· (Signed) SEELIGER,
Chairman of the Advisory and Technical
Committee for Communications and Transit.

ANNEX 13.

RESOLUTIONS ADOPTED AT THE FIFTH CONGRESS OF THE INTERNATIONAL CHAMBER OF COMMERCE HELD AT AMSTERDAM ON JULY 8th TO 13th, 1929.

[C.C.T.429.]

I. HIGHWAY TRANSPORT.

1. Triptychs.

"The International Chamber of Commerce,
"Supports the resolutions of the Permanent Committee on Road Traffic of the League
of Nations recommending the extension and simplification of the triptych or Customs pass
system;

See Annex 11.

"Records the fact that strict application of the principle restricting the use of triptychs to motorists touring for pleasure necessarily entails arbitrary discriminations and is incompatible with the existing progress of motor traffic now in general use as a means of transport;

"Emphasises the fact that the distinction between motorists touring for pleasure and

for other purposes has become impossible in practice;

"Recommends that the triptych system be extended to all motor vehicles except when some more favourable system already applies.'

2. Restrictions on Motorists.

"The International Chamber of Commerce,

"Whereas it is desirable in the interest of commercial relations that motor circulation

from one country to another should be given every facility;

"Warmly endorses the resolution of the 'Association internationale des Automobile-Clubs reconnus' calling for the suppression of circulation taxes imposed on foreign motorists in certain countries;

"Recommends that foreign motorists should be exempt from all taxation at least during

the two first months of their stay.'

3. Highway Statistics.

"The International Chamber of Commerce,

- "Whereas all recommendations concerning automobile traffic and the best organisation of this means of transport in the general interest of economic welfare, should necessarily be based upon exact information concerning existing conditions in the various countries; "Whereas it is necessary to compile accurate and full information upon:
 - "(a) Taxes upon highway traffic and all direct and indirect charges upon motor vehicles:
 - "(b) Sums expended on the highway system, before and since the advent of motor
 - "(c) The various methods of highway administration; "(d) The plans for the construction of new highways;

"Recommends that all the enquiries undertaken in this connection by the various specialised organisations be effectively co-ordinated and concentrated in a general report."

4. Highway Finance.

"Whereas all nations realise to-day that good roads decrease distance and transport cost, at the same time increasing the real wealth and the consuming power of the people; "Whereas the good roads that all nations require for modern traffic will cost vast sums

of money in the next few years;

"Whereas the business men of the world are directly interested not only in good roads but also in sound measures for financing the making and maintenance of good roads;

"Be it resolved that the International Chamber of Commerce, through its Highway Transport Committee, in view of the importance of the question shall closely study the subject of highway finance in its various aspects endeavouring to develop the principles on which the different forms of current practice are based."

II. SEA TRANSPORT.

1. Customs and Consular Formalities.

"The International Chamber of Commerce,

"Recognises the need for reasonable Customs and consular formalities in keeping with actual fiscal or administrative requirements;

"Calls attention to the fact that in many countries formalities and charges are excessive and vexatious, and constitute a trade barrier;

"Reminds countries that impose such barriers to international trade that the cost thereof is borne ultimately by the consumers within their own boundaries;

"Recommends that the Committee on Co-ordination of Transport and Communications take all appropriate measures, in particular by referring each specific case to the proper national committee and obtaining its co-operation in inviting the Government concerned:

"(1) To undertake a general and thorough examination of its Customs and consular formalities with a view to their simplication;

"(2) In particular to abolish vexatious and costly delays, avoidable overtime, fines or penalties in all cases where fraudulent intent has not been proved (e.g., in cases

of error in manifests or unavoidable short-shipment of cargo), unnecessary visas on bills of health, manifests, etc., to prepare reasonable schedules of charges corresponding really to services rendered;

"Requests all national committees to report to international headquarters all superfluous and abusive formalities;

"Calls the attention of the League of Nations to the necessity of suppressing these trade barriers as quickly as possible."

2. Flag Discrimination.

A. Resolution of the International Chamber of Commerce:

"The International Chamber of Commerce, observing that:

- "(a) It is now about five years since the Maritime Ports Convention was signed, it has now been signed by twenty-six nations, but it has only been ratified by sixteen;
- "(b) There has been a steady growth of public opinion against flag discrimination and a consequent diminution of this trade barrier;
 - "(c) Flag discrimination is still practised in some countries;
- "Resolves that it is necessary to continue and intensify its efforts to realise to the full the policy laid down by the third Congress in Rome in the resolutions as shown below, and in particular with this object;
 - "(1) That further representations should be made to the League of Nations and, in co-operation with the national committees concerned, to those Governments who have not yet ratified the Convention, with a view to its prompt ratification and adoption in practice by all countries, and that the League of Nations should be urged to seize every opportunity offered to secure this object;
 - "(2) That it should be a recommendation to international headquarters, that whenever a case of flag discrimination is brought to their attention, it be taken up with the national committees, both of the country in which it occurs and of the countries affected by it, with a view to its removal."

B. Resolution of the Rome Congress:

- "1. This Congress notes with regret a growing tendency on the part of some nations to view the exports from and the imports to their countries as national commerce and so to claim the right to discriminate in favour of vessels of the national flag against vessels of an alien flag, in regard to the marine transportation of such goods and passengers. The Congress considers that such action is contrary to international rights because international commerce is not, and cannot be, the exclusive concern of any individual nation, and that while every nation is entitled to subsidise its own shipowners or traders, and to regulate and to restrict the amount of its exports and imports, emigrants or immigrants, no nation is entitled to claim exclusive rights in connection with its international commerce, or the transport of emigrants to or from the countries.
- "2. The Congress therefore recommends that any attempt to restrict the carriage of goods or passengers between different countries to vessels sailing under the national flag of any nation by discrimination in any form should be strongly opposed as being contrary to international comity and disastrous to international commerce, the Congress being of opinion that the establishment and maintenance of commerce between the various nations on a sound basis can only be secured by equal opportunity to all ships under all flags in all parts of the world."

III. RAIL TRANSPORT.

1. Through Traffic Documents.

"The International Chamber of Commerce has considered with interest the work of the League of Nations with regard to through traffic, confirms its resolution passed at Stockholm as regards through 'rail and sea' traffic documents, and requests the Rail Transport Committee to continue its study of the questions of 'rail and motor' and 'air and rail' through traffic documents."

2. Uniform Nomenclature of Goods.

"The International Chamber of Commerce recommends:

"That the uniform nomenclature of the International Railway Union be made to conform as closely as possible to the nomenclatures for Customs and statistics;

"That the work of the International Railway Union be not made final before the Customs nomenclature has been completed; and,

"That the Standing Committee on Rail Transport of the International Chamber of Commerce pursue its inquiry into the best method of cross-references for the Customs, railway and statistics nomenclatures, in liaison with the League of Nations and the International Railway Union."

ANNEX 14.

A. MEMORANDUM FROM THE FINNISH GOVERNMENT CONCERNING SMUGGLING OF ALCOHOL.

[C.C.T.435.]

[Translation.]

Geneva, March 10th, 1930.

At its thirty-first session, the Economic Committee of the League of Nations decided to consult amongst others the Communications and Transit Section of the Secretariat with regard to a draft recommendation on the smuggling of alcohol, submitted during the Committee's discussion of that question. The Finnish Government is very glad to see that the question will thus be brought also before the organisation for Communications and Transit, for, in its opinion; the matter naturally falls within the province of that organisation. The organisation will, in its efforts to further the freedom of communications and transit, certainly endeavour to overcome all obstacles and to prevent all abuses hindering international communications. Obviously smuggling may, in various ways, cause obstacles and create difficulties in international relations in the matter of communications.

The Finnish Government ventures, therefore, to submit some observations in support of the draft recommendation.

The coast of Finland is long, dotted with islands and in places sparsely populated. It thus offers great opportunities for smuggling. At all times high Customs duties or other circumstances have made smuggling specially profitable and the smuggling of goods into Finland has flourished. Recently it has been noticed that coffee, cocoa, gramophone records, certain textile products and playing cards enter Finland through this illicit traffic. Smuggling, however, has been chiefly concerned with pure alcohol and other alcoholic drinks and this branch of contraband trade has grown during recent years. This is proved inter alia by the continuous increase in the quantities seized by the Customs authorities, as is shown by the following statistics (figures in litres):

| | Pure alcohol | Other alcoholic drinks | Liqueurs, etc. | Sparkling wines | Still wines |
|------|-----------------|------------------------|----------------|--------------------|----------------|
| 1920 | 98,582 | 9,499 | 579 | 292 | 1,317 |
| 1921 | 58,932 | 10,924 | 792 | 317 | 1,932 |
| 1922 | 153,101 | 65,988 | 2,601 | 1,181 | 2,588 |
| 1923 | 488,767 | 10,032 | 981 | 345 | 3,678 |
| 1924 | 511,902 | 4,696 | 824 | 194 | 3,465 |
| 1925 | 550,626 | 5,729 | 639 | 244 | 2,665 |
| 1926 | 655,781 | 5,170 | 1,631 | 257 | 1,798 |
| 1927 | 635,851 | 5,585 | 437 | 107 | 1,439 |
| 1928 | 977,872 | 7,107 | 1,130 | 194 | 4,943 |

The quantities seized are, of course, only part of the alcohol which is illicitly imported; it is obviously impossible to ascertain the quantity of alcoholic beverages thus imported clandestinely into Finland. As these goods are exported almost solely through a few Baltic ports, certain conclusions may, however, be drawn from the quantities shipped there for transport to Finland.

To give only a few figures — in 1928, shipments in the few ports mentioned above amounted to 8,400,920 litres of spirits, with an alcoholic content of at least 90 per cent, consigned to other countries on the Baltic coast. Further, 8,196 cases, each containing about ten litres of best quality spirits, were exported. For 1929, the corresponding figures were still higher, viz., 10,024,640 litres of eau-de-vie and 9,382 cases of best quality spirits. Part of this alcohol is, in fact, exported in order to be smuggled into other Baltic countries but, as the figures for seizures effected in those countries are relatively low, such exports appear to be a very small proportion of the whole, although they may, even so, be very harmful to the countries affected.

This enormous smuggling trade is carried on as follows: the vessels approach the coast of Finland, anchor outside the Customs supervision zone and land their cargo at a convenient time by the aid of small motor-boats, etc. Owing to the large number of islands near the coast and the speed of the motor-boats, this landing is easy enough. The smuggling vessels may remain at anchor for weeks and renew their cargo with the help of other vessels which always come from the ports mentioned above. Under these conditions, they may thus be

said to act as permanent depots. Occasionally they have even fired on Customs vessels and sometimes, when it has been legally possible to carry out seizures, not only rifles but machine-guns have been found on board the smuggling vessels. As the smuggling trade is now so perfectly organised, measures taken by one country alone have proved insufficient. Finland, like other countries suffering from this smuggling traffic, has been unable to prevent it by her own means. International action is required. The countries on the Bultic coast and Norway (like the United States of America) concluded what is known as the Helsingfors Convention in 1925, by virtue of which the contracting parties granted each other the right to inspect their vessels and, if necessary, to seize them outside territorial waters and the Customs zone up to a limit of twelve nautical miles. This Convention, which applies only to alcohol with a content of more than 18 per cent, was fairly effective at first, but subsequently its restraining influence diminished considerably. Foreign smuggling organisations, although without any great influence in their own countries, were able through fictitious transactions and the employment of figureheads, to register vessels under the flags of countries which were not signatories of the Helsingfors Convention. Under the protection of these flags the smugglers then brought alcohol within the zone of twelve nautical miles. When Finland brought these facts to the notice of the countries concerned, however, they undertook, particularly in the case of those with which she has considerable commercial and transport relations, to adopt means of more effective supervision in order to prevent the issue of registration certificates to smuggling vessels.

As fast as these steps were taken, the smugglers endeavoured to secure flags which are rarely seen in Finnish waters. They even flew flags which are almost unknown in Fiuland owing, for instance, to the fact that the countries in question are so far away. The change in the vessel's nationality in such cases is entirely fictitious. This is proved by the fact that the captain and the crew remain on board and that frequently not one of them is of the nationality shown by the flag.

A further proof is furnished by the fact that some of these vessels, owing to their low tonnage, could never even have reached Finland from their country of domicile, e.g., a vessel of about twenty tons may be domiciled at Punta Arenas in Chile.

The activities of these private organisations engaged in smuggling alcohol are not only an intolerable affront to the dignity of the countries concerned, but they may obviously prejudice relations between Finland and the countries whose flags are flown by the smugglers' vessels. Consequently, the Finnish Government requested the Governments of the other countries to prevent the abuse of their flag and to ensure more effective Customs supervision. Owing to the large number of States concerned, however, these steps were difficult and almost ineffective. Accordingly, the matter was brought before the League of Nations. The Ninth Assembly adopted a resolution asking the organs of the League to consider the question and, if necessary, to submit proposals. The matter then came before the Economic Committee which drafted certain proposals. Recently, Finland submitted two recommendations, one concerning the prevention of the abuse of the flag, and the other the right to seize vessels manifestly engaged in smuggling. The two proposals in their present form are as follows:

"The Council,

- "Having had its attention drawn to the special difficulties encountered by certain countries in their campaign against the smuggling of certain products, and particularly alcohol, owing to the fact that, in order to baffle pursuit, ships engaging in the illicit traffic in these products fly the flags of countries which are not contracting parties to the agreements concluded with a view to suppressing this traffic, although in most cases the owner and the greater part of the crew are nationals of the contracting parties:
- "Recommends the Governments of Members of the League of Nations to instruct their consular agents abroad not to issue documents certifying a change in the nationality of ships until they have procured sufficient information to satisfy themselves that this change is not intended to facilitate the committing of breaches of the laws of other States, particularly with regard to smuggling.
- "The Council recommends (expresses the hope) that the Governments not parties to Conventions providing for a special zone in which the laws of the riparian country can be applied to smugglers' ships, should refrain from opposing the application of the provisions of these treaties also to vessels flying their flags and manifestly engaged in smuggling, on condition that the requisite supervision should never affect ordinary navigation (in the waters and ports of the Baltic Sea)."

Of these two proposals, the second alone will probably give rise to discussion. In the case of the first, differences of opinion are scarcely likely to arise.

It should be realised that no measure taken to prevent the abuse of flags can at present be perfectly effective. There will always be cases of smuggling vessels, operating under the protection of a false flag, entering the zone of twelve nautical miles for the purpose of engaging in illicit trade. Such cases, which are obviously reprehensible from an international point of view, demand special measures, and this is the object of the Finnish proposal at present before the Committee. A few more detailed explanations are necessary to throw

further light upon the proposal. First, it should be noted that there is no question of establishing a legal principle, but only of drafting a recommendation or expression of opinion implying no formal obligation or general extension of the local regulations involved. The countries which have not acceded to the agreements concerning these local regulations may always use their discretion in deciding in how far they wish to observe it. Consequently such a recommendation or opinion does not confer fresh rights on any country as regards seizures on the high seas. The significance of the Finnish proposal is thus rather a practical and moral one. Such an opinion expressed by the organs of the League of Nations would be tantamount to an invitation to the Powers not to exercise, in too rigid a manner, their right to protect vessels flying their flag, regardless of whether those vessels are regularly and manifestly engaged in smuggling or not.

It should, moreover, be noted that the countries which are anxious to maintain a high commercial standard already appear to be acting in the spirit of the recommendation. A typical illustration is the case of the *Henry L. Marshall* in which Great Britain renounced her right to protect a vessel flying the British flag, as soon as it was proved that the vessel was engaged in smuggling and had only acquired British nationality by doubtful means. But there are other cases in which it is difficult, on account of distance or for other reasons,

for States adequately to safeguard the reputation of their flags.

Whatever attitude countries adopt with regard to the seizure of smuggling vessels flying their flag, the fact that a country might waive its right to protect its flag would of itself be sufficient to make smugglers unwilling to expose themselves to the risk of seizure.

The foregoing is enough to show that there is no risk of the Finnish proposal affecting ordinary navigation and trade, even if certain vessels employed for smuggling purposes were seized in virtue of a special decision taken on the merits of the particular case. Indeed, the text of the recommendation itself contains the most express reservations with regard to the freedom of ordinary navigation. In view of the fact that the flags of the countries engaged in regular navigation and trade in the Baltic are not at present exposed to abuse by smugglers, there is no reason to fear that, in practice, the proposed measure will in any way injure their legitimate interests or hamper their ordinary navigation and the general freedom of the seas. Still less is it to be feared that the proposal could have the effect of preventing access to any part of the high seas, even if such part were entirely covered by the Customs zone which it is proposed to set up.

Finally, it is sufficiently clear from the above that this is a special case which does not in any way affect the general legal position with regard to territorial waters or their extent and which consequently can and ought to be settled without prejudice to this position.

B. SUPPLEMENTARY INFORMATION.

EXTRACTS FROM THE REPLY DATED FEBRUARY 24TH, 1930, OF THE FINNISH MINISTRY FOR FOREIGN AFFAIRS TO CIRCULAR LETTER 265.1929.II, OF OCTOBER 12TH, 1929, FROM THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS.

[C.C.T./435(a).]

[Translation.]

QUESTION (b).

Are the measures taken by your Government individually to prevent or suppress this smuggling sufficient, and has your Government endeavoured to arrange for reciprocal assistance, particularly with the nearest countries or those bordering upon the same sea?

ANSWER.

The measures taken by the Government individually to prevent smuggling have proved to be insufficient because smuggling — since the goods originate in another country — is necessarily an international matter and, more particularly, because smugglers, as already stated, shelter under a foreign flag and thus make action by the Finnish authorities possible only within very narrow limits. Consequently, Finland has been unable by independent means to suppress the alcohol smuggling. The direct assistance and co-operation of neighbouring countries has only been resorted to in a limited number of cases. Very valuable assistance has, however, been given, in particular by the Swedish Customs authorities, without any convention or written undertaking. Not only has Sweden for some time past supplied information as to smugglers' plans and movements but, after verbal negotiations, the Finnish and Swedish Customs authorities agreed that, by the most effective means at their disposal, they would endeavour to prevent smuggler's vessels from passing through their respective territorial waters to the Gulf of Bothnia. This agreement gave excellent results during the

^{&#}x27;Quoted in the publication of the Harvard Law School: "Nationality: Responsibility of States; Territorial Waters.", page 338.

first year in which it was applied. The following year, however, the smugglers began to use big and very fast motor-boats which the patrol vessels were unable to capture, and these smuggling boats could not be prevented from passing through territorial waters. Nevertheless, the agreement has at least had one good effect. The "storage vessels", i.e., big steamers carrying a cargo of brandy, stationed outside the Customs limits and landing their cargo by means of small smuggling boats have, up to the present, been prevented, so far as is known, from reaching the Gulf of Bothnia. Apart from this co-operation with the Swedish Customs authorities, the Estonian authorities also, as a result of negotiations in 1928, supply information as to contraband traffic.

QUESTION (c).

Has your Government concluded bilateral or multilateral Conventions? If so, what Conventions? Please give the text or a summary of these Conventions. Do they operate to the satisfaction of the Governments concerned?

ANSWER.

Reference need be made only to the so-called Helsingfors Convention concluded in 1925 between the Baltic coastal States and Norway. This Convention relates only to alcohol above 18 per cent, i.e., strong alcoholic drinks. The contracting parties undertake, with a view to preventing the smuggling of alcohol, to allow Customs supervision to be extended to vessels flying their flag within a zone of twelve nautical miles. Further, the Convention lays down certain restrictions with regard to the minimum tonnage of vessels that may be authorised to carry alcohol for export in the ports of the contracting parties. In reply to the question as to whether this Convention operates to the satisfaction of the Governments concerned, it may be said to have been very useful in several respects and, particularly at first, was an effective check on smugglers' activities. During recent years, however, it has not given the expected results or been as effective as could be wished. This is chiefly due to the fact that foreign companies engaged in smuggling have, by means of fictitious sales and the employment of men of straw, secured authorisation to fly the flags of countries which are not parties to the Helsingfors Convention. Under the protection of these flags not only have they exported alcohol from Baltic ports in vessels of less than the minimum tonnage fixed by the Convention, but they have anchored within the zone of twelve nautical miles and have thus continued their traffic almost as if there were no Helsingfors Convention. Even the twelve mile zone has proved to be inadequate, as the smugglers have begun to use fast motor-boats.

QUESTION (d).

Would an international agreement involving certain obligations such as mutual assistance in regard to information, judicial assistance, the right to search vessels outside territorial waters, etc., be likely to be of any practical utility for the prevention of smuggling?

Answer.

In view of the foregoing, the Finnish Government feels bound to reply that as smuggling is, by its very nature, an international matter, effective action against it can be taken only by international co-operation, involving measures some of which might certainly be incorporated in a formal agreement. This is further confirmed by the fact that several countries have already felt the need to agree amongst themselves as to certain measures for the prevention of smuggling. These efforts would be greatly assisted if the League of Nations were to support the legal principle that international law may not be relied upon to allow the freedom of the seas — which is guaranteed in a general way by international measures — to be used as a defence for acts constituting breaches of the laws of any country and, in the case in point, the professional smuggling of goods. Finland also thinks that a decision should be reached by which, when any ship outside territorial waters causes a cargo of prohibited goods to be landed by means of its own boats or those of third parties, this operation, from the moment when the goods leave the vessel until they are landed, should be considered as continuous unloading and, therefore, a direct infringement of the laws of the coastal State and as falling within the judicial competence of that State.

Consequently, any person who, operating from a vessel outside a country's territorial waters, by means of his own boats, motor-boats, etc., or those of third parties, unloads or prepares to unload contraband goods with a view to their landing, should thereby be deemed to infringe the recognised rights and privileges of the coastal State. In such manifest cases of smuggling the State in question should, therefore, with a view to preventing such acts, be allowed to inspect vessels outside its territorial waters and take other measures to ensure respect for its Customs regulations, provided, of course, that the freedom of lawful navigation is not hampered thereby, and that such navigation is not unduly hindered. If international rules embodying these principles could be framed, they would doubtless do much to prevent fraud. Thus, the vessels of professional smugglers which anchor outside Finnish territorial waters and land their cargoes by means of small motor-boats, might then be seized without

fear of protest from any foreign country which would otherwise feel bound to interfere solely in order that a precedent should not be established by which it might subsequently be bound

in a general way.

Consideration might also be given to the possibility of prosecuting a person guilty of an offence of this character against a State, not only in the country to whose prejudice the offence is committed, but also in the country of which he is a national. It should be noted that the chief offenders usually do not reside in the country where the offence was committed that the chief offenders usually do not reside in the country where the offence was committed and therefore cannot be prosecuted in that country. It is worth mentioning in this connection that Norway, at least, has provided penalties for any person engaged in smuggling goods into a foreign country. In addition to the measures referred to above, a measure based on the co-operation of foreign countries would be likely to assist greatly in the suppression of large scale alcohol smuggling. If an international convention could be concluded for the purpose of allowing alcohol and spirits over 18 per cent to be transported from one country to another only by rail or by mechanically propelled vessels making regular voyages according to a public time-table, as is the case, for instance, in Denmark, smuggling, at all events in its present form, would be made impossible.

Experience has shown that in the case of alcohol smuggling in particular not only when

Experience has shown that in the case of alcohol smuggling in particular, not only when the transport vessel is unloaded outside a country's territorial waters, but often when unloading takes place within the territorial waters or even direct on to land, those concerned include nationals of foreign countries who have left their country or have never even been there. To reach and prosecute national as well as foreign offenders in such cases, it is essential that international regulations should be framed, so that, in the case of smuggling offences against a country, the procedure already in force for certain other offences should be adopted, viz., that sworn letters of request might be addressed to a foreign country and offenders might be sentenced. Finland has already had some experience of such international assistance in the matter of dealing with persons guilty of smuggling offences.

The organisation, by means of international regulations, of international assistance in securing information regarding smugglers and their operations is also of some importance. In addition to information concerning the movements of suspect vessels and preparations for smuggling, it might be helpful to have information, when necessary, as to foreign nationals who have been sentenced abroad for smuggling, or who are known by the authorities to be involved in some way in such activities.

To sum up, the Finnish Government is of opinion that the prevention of smuggling depends, in many respects, on international regulations. A start in this direction, if need

be through an international conference, is most desirable.

To put such international measures into effect, however, would require much time and thorough and detailed study. In order that more effective action may be taken forthwith against alcohol smuggling, the Finnish Government has, therefore, without attempting to secure the establishment of general principles or the creation of international obligations, expressed the hope that the League of Nations will submit two recommendations for the consideration of Governments. The first of these aims at the suppression of the abuse of the flag as a cover for smuggling. The other suggests that when certain countries have agreed amongst themselves as to the extension of the zone of Customs supervision, countries that are not parties to such an agreement should not object to the same provisions being applied, in special cases, to vessels flying their flag within the extended zone of Customs supervision, in the cases of flagrant smuggling, and provided that ordinary navigation is not in any way hampered thereby.

The Finnish Government wishes once more to urge the need for such measures.

ANNEX 15.

NOTE BY THE SECRETARY-GENERAL OF THE COMMITTEE CONCERNING THE SMUGGLING OF ALCOHOL.

[C.C.T./427.]

February 10th; 1930.

The Secretary-General of the Advisory and Technical Committee has the honour to forward to the Committee the following note from the Secretariat of the Economic Committee. In order to help the Communications and Transit Committee to examine the question on Committee for Ports and Maritime Navigation has been requested to come, with two or Communications and Transit Committee.

These arrangements have been taken by the Chairman of the Advisory and Tacknical

These arrangements have been taken by the Chairman of the Advisory and Technical

Committee.

The Finnish Government also has been requested by the Chairman of the Committee under Article 13, paragraph 5 of the Statute of the Communications and Transit Organisation, 1 to appoint a temporary member to sit as a member of the Committee when it is studying the question raised by the Finnish Government.

NOTE FROM THE SECRETARIAT OF THE ECONOMIC COMMITTEE

On September 24th, 1928, the Assembly adopted the following resolution:

"The Assembly,

"Having had a draft resolution on the subject of alcoholism submitted to it by the

Finnish, Swedish and Polish delegations;

"Decides to ask the Council to request the Health Organisation of the League of Nations to collect full statistical information regarding alcoholism considered as a consequence of the abuse of alcohol, giving prominence, inter alia, according to the data available, to the deleterious affects of the bad quality of the alcohols consumed; "And, considering that, while it is for the Governments to put a stop to the contraband trade carried on in violation of the Conventions in force between them, it may payertheless be useful to examine the terms in which such Conventions or

it may nevertheless be useful to examine the terms in which such Conventions or Agreements might be drawn up, for the prevention of smuggling in general and that

of alcohol in particular;
"Decides to ask the Council to request the Economic Committee to carry out this investigation and to submit to the Council any proposals arising out of its conclusions.

"It is understood that this resolution does not refer to wine, beer or cider."

In pursuance of this resolution, the Council on September 26th, 1928, asked the Economic

Committee to undertake this investigation.

The Economic Committee reported to the Council (document C.307.M.106.1929.11 (page 4)). It will be seen from this report that the Economic Committee, at the request of the Finnish Government, did not inform the Council of the result of its enquiries on the subject of the smuggling of alcohol.

At its session held in January 1930, the Economic Committee examined certain suggestions submitted to it by the Finnish Government, including a proposal that the Council should send to the Members of the League a recommendation in the following terms:

"The Council recommends (or hopes, or considers that it would be desirable) that Governments which are not parties to the Conventions prescribing a special zone in which the laws of the riparian State may be applied to vessels engaged in smuggling should at once decide not to object to the application of those provisions of such Conventions to vessels flying their respective flags, particularly in the case of store-ships which are clearly engaged in smuggling, provided always that such surveillance can in no case interfere with ordinary navigation (in the waters and ports of the Baltic Sca)."

The Economic Committee considered that before giving a final decision on this proposal it should obtain the opinion of the Communications and Transit Committee on the extent

and effect of this suggestion.

The Economic Section was accordingly instructed by the Economic Committee to ask the Transit Section to obtain the Communications and Transit Committee's opinion, more especially regarding the consequences which the rule formulated in the Finnish Government's proposal might involve as regards freedom of navigation, particularly if applied in seas where the shores are in close proximity to each other or where there are islands lying between the shores, so that the practical effect would be to prevent access to the sea without entering the territorial waters of the riparian States.

The Economic Section would be grateful if the Communications and Transit Section

would act on the present request as quickly as possible.

(Signed) P. STOPPANI.

ANNEX 16.

MEMORANDUM BY THE SECRETARY-GENERAL OF THE COMMITTEE CONCERNING THE RESULTS OF THE EUROPEAN CONFERENCE ON THE TRANSPORT OF NEWSPAPERS AND PERIODICALS.

[C.C.T./418.]

February 10th, 1930.

The European Conference on the Transport of Newspapers and Periodicals, provided for by the resolution adopted by the Advisory and Technical Committee at its last session, was convened by the Council and met at Geneva from November 25th to 29th, 1929. The

See document C.C.T.79(2).

Final Act of this Conference is forwarded herewith to the Advisory and Technical Committee. 1
The Council, at its last session, took cognisance of the results of the Conference and adopted the following resolution:

"Observing with satisfaction the results obtained by the European Conference on the Transport of Newspapers and Periodicals, which met at Geneva fron November

25th to 29th, 1929;
"Noting that the Governments, administrations and organisations concerned will take all necessary steps to enable the measures recommended by the Conference to be carried into effect as soon as possible;
"Instructs the Advisory and Technical Committee for Communications and Transit to keep itself informed of the results obtained, to report on this question to the Council, and, with the assistance of the other technical organs of the League of Nations, to pursue the investigations recommended by the Conference."

The work entrusted to the Advisory and Technical Committee in carrying out the decisions of the Conference relates to:

(a) The manner in which measures connected with the system of transport for daily (and similar) newspapers in international traffic are carried out (last paragraph of No. I of the Final Act);

(b) Customs and fiscal duties applicable to newspapers (No. IV of the Final Act); (c) An international definition of the term "periodical" (No. VII of the Final Act).

ANNEX 17.

EXTRACT FROM THE PROCEEDINGS OF THE FIFTH MEETING OF THE FIFTY-EIGHTH SESSION OF THE COUNCIL OF THE LEAGUE CONCERNING A REQUEST PRESENTED BY THE BOLDVA VALLEY LOCAL RAILWAY COMPANY IN VIRTUE OF ARTICLE 304 OF THE TREATY OF TRIANON.

[C.C.T./413.]

2578. Dispute concerning the Boldva Valley Local Railway Company.

The President, speaking as Rapporteur, said that the Council, in its resolution adopted at its fifty-fifth session concerning the local railway of the Boldva Valley, had decided that the arbitral body appointed by it on March 9th, 1929, should, if no agreement had been reached by August 15th, 1929, be instructed to give its decision on the only question still outstanding between the Czechoslovak Government and the Boldva Valley Local Railway Company. That question concerned the dispute regarding the price to be paid by the Czechoslovak Government for that part of the line within its territory. The Council had asked the Chairman of the Advisory and Technical Committee for Communications and Transit to lend his good offices with a view to obtaining a friendly agreement.

In conformity with the Council's decision, the Chairman of the Advisory and Technical

In conformity with the Council's decision, the Chairman of the Advisory and Technical Committee for Committees for Transport by Rail, under the auspices of which the main agreement had been drawn up and signed at Geneva on April 17th, 1929, to co-operate with the representative of the Czechoslovak Government and of the Railway Company, in order to settle the question of the cost price.

General de Candolle had asked the Czechoslovak Government and the Railway Company to send their representatives to Geneva, and a supplementary agreement concerning the cost price had been signed by those representatives on August 9th, 1929. That agreement had now come into force.

The Boldva question having, therefore, been settled in a friendly manner, the President thought he was interpreting the views of the Council in congratulating the Advisory and Technical Committee for Communications and Transit on the steps which it had taken in the matter and in thanking General de Candolle, whose experience and ability had considerably contributed to this satisfactory result, since he had lent his good offices to the parties concerned.

The Council noted the President's statement and adopted his proposal.

^{*} See document C.557.M.208.1928.VIII.

ANNEX 18.

PROPOSAL RELATING TO THE ORGANISATION OF AN ENQUIRY ON THE UTILISATION OF TONNAGE.

[C.C.T./U.S.T./14 (1).]

The Drafting Committee, having noted the resolution adopted by the Permanent Committee for Ports and Maritime Navigation at its last session held in London in February 1929, thought it advisable to examine in greater detail Mr. Flux's proposal to compile as an experiment a monograph on the ships trading between Europe and the Atlantic coast of North America.

The Committee on the Unification of Transport Statistics, in its report, has included a suggestion for worldwide statistics of shipping, and the proposed monograph was intended to serve as a test experiment preliminary to any attempt to carry out the larger scheme. The Committee considered that this study should be limited to shipping between North-Western Europe and the Atlantic coast of North America, exclusive of the Gulf of Mexico. These areas would be:

In Europe: France (Atlantic ports), Belgium, Great Britain and Northern Ireland, Irish Free State, Netherlands, Germany, Denmark, Poland, Free City of Danzig, Lithuania, Latvia, Estonia, Union of Soviet Socialist Republics (Baltic ports), Finland, Sweden and Norway.

In America: United States of America (Atlantic ports), as far as the Gulf of Mexico, Canada (Atlantic ports) and Newfoundland.

The Committee first of all considered the possibility of utilising for this purpose the existing foreign trade statistics in combination with Lloyd's List of shipping movements.

As a result of its examination, the Committee found that this would present several serious difficulties. In the first place, if only statistics of foreign trade were used it would be practically impossible to distinguish between the various areas: France (Atlantic ports), Union of Soviet Socialist Republics (Baltic ports), United States of America (Atlantic ports), and Canada (Atlantic ports). Further, it is doubtful whether the goods despatched by a European country through the ports of other European countries figure in the statistics of the country of origin under the heading of the overseas country of final destination, and the same doubt exists as to the statement of the origin or place of consignment of such goods made in the statistics of the country of destination.

On the other hand, the transit statistics in the majority of countries do not make it possible to trace from their origin to their final destination goods in transit through a given country. A similar question arises with regard to reconsignments in the British and other statistics which show re-exports separately. Moreover, as regards the exports and imports of countries like Austria, Hungary, Czechoslovakia and Switzerland it is not possible to discover from the foreign trade statistics whether these exports or imports are effected through ports in the north-west of Europe or through Mediterranean ports. Lastly, this method would not permit of particulars being obtained as to the amount of shipping tonnage utilised by goods loaded in one European country and unloaded in another before the carrying vessel crossed the Atlantic, or the amount of shipping tonnage utilised by goods remaining on board after partial unloading in the ports of the Atlantic coast of North America, for example, to continue their journey to destinations either in Central or South American ports or in ports of the Pacific coast of North America.

Hence the Committee thought it necessary to give up the idea of utilising foreign trade statistics in the proposed study, and came to the conclusion that the best method was to compile a schedule of the different loading and unloading operations effected in the various ports by each vessel in plying between the ports of North-Western Europe and the ports of the Atlantic coast of North America. The data to be obtained would in each case be the following:

- (1) Name of port;(2) Name of vessel;
- (3) Flag of vessel;
- (4) Date of operations;
- (5) Gross weight and nature of goods unloaded;
- (6) Gross weight and nature of goods loaded.

Were these particulars are already recorded, further particulars would not be required. By this method, it would be easy to obtain very accurate data as to the goods carried by each vessel individually and hence by the whole merchant marine on the route in question, and this would make it possible to show the coefficient of tonnage utilised as a percentage of the deadweight, the net tonnage and gross tonnage, corresponding to a given deadweight, being also shown as a further basis of comparison.

The Committee considered that, for the purpose of compiling this monograph, the simplest method would be for the different statistical services concerned to communicate the particulars collected by them to the Secretariat of the Communications and Transit Organisation of the League, which would then classify the statistics and compare and arrange the individual data of the different national statistical services.

The Committee thought that, in the proposed investigation, it would be possible to leave tankers out of account, as these ships usually sail with a full cargo in one direction and sail empty in the other, and their inclusion in the totals might lead to difficulties in interpretation of results.

Data regarding the six points enumerated above would have to be collected:

- (a) In the case of liners, with regard to ships belonging to lines plying between ports of North-Western Europe and ports of the Atlantic coast of North America, including, of course, the lines making longer voyages.
- (b) In the case of tramps, with regard to ships embarking cargo in a port of North-Western Europe for a port on the Atlantic coast of North America and vice versa.

Since the full deadweight of a ship includes the weight of fuel (coal or oil), the weight of the water supply — and in passenger ships the weight of the passengers, their luggage, and the provisions and drinking water for their use — corrections would in each case have to be made in order that the deadweight used to determine the percentage of tonnage empoyed should accurately represent the loading capacity of the ships.

In view of the foregoing considerations, the Committee suggests that the Advisory and Technical Committee for Communications and Transit should ask the Governments of the countries enumerated in the present note whether they are in a position to supply immediately particulars under the six points mentioned above, or whether they think it possible to procure these data as a purely provisional measure and solely with a view to the proposed enquiry. (In certain countries, for instance, the gross weight of the goods loaded and unloaded may not at present be known, but it would seem easy to obtain these data by asking, for example, that the figures in question should be uniformly entered in the appropriate column of the manifest.)

Should the Governments concerned state that they can give these particulars, it should be ascertained whether they are prepared to co-operate with other Governments for this purpose through the Secretariat of the Communications and Transit Organisation of the League of Nations, as outlined in the present note, with a view to the joint utilisation of the data collected by each country on the traffic in their ports.

Naturally, all the particulars supplied by the countries concerned would be considered and treated as confidential, and the Governments in question would be previously consulted with regard to the publication of the results of the enquiry in the form of a monograph.

As an illustration, the Committee thinks that it would be possible to publish a coefficient of tonnage utilised for all the ships trading on a given route, for example, for a period of half a year and for each of the months of this half-year. The coefficient of tonnage utilised might further be given separately for steam and motor vessels. In addition, it would be possible to supply information on the percentage of tonnage utilised in each category of ships according to gross tonnage. Lastly, similar particulars might also be furnished for the different categories of ships according to age.

Should the replies of the Governments show that there are difficulties in the adoption of the suggested procedure, results could also be obtained by adopting another procedure, namely, that each of the countries concerned should itself compile statistics on the basis of the data collected by its services and should send these statistics, as already compiled, to the Secretariat of the Communications and Transit Organisation, which would then have to arrange and co-ordinate the different national statistics and calculate the total results.

The Committee wishes to point out, however, that this latter procedure would involve some duplication of work, and would necessitate the previous compilation of detailed national statistics, if these are to be co-ordinated. Hence the Committee for the moment only mentions this eventuality, while reserving the right to draw up detailed recommendations on this subject, if it is decided to adopt the second procedure.

The above plan for the enquiry was prepared by the Drafting Committee and approved by the Committee on the Unification of Transport Statistics.

ANNEX 19.

REPORT ON THE FIRST SESSION OF THE RAILWAY SECTION AND DRAFTING COMMITTEE OF THE COMMITTEE ON THE UNIFICATION OF TRANSPORT STATISTICS HELD IN PARIS FROM DECEMBER 9TH TO 12TH, 1929.

[C.C.T.411.]

The Railway Section and the Drafting Committee of the Committee on the Unification of Transport Statistics met in Paris from December 9th, to 12th, 1929, the Chairman being M. Colson, Member of the "Institut de France", for the purpose of considering whether and to what extent it would appear possible to contemplate the unification of transport statistics by rail on the basis previously proposed for statistics for maritime navigation and inland water transport, and to consider the possibility of a general unification of technical and administrative railway statistics.

I. RAILWAY SYSTEMS TO WEICH THE STATISTICS SHOULD APPLY.

The Committee was of opinion that the statistics should deal only with railways of general concern, no account being taken of the smaller lines, not forming part of large systems, which are known in France as chemins de ser d'intérêt local, in Belgium as chemins de ser vicinaux, in Germany as nebenbahnenühnliche Kleinbahnen and in England as light railways, etc. These lines, which constitute very numerous special systems with very little traffic, would complicate the work and would increase the number of publications without presenting any real interest. It was decided to hold over for discussion at the next session the question of the definition of the secondary systems which are to be excluded from the present statistics, although these systems might subsequently be linked up with the statistics of the roads on which many of their lines are established.

II. TECHNICAL AND ADMINISTRATIVE STATISTICS.

M. Girard, representative of the International Statistical Institute, made a statement with regard to the work of the Warsaw Conference of his Institute, which had dealt with technical, administrative and financial railway statistics. He also informed the Committee of the very large programme which the Institute proposed to adopt with regard to unification of statistics for other means of transport.

The Committee also took cognisance of the technical, administrative and financial railway statistics published by the International Railway Union concerning the railway systems which are members of that Union.

A Sub-Committee, composed of Mr. Allport, Mr. Grening, M. Hondl and M. Steuernagel, was instructed to make a comparative study of the statistics published by the International Railway Union and of the statistics published by the Interstate Commerce Commission in respect of railways in the United States of America, such enquiry to be limited to administrative and technical statistics strictly so-called.

The Sub-Committee took note of the fact that existing statistics in respect of American railways of the first class already contain almost all the required data, and that these data might therefore be used in the present case, any necessary conversions being made in respect of units of length and weight. Since the statistical document published by the International Railway Union already contains, in the form of international statistics, data in respect of the systems operated by the administrations which are members of the Union, it was thought

Members of the Railway Section:

Experts appointed by the Government of the United States of America:

Mr. W. Fayette Allport, Commercial Attaché at the American Embassy, Paris;

Mr. P. C. Grening, European Manager of the United States Shipping Board, London;

General Wm. W. Harts, of the United States Army, Military Attaché at the United States Embassy, Paris.

Members of the Drafting Committee:

M. CLAESSENS, Mr. Flux, M. Teubert, M. Watier, assisted by M. Lemoine, Eng Roads and Bridges, and M. Paultre, Head of the Statistical Service of the Nord Railway.

The following were also present at the meetings: M. J. GIRARD, Secretary-General of the "Compagnie du Chemin de fer du Nord", Professor at the School of Political Science, Paris, representing the International Statistical Institute; M. A. Pourcel, Assistant Secretary-General of the International Railway Union; Dr. P. Wohl, Director of the Transport Section of the International Chamber of Commerce.

The following took part in the work of this first session:

M. C. Colson, Member of the "Institut de France", Chairman;
M. Hondl, Ministerial Counsellor of the Ministry of Railways of Czechoslovakia;
M. Muselle, Chief Engineer of the Société nationale des Chemins de fer belges;
M. Steuennagel, Director of the Reichsbahngesellschaft;
M. Tosti, Engineer, Chief Inspector of Railways of the Kingdom of Italy.

desirable that this publication should also include the same statistical data for the administrations which were not members of the Union, at least so far as concerns tables I to VIII, which deal more especially with technical and administrative statistics. In order to attain this object, it was recognised as desirable that the Governments whose railways did not belong to the International Railway Union should be requested to send, or to arrange for their railway administrations to send regularly either to the League of Nations or to the International Railway Union, the same statistical data as were supplied by the administrations members of the International Railway Union.

It was also proposed that the Governments should publish annually, for the whole of the railways of general concern in their territories, the following data: total length of the system; total tonnage of goods carried; total number of passengers carried. The Committee decided to postpone this question. It was further pointed out that it was also desirable to know the revenue obtained from passenger traffic and from goods traffic. The International Railway Union publishes particulars on this point for the railways which are members of the Union. The Committee decided to discuss at its next session the question whether data

regarding revenue should be included in its recommendations on railway statistics.

III. STATISTICS FOR GOODS TRAFFIC BY RAIL.

The Committee proceeded to consider this question on the basis of a report on statistics

for inland navigation and maritime navigation (document C.C.T.381).

Several members pointed out that the compiling of such statistics for transport by rail would involve difficulties very much greater than those which arose in respect of the other two means of transport to which reference had been made, both from the point of view of the division of each country into districts and in regard to the statistics of all traffic within several districts and from district to district. The extent of the lines, the number of points of departure and arrival, and the number of shipments are much greater than in the case of navigation, while the distances covered are more unequal. The Committee, nevertheless, recognised that it was desirable that there should be a unification of the bases on which statistical data for the various means of transport were prepared, and for that purpose endeavours to ascertain the conditions under which such statistics of transport by rail might be considered possible.

The Committee began by taking note of the fact that all the data necessary for the compilation of statistics of transport of goods by categories — that is to say, the place of loading, the place of unloading, the nature of the goods and their weight — are already to be found in way-bills and receipts, and in the administrative documents required for the

accounts of the railways.

The Committee also noted that the preparation of transport statistics for goods traffic by rail, classified according to categories of goods within each district or from one district to another could be carried out without excessive cost by employing statistical machines and punched cards. It should also be noted that the use of such machines is already necessary in order to enable the railway administrations to make up their internal statistics and their accounts.

The Committee thought it desirable to leave each State free to decide how the statistical work was to be organised and, more particularly, how that work should be divided between the one or more railway administrations on the one side, and the Government statistical

As for the division of countries into districts, the Committee, while recognising that in certain cases it might be somewhat difficult to carry out, was nevertheless of opinion that such a division was absolutely necessary if it be desired to obtain comparable statistics for transport by rail and transport by maritime or inland navigation. The Committee also thought that, as these districts should be the same for the various means of transport, a satisfactory solution could generally be found without too much difficulty by taking the division into districts as made for inland navigation — which would in most cases be easy to make — and by adapting this division, if necessary, to the requirements of the other means of transport. It was, moreover, recognised that a study of the whole problem would be necessary in each country, but that it was desirable that the results (even if provisional) of such study should be communicated to the Scorntariot in order that the letter might of such study should be communicated to the Secretariat in order that the latter might be in a position to prepare at the proper time a table showing the various districts that each Government had in mind.

The Committee also considered what shipments should be shown in the statistical returns. The Committee noted the practice at present in force in Germany, where shipments of less than half a ton are not taken into account in the special railway transport statistics, and where no account is also taken of traffic carried from one station to another in the same city. It was suggested that statistics should only be compiled in respect of traffic representing a certain number of kilometric tons, but, after considering the matter, the Committee was of opinion that the adoption of two limiting conditions in determining the consignments in respect of which statistical data should be shown would raise serious difficulties from the point of view of the examination of the way-bills and other documents used for statistical purposes and might perhaps lead to errors by complicating the work. Moreover, the adoption of such a procedure would greate difficulties in the case of all mived roll and vector transport. of such a procedure would create difficulties in the case of all mixed rail and water transport. For these reasons, the Committee decided merely to keep a minimum weight, and agreed to fix that minimum at half a ton, a figure which it might perhaps be possible to adopt for other means of transport as well.

It was proposed that, provisionally, the transport statistics for goods traffic should be limited to a very small number of categories of goods; namely, those which were most important from the point of view of transport, such as coal, grain, cotton, etc., and gradually to extend these statistics to other categories. The Committee did not think it feasible to adopt this method, which would render it impossible to establish the total tonnage of the goods carried, and was of opinion that provision should be made for a nomenclature which would allow of figures being obtained for the total traffic handled.

With regard to nomenclature of goods the Committee considered the various lists which had been drawn up for statistics relating to maritime and inland navigation, and also when considering them, took account of the statistical nomenclatures which were already used by various railways systems. The Committee was of opinion that the items included in the lists A to C could be regarded as satisfactory from the point of view of railway transport. It desired, however, to make them more precise in certain points.

The Committee entirely agreed with the opinion expressed in document C.C.T.381, to the effect that it was necessary that a list of all commodities included under each of the items of the nomenclature should be prepared. The Committee is furthermore of opinion that it is necessary to prepare an alphabetical index of the names of all products which are carried in national or international traffic by the various means of transport; this detailed list might be used by means of reference numbers both for the purposes of Customs tariffs and also for railway tariffs, foreign trade and statistics and transport statistics, the references in question indicating the special nomenclature prepared for each of these purposes.

It has been suggested that list C should be taken as the minimum nomenclature which would be obligatory from an international poirt of view, it being understood that the statistics for any given country might show under separate items drawn from list A goods which, for the country in question, were specially important from the point of view of transport. On the other hand it is quite possible that a certain number of countries would be already prepared to accept either list B, or even list A, as a nomenclature to be used in preparing their statistics for railway transport, which would have the advantage of allowing a more complete comparison of the railway statistics of the countries in question. Certain members of the Committee were in favour of the adoption of list A, as compulsory international nomenclature for railway transport, since they held that the use of this more detailed nomenclature would not involve a very considerable increase in work, and would make it possible to arrive at very much more satisfactory results from the point of view of statistics. The Committee, while unanimously admitting that statistics drawn up on the basis of the detailed nomenclature would be much more interesting than if they were prepared on the basis of the very restricted nomenclature of list C, nevertheless thought that it was preferable at the present stage of its work not to express any opinion as to the choice between the three lists as internationally compulsory.

The Committee also felt that it should reserve for a later session the consideration of a certain number of points of detail such as:

- (a) In what cases international traffic statistics should only show the foreign country of loading and unloading, and in what cases the foreign district of loading or unloading should be shown;
- (b) Whether, and if so to what extent, traffic by ferry-boat should be regarded as transport by rail (this question is also raised in document C.C.T.381);
- (c) How should the districts of loading and unloading be determined in the case of traffic in several stages carried on successive way-bills?
- (d) To what extent it would be possible to give statistical figures for transhipment traffic, particularly when there is a change in the means of transport?

IV. PASSENGER TRAFFIC.

The Committee also adjourned to a later session the examination of the question of the statistics of passenger traffic by rail, more particularly the examination of the possibility of obtaining particulars as to districts of departure and arrival, either within a country, or (above all) for passengers coming from or proceeding to a foreign country, or in transit.

ANNEX 20.

CORRESPONDENCE EXCHANGED BETWEEN THE PRESIDENT OF THE INTERNATIONAL INSTITUTE OF STATISTICS AND SECRETARY-GENERAL OF THE ADVISORY AND TECHNICAL COMMITTEE FOR COMMUNICATIONS AND TRANSIT CONCERNING FUTURE CO-OPERATION TO BE ESTABLISHED BETWEEN THE INSTITUTE AND THE COMMITTEE.

[C.C.T.425.]

I. LETTER TO M. DELATOUR, PRESIDENT OF THE INTERNATIONAL INSTITUTE OF STATISTICS, FROM THE SECRETARY-GENERAL OF THE ADVISORY AND TECHNICAL COMMITTEE.

[Translation.]

Geneva, November 26th, 1929.

The Organisation for Communications and Transit of the League of Nations has been studying the question of the unification of transport statistics in inland navigation for several years. In pursuance of the decisions taken by the third General Conference on Communications and Transit held at Geneva in August 1927, this examination, which was carried out with a view to the future conclusion of an international agreement, has been extended to include transport by sea and transport by rail. Considerable progress has been made both with the work concerning inland navigation and with that concerning maritime navigation, and I have the honour to forward you the latest report of the special Committee set up for that purpose. The Committee, which has been completed by railway experts and reorganised accordingly, will meet in Paris on December 9th to examine questions connected with transport by rail.

I understand that, at its meeting in August last at Warsaw, the International Institute of Statistics, decided to carry out similar enquiries from the scientific point of view, and has

already taken cognisance of a provisional report on statistics of transport by rail.

Since both the League Advisory and Technical Committee for Communications and Transit, which will meet next March, and the International Institute of Statistics will doubtless consider it advisable to co-operate in this work, I should be glad, pending a settlement of the methods of co-operation, if you could communicate to me, or have communicated to the special Committee at its meeting in Paris, all information on the present position of the work of the International Institute of Statistics on this matter, and let me know whether the Rapporteur of the International Institute of Statistics Committee for the question of statistics of transport by rail could assist in these preliminary discussions of the League of Nations special Committee at its session of December 9th.

I should also be glad to learn the views of the International Institute of Statistics with regard to methods of co-operation so that I may communicate them to the Advisory and Technical Committee for Communications and Transit.

(Signed) Robert HAAS, Secretary-General of the Advisory and Technical Committee for Communications and Transit.

II. LETTER TO THE SECRETARY-GENERAL OF THE ADVISORY AND TECHNICAL COMMITTEE FOR COMMUNICATIONS AND TRANSIT FROM M. DELATOUR, PRESIDENT OF THE INTERNATIONAL INSTITUTE OF STATISTICS,

[Translation.]

The Hague, December 5th, 1929.

In your letter dated November 26th you informed me that the enquiries undertaken by the Organisation for Communications and Transit of the League of Nations with a view to the unification of statistics of transport in inland navigation and also in maritime navigation

to the unification of statistics of transport in inland navigation and also in maritime navigation had now made considerable progress, and that therefore the special Committee, completed by railway experts and reorganised accordingly, would hold a session in Paris on December 9th in order to undertake an examination of questions connected with transport by rail.

The International Institute of Statistics, approaching the subject primarily from a scientific point of view, undertook a similar enquiry in 1926. At its eighteenth session at Cairo, at the end of December 1927, it reviewed the preliminary work of its Committee, and at its nineteenth session, at Warsaw, last August, it adopted a number of resolutions and approved certain outlines for statistics proposed by that Committee. It asked the Committee to submit proposals for the definition of the data obtained from these statistics, and to adapt these outlines to other categories of transport, e.g., transport by and to adapt these outlines to other categories of transport, e.g., tramways, transport by road, inland and maritime navigation, aviation, postal traffic, telegraph and telephones.

You will therefore see that the International Institute of Statistics agrees with you in regarding co-operation with the Organisation for Communications and Transit towards the common end as desirable. Therefore, pending the establishment of the methods for such co-operation, I hasten to inform you that, in order to meet your wishes, I have requested the Rapporteur of our Committee on Transport, M. Joseph Girard, to give the special Committee of the League of Nations on December 9th full information on the position of our work, and to supplement such information verbally by any explanations which you might require.

With regard to the methods of co-operation, concerning which you desire to know the views of the International Institute of Statistics, I have the honour to inform you that I took advantage of a meeting that our Bureau held in Paris at the beginning of this week to lay the question before them. They instructed me to inform you that our Institute would be prepared to co-operate with the Organisation for Communications and Transit by means of a joint Committee established in the same manner as all those which have been set up hitherto by mutual agreement with the organisations of the League with which we have already worked. Several of these are still in being — for instance, the joint Committee established by agreement with the International Institute of Intellectual Co-operation and that established by agreement with the Health Organisation to deal with the nomenclature of causes of death. Each of these mixed committees, established by arrangement between the organisation concerned and the International Institute of Statistics, consists of four members appointed by the organisation and four members appointed by our Institute, the President and the Secretary of the Institute and the Chairman and Secretary of the organisation concerned being also admitted to the meetings.

(Signed) Albert Delatour, President of the International Institute of Statistics.

III. LETTER TO M. DELATOUR, PRESIDENT OF THE INTERNATIONAL INSTITUTE OF STATISTICS, FROM THE SECRETARY-GENERAL OF THE ADVISORY AND TECHNICAL COMMITTEE.

[Translation.]

Geneva, December 29th, 1929.

I have the honour to acknowledge receipt of, and to thank you for, your letter of December 5th in reply to mine of November 26th. I shall communicate your letter to the Advisory and Technical Committee for Communications and Transit, which will meet at Geneva next March.

(Signed) Robert HAAS,

Secretary-General of the Advisory
and Technical Committee for Communications and Transit.

ANNEX 21.

MEMORANDUM BY THE SECRETARY-GENERAL OF THE COMMITTEE, CONCERNING GRAVE OCCURRENCES OF A GENERAL CHARACTER AFFECTING ROUTES OF COMMUNICATION.

[C.C.T.431.]

In accordance with the decisions reached by the Committee at its last session, the Secretary-General of the Committee submits herewith for consideration the texts of a draft additional protocol and a draft recommendation, which are based on the proposals of the Permanent Committee on Transport by Rail and on the results of the discussion at the Advisory and Technical Committee's last session.

I. DRAFT ADDITIONAL PROTOCOL TO THE CONVENTION ON THE INTERNATIONAL REGIME OF RAILWAYS.

The Governments of the States Contracting Parties to the Convention on the International Regime of Railways, signed at Geneva on December 9th, 1923, whose representatives, being duly authorised, have appended their signatures to the present Protocol;

Being desirous of facilitating the application of Article 7 of the Statute on the International Regime of Railways and of supplementing its provisions,

Agree as follows:

Article 1.

Should a grave occurrence of a general character interrupt railway traffic through the territory of the Contracting States, those of the Contracting States whose lines can be of help in re-establishing the interrupted traffic shall co-operate, each in its own territory, in the re-establishment of such traffic.

Article 2.

Subject to the provisions of international undertakings concerning transport by rail traffic shall, as far as possible and as far as is compatible with the interests of the passengers or goods carried, be forwarded by a new route involving the shortest possible detour.

Article 3.

In the cases contemplated in Article 1 above, the Contracting States shall, with a view to assisting in the re-establishment of traffic, take steps, as far as may be thought desirable, to ensure the co-operation of transport services, other than railway services, operated by the State or under concession.

Article 4.

The provisions of the present Protocol are to be construed as subject to Articles 29, 30, 32, and 44 of the Statute on the International Regime of Railways.

II. DRAFT RECOMMENDATION.

The General Conference on Communications and Transit, considers it desirable that, in the event of grave occurrences of a general character affecting routes of communication, all necessary steps should be taken to lessen the effects of such occurrences on international traffic.

It is of opinion that, should a grave occurrence of a general character interrupt international traffic through the territory of any State, those States whose lines could be of help in reestablishing the interrupted traffic should co-operate, each in its own territory, in the reestablishment of such traffic. It should be understood that, subject to the provisions of international undertakings concerning transport by rail, traffic would, as far as possible, and as far as is compatible with the interests of the passengers or goods carried, be forwarded by a new route involving the shortest possible detour.

by a new route involving the shortest possible detour.

In addition, consideration should be given to any suitable plan for using the transport services (other than railways) operated by the State or under concession in order to facilitate

the resumption of traffic.

ANNEX 22.

REPORT ON THE PROGRESS OF THE ORGANISATION OF THE SERVICE FOR THE COLLECTION AND EXCHANGE OF INFORMATION CONCERNING COMMUNICATIONS AND TRANSIT.

[C.C.T.434.]

March 10th, 1930.

The investigations have covered the following sources of information:

- (1) Government documents and documents issued by public institutions dealing with communications questions;
- (2) Treaties between States, Conventions, Agreements and Arrangements in regard to communications and transit;
 - (3) The internal law of various countries relative to communications;
- (4) Special reviews and periodicals dealing with communications questions and other reviews of a juridical, economic or technical nature containing information relating to communications;
- (5) Special investigations and enquiries into certain questions connected with communications and transit.

The method of work, its organisation and the results so far obtained in regard to these different groups are as follows:

1. GOVERNMENT DOCUMENTS AND DOCUMENTS ISSUED BY PUBLIC Institutions dealing with Communications Questions.

The basis of the investigations consisted in the examination of all documents dealing with communications and transit which are in the League Library and in preparing cards with brief but complete particulars of their contents. This method appeared to be the most suitable point of departure for this work, since the Library already possesses a considerable number of the documents in question, the documentation for certain countries being very ample and for others less so. It should be noted that, in the case of the countries requested in accordance with the Committee's decision of 1928 to send an initial set of documents to the Section — a list of which was communicated to the Committee at its 1929 session and which have already been examined and classified by means of cards - the Library already contained more documents than those sent.

This work is still in progress and a large number of documents have already been collected and classified, but the task is a lengthy one and will not be completed for some months. When this has been done, it will only be necessary to note the new documents which reach the Library in order to keep abreast of the entire documentation. Moreover, since a large number of these new publications merely consist of new editions on the same subjects (annual publications of statistics, other year-books or periodical reports, etc.), it will obviously be a comparatively easy matter to keep this documentation up to date in future.

When this initial work has been completed, it will at once be possible to draw up a list

of the documents which have been received for each country, according to number and subject-matter; and only then will it be possible to ascertain what information is lacking for the various countries and subjects, and will need to be supplemented later. We shall then be able to decide on the best method to be followed in each particular case in order to obtain this supplementary documentation from the various countries, in so far as it exists.

As a result of this work, the Section and the Transit Committee will be able to obtain

easily and without delay documents which by their nature are not always of very recent

date but which are certainly the most accurate available.

2. Treaties between States, Conventions, Agreements and Arrangements IN REGARD TO COMMUNICATIONS AND TRANSIT.

· All international Treaties and Agreements concluded with reference to communications and transit are examined and separate cards are made out by countries and by subject, in regard to each point in their contents which might affect the work of the Transit Organisation — if necessary with references to the articles in question. This work has been based on the Treaty Series issued by the League in which all Treaties registered are published two or three months after their submission to the League. This task, which involved a good deal of work, is nearly completed, so that in future it will only be necessary to keep abreast of the new treaties published. As regards Treaties and Agreements which have not yet been registered with the League, these are mentioned in a publication of the Legal Information Service of the Library, with a reference to the sources of information and, if necessary, they can always be procured and examined before they appear in the printed series. This collection of summaries of the provisions of Treaties will greatly facilitate the preparatory work for the drafting of future conventions, regulations, etc.

3. Internal Law of the Various Countries belating to Communications.

Apart from the information found in the various reviews examined, it has not yet been possible to undertake systematic investigations into this question, pending the organisation by the Library of a reference service with regard to municipal law. Since the beginning of the current year, the Library has begun to include in the legal publication mentioned above a list of new municipal laws and regulations which might affect the League, with references to the sources from which the information was obtained, and this has helped to meet the former deficiency in this respect. The extent to which it will be possible to rely on the Library's work and whether and how far this will have to be supplemented by the Section will be seen later. To begin with, this publication will be consulted and the sources indicated will be procured (official journals or other publications) for the purpose of an examination of laws in question and the preparation of cards giving a summary of examination of laws in question and the preparation of cards giving a summary of their contents.

4. Special Reviews and Periodicals dealing with Communications Questions and Other Reviews of a Legal, Economic or Technical Nature containing Informa-TION RELATING TO COMMUNICATIONS.

The information obtained from official documents can be supplemented by the reviews, which give more up-to-date, though usually briefer, particulars but which cannot always be absolutely relied on. Nevertheless, in conjunction with the official documents, they are indispensable as a source of information. A large number of reviews dealing wholly or in part with communications and transit questions have been analysed by the service, partly

with the help of the Library, and the number of these reviews has been constantly increasing owing to the placing of new orders. Cards are made out with references to the source of information and brief summaries of the contents of each relevant article. A very valuable collection of information has already been compiled in this way. Moreover, all the reviews and periodical publications received by the Library (of which there are over 1,200) are now being examined for the purpose of discovering fresh sources of information which have not yet been utilised for this work. Permanent cards are also being made out for certain reviews which give the same statistical and other information periodically. As regards information relating to aviation, the *Information Bulletin* of the International Air Information Centre of the Aéro-Club de France, which is based on the same principles as the work done by the Section in connection with the examination of reviews, is also being utilised.

5. Special Investigations and Enquiries into Certain Questions connected with Communications and Transit.

A special study of particular importance has been made of the traffic of the Mediterranean ports with the American countries, at the request of the American Institute of Economics, which submitted it to its Conference at Barcelona last autumn. This report, which was published by the League of Nations as document R.R.C.T.2, and then in Spanish by the Institute at Barcelona, contains information on the traffic of the principal Mediterranean ports, numbering thirty-two, i.e., on the number and tonnage of the vessels entering and leaving the ports, together with the American countries of provenance or destination, and the quantities of goods unloaded or loaded. It also contains, for purposes of comparison, a general table showing the total traffic of these ports. Lastly, it contains for each port a list of existing shipping lines connecting these ports with America and showing company, flag and route. Communications with the hinterland of each port are also enumerated. Finally, partial collections of documents have been made from time to time to meet

Finally, partial collections of documents have been made from time to time to meet the internal requirements of the Section or to accede to requests received from various Governments or institutions.

SPECIMENS OF CARDS RELATING TO PUBLIC DOCUMENTS, GOVERNMENTAL AND OTHERS.

GRANDE-BRETAGNE.

Ports et Navigation maritime.

Board of Trade.

Instructions as to the Survey of Passenger Steamships, Vol. I, 1928 (S.C.T.).

Contient: instructions relatives à la construction des bateaux à passagers, à leur contrôle et à celui des installations et arrangements pour passagers et émigrants, aux machines et chaudières, etc., aux moyens de sauvetage, protection contre les incendies, etc.

CITILI,

Ports et Navigation maritime.

Oficina Central des Estadistica.

Anuario Estadistico, Vol. XII, Comunicacione, 1927. (983: 38, 0.32).

Contient les données suivantes relatives à la navigation maritime au Chili: nombre et tonnage des bateaux entrés et sortis, en navigation internationale, d'après les pays de provenance, de destination et les pavillons, pour l'ensemble des ports chiliens, ainsi que pour chaque port à part; données détaillées pour le mouvement du cabotage dans chaque port; mouvement de la navigation classifié d'après la catégorie et le tonnage des navires; mouvement des passagers débarqués et embarqués dans divers ports chiliens, arrivant du pays ou de l'étranger; éclairage des côtes: phares, sémaphores, etc., existants et leurs emplacements; nombre et caractère des accidents et naufrages: victimes et dommages; effectifs de la flotte marchande chillenne: nombre, tonnage d'après catégories, âge de navires.

ÉGYPTE.

Ports et Navigation maritime.

Ministère des Finances. Département Statistique.

Annual Return of Shipping, Cargo and Passenger Traffic in the Ports of Egypt and Suez Canal Transit, 1927 (962:387, S.797).

Contient: a) données générales sur le mouvement de tous les ports d'Egypte; b) données très détaillées pour le trafic des ports d'Alexandrie, Port-Saïd, Suez, Tor, Solum, Qusseir, Safaga et Marsa Matruh (nombre de bateaux, tonnage, pavillon, marchandises, passagers, pays de provenance et de destination, etc.); navigation avec l'étranger et cabotage; c) données détaillées du trafic transitant le canal de Suez.

PAYS-BAS. Rotterdam.

Ports et Navigation maritime.

Chambre de Commerce de Rotterdam.

Jaaverslag — Annuaire, 1928 (S.C.T.).

Contient: a) mouvement des navires de mer dans le port de Rotterdam: nombre, tonnage, pavillon, pays et ports de provenance et de destination; b) lignes de navigation avec Rotterdam; c) mouvement des marchandises du trasse du Rhin sur les ports de Rotterdam, Amsterdam et Anvers; d) mouvement

de la navigation Rhin-mer; e) effectifs et changements dans la flotte marchande de Rotterdam, armateurs; f) installations et outillage du port; g) graphiques sur: 1º le mouvement de navires dans le Nieuwe Waterweg et dans les ports de Rotterdam, Amsterdam, Anvers, Brême et Hambourg; 2º l'importation, l'exportation et le transit des marchandises dans les ports de Rotterdam et d'Amsterdam.

UNION DES RÉPUBLIQUES SOVIÉTISTES SOCIALISTES.

Navigation intérieure.

Direction centrale de Statistique.

Statisticheskii Spravotchnik S.S.S.R. - Annuaire Statistique de l'U.R.S.S. 1927, (947: 31, T.882s).

Contient les données suivantes, relatives à la navigation intérieure en Russie: longueur des voies navigables; résultats généraux de l'exploitation commerciale (quantités de marchandises et nombre de passagers transportés); effectifs de la batellerie.

ALLEMAGNE. Hambourg.

Navigation Intérieure.

Handelsstatistisches Amt - Office Statistique Commercial, Hambourg.

Hamburgs Handel und Schiffahrt im Jahre 1927 — Le Commerce et la Navigation de Hambourg pendant l'année 1927 (S.C.T.).

Contient: a) un résumé général du mouvement de la navigation fluviale dans le port de Hambourg (nombre et tonnage de bateaux, réseau fluvial de provenance ou de destination); b) données détaillées pour les années 1871-1927 sur le trafic des bateaux fluviaux arrivant au port de Hambourg des différents réseaux fluviaux (Elbe inférieure et supérieure et ses affluents, Havel, Saale, Oder, etc.) et en partant, avec indication du nombre et tonnage des bateaux, d'après catégorie et pavillon, quantité de marchandises, pays de provenance et de destination; c) effectif de la batellerie fluviale de Hambourg, d'après la catégorie, la grandeur et le matériel de construction des bateaux.

ÉTATS-UNIS D'AMÉRIQUE.

Navigation intérieure.

War Department. U.S. Shipping Board.

• Transportation on the Great Lakes, 1926 (S.C.T.).

Contient; renseignements très détaillés, relatifs au trafic de la navigation et au mouvement des marchandises sur les Grands Lacs: a) description générale des Grands Lacs, de leur navigabilité, des ports et dés canaux qui y aboutissent; b) prescriptions législatives et traités concernant l'exercice de la navigation, les douanes, l'utilisation de l'eau, etc.; c) description de la flotte marchande desservant les Grands Lacs; d) données sur le trafic et le commerce des principaux ports (tonnage des bateaux, quantité de marchandises et nombre de passagers transportés, etc.); e) données très détaillées sur le mouvement des principales marchandises sur les Lacs et dans les différents ports (céréales, charbon, minerais, etc.). Muni de nombreuses cartes.

JAPON.

Chemins de fer.

Département des Chemins de fer.

Annual Report - Rapport annuel, 1928 (S.C.T.).

Contient: statistique détaillée de l'exploitation au Japon et dans ses Possessions, des chemins de fer d'Etat et privés: trafic et ses moyens, état et amélioration du matériel roulant; transports effectués; résultats financiers; constructions nouvelles; électrification; main-d'œuvre, etc.

YOUGOSLAVIE.

Chemins de fer.

Direction générale des Chemins de fer de l'Etat.

Statistique des Chemins de fer du Royaume S.H.S., 1926 (949.74: 385, S.326).

Contient: a) renseignements suivants pour toutes les lignes normales exploitées par la Direction générale: longueur de lignes, ponts et tunnels en exploitation; constructions nouvelles; gares et autres installations ou ouvrages; état du matériel roulant; personnel; données sur l'exploitation technique (parcours kilométriques effectués par les trains de différentes catégories); données statistiques relatives à l'exploitation commerciale (nombre de passagers et quantité de marchandises transportées, par région, grande et petite vitesse); b) mêmes renseignements pour les lignes des chemins de fer à voie étroite; c) résultats financiers de l'exploitation des chemins de fer.

TOUS LES PAYS.

Circulation routière.

Chambre de Commerce internationale.

Les transports par route dans le monde, 1929 (S.C.T.).

Contient: données statistiques détaillées sur: a) le nombre de véhicules de différentes catégories en usage dans les divers pays du monde; b) la longueur kilométrique des routes de différentes catégories dans les divers pays, avec indication sur leur état; c) recettes provenant des taxes sur les automobiles dans les divers pays; d) dépenses encourues dans les divers Etats pour l'entretien des routes existantes et pour la construction de routes nouvelles; e) renseignements sur l'administration des routes dans les différents pays (construction, entretien, classification, budget, taxes, etc.).

ITALIE.

Aéronautique.

Ministero dell' Aeronautica.

Statistica delle Linee Aeree Civili Italiane, 1928 (945: 329.13, M.665s).

Contient: données statistiques très détaillées relatives à l'aviation civile en Italie en général, et à l'exploitation des différentes lignes existantes, à part nombre d'avions, longueur parcourue, nombre et régularité de vols, passagers, bagages, marchandises et poste transportés. Mouvement dans les aérodromes italiens desservis par les lignes régulières. Graphiques et diagrammes relatifs aux renseignements susmentionnés.

Postes, Télégraphes, Téléphones.

AUTRICHE.

Generaldirektion der P.T.T.

Geschäftsbericht — Annuel, 1928 (943.6: 38, G.326g).

Contient : législation intérieure relative aux P. T. T. ; conventions et accords avec l'étranger ; liaisons postales avec l'étranger; poste aérienne; chissres relatifs au trasic à l'intérieur et avec l'étranger, selon la nature des envois ou communications; données correspondantes pour les télégraphes, téléphones, avec indication des longueurs des réseaux, et pour le radio.

FRANCE.

Questions électriques.

Présidence du Conseil. - Conseil national économique.

Problème de l'outillage national, 1927-29 (944 : 330, C.755).

Contient : rapports présentés au Conseil national économique par des personnages compétents du monde économique et industriel, se rapportant entre autres à l'état de la production et de la distribution de l'énergie électrique des usines thermiques et hydrauliques en France; aux besoins à satisfaire; à l'aménagement des forces hydrauliques; aux disponibilités en énergie et à son emploi par régions.

SPECIMENS OF CARDS RELATING TO TREATIES AND AGREEMENTS BETWEEN STATES:

ALLEMAGNE. — U. R. S. S.

Navigation maritime.

Traité, signé à Moscou le 12 octobre 1925, ratifié le 2 février 1926. Recueil LIII, Nº 1257, page 84.

- Arrangement concernant la navigation (page 126): principe de la parité de traitement dans les ports, et exceptions ; reconnaissance mutuelle des documents de nationalité et de jaugeage ; exonérations des droits de tonnage et d'expédition, exceptions ; aide et assistance ; parité de traitement dans l'usage des ports, canaux, installations, services, etc. ; reconnaissance des prescriptions nationales concernant l'armement des navires; protocole final page 156.

JAPON — MEXIQUE.

Transit, Navigation maritime.

Traité de commerce et de navigation, signé à Mexico, le 8 octobre 1924, et Echange de notes y relatif à la même date, ratifié le 4 mai 1925. Recueil XXXVI, Nº 927, page 260.

Articles VI et VII. — Traitement réciproque de la nation la plus favorisée en matière de commerce et de navigation, d'importation et d'exportation.

Articles VIII et XI. — Exemption des droits de transit : engagement de ne pas imposer des prohibitions ou restrictions à l'importation, l'exportation ou au transit; exceptions.

Articles XV et XXIV. -- Navigation. Traitement de la nation la plus favorisée : égalité de traitement dans les eaux territoriales, en matière de placement, chargement et déchargement, droits de tonnage, de transit, etc., et en cas de naufrage. Exceptions à l'égard de la pêche, des Etats limitrophes et de la marine nationale.

ITALIE - HONGRIE.

Transit, Navigation maritime.

Convention pour le développement du trafic hongrois en transit par le port de Fiume, signée à Rome, le 25 juillet 1927, ratifiée le 11 mai 1928. Recueil LXXIV, Nº 1731, page 54.

Parité de traitement pour le transit des marchandises. Tarifs. Utilisation du port de Fiume comme port d'armement par les navires hongrois. Douanes. Magasins.

PÉROU — COLOMBIE.

Transit, Navigation intérieure.

Traité relatif aux frontières, et à la libre navigation fluviale, signé à Lima, le 24 mars 1922, ratifié le 19 mars 1928. Recueil LXXIV, No 1726, page 13.

Article 8. — Liberté de transit terrestre et de navigation sur les rivières communes.

GRANDE-BRETAGNE — FRANCE (Territoires sous mandat).

Conventions sur certains points se rattachant à l'attribution des mandats pour la Syrie et le Liban, la Palestine et la Mésopotamie, signée à Paris le 23 décembre 1920. Recueil XXII, Nº 564, page 354.

Article 5. — Engagement du Gouvernement français de faciliter l'exploitation en commun du tronçon de chemin de ser existant entre le lac de Tibériade et Nasib. Accord relatif à la construction d'un chemin de fer britannique, reliant la Palestine avec le chemin de fer du Hedjaz et la vallée de

Voir aussi l'Accord concernant le tracé de la frontière syro-palestinienne entre la Méditerranée et El Hammé. Paris, le 7 mars 1923, page 365.

POLOGNE - PAYS-BAS.

Navigation aérienne.

Convention provisoire concernant la navigation aérienne, signée à La Haye le 4 novembre 1925, ratissée le 18 octobre 1926. Recueil LVIII, Nº 1371, page 180.

Liberté de passage inossensif. Liberté de survol des frontières. Zones interdites. Aérodromes. Dispositions concernant les documents de bord, les passagers, la cargaison, etc.

GRANDE-BRETAGNE — BELGIQUE (Possessions en Afrique).

Convention entre la Belgique et la Grande-Bretagne en vue de faciliter le trafic belge à travers les territoires de l'Afrique orientale, signée à Londres le 1er mars 1921. Recueil V, No 138, page 320.

La Grande-Bretagne accorde des facilités au transit à travers l'Afrique orientale vers le Congo belge, et des emplacements dans les ports de Dar-es-Salaam et de Kigoma, en vue de faciliter l'accès du Congo belge à la mer.

HEDJAZ — SOUDAN.

Télégraphes.

Accord entre le Gouvernement du Soudan et le Gouvernement du Hedjaz avec l'assentiment du Gouvernement de Sa Majesté Britannique, relatif au câble télégraphique de Port-Soudan-Djeddah, signé le 18 décembre 1926. Recueil LXIII, No 1489, page 187.

Propriété commune du câble. Exploitation par la « Eastern Telegraph Co.»

ITALIE - LETTONIE.

Passeports et visas.

Echange de notes comportant un accord par lequel les visas d'entrée et de transit sont réciproquement supprimes pour les citoyens des deux pays. Rome, les 27 mai et 12 juin 1926. Recueil LI, Nº 1222, page 66.

SPECIMENS OF CARDS RELATING TO ARTICLES PUBLISHED IN PERIODICALS.

GRANDE-BRETAGNE.

Ports et Navigation maritime.

United Kingdom. Foreign trade. Monthly statistics. Number of vessels and net tonnage (in thousands of tons). Board of Trade Journal.

Statistiques mensuelles, donnant pour chaque port: nombre de navires (entrées et sorties), pavillon et tonnage net. Ces données paraissent dans le premier numéro de chaque mois, pour l'avantdernier mois.

OCÉANIE FRANÇAISE.

Ports et Navigation maritime.

Etablissements français de l'Océanie (Iles de la Société, Marquises, Paumotu. Tubual, etc.). Navigation 1926-27. Bulletin de l'Agence générale des colonies, 22, 937-938, août 1929.

Nombre de bateaux (entrées et sorties dans tous les ports des îles), par provenance et destination ; tonnage; valeur.

BULGARIE.

Navigation Intérieure.

Bojinoff, B.: Bulgarie. -- « Le port de Roustchouk. » Bullelin de l'Association internationale permanente des Congrès de navigation, Nº 6, 39-48, Juillet 1928.

Statistiques comparatives pour 1911 et 1926: Nombre de bateaux (cntrées et sorties); trafic de voyageurs et marchandises; extension du port; installation; zones franches; port de transit.

BRÉSIL.

STINNER.: « A estrada de ferro central do Brazil ». Archiv für Eisenbahnwesen, Heft 3, 535-564, Mal-Juni 1929.

Historique du développement des chemins de fer au Brésil. Situation en 1927 : description des réseaux de l'Etat et des compagnies privées; matériel roulant; personnel; tarifs; recettes; dépenses; ouvrages d'art; carte de tout le réseau.

CHINE.

Chemins de fer.

WUISIN SIAO: « Die Entwicklung des Eisenbahnwesens in China. » Archiv für Eisenbahnwesen, Heft 1, 12-56, Januar-Februar, und Heft 2, 249-313, Marz-April 1929.

Lignes: 1° appartenant à l'Etat, exploitées et en voie de construction; 2° concessions des Etats européens et extra-européens; 3° propriété des compagnies étrangères privées; 4° propriété des pays étrangers. Historique de la construction; tracés; conditions financières. Situation économique des chemins de fer en Chine.

UNION DES RÉPUBLIQUES SOVIÉTISTES SOCIALISTES.

Ронь, H.: « Das Eisenbahnrecht der U. d. S. S. R., insbesondere das neue Statut der russischen Eisenbahnen vom 1. Oktober 1927. » Archiv für Eisenbahnwesen, Hest 3, 613-642, Mai-Juni 1928.

Etude analytique de la législation de l'U. R. S. S. en matière de chemins de fer. Trois périodes : 1917-1920, 1920-1922 et 1922-1927. Principes fondamentaux de l'ancien statut des chemins de ser, du 12 juin 1922, et du nouveau, du 16 juin 1927.

ÉTATS-UNIS D'AMÉRIQUE.

Aéronautique (Aérodromes).

Liste par catégorie et par Etats des aérodromes américains en service au 1er décembre 1929.

Il y a actuellement aux Etats-Unis 1.509 aéroports, soit 440 municipaux, 465 commerciaux, 278 terrains intermédiaires, 86 militaires et 240 auxiliaires. La Californie vient en tête pour le nombre des terrains avec 161. — Air Commerce Bulletin, 2 décembre 1929. Dix-neuf colonnes.

FRANCE.

Circulation routière (Automobiles).

La puissance imposable des automobiles en France. • Génie eivil, 92, 546, 2 juin 1928.

Nombre d'automobiles en France en 1926, par catégories; répartition de ces catégories entre quelques départements les mieux pourvus ou les plus dépourvus; nombre d'automobiles par chiffre d'habitants, tableau indiquant la progression du produit de la taxe sur les automobiles (contribution directe jusqu'à 1920 et indirecte à partir de cette année) pour les années 1899-1927.

GRANDE-BRETAGNE.

Transports combinés

Nouveaux accords entre compagnies de chemins de fer et entreprises de transports routiers. Société d'études et d'informations économiques. Chronique des transports, No4 16, 17 et 18, 25 août 1929.

Le « London-Midland and Scottish Rly. » et le « London and North-Eastern Rly. » ont conclu le 31 juillet 1929 un accord provisoire avec la « British Electric Traction Company », en vue d'une participation financière et d'une coopération effective des trente-six compagnies adhérentes à cette entreprise.

TOUS LES PAYS,

Postes, Télégraphes, Téléphones,

Roscher, M.: « Chronik des internationalen Post und Schnellnachrichtenverkehrs. » Wellwirtschaftliches Archiv, 28, 113-130, Juli 1928.

Revue des récentes conventions internationales, postales et aéropostales.

SUÈDE.

Questions électriques.

RYDMAN, E.: & Schwedische Wasserwirtschaft ». Wasserwirtschaft, 22, 639-642, 25. Dezember 1929.

Développement de l'industrie de l'énergie électrique en Suède. Description des aménagements.

Production.

TOUS LES PAYS.

Réforme du calendrier.

* Can we rescind our calendar ? * Advocate of Peace, 90, 72-74, February 1928.

Examen critique du système de calendrier actuel (avantages d'un calendrier international immuable pour les relations économiques, l'établissement de toutes statistiques, etc.).

COLLECTION OF INFORMATION: LIST OF PERIODICALS USED

1. Periodicals abstracted by the Section.

(a) Periodicals already received in the Section.

| Afrique française | Monthly | Paris |
|---|-------------|-------------|
| Aeronautics Bulletins (Department of Commerce, | | - 4114 |
| Aeronautic Branch) | Irregular | Washington |
| Africains sous Mandat | Monthly | Paris |
| American Journal of International Law Analele economice si statistice | Quarterly | New York |
| Annales de l'économie collective | Monthly | Bucharest |
| Annales de geographie | Quarterly | Geneva |
| Annales des Donte et Channel | Bi-monthly | Paris |
| Annales des Ponts et Chaussées (parties technique et administrative) | | # 1-412 |
| ###################################### | Bi-monthly | Paris |
| Annales des Postes, Télégraphes et Téléphones Annali di economia | Monthly | Paris |
| Archiv für Eisenbahnwesen (document) | Quarterly | Milan |
| Asialic Review | Quarterly | Berlin |
| Association internationals du trace | Quarterly | London |
| Association internationale du trafic aérien (Bulletin d'information) | | |
| Association internationale permanente des congrès de | Monthly | The Hague |
| navigation (Bulletin) | | |
| Association internationale du congrès des chemins de fer (Bulletin) | Half-yearly | Brussels |
| | | |
| Baltic and White Sca Conference | Monthly | Brussels |
| Bureau (Circular) | | • • • |
| Monthly Circular | Monthly | Comombours |
| Bank for Russian Trade Review | | Copenhagen |
| Dank of Finland | Monthly | London |
| Bank of Latvia | Monthly | Helsingfors |
| Banque d'Athènes | Quarterly | Riga |
| Board of Trade Journal | Monthly | Athens |
| Bolelin de Agencia Geral das Colonia | Weekly | London |
| Policility Well Isilillo Maliclico Proment | Monthly | Lisbon |
| Bollettino dell' Aviazione civile e del traffico aereo | Bi-monthly | Trieste |
| wer traffico aereo | Monthly | Rome |

| Bollellino di informazioni commerciali | Washin | Dama |
|---|-------------|----------------------|
| | Weekly | Rome |
| Buletinul institului economic romanesc | Monthly | Bucharest |
| Buletinul statistic al Romaniei | Quarterly | Bucharest |
| Bulletin de l'Agence générale des colonies | Monthly | Paris |
| Bulletin de l'Association internationale permanente des | | |
| Congrès de la route | Bi-monthly | Paris |
| Bulletin de documentation économique et financière | • | |
| (France-Belgique) | Monthly | Paris |
| Bulletin de la Chambre de commerce de Paris | Weekly | Paris |
| Bulletin des transports internationaux par chemins de fer | Monthly | Berne |
| Bulletin économique de Budapest | Monthly | Dollie |
| Dulletin économique de l'Indo China | Monthly | Hanoï |
| Bulletin économique de l'Indo-Chine | | |
| Canadian Railway and Marine World | Monthly | Toronto |
| China Critic | Weekly | Calcutta |
| China Weekly Review | Weekly | Shanghal |
| Comité central des armateurs de France. | Fortnightly | Pari s |
| Commerce | Weekly | Calcutta |
| Commission européenne du Danube (Bulletin) | Monthly | Galatz |
| Commission internationale de navigation aérienne | - | |
| Bulletin officiel | Monthly | Paris |
| Bulletin de renseignements | Weekly | Paris |
| | Monthly | Brussels |
| Congo (Revue de la colonie belge) | Bi-monthly | Bucharest |
| Correspondance économique roumaine | | Copenhagen |
| Danish Foreign Office Journal | Monthly | • |
| Danziger Wirtschaftszeitung | Weekly | Danzig |
| Deutsche Oekonomist | Weekly | Berlin |
| Deutsche Volkswirt | Weekly | Berlin |
| Diritto aeronautico | Bi-monthly | Rome |
| East Africa | Weekly | London |
| Economic Record | Half-yearly | Melbourne |
| | , J | |
| | Quarterly | Paris |
| internationale) | Weekly | Rotterdam |
| Economisch-Statistische Berichten | | London |
| Economist | Weekly | Constantinople |
| Economiste d'Orient | Fortnightly | |
| Economiste français | Weekly | Paris |
| Economista peruano | Monthly | Lima |
| Egypte contemporaine | Monthly · | Cairo |
| Engineering News Record | Weekly | New York |
| Ekonomist . | Monthly | Belgrade . |
| | Weekly | Madrid |
| España económica y financiera | Quarterly | Tallinn |
| Estonian Economic Review | Quarterly | Berlin |
| Europäischer Fernsprechdienst | Weekly | Paris |
| Europe nouvelle | Weekly | London |
| Fairplay | | Shanghai |
| Far-Eastern Review | Monthly | Oslo |
| Farmand | Weekly | |
| - Finance and Commerce | Weekly | Shanghai |
| Génie civil | Weekly | Paris |
| Giornale degli Economisti | Monthly | Rome |
| | Weekly | Amsterdam |
| In-en Uitvoer | Monthly | Rome |
| Ingegnere | • | |
| Institut international du commerce | • | |
| Recueil mensuel | | Brussel s |
| Revue trimestrielle | Monthly | Moscow |
| Institute of Conjuncture (Economic Bullelin) | Monthly | Jena |
| Jahrbücher für Nationalökonomie | Weekly | Kohe |
| Japan Chronicle | | Tokio |
| Japan Financial and Economic Monthly | Monthly | Tokio |
| Japan Magazine | Monthly | |
| Journal de la marine marchande | Weekly - | Paris |
| Journal de la marthe marches | Monthly | Paris |
| Journal des économistes | Monthly . | Berne |
| Journal télégraphique | Quarterly | London |
| Lloyd's Register (Shipbuilding Returns) | Monthly | London |
| London and Cambridge Economic Service | Weekly | Berlin |
| Magazin der Wirtschaft | Fortnightly | Helsingfor s |
| Merkator | Weekly | London |
| Modern Transport | Monthly | Strasburg |
| Navigation du Rhin | | Berlin |
| Neue Russland | Monthly | London |
| Nineteenth Centuru | Monthly | Tel-Aviv |
| Palestine and Near East Economic Magazine | Fortnightly | Washington |
| Pan-American Union Bulletin | Monthly | Washington Warsaw |
| | Monthly | Warsaw Warsaw |
| Polish Economist | Weekly | AA SI 29 M |
| Polska gospodarcza | | |
| | | |

Amsterdam Weekly Fortnightly Polytechnisch Weekblad Warsaw Przeglad gospodarczy New York Weekly Railway Age Recueil de droit commercial et de droit social Paris Monthly Bangkok Quarterly Record (Siam) Review of the River Plate Revista de economia argentina Buenos Ayres Buenos Ayres Weekly Monthly San Salvador Monthly Revista económica **Paris** Revue de droit international Quarterly Quarterly Geneva Revue de droit Revue de droit international et de législation comparée Bi-monthly **Paris** Revue économique de Belgrade Monthly Belgrade Brussels Revue économique internationale Monthly Paris Revue générale des chemins de fer Revue juridique internationale de la radioélectricité Monthly Quarterly **Paris Paris** Monthly Revue maritime Paris Monthly Revue politique et parlementaire Monthly Duisburg Rhein Basle Monthly Rheinquellen Rivista del diritto commerciale Roads and Road Construction Milan Bi-monthly Monthly London Essen Ruhr und Rhein Weekly Rivista Aeronautica Monthly Rome Saar Wirtschafts Zeitung Schweizerische Blätter für Handel und Industrie Weekly Saarbruck Geneva Fortnightly Shipbuilding and Shipping Record
Société belge d'études et d'expansion
Société d'études et d'informations économiques Weekly London Five times yearly Liège Chronique des transports Fortnightly Paris Etudes aéronautiques South African Railways and Harbours Magazine Bi-monthly **Paris** Johannesburg Monthly Statistiske efterretninger Statistische Nachrichten Survey of Current Business Weekly Copenhagen Monthly Vienna Monthly Washington Union internationale des chemins de fer (Bulletin) Monthly **Paris** Union postale universelle Journal Annuaire (Statistique générale) Berné Monthly Union télégraphique: Annuaires statistiques: (1) Télégraphique (2) Téléphonique, (3) Radiotélégraphique United States Commerce Reports
United States Trade Information Bulletin Berne Weekly Washington Washington Irregular Vie économique des soviets Viertelsjahrhefte für Konjunkturforschung Viertelsjahrhefte zur Statistik des Deutschen Reichs Fortnightly Paris \mathbf{Berlin} Quarterly Berlin Vodnyi transport Wasserwirtschaft Moscow Weekly Monthly Vienna -Weltwirtschaft Berlin Weltwirtschaftliches Archiv Wirtschaftsdienst Quarterly Kiel Weekly Hamburg Wirtschaft und Statistik Fortnightly Berlin Zeitschrift für Binnenschiffahrt Zeitschrift für Verkehrswissenschaft Monthly Berlin Quarterly Cologne Zentralblatt der Bauverwaltung Weekly Berlin

(b) Periodicals on Order for 1930.

Aeronautica
Air Transportation
Boletin del Aero Club Argentino
Eisenbahn und Industrie
Hafen-Verkehrs-Zeitung
Hansa
Highway Transportation
Jahrbuch der drahtlosen Telegraphie und Telephonie
Merchant Fleet News
Motor Transport
Nachrichten für Luftfahrer (official document)
Nachrichten für Seefahrer (official document)
Radio
Railway Gazette
Reichsbahn (official document)
Scandinavian Shipping Gazette
Science et industrie
Shipping World

Rio de Janeiro East Stroudsburg, Pa. Buenos Ayres Vienna Hamburg Hamburg Elisabeth, N.J. Berlin Washington London Berlin Berlin Berlin London Berlin Copenhagen Paris London

Telegraph and Telephone Journal Transportes, Los Verkehrsnachrichten Verkehrstechnische Woche World's Carriers

London Madrid Berlin Berlin London

(c) Periodicals to be ordered shortly for Examination by the Section.

Sociétés d'études géographiques maritimes et coloniales (Bulletin) France-Amérique Oslasialische Rundschau Rumänische Wirtschaftszeilung

Schiffahrtszeitung

Nordisk statistik Tidskrift

Boletin Oficial de la Sociedad Mexicana de Geografia e Estadistica

Pologne politique et économique

Revue industrielle Statistisha Meddelanden Boletin comercial e industrial

Boletin de agricultura, industria, y comercio de Guatemala Boletin de industrias (Secretaria de industria, comercio y trabajo)

Boletin de las cameras de comercio, industria y navegación Boletin de obras publicas e industrias, Republica Argentina Revista comercial

Revista commercial brazileira

Revista commercial da Brazil

Revista de agricultura, comercio y trabajo Revista de commercio e industria do Rio Grande do Sul Revista de derecho maritime y legislación comercial

Revista de industrias Revista de marina

Revista de obras publicas de Porto Rico

Revista del comercio Revista económica Revista económica

Revista económica del comercio, la agricultura y las industrias

Revista general de marina

Revista industrial y agricola de Tucaman

Revista maritima brazileira Revista maritima sud-americana

Revista mensuel B. A. P. (Ferrocarril Buenos Ayres al Pacifico)

Revista mercantil

Revista sud-americana de bancos, ferrocarriles, seguros y comercio

Revista telegráfica

Revista telegráfica Revista maritima de intereses maritimos y comerciales

Revista portugueza coloniale maritima

Ecuador comercial

Associação commercial de São Paolo (Revista)

Brazil ferrocarril

Brazilian Review: A Weekly Record of Trade and Finance

Railway Union Gazette (Australian Railway Union)
Chinese Economic Monthly

Khoziaistvo severo-zapadnog kraja Khoziaistvo Ukraini

Sotsialisticheskoe khoziaistvo Ekonomitcheskoe Obozrenie Mirovoe khoziaistvo

Egyptian Commercial and Shipping Review

Paris Berlin Bucharest Hamburg Stockholm Mexico

Paris Stockholm

Caracas (Venezuela) Guatemala

Mexico Madrid Buenos Ayres Valparaiso Santos Rio de Janeiro Havana

Porto Alegre (Brazil)

Buenos Ayres Bogotá Valparaiso San Juan

Asunción (Paraguay) Buenos Ayres San Salvador

Guayaquil (Ecuador)

Madrid

Tucaman (Argentina) Rio de Janeiro Buenos Ayres **Buenos Ayres**

Maracaibo (Venezuela)

Buenos Ayres Buenos Ayres San Salvador Barcelona Lisbon Quito São Paolo Rio de Janeiro Rio de Janeiro Melbourne Peking Leningrad Kharkov Moscow Moscow Moscow

Alexandria

2. Aviation Periodicals, abstracted by the International Aviation Information CENTRE OF THE AÉRO-CLUB DE FRANCE, EXTRACTS FROM WHICH, PUBLISHED IN ITS Fortnightly Bulletin, are used by the Section in making out Cards.

Germany: Flug, Luftwacht, Flugsport, Luftfahrt, Nachrichten für Luftfahrer. England: Aeroplane, Aircraft Engineering, Flight, Journal of the Royal Aeronautical Society,

Argentine: Boletin de aeronautica. Belgium : La conquête de l'air. Canada: Canadian Air Review.

Spain: Alas, Boletin Oficial de la Direccion General de Navegación y Transportes Aeros. United States of America: Aero-Digest, Air Commerce Bulletin, Airports, Airway Age, Aviation, Domestic Air News, Flight.

France: L'Aéronautique, Les Ailes, L'Air, Bulletin de la Chambre syndicale des industries aéronautiques, Technique aéronautique.

Holland: Het Vliegveld.

Italy: Aeronautica, l'Ala d'Italia.

3. Other Periodicals of Less Importance to the Section, which occasionally publish ARTICLES ON COMMUNICATIONS AND TRANSIT. THE CARDS FOR THESE ARTICLES ARE BASED ON THE Monthly List of Selected Articles, Published by the Library.

| - | | |
|---|-----------------------------|--------------|
| Advanta of Dogge | Monthly | Washington |
| Advocate of Peace American Bar Association Journal | Monthly | Chicago |
| American Bar Association Journal | Quarterly | Ithaca |
| American Economic Review | Fortnightly | Amsterdam |
| Amsterdamsche Bank | Monthly | Paris |
| Annales des mines | Weekly | New York |
| Annalist A law of Delitical and | WEERIY | MCW TOIR |
| Annals of the American Academy of Political and | D' 4! | Distributed |
| Social Science | Five times yearly | Philadelphia |
| Archiv für Sozialwissenschaft und Sozialpolitik | Quarterly | Tübingen |
| Army Quarterly | Quarterly | London |
| Atlantic Monthly | Monthly | Boston |
| Boletim da faculdade de direito | Half-yearly | Coimbra |
| Brücke zur Heimat | Monthly | Berlin |
| Bulletin commercial | Weekly | Brussels |
| Bulletin économique de la Chambre de commerce suisse | | |
| en Italie | | |
| Bulletin mensuel de la Chambre de commerce franco- | | |
| sarroise | Monthly | Saarbruck |
| Capital | Weekly | Calcutta |
| Central Corporation of Banking Companies (Economic | Weekly | Calcutta |
| | | |
| Bulletin) | Monthlee | Marr Vaule |
| Conference Board Bulletin | Monthly | New York |
| Danziger juristische Monatsschrift | Monthly | Danzig |
| Deutsche Juristenzeitung | Fortnightly | Berlin |
| Deutschen-Spiegel | Weekly | Berlin |
| Economia | _ | Rome |
| Economic Journal | Quarterly | London |
| Edinburgh Review | Quarterly | Edinburgh |
| Geopolitik | Monthly | Berlin |
| Glückauf | Weekly | Essen |
| Grande Revue | Monthly | Paris |
| Harvard Business Review | Quarterly | Chicago |
| Haagsch Maandblad | Monthly | The Hague |
| Holland's Import and Export Trader | Monthly | Amsterdam |
| Indian Trade Journal | Weekly | Calcutta |
| Industrie | Weekly | Vienna |
| Journal of Land and Public Utility Economics | Monthly | Chicago |
| Journal of Political Economy | Bi-monthly | |
| Journal of the Royal Institute of International Affairs | Bi-monthly | Chicago |
| Koloniale Rundschau | Monthly | London |
| Kommersiella meddelanden | Fortnightly | Berlin |
| Mid-Pacific Magazine | Monthly | Stockholm |
| Monde colonial illustré | Monthly | Honolulu |
| Neue Orient | Monthly | Paris |
| National Review | Monthly | Berlin |
| New Statesman | Monthly | London |
| Nord und Süd | Weekly | London |
| North American Review | Monthly | Berlin |
| • • • • • • • • • • • • • • • • • • • | Monthly . | New York |
| Oekonomisk Revue | | |
| Oesterreichische Volkswirt | Weekly | Vienna |
| Palestine Weekly | Weekly | Jerusalem |
| Paneuropa Detailment | Monthly | Vienna |
| Petroleum | Weekly | London |
| Quarterly Journal of Economics | Quarterly | Cambridge |
| Rassegna economica delle colonie | Bi-monthly | Rome |
| Rassegna italiana | Monthly | Rome |
| Revue de Paris | Fortnightly | Paris |
| Revue des deux mondes | Fortnightly | Paris |
| Revue des vivants | Monthly | Paris |
| Review of Reviews | Monthly | London |
| Rivista bancaria | Monthly | Milan |
| Rivista di politica economica | Monthly | Rome |
| Rollerdamsche Bankvereeniging | Monthly | Rotterdam |
| Scottish Geographical Magazine | · · · · · · · · · · · · · · | TOTTELUBIII |
| Société de banque suisse (Bulletin) | Monthly | Zürich |
| • | | Luiteii |
| | | |

| South African Mining and Engineering Journal South American Journal Statist Udenrigsministeriel's tidsskrift Vie méditerranéenne | Weekly Weekly Weekly Weekly | Johannesburg London London Copenhagen |
|--|--------------------------------------|--|
| Volkenbond Weltwirtschaft und Weltluftpolitik | Monthly | Leiden |
| Wirtschaft und Recht Wissen und Wehr Wirtschaftliche und sozialistische Mitteilungen World Trade | Monthly Monthly Monthly | Stuttgart Berlin Berne |
| Zeilschrift für die gesamte Staatswissenschaft Zeitschrift für Oestrecht Zeitschrift für schweizerische | Bi-monthly Monthly | Vienna Breslau |
| Statistik und Volkswirtschaft Zentralblatt für Handelsrecht | Quarterly Monthly | Bern e Borlin |

ANNEX 23.

DRAFT RESOLUTION CONCERNING COMPETITION BETWEEN RAILWAYS AND WATERWAYS.

[C.C.T.451.]

The Committee,

Appreciating the thorough and impartial work of the Special Committee on Competition between Railways and Waterways, whose report may be taken as a basis for any subsequent studies that the Committee decides to undertake in this particular sphere, and already constitutes a most valuable contribution towards the study and solution of problems of the highest importance to European economic life;

Considering it inexpedient to examine in connection with the single problem which forms the subject of the Committee's report, the question of the use of national means of transport

for the protection of certain forms of national economic life;

Notes, apart from this question and simply from the standpoint of the legitimate interests of all the users of the means of communication on the one hand, and of transporters employing the railways and waterways on the other, that the general conclusions of the report are such as to form a useful indication of the normal lines of tariff policy; and

Decides to transmit to the Governments the report of the Special Committee, together with the present resolution and an extract from the Minutes of the Advisory and Technical

Committee.

ANNEX 24.

DRAFT REPORT OF THE SUB-COMMITTEE ON THE SMUGGLING OF ALCOHOL.

[C.C.T.450.]

The Sub-Committee was instructed to ascertain whether the measures contemplated by the Economic Committee for the suppression of alcohol smuggling were of a nature to interfere unduly with the freedom of communications", and, if so, to state what measures

might be recommended for that purpose.

In the course of its discussions, the Sub-Committee established that the Helsingfors Convention of 1925 did not in practice fulfil the aims of the Governments parties to that Convention, since smuggling vessels now as a rule sail under the flag of various non-contracting States and not under the flag of any of the contracting States, while the latter alone are, under the Convention, subject to supervisory measures outside the limits of territorial waters. The Sub-Committee further realised that, in view of this situation, effective protection against the smuggling of alcohol could only be afforded, properly speaking, by a series of bilateral conventions with all the States not parties to the Heisingfors Convention. The Sub-Committee recognised, however, that such a procedure would necessarily take a considerable time, apart from the fact that the object could not be fully achieved unless all Governments agreed

to the conclusion of such bilateral conventions. In those circumstances, the Sub-Committee thought it should also consider the possibility of finding a satisfactory solution by some other, more expeditious procedure.

From the information given by the Finnish member, it appears that alcohol is being smuggled into Finnish waters on such a large scale and in such an open manner as to affect

public order in Finland very seriously.

Further, smuggling is apparently carried on almost entirely by boats specially set apart for the purpose, and the Finnish authorities have been able, in the course of their investigations, to ascertain exactly which ships these are. This being so, it also appears that the wishes of the Finnish Government in regard to exercising control outside its territorial waters would be to a very large extent met, in practice, if special control could be exercised over such ships.

The Sub-Committee thought it desirable that the League should not, for the time being, formulate any recommendation such as that submitted to the Committee for Communications and Transit, inasmuch as the adoption of such a recommendation would have the effect of involving changes in the general practice of States. On the other hand, the Sub-Committee thought that without prejudice to the legal position it was fair to say that agreements affecting specified vessels openly engaged in smuggling alcohol — such agreements being concluded with the State whose flag is flown by the vessels in question and relating to supervision over such vessels outside the limits of territorial waters — would not be of a nature to "interfere unduly with the freedom of communications".

The Sub-Committee is sure that the Governments will, in a spirit of international solidarity, give favourable consideration to such requests of this nature as may be made to them, if they are deemed legitimate.

One member, however, expressed the opinion that it was preferable for the Advisory and Technical Committee for Communications and Transit to await the issue of the First Conference on the Codification of International Law before pronouncing upon the question.

The Sub-Committee unanimously recognised the importance of the general problem raised by the Economic Committee's first recommendation of the granting of the right to fly a flag. In the Sub-Committee's view this recommendation is not acceptable in its present form since it does not seem possible to make a general rule that the granting of the right to fly a national flag to vessels which satisfy all the conditions laid down in the national legislation should be conditional upon an enquiry into the armore' intentions as to the legislation should be conditional upon an enquiry into the owners' intentions as to the employment of the ship.

On the other hand, as cases have been reported in which the Finnish authorities are of opinion that ships have been nationalised without satisfying the conditions laid down by the laws of the State whose flag has been granted to them, the Sub-Committee thinks that it might not be out of place — in view of the moral and sometimes even legal responsibility that Governments may incur by granting the right to fly their national flag — to point out to Governments that it is important that, before delivering the national flag, their officials should satisfy themselves that the conditions required by the national laws are actually fulfilled.

The Sub-Committee thinks that while for the time being this recommendation — incomplete as it is — represents all that can be done, it would be distinctly desirable, both in connection with the question with which the Sub-Committee has to deal and possibly from a more general point of view, that a comparative study should be undertaken of the laws of different countries governing the granting of the right to fly the maritime flag.

ANNEX 25.

DRAFT RESOLUTION CONCERNING SMUGGLING OF ALCOHOL PROPOSED BY THE TEMPORARY MEMBER APPOINTED BY THE FINNISH GOVERNMENT.

Whereas alcohol smuggling in the waters of the Baltic has assumed such dimensions and forms as to constitute, in some cases, a serious impediment to international order, as

well as to legitimate trade and ordinary navigation;
And whereas the riparian States of the Baltic concluded, on August 19th, 1925, a
Convention for the suppression of such smuggling by the institution of a special zone within

which the laws of the coastal State may be applied to vessels engaged in contraband traffic; And whereas certain countries, in their campaign against this clandestine traffic, encounter special difficulties owing to the fact that, in order to baffle pursuit, smuggling vessels fly the flags of countries which are not parties to the aforesaid Convention, although in most cases the owner, the master and the majority of the crew are nationals of the contracting parties and the low tonnage of the vessel proves that the particulars regarding port of registry

And whereas international solidarity demands that in such circumstances every State should endeavour to come to an agreement with the States affected by the smuggling in question whereby the latter may exercise the necessary supervision over vessels engaged in such traffic;

The Committee expresses the opinion that the Governments of States Members of the League of Nations should be recommended to supervise very closely changes made by their consular agents abroad in the nationality of vessels, particularly where such a change might

serve no purpose but to facilitate smuggling;

And considers that it would be desirable to invite Governments not parties to the above Convention to co-operate and arrange with the signatories thereof, who are injured by smuggling, so that in obvious cases illicit traffic may be effectively suppressed, especially by admitting the right of coastal States to carry out the necessary inspection even outside territorial waters.

ANNEX 26.

NOTE CONCERNING THE AGENDA OF THE FOURTH GENERAL CONFERENCE ON COMMUNICATIONS AND TRANSIT.

[C.C.T.426.]

According to the Statute of the Organisation for Communications and Transit, the Fourth

General Conference is to be held in 1931.

The Committee will perhaps wish to consider forthwith the agenda for this Conference. At its last session, the Assembly adopted the following report and resolution:

"The Transit Committee's report finally mentions the great progress that has been made in the enquiries into the question of the simplification of the calendar and the stabilisation of Easter. Following the procedure suggested by the Transit Committee, national committees of enquiry have been set up in a large number of countries, more especially on the American continent. The report of the American National Committee has just reached the Secretariat. It contains objective data, mainly economic, and concludes by stating that the Government of the United States of America is prepared to take part in a conference to be convened for the examination of these problems. It seems highly probable that, in 1930, committees of enquiry will have been established in most countries and that their reports will be received in the course of that year. Further, a Bill concerning the stabilisation of Easter has been passed in Great Britain. The Congress of the International Chamber of Commerce, recently held at Amsterdam, in a special resolution requested the League to summon a conference to submit recommendations on these problems. For the reasons mentioned above, the immediate convocation of such a conference does not seem advisable. Moreover, as an Œcumenical Council is likely to be held shortly, it would be desirable, in order to assist the religious authorities, who alone are competent to decide this question, to collect the authentic and collective views of the lay population of the various countries. It is, however, doubtful whether a special conference is necessary. The Communications and Transit Organisation is to hold its Fourth General Conference in 1931. It is within the normal powers of this Conference to examine all the work done under the auspices of the organisation since the last Conference. It is therefore competent to examine reports received either on the question of the stabilisation of Easter or on that of the simplification of the Gregorian Calendar, and to consider what recommendations might be made in that field. Consequently, it would only be necessary to place these questions on the agenda of the Fourth General Conference on Communications and Transit which could express the opinion of the Governments and of those specially interested in the question of the stabilisation of Easter, leaving the religious aspects of the problem out of account altogether. The Conference might also examine the results of the studies undertaken on the question of the simplification of the Gregorian Calendar with a view to giving at all events a preliminary opinion as to whether it is desirable to simplify the calendar, and, if so, in what manner.

"" 'The Assembly,

[&]quot;' Notes the great interest taken by the economic circles of various countries in the studies undertaken regarding the simplification of the calendar, and also the establishment of national committees to enquire into this question. Advisory and Technical Committee is requested to place on the agenda of the Fourth General Conference on Communications and Transit the consideration of any recommendations which might be made as a result of these enquiries.

ANNEX 27.

LETTER FROM THE MEDICAL DIRECTOR TO THE CHIEF OF THE COMMUNICATIONS AND TRANSIT SECTION.

., [C.C.T.452.]

[Translation.]

Geneva, March 13th, 1930.

I have the honour to inform you that, at its fifteenth session, the Health Committee had before it proposals from the National Government of the Republic of China concerning collaboration with the League of Nations in health questions.

Annexed is the text of these proposals, taken from page 3 of the letter from Dr. Heng

Liu, Minister of Health. 1

I would draw your special attention to proposal (a), which reads as follows:

"(a) The previous decision of the Government to transfer to the Health Ministry the quarantine service, at present under the Finance Ministry, has induced it to ask for the co-operation, in accordance with certain precedents, of the League of Nations, with a view to obtaining the benefit of the experience of health services in other countries and stimulating a revival of confidence in the health administration of ports when re-organised and provided with up-to-date technical equipment. The Health Organisation is asked to consider, in collaboration with the Communications and Transit Organisation of the League of Nations, what steps should be taken to provide for the transfer and re-organisation of the existing quarantine service. The Director of the Health Organisation intimated that it would be possible to frame a plan during 1930 and that the preliminary survey undertaken by the present mission would be completed this year."

In this connection the Health Committee has adopted the attached resolution (see Appendix).

I should be glad if you would put this letter and annex before the Advisory and Technical

Committee for Communications and Transit.

(Signed) L. RAJCHMAN, Medical Director.

Appendix.

RE-ORGANISATION OF THE QUARANTINE SERVICE OF THE CHINESE PORTS

The Health Committee,

After study of the proposals of the National Government of the Republic of China, concerning the collaboration of the League of Nations in the re-organisation of the quarantine services of the Chinese ports, and on the advice of the Commission for Quarantine Measures in China, nominated during the present session;

(1) Accepts the proposals made by the Chinese Government to obtain the benefit of the experiences of health services in other countries in the re-organisation of the present

quarantine services;

(2) Approves the arrangements proposed by the Health Section that Dr. Park should visit China forthwith in order to complete the survey which has already been begun, and visit China forthwith in order to complete the survey which has already been begun, and report to the Commission thereon at an early date (In his report, Dr. Park should give special consideration to the possibilities of the satisfactory application of the provisions of the International Sanitary Convention of 1926);

(3) Notes that the Commission has given Dr. Park certain guiding lines for this survey, including the sanitary equipment of ports, the nature of the action to be taken against the importation and exportation respectively of infectious diseases and the measures needed to deal with the special conditions of coastal traffic.

deal with the special conditions of coastal traffic;

Notes that on the completion of Dr. Park's survey he will submit proposals for consideration by the Commission regarding the scheme to be submitted to the Chinese National Government:

(4) Requests that the Commission, in so doing, should confer with any experts who may be delegated by the Transit Organisation of the League, in conformity with the request of the Chinese Government, before submitting the scheme to the Health Committee.

Document C.118.M.38.1930.III.

Section II. - Results.

ANNEX 28.

RESOLUTIONS ADOPTED BY THE COMMITTEE AT ITS FOURTEENTH SESSION.

Official No.: C.168.M.77.1930.VIII. [C.C.T.455.]

I. Draft Budget of the Organisation for Communications and Transit for 1931 (Item 24 of the Agenda).

The Committee approves the Secretary-General's proposals (see annexed table) regarding the draft budget of the Organisation for Communications and Transit for 1931.

| | | 1931 | Estimates 1930 Swiss | 1929 Francs | Expenditure 1929 |
|----------|--|---------|----------------------------|----------------|---------------------|
| 1. | General Conference | 60,000 | | | |
| 2. | Meetings of the Organisation for Communications and Transit (sessions of the Advisory and Technical Committee, other committees, sub-committees, and special conferences) and technical work of experts. | 136,000 | 136,000 | 136,000 | 128,610.60 |
| 3. | Printing of documents: | 200,000 | | •••• | 22.7, |
| . | (a) For meetings and other work under 2. (b) Collection and exchange of information regarding communications and transit | 18,000 | 18,000 | 18,000 | 18,513.10 |
| | (including miscellaneous expenses) | 14,000 | 14,000 | 14,000 | 10,677.15 |
| 4. | Settlement of disputes referred to the Committee and examination of similar questions submitted to the Committee by the Council | 20,000 | 20,000 | 20,000 | 38,246.50 |
| 5. | Salaries (permanent secretariat) | | | | |
| 6. | Travelling (including removal) expenses of secretariat | | | | |
| 7. | Cables, telegrams and trunk telephone calls, sundry expenses | 5,000 | 4,000 | 3,500 | 4,976.40 |

Note. — The next General Conference will have to deal, amongst other matters, with the question of the reform of the calendar, which the Assembly has asked to be placed on the agenda of the Conference. It is anticipated that the preparatory work, and particularly the printing of the preparatory documents (including the reports of the National Committees for the Reform of the Calendar), will involve considerable expense, these documents being absolutely essential for a proper discussion of the question at the Conference. Furthermore, the expenses of the Conference itself (staff and printing) will certainly be higher than those of the Third General Conference, for which a credit of 40,000 francs was provided. It seems probable that the total expenses of the next Conference will be at least equal to those of the Second General Conference, which cost approximately 60,000 francs.

The expenses under No. 4 (Conciliation of Disputes) greatly exceeded the budget estimates both in 1928 (32,163 francs) and in 1929. It will, however, always be extremely difficult to estimate with any accuracy the expenditure under this item. Only several years' experience may make it possible to have a clearer idea on the subject. For these reasons, and in order to maintain the budget figures as far as possible at the same level, it does not seem advisable for the moment to contemplate any increase in the estimate for this item.

The increase provided for in the case of Item 7 (cablegrams, etc.) is due to the extension of the Transit Organisation's work, particularly in its relations with countries at a distance from the seat of the League.

II. ROAD TRAFFIC (Item 2 of the Agenda).

The Committee notes the statement of its Secretary-General on the work in connection with road traffic, to the effect that it is proposed to hold the next meeting of the Permanent Committee next spring, and that the Committee is to consider in particular the text of a draft Convention on commercial motor traffic and the results of the discussions of the Joint Committee consisting of members of the Fiscal Committee and the Permanent Committee on Road Trassic, which has prepared a draft International Convention on the taxation of foreign motor vehicles. The Transit Committee has noted the replies of Governments to the circulars sent out on Customs questions affecting motor traffic (visas at frontiers and the triptych system).

III. INLAND NAVIGATION (Item 3 of the Agenda).

The Committee notes the Secretary-General's statement that a Conference for the Unification of River Law will meet on November 17th, 1930. It has also noted the procedure followed in investigating, conjointly with the International Labour Organisation, questions relating to conditions of labour in inland navigation. The Transit Committee will submit any observations it thinks desirable when the results of the work of the Committee of Experts are laid before it by the Joint Committee (International Labour Organisation and Transit Committee).

IV. TRANSPORT BY RAIL (Item 4 of the Agenda).

(a) The Committee was requested by the Council to consider the application from the Nagykikinda-Arad Local Railway Company. It decides to send the annexed report (see Appendix 1) forthwith to the Secretary-General for transmission to the Council. It further decides that, failing an amicable settlement within reasonable time of the dispute referred to in the application, the Chairman shall send the annexed supplementary report (see Appendix 2) to the Secretary-General to be transmitted to the Council and placed on the agenda of the Council session of September 1930.

(b) The Committee was requested by the Council to consider the application from the South East Hungary (Délkeleti) Local Railway Company. It decides to send the annexed report (see Appendix 3) forthwith to the Secretary-General for transmission to the Council. It further decides that, failing an amicable settlement within reasonable time of the dispute referred to in the application, the Chairman shall send the annexed supplementary report (see Appendix 4) to the Secretary-General to be transmitted to the Council and placed on

the agenda of the Council session of September 1930.

(c) The Committee was requested by the Council to consider the application from the Halas-Bácsalmas-Rigyicza Local Railway Company. It decides to send the annexed report (see Appendix 5) forthwith to the Secretary-General for transmission to the Council. It further decides that, failing an amicable settlement within reasonable time of the dispute referred to in the application, the Chairman shall send the annexed supplementary report (see Appendix 6) to the Secretary-General to be transmitted to the Council and placed on the agenda of the Council session of September 1930.

(d) The Committee was requested by the Council to consider the application from the Dravavolgy (Kisköszeg-Siklos-Barcs) Local Railway Company. It decides to send the annexed report (see Appendix 7) forthwith to the Secretary-General for transmission to the Council. It further decides that, failing an amicable settlement within reasonable time of the dispute referred to in the application, the Chairman shall send the annexed supplementary

report (see Appendix 8) to the Secretary-General to be transmitted to the Council and placed on the agenda of the Council session of September 1930.

(e) The Committee was requested by the Council to consider the application from the Zsebely-Csákóvár-Bóka Local Railway Company. It decides to send the annexed report (see Appendix 9) forthwith to the Secretary-General for transmission to the Council. It further decides that, failing an amicable settlement within reasonable time of the dispute referred to in the application, the Chairman shall send the appeared supplementary report. referred to in the application, the Chairman shall send the annexed supplementary report (see Appendix 10) to the Secretary-General to be transmitted to the Council and placed on the agenda of the Council session of September 1930.

(f) The Committee decides that, as soon as the application from the Gyulavidék Local Railway Company has been forwarded by the Council to the Chairman of the Committee, the latter shall send the Secretary-General the annexed report (see Appendix 11) for transmission to the Council, such transmission to take place in sufficient time for the question to be placed on the agenda of the Council session of September 1930.

(g) The Committee notes the statements of its Secretary-General on the work in

connection with transport by rail.

(h) The Committee decides to invite Colonel Hiam, Assistant to the President of the Canadian National Railways and late Secretary to the Permanent Committee on Transport by Rail, to serve on that Committee as an expert attached to the Chairman of the Committee.

V. MARITIME NAVIGATION (Item 5 of the Agenda).

The Committee notes the statement of its Secretary-General on the work in connection with maritime navigation, to the effect that the Conference for the Unification of Buoyage and the Lighting of Coasts will meet at Lisbon on October 6th next.

It further notes that the Technical Committee for the Unification of Maritime Tonnage Measurement will probably be able, in the course of 1930 or at the beginning of 1931, to submit draft international regulations for maritime tonnage measurement, and that some material has already been collected to assist the Permanent Committee on Ports and Maritime

Navigation in attempting to define maritime coasting trade.

In pursuance of the resolution passed at its thirteenth session on the regime of territorial waters, the Committee requests its Secretary-General to follow as closely as possible the discussions now proceeding on the question of territorial waters at the Conference on the Codification of International Law at The Hague.

VL Results of the European Conference on Cards for Emigrants in Transit (Item 6 of the Agenda).

The Committee notes the results of the European Conference on Cards for Emigrants in Transit and trusts that those Governments which are not yet contracting parties to the Arrangement concluded at that Conference will seriously consider the possibility of adhering thereto.

VII. RESULTS OF THE EUROPEAN CONFERENCE ON THE TRANSPORT OF NEWSPAPERS AND Periodicals (Item 7 of the Agenda).

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:

(a) To ask the Administrative Section of the Permanent Committee on Transport by Rail to draft the report to the Council referred to in the last paragraph of Chapter I of the Final Act of the Conference. The Chairman of the Committee may, if he thinks fit, attach to the Administrative Section of the Permanent Committee on Transport by Rail certain members of the Permanent Legal Committee selected by the Chairman of that Committee. This report may, if the Chairman thinks it advisable, be forwarded

to the Council in the name of the Transit Committee;

(b) To propose to the Fiscal Committee the formation of a joint committee of the Fiscal Committee and the Transit Committee, to consider the question raised in Chapter IV of the Final Act of the Conference (Customs and fiscal taxes applicable to newspapers). The joint committee will report to the Fiscal Committee and to the Transit newspapers). The joint committee will report to the Fiscal Committee and to the Transit Committee. The members of the joint committee appointed by the Transit Committee will be selected by the Chairman, who is requested to choose for that purpose one member of the Committee and two or three experts from persons concerned with the publication or the distribution of newpapers;

(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.

VIII. Unification of Transport Statistics (Item 8 of the Agenda).

The Committee notes the information furnished on the present state of the work on the unification of transport statistics. It calls the attention of the Committee dealing with that subject to the importance of continuing its work so that the whole of its proposals may be submitted to the Transit Committee in the course of 1931.

The Committee has studied the correspondence between its Secretary-General and the President of the International Institute of Statistics and approves the formation of a joint committee of the two organisations. It would be the duty of this joint committee to keep in touch with the proceedings of both, so as to ensure the best possible co-ordination of their work. It would report to both organisations, and each would retain complete freedom of action. The Chairman of the Committee for the Unification of Transport Statistics would be empowered to select the representatives of the Transit Committee on the joint committee, those representatives not to exceed four in number.

The Committee has considered the proposal of the Committee for the Unification of Transport Statistics regarding the institution of an enquiry into the utilisation of tonnage, and decides to ask those Governments which the latter Committee considers may be able to help in the matter whether they can furnish the information required. Should it seem from the replies of these Governments possible to collect this information, they should also be asked whether they would be prepared to arrange to make common use of the information

collected in accordance with the Committee's suggestions.

IX. Interpretation of the St. Petersburg Telegraphic Convention (Item 12 of the Agenda).

In accordance with the Council's report of January 15th, 1930, the Committee instructs its Permanent Legal Committee to examine the question of the interpretation of the St. Petersburg Telegraphic Convention with reference to the exchange of facsimiles of telegrams despatched in connection with cases of smuggling opium and other dangerous drugs. The Permanent Legal Committee's report will be forwarded to the Council by the Chairman of the Transit Committee Chairman of the Transit Committee.

X. Codification of International Law in Matters of Communications and Transit (Item 13 of the Agenda).

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.

XI. Annual Report of the Memel Harbour Board (Item 14 of the Agenda).

The Committee notes the receipt of the 1928 report of the Memel Harbour Board.

XII. GRAVE OCCURRENCES OF A GENERAL CHARACTER AFFECTING ROUTES OF COMMUNICATION . (Item 15 of the Agenda).

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 Appendix 12) to the Convention on the International Regime of Railways, which have been framed to carry out the resolution of the Third General Conference.

XIII. DISPUTES RELATING TO THE COMPETENCE OF THE EUROPEAN COMMISSION OF THE DANUBE (Item 16 of the Agenda).

The Committee notes the information given by its Secretary-General regarding the steps taken to facilitate the early application of the agreement reached, under the Committee's auspices, among the States represented on the European Commission of the Danube.

XIV. Execution of the Decisions of the Committee relating to the Convocation of AN AIR TRAFFIC CO-OPERATION COMMITTEE (Item 17 of the Agenda).

The Committee notes the information furnished by its Secretary-General to the effect that the Air Traffic Co-operation Committee will probably be able to meet early in the summer of 1930.

It also notes the measures taken to supply this Committee with the information it requires.

XV. COMMUNICATIONS BY RAIL WITH THE SEAT OF THE LEAGUE (Item 18 of the Agenda).

The Committee notes the information furnished by its representative at the European

Conference on Time-tables and by its Secretary-General.

As regards sleeping-car facilities between Geneva and Berlin, it notes that there are no further difficulties between the sleeping-car companies and that the German Railways Administration is prepared to organise a permanent service of this kind if the need thereof

The Committee requests the Swiss Federal Railways Administration, which has hitherto not agreed to arrange for such a service except for certain special periods, to give it a trial for a number of months in order to ascertain the economic value of this service.

XVI. COMMUNICATIONS OF IMPORTANCE TO THE LEAGUE OF NATIONS AT TIMES OF EMERGENCY (Item 19 of the Agenda).

(a) Wireless Station.

The Committee notes the information furnished by its Secretary-General regarding the construction of a wireless station. With a view to the execution of the Agreement and of the Convention between the Secretary-General of the League on the one hand and the Swiss Government and the "Société Radio-Suisse" on the other, and, in order to furnish the Secretary-General of the League with the technical assistance he requires, the Committee resolves to form a Wireless Technical Committee and a Committee for the Working of the League's Wireless Station.

Subject to any later decision of the Committee, the Wireless Technical Committee will include the members previously appointed to draw up the construction scheme for the station (Committee under the chairmanship of General Ferrié).

The Committee for the Working of the Wireless Station will be appointed later, on the request of the Secretary-General of the League.

These Committees will send their reports direct to the Secretary-General of the League. Copies will, however, be forwarded to the Transit Committee, which reserves the right to submit to the Secretary-General of the League any observations that it considers desirable. These observations can be forwarded — in the interval between the Committee's sessions — by a Rapporteur of the Committee specially appointed therefor.

(b) Facilities to be granted to Aircraft.

The Committee has not considered it necessary to examine in detail the proposals submitted by the International Air Navigation Commission, as these are to be studied by the Committee on Arbitration and Security. It thinks, however, that the attention of the latter should be drawn to the fact that the International Air Navigation Commission, which was set up by the International Convention of 1919, very naturally drafted its proposals in the form of amendments to the said Convention, and that, if this were the only procedure contemplated, it would offer the serious inconvenience of discriminating between States which were and States which were not parties to the 1919 Convention. It would also delay the application of its provisions and the opening of the necessary negotiations between the Secretary-General of the League and the Governments until the suggested amendments to the 1919 Convention had been put into force.

The Committee believes that it would save time and be more satisfactory if the Assembly adopted a resolution laying down the general rules to be applied by Members of the League, with due regard to their obligations, defining the aircraft to be used for air communications of importance to the working of the League, and enunciating the principles on which negotiations could be opened immediately between the Secretary-General of the League and the Governments.

For the above reasons, the Committee thought it should assist the Committee on Arbitration and Security by redrafting on the above lines the proposals of the International Air Navigation Commission. The proposed draft resolution of the Assembly must therefore be consistent both with the provisions of the 1919 Convention and with those of Conventions in force between States parties to the 1919 Convention and States not parties to that Convention. It is also clear that the adoption by the Assembly of such a draft resolution would not prevent States from subsquently codifying the provisions adopted to facilitate air transport of importance to the League, by inserting the necessary provisions in international Conventions dealing with air transport questions.

In these circumstances, the Committee has the honour to communicate to the Committee on Arbitration and Security the following draft Assembly resolution:

- "The Members of the League are under the obligation to facilitate by all means in their power the meeting of the Council in times of emergency and the working of the League in general.
- "The use of air transport may be necessary to enable the League to take rapid action to safeguard the peace.
- "The Assembly therefore considers it important that the Members of the League should, in order to discharge their obligations, grant to aircraft used for air communications of importance for the working of the League all facilities for navigation and passage to enable them to discharge their missions. Such aircraft should enjoy all the rights granted by existing international Conventions to Government aircraft other than military, Customs or police aircraft, and should at no time be subject to any exceptional and temporary restrictions that may be imposed on air navigation.
- "The conditions on which the various Governments will grant the facilities mentioned in the previous paragraph shall be laid down in advance by each of the Governments concerned, after consulting the Secretary-General of the League. In particular, the routes to be normally followed by aircraft and the procedure contemplated for notifying the Secretary-General without delay of any changes in such routes should be fixed in advance.
- "The Assembly requests the Secretary-General immediately to open negotiations on this matter and also on the conditions under which the States whose territory is crossed will assist aircraft in difficulties and the persons on board to complete the journey by air and carry out their mission.
- "The Assembly trusts that the Members of the League will grant to aircraft used for communications of importance to the working of the League all facilities in regard both to supervision and to the routes to be followed.

- "Aircraft used for communications of importance to the working of the League, within the meaning of the present resolution, are aircraft permanently or temporarily engaged in conveying League officials or League correspondence or in conveying delegations to the League or their correspondence. Should such aircraft be the property of the League, the Secretary-General shall have them registered in the Secretariat of the League. Should such aircraft be used for communications of importance to the working of the League but be registered in any country and only temporarily placed at the League's disposal, the Secretary-General shall likewise have them registered in the Secretariat of the League. All detailed regulations regarding conditions of registration, the communication of entries and the cancellation of entries, identification marks on aircraft showing that they are on the service of the League, certificates and licences for the crew, and other documents generally required by international Conventions, shall be laid down by the Council of the League of Nations after consulting the competent international bodies.
- "Should aircraft used for communications of importance to the working of the League be required to fly over a State, the Secretary-General of the League will endeavour to give that State due notice by suitable means of the identification marks of the aircraft, of the route to be taken and of the persons on board the crew and the passengers to be provided with documents certifying their status and mission.
- "This resolution is not to be understood as affecting the liberty of any State to prohibit its territory being crossed by aircraft registered in another State when such prohibition appears justified by motives of national safety. In such case, the State in question should do everything to ensure that the journey is completed by air as quickly as possible under conditions to be determined by the negotiations above referred to.
- "The Secretary-General will report to the next Assembly on the steps taken to ensure the execution of this resolution."
- (c) Construction of an Aerodrome near the Seat of the League.

The Chairman of the Committee will consult experts on the new proposals submitted, and will forward their report to the Secretary-General of the League for submission to the Assembly.

XVII. Resolutions adopted by the Fifth Congress of the International Chamber of Commerce at Amsterdam (Item 21 of the Agenda).

The Committee forwards the resolutions adopted by the Fifth Congress of the International Chamber of Commerce to the appropriate Permanent Committees, and draws the special attention of the Permanent Committee for Ports and Maritime Navigation to the resolution concerning Customs and consular formalities in respect of maritime navigation.

Any information subsquently received from the International Chamber of Commerce will be sent to the competent Committees.

XVIII. Rules of Procedure adopted by the Committee (Item 23 of the Agenda).

Article 1.

The Advisory and Technical Committee shall elect from among its members a Chairman and two Vice-Chairmen, who shall take office on the date of their appointment and remain in office until the beginning of the first session of the calendar year following that of their election. They shall not be immediately re-eligible.

Article 2.

The Committee shall hold at least one session annually. Except in special circumstances, it shall meet at the seat of the League.

The Committee shall be convened on the Chairman's initiative. Notices of meeting shall be sent out by the Secretary-General of the Committee, acting on the Chairman's instructions. Except in urgent cases, they shall be sent to members of the Committee at least one month before the opening of each session.

The Chairman shall order the Committee to be convened either upon the decision of the Council of the League of Nations or if requested to do so by one-third of the members of the Committee, such request to be addressed to the Secretary-General of the Committee.

In exercising the powers defined in the present article, the Chairman of the Committee shall take into consideration the financial position, having regard to Article 29 of the Regulations for the Financial Administration of the League. The financial position shall be submitted for the Chairman's consideration by the Secretary-General of the Committee.

Article 3.

The Chairman shall draw up a draft agenda for each session, which shall accompany the

notices convening the session.

Any member of the Committee may, at least 15 days before the opening of the session, make application to the Secretary-General of the Committee for a specific question to be placed on the agenda of the session. In such case the Secretary-General of the Committee shall prepare a supplementary agenda and communicate it to the members of the Committee without delay.

At the beginning of each session, the Committee shall decide upon its final agenda. It may, in the course of a session, decide by a majority of two-thirds of the votes of the members

present to add a question to its agenda.

The Committee's agenda shall be communicated to the Council of the League of Nations in conformity with the Assembly resolution of December 8th, 1920.

Article 4.

With a view to the application of Article 13, paragraph 5, of the Statute, which confers powers on the Committee as regards the invitation of temporary members, these powers may, in cases of urgency or necessity, be exercised by the Chairman before the Committee meets, when the draft agenda submitted to the Committee appears to him clearly to require such invitation.

The same procedure shall be followed as regards the invitation of representatives of States not members of the organisation, and of representatives of qualified international or

national organisations in an advisory capacity.

Decisions taken by the Chairman in virtue of this article shall be made known to the

members of the Committee without delay.

Article 5.

In accordance with the provisions of Article 15 of the Statute, the Committee shall set up five permanent committees. These committees shall conduct a continuous enquiry into questions relating respectively to transport by rail, inland navigation, ports and maritime navigation, road traffic, and electric power.

The Committee shall also set up a permanent legal committee.

The committees referred to in the preceding paragraphs shall hold office for the same term as the Advisory and Technical Committee. They shall enjoy complete freedom in their discussions. All resolutions of these committees involving recommendations to Governments or proposals to the Council or the Assembly shall be forwarded to those authorities by the Advisory and Technical Committee in its own name as soon as they have received the approval of the Committee in plenary session. As an exception, in cases which must be justified by reasons of urgency or necessity, this approval may be given on behalf of the Committee by its Chairman, who, if in doubt, may consult his colleagues by correspondence, and in any event shall report his decision to the next plenary session.

The present provisions shall not apply to cases in which the Advisory and Technical Committee is called upon to discuss a question in dispute between States under the conditions laid down in Article 18 of the Statute. The Committee in plenary session shall alone be

competent to express an advisory opinion in such a case.

Article 6.

The Committee may set up temporary or permanent sub-committees composed of its own members, obtain the assistance of experts, and appoint temporary committees of experts, in accordance with the provisions of Article 15 of the Statute. In cases of urgency or necessity, the Chairman may appoint experts in the interval between sessions, or subject to the Committee's subsequent approval, set up temporary committees of experts, when such measures seem to him necessary for the preparation of the Transit Committee's work.

Article 7.

The present rules shall be applicable to committees and sub-committees; but the chairmen and (if appointed) the vice-chairmen, of committees and sub-committees, shall be appointed, in the case of temporary committees or sub-committees, for the term of office of such committees or sub-committees and, in the case of permanent committees and sub-committees, for the term of office of the Transit Committee.

The term of office of these chairmen or vice-chairmen is renewable.

The meeting places of committees and sub-committees shall be determined by their respective chairmen in agreement with the Secretary-General of the Committee, account being taken both of practical needs and of budgetary considerations.

Article 8.

When the term of office of the Committee expires in accordance with the conditions laid down in Article 13 of the Statute, the Chairman and Vice-Chairman of the Committee shall continue to discharge their duties pending the election of the new Committee's officers,

provided they have been appointed members of the latter Committee; otherwise, the member of the Committee who last acted as Chairman, or, if none such be available, who last acted as Vice-Chairman, shall temporarily act as Chairman. If there be no member who has previously acted as Chairman, the duties of Chairman shall be discharged by the member who is senior in membership of the Committee.

Article 9.

The present Rules of Procedure may at any time be altered by a majority of the votes of the members present.

XIX. REPORT OF THE SPECIAL COMMITTEE ON COMPETITION BETWEEN RAILWAYS AND WATERWAYS (Item 9 of the Agenda).

The Committee compliments the special Committee on Competition between Railways and Waterways on its exhaustive and impartial report, which will serve as a basis for any subsequent surveys that the Transit Committee may decide to undertake on this subject, constitute an immediate and very important contribution to the study of problems closely affecting European economy and help in the solution of such problems.

It does not think it advisable to consider, in connection with the single problem dealt with in the Committee's report, the general question of the utilisation of national forms of transport for the protection of certain aspects of national economy.

Apart from this general question and looking at the matter solely from the standpoint of the legitimate interests both of private individuals and of rail and water transport undertakings, the main conclusions of the report bring out the principles on which tariff policy is normally based.

The Committee resolves to forward to the Governments the special Committee's report, together with this resolution and an extract from the Minutes of the Transit Committee.

XX. Relations between the Various Means of Transport in Continents other than Europe.

In execution of the recommendations of the Genoa Conference and in pursuance of Mr. Walker D. Hines' report, the Committee examined certain questions regarding competition between railways and waterways affecting the European economic system. The secretariat is instructed to collect information on the problems arising in continents other than Europe connected with co-operation and competition between various modes of transport, more particularly between railways and waterways, and on the manner in which these problems are dealt with.

XXI. COLLECTION OF INFORMATION ON COMMUNICATIONS AND TRANSIT (Item 22 of the Agenda).

The Committee notes the information given by its Secretary-General on the work done by the service for the collection of information on communications and transit.

It approves its Secretary-General's suggestions for future work.

XXII. SMUGGLING OF ALCOHOL (Item 11 of the Agenda).

A. Letter from the Chairman of the Advisory and Technical Committee for Communications and Transit to the Chairman of the Economic Committee. (Text adopted by the Committee.)

At its thirty-first session, the Economic Committee decided to ask the opinion of the Communications and Transit Organisation on a draft recommendation regarding the smuggling of alcohol, which was submitted by the Finnish Government when this question was under discussion in the Economic Committee.

I have the honour to inform you that, at its fourteenth session, held at Geneva from March 10th to 15th, 1930, the Advisory and Technical Committee for Communications and Transit adopted the annexed report, the object of which is to ascertain whether the measures contemplated by the Economic Committee for suppressing the smuggling of alcohol were, likely to interfere unduly with the freedom of communications.

^{&#}x27; See B, page 139.

In the Transit Committee's opinion, it may be said, without prejudice to the legal position, that agreements affecting specified vessels openly engaged in smuggling alcohol (agreements concluded with the State whose flag is flown by the vessels in question and relating to supervision over such vessels outside the limits of territorial waters) would not be likely to interfere unduly with the freedom of communications.

The Transit Committee thinks that it might be well to point out to Governments that it is important that, before granting the right to fly the national flag, officials should satisfy themselves that the conditions required by the national laws are actually fulfilled. If the Economic Committee agrees with this view, the Transit Committee could propose to the Council that representations to that effect be made to Governments.

I may add that, while the Transit Committee does not see what other steps can be taken for the moment, it fully realises that its recommendation is incomplete. It has accordingly adopted a resolution stating that it thinks it desirable, both in connection with this particular question and possibly from a more general point of view, that a comparative study should be made of the laws of different countries governing the granting of the right to fly the merchant flag. It has accordingly instructed its Secretariat to obtain from Governments all the information required on the subject.

(Signed) HEROLD.

B. Report.

1. The Committee was instructed to ascertain whether the measures contemplated by the Economic Committee for the suppression of alcohol smuggling were likely to "interfere unduly with the freedom of communications".

In the course of its discussions, the Committee came to the conclusion that the Helsingfors Convention of 1925 did not, in practice, fulfil the aims of the Governments parties to that Convention, since smuggling vessels now as a rule sail under the flag of various non-contracting States and not under any of the flags which are, under the Convention, subject to supervision outside the limits of territorial waters. The Committee further realised that, in view of this situation, effective protection against the smuggling of alcohol could in reality only be afforded by a series of bilateral conventions with all the States not parties to the Helsingfors Convention. The Committee recognised, however, that such a procedure would necessarily take a considerable time, apart from the fact that the object could not be fully achieved unless all Governments agreed to the conclusion of such bilateral conventions. In those circumstances the Committee thought it should also attempt to find a satisfactory solution by some other more expeditious procedure.

From the information given by the Finnish member, it appears that alcohol is being smuggled into Finnish waters on such a large scale and in such a manner as to affect very seriously public order in Finland.

2. Further, smuggling is apparently carried on almost entirely by boats specially engaged for the purpose, and the Finnish authorities have, in carrying out the work of supervision, ascertained exactly which ships these are. This being so, it also appears that the wishes of the Finnish Government in regard to exercising control outside its territorial waters would, in fact, be met to a very large extent if special control could be exercised over such ships.

The Committee thought it desirable that the League should not, for the time being, formulate any recommendation such as that submitted to it, since the adoption of such a recommendation would involve changes in the general practice of States. On the other hand, the Committee thought that it could be said, without prejudice to the legal position, that agreements affecting specified vessels openly engaged in smuggling alcohol (agreements concluded with the State whose flag is flown by the vessels in question and relating to supervision over such vessels outside the limits of territorial waters) would not be likely to "interfere unduly with the freedom of communications".

The Committee is sure that the Governments will, in a spirit of international co-operation, give favourable consideration to any legitimate requests of this kind which they receive.

3. The Committee unanimously recognised the importance of the general problem of the granting of the right to fly a flag raised by the Economic Committee's first recommendation. In the Transit Committee's view, this recommendation is not acceptable in its present form since it does not seem possible to make a general rule that the granting of the right to fly a national flag to ships which satisfy all the conditions laid down in the national legislation should be conditional upon an enquiry into the owners' intentions as to the employment of the ship.

On the other hand, as cases have been reported in which the Finnish authorities are of opinion that ships have been nationalised without satisfying the conditions laid down by the laws of the State whose flag has been granted to them, the Committee thinks that it might be well — in view of the moral, and sometimes even legal, responsibility that Governments may incur by granting the right to fly their national flag — to point out to Governments that it is important that, before granting the national flag, their officials should satisfy themselves that the conditions required by the national laws are actually fulfilled.

XXIII. Survey of National Legislation governing Authorisation to fly a Merchant Flag (Item 11 of the Agenda).

The Committee was requested by the Economic Committee to examine the measures contemplated by the latter for suppressing the smuggling of alcohol in Finland.

It has come to the conclusion that certain of the difficulties reported are due to the circumstances under which merchant flags are sometimes granted to vessels engaged in the

smuggling traffic.

It considers it extremely desirable, both as regards this particular question and possibly from a more general point of view, that a comparative study should be made of the laws of different countries governing the granting of the right to fly the merchant flag. It therefore instructs its secretariat to obtain from Governments all the information required on this subject.

XXIV. QUESTIONS RAISED BY THE COUNCIL IN CONNECTION WITH THE FREEDOM OF COMMUNICATIONS AND TRANSIT DURING ITS EXAMINATION OF THE STATE OF THE RELATIONS BETWEEN POLAND AND LITHUANIA (Item 10 of the Agenda).

The Committee approves the following proposals presented by its Sub-Committee:

"The Sub-Committee under the Chairmanship of M. de Vasconcellos has been informed of the conversations that took place between M. de Vasconcellos and the representatives of the Lithuanian and Polish authorities during his visit to Kaunas and Warsaw at the invitation of the Lithuanian and Polish Governments. On the basis of this information, the Sub-Committee has begun a discussion which it has not been able to conclude at the present session.

"The Sub-Committee asks the Committee temporarily to postpone consideration of the draft report to be laid before the Council by the Committee. It suggests that the Committee should hold another session to adopt its report at the beginning of September

next."

The Committee decides to meet on September 4th, 1930; the Sub-Committee will meet a few days earlier.

XXV. AGENDA OF THE FOURTH GENERAL CONFERENCE ON COMMUNICATIONS AND TRANSIT (Item 20 of the Agenda).

As a result of its discussions, the Committee feels that it is already justified in placing on the agenda of the Fourth General Conference the questions of calendar reform and of grave occurrences of a general character affecting routes of communication.

The Committee resolves to postpone to its session of September 1930 the preparation

of the agenda for the Fourth General Conference.

The date of meeting of the Conference will also be considered during the September session.

XXVI. STATE OF THE RATIFICATIONS OF CONVENTIONS DRAWN UP UNDER THE AUSPICES OF THE ORGANISATION FOR COMMUNICATIONS AND TRANSIT (Item 25 of the Agenda).

The Committee notes the statement of the Secretariat on the present position as regards ratifications.

XXVII. Invitation from the British Government to the Committee to be represented at a Conference with a View to the Conclusion of an International Convention on the Load-Lines of Merchant Ships (Item 26 of the Agenda).

The Committee accepts with thanks the British Government's invitation, and instructs its Secretary-General to represent it.

XXVIII. Invitation to the Committee to exhibit at the International Exhibition to be held at Posen (Item 27 of the Agenda),

The Committee accepts the invitation to exhibit at the International Exhibition at Posen, and instructs its Secretary-General to make arrangements similar to those for the Inland Navigation Exhibition at Basle.

XXIX. VARIOUS COMMUNICATIONS (Item 29 of the Agenda).

(a) Re-organising Quaranline Services in China.

The Committee notes the letter from the Medical Director of the League Secretariat, and agrees to the request of the National Government of the Chinese Republic regarding the co-operation of the Communications and Transit Organisation in re-organising quarantine services in China. The Secretary-General of the Committee is empowered to give the Medical

Director every assistance.

The Committee resolves to delegate for the moment three experts to confer with the Commission appointed by the Health Committee on the scheme for the re-organisation of quarantine services in China, these experts to be M. Hörnell, member of the Committee, Sir Alan Anderson, member of the Permanent Committee for Ports and Maritime Navigation (who may name a substitute), and M. Kroeller, member of the Permanent Committee for Ports and Maritime Navigation.

(b) Request from the Advisory Committee of the Singapore Epidemiological Bureau of the Health Organisation, for Help in improving its Radiotelegraphic Service.

The Committee requests the Chairman to make the necessary arrangements for complying with the request of the Advisory Committee of the Singapore Epidemiological Bureau.

The Chairman will consult the League's Advisory Committee on Wireless.

(c) International Life-Saving and First Aid Association.

The Committee empowers its Chairman, with M. Schlingemann's help, to obtain the information asked for by the Secretary-General of the League on the International Life-Saving and First Aid Association.

(d) Representation of the Committee on International Association of Road Congresses.

The Committee instructs its Chairman to take steps to ensure its representation at the next congress held by the International Association of Road Congresses.

(e) Representation of the Communications and Transit Organisation on the Permanent International Association of Railway Congresses.

The Committee notes:

- (1) That the Permanent International Association of Railway Congresses is the only important international organisation with Government representatives and dealing with communications questions, at whose meetings the Organisation for Communications and Transit is not represented;
- (2) That the Association, which includes representatives of railway companies and of Governments, has admitted as members organisations comprising operating services, but not an organisation like the Communications and Transit Organisation, which, for the study of questions of communications and especially, through its Permanent Committee on Transport by Rail, questions discussed at railway congresses - comprises all the States Members of the League of Nations.

It therefore requests the Governments represented on the Communications and Transit Organisation and on the Association of Railway Congresses to examine this situation.

Appendix 1.

APPLICATION BY THE NAGYKIKINDA-ARAD LOCAL RAILWAY COMPANY.

REPORT.

The Council of the League of Nations has asked the Advisory and Technical Committee for Communications and Transit for a report to assist it in taking a final decision on the application submitted under Article 304 of the Treaty of Trianon by the Nagykikinda-Arad Local Railway Company.

After studying the application and the correspondence received from the Yugoslav and Roumanian Governments, and after hearing the representatives of the applicant company, the Committee considered that it was unnecessary for the Council to examine the application until it was certain that a friendly agreement could not be reached between the parties concerned.

It would therefore be advisable to await the result of the negotiations which are at present in progress or which are about to be re-opened, and for which a reasonable period should be

given. The Committee accordingly considers that it would be advisable for the Council to postpone the examination of the petition until its session of September 1930. If no friendly agreement is reached before this session, the Committee will make a supplementary report to the Council in good time.

[C.C.T.439(1).]

Appendix 2.

APPLICATION BY THE NAGYKIKINDA-ARAD LOCAL RAILWAY COMPANY.

SUPPLEMENTARY REPORT.

The Council of the League of Nations has asked the Advisory and Technical Committee for Communications and Transit for a report to assist it in taking a final decision on the application submitted under Article 304 of the Treaty of Trianon by the Nagykikinda-Arad

Local Railway Company.

The questions which the Committee thus has to consider are previous questions. It is not for the Committee to examine the substance of the dispute between the Nagykikinda-Arad Company on the one hand and the Yugoslav and Roumanian Governments on the other, but simply to consider whether the Council should take a decision regarding the request for arbitration. If arbitrators are appointed, it will be for them alone to examine the substance of the dispute.

If the conditions laid down in that article are fulfilled, the Council is obviously obliged to appoint arbitrators in virtue of Article 304 of the Treaty of Trianon. The Committee, adopting this point of view, decided that it should consider separately:

- (1) Whether the nature of the dispute was such as to bring it within the scope of Article 304, and
- (2) Whether, in conformity with the terms of Article 304, according to which the arbitration in question only applies to differences "on which agreement is not reached", there was no prospect of an agreement being reached.

The first question was mainly a question of interpretation of the Treaty, and the second

one of appreciating the actual position of negotiations.

As to the first point, the Committee considers that there can be no doubt that the difference between the Nagykikinda-Arad Local Railway Company and the Yugoslav and Roumanian Governments comes, as a whole, within the scope of Article 304 of the Treaty of Trianon. This article is absolutely imperative. It lays down in all cases that the administrative and technical re-organisation of the railroads of the former Austro-Hungarian Monarchy award by private companies and hereeformers districted in the district the second Monarchy owned by private companies and henceforward situated in the territory of several States shall be regulated in each instance by an agreement between the company holding the concession and the States territorially concerned, this provision not being subject to any condition.

As regards the second point, the company's overtures did not seem, up to the moment when the case came before the Committee, to have received any definite reply pledging the Governments. Since that time the negotiations undertaken, which the Committee had hoped would be successful before September 1930, have given no results and the Committee is accordingly of opinion that the Council should now proceed to appoint the arbitrators requested by the company.

Appendix 3.

APPLICATION BY THE SOUTH-EAST HUNGARY (DELKELETI) LOCAL RAILWAY COMPANY.

REPORT.

The Council of the League of Nations has asked the Advisory and Technical Committee for Communications and Transit for a report to assist it in taking a final decision on the application submitted under Article 304 of the Treaty of Trianon by the South-East Hungary (Délkeleti) Local Railway Company.

After studying the application and the correspondence received from the Yugoslav and Roumanian Governments, and after hearing representatives of the plaintiff company, the Committee considered that it was unnecessary for the Council to examine it until it was certain that a friendly agreement could not be reached between the parties concerned.

The results of the negotiations at present in progress or shortly about to be resumed should therefore be awaited and a reasonable period allowed for them to be pursued.

The Committee accordingly considers that it would be advisable for the Council to postpone the examination of the petition until its session of September 1930. If no friendly agreement is reached before this session, the Committee will make a supplementary report to the Council in good time.

[C.C.T.437(1).]

Appendix 4.

APPLICATION BY THE SOUTH-EAST HUNGARY (DELKELETI) LOCAL RAILWAY COMPANY.

SUPPLEMENTARY REPORT.

The Council of the League of Nations has asked the Advisory and Technical Committee for Communications and Transit for a report to assist it in taking a final decision on the application submitted under Article 304 of the Treaty of Trianon by the South-East Hungary

(Delkeleti) Local Railway Company.

The questions which the Committee thus has to consider are in the nature of previous questions. It is not for the Committee to examine the substance of the dispute between the South-East Hungary (Délkeleti) Local Railway Company on the one hand and the Yugoslav Government on the other, but simply to consider whether the Council should take a decision regarding the request for abitration. If abitrators are appointed, it will be for them alone to examine the substance of the dispute.

If the conditions laid down in that article are fulfilled, the Council is obviously obliged to appoint arbitrators in virtue of Article 304 of the Treaty of Trianon. adopting this point of view, decided that it should consider separately: The Committee,

(1) Whether the nature of the dispute was such as to bring it within the scope of Article 304, and

(2) Whether, in conformity with the terms of Article 304, according to which the arbitration in question only applies to differences "on which agreement is not reached", there was no prospect of an agreement being reached.

The first question was mainly a question of interpretation of the Treaty, and the second

one of appreciating the actual position of negotiations.

As to the first point, the Committee considers that there can be no doubt that the difference between the South-East Hungary (Délkeleti) Local Railway Company and the Yugoslav and Roumanian Governments comes, as a whole, within the scope of Article 304 of the Treaty of Trianon. This article is absolutely imperative. It lays down in all cases that the administrative and technical re-organisation of the railroads of the former Austro-Hungarian Monarchy owned by private companies and henceforward situated in the territory of several States shall be regulated in each instance by an agreement between the owning company and the States territorially concerned, this provision not being subject to any condition.

As regards the second point, the company's overtures did not seem, up to the moment when the case came before the Committee, to have met with any definite reply pledging the Government. Since then, the negotiations undertaken, which the Committee had hoped would be successful before September 1930, have given no results. The Committee is accordingly of opinion that the Council should now proceed to appoint the arbitrators requested by the company.

Appendix 5.

APPLICATION BY THE HALAS BACSALMAS-RIGYICZA LOCAL RAILWAY COMPANY.

REPORT.

The Council of the League of Nations has asked the Advisory and Technical Committee for Communications and Transit for a report to assist it in taking a final decision on the application submitted under Article 304 of the Treaty of Trianon by the Halas Bácsalmas-Rigyicza Local Railway Company.

After studying the application, the Committee considered that it was unnecessary for

the Council to examine it until it was certain that a friendly agreement could not be reached

between the parties concerned.

From information received by the Committee it appears that negotiations are at present in progress between the Yugoslav Government and the petitioning company. A reasonable

period should be left to permit of these negotiations being pursued.

The Committee accordingly considers that it would be advisable for the Council to postpone the examination of the petition until its session of September 1930. If no friendly agreement is reached before this session, the Committee will make a supplementary report to the Council in good time.

[C.C.T.441(1).]

Appendix 6.

APPLICATION BY THE HALAS BACSALMAS-RIGYICZA LOCAL RAILWAY COMPANY.

SUPPLEMENTARY REPORT.

The Council of the League of Nations has asked the Advisory and Technical Committee for Communications and Transit for a report to assist it in taking a final decision on the application submitted under Article 304 of the Treaty of Trianon by the Halas Bácsalmas-Rigyicza Local Railway Company.

The questions which the Committee thus has to consider are in the nature of previous

questions. It is not for the Committee to examine the substance of the dispute between the petitioning company and the Yugoslav Government, but simply to consider whether the Council should take a decision regarding the request for arbitration. If arbitrators are appointed, it will be for them alone to examine the substance of the dispute.

If the conditions laid down in this article are fulfilled, the Council is obviously obliged to appoint arbitrators in virtue of Article 304 of the Treaty of Trianon. The Committee,

adopting this point of view, decided that it should consider separately:

(1) Whether the nature of the dispute was such as to bring it within the scope of Article 304, and

(2) Whether, in conformity with the terms of Article 304, according to which the arbitration in question only applies to differences "on which agreement is not reached", there was no prospect of an agreement being reached.

The first question was mainly a question of interpretation of the Treaty, and the second one of appreciating the actual position of negotiations.

As to the first point, the Committee considers that there can be no doubt that the difference in question comes, as a whole, within the scope of Article 304. This article is absolutely imperative. It lays down in all cases that the administrative and technical re-organisation of the railroads of the former Austro-Hungarian Monarchy owned by private companies and henceforward situated in the territory of several States shall be regulated in each instance by an agreement between the owning company and the States territorially concerned, this provision not being subject to any condition.

As regards the second point, the company's overtures did not seem, up to the moment

when the case came before the Committee, to have met with any definite reply pledging the Government. Since then, the negotiations undertaken, which the Committee had hoped would be successful before September 1930, have given no results. The Committee is accordingly of opinion that the Council should now proceed to appoint the arbitrators requested by the committee.

by the company.

Appendix 7.

APPLICATION OF THE DRAVAVÖLGY (KISKÖSZEG-SIKLOS-BARCS) LOCAL RAILWAY COMPANY.

REPORT.

The Council of the League of Nations has asked the Advisory and Technical Committee for Communications and Transit for a report to assist it in taking a final decision on the application submitted under Article 304 of the Treaty of Trianon by the Dravavolgy

(Kisköszeg-Siklos-Barcs) Local Railway Company.

After studying the application, the Committee considered that it was unnecessary for the Council to examine it until it was certain that a friendly agreement could not be reached

between the parties concerned.

From information received by the Committee, it appears that negotiations are at present in progress between the Yugoslav Government and the petitioning company. A reasonable

period should be left to permit of these negotiations being pursued.

The Committee accordingly considers that it would be advisable for the Council to postpone the examination of the petition until its session of September 1930. If no friendly agreement is reached before this session, the Committee will make a supplementary report to the Council in good time.

[C.C.T.445(1).]

Appendix 8.

APPLICATION BY THE DRAVAVÖLGY (KISKÖSZEG-SIKLOS-BARCS) LOCAL RAILWAY COMPANY.

SUPPLEMENTARY REPORT.

The Council of the League of Nations has asked the Advisory and Technical Committee for Communications and Transit for a report to assist it in taking a final decision on the application submitted under Article 304 of the Treaty of Trianon by the Dravavölgy (Kisköszeg-Siklos-Barcs) Local Railway Company.

The questions which the Committee thus has to consider are in the nature of previous questions. It is not for the Committee to examine the substance of the dispute between the petitioning company and the Yugoslav Government, but simply to consider whether the Council should take a decision regarding the request for arbitration. If arbitrators are appointed, it will be for them alone to examine the substance of the dispute.

If the conditions laid down in that article are fulfilled, the Council is obviously obliged to appoint arbitrators in virtue of Article 304. The Committee, adopting this point of view, decided that it should consider separately:

- (1) Whether the nature of the dispute was such as to bring it within the scope of Article 304, and
- (2) Whether, in conformity with the terms of Article 304, according to which the arbitration in question only applies to differences "on which agreement is not reached", there was no prospect of an agreement being reached.

The first question was mainly a question of interpretation of the Treaty, and the second

one of appreciating the actual position of negotiations.

As to the first point, the Committee considers that there can be no doubt that the difference in question comes, as a whole, within the scope of Article 304. This article is absolutely imperative. It lays down in all cases that the administrative and technical reorganisation of the railroads of the former Austro-Hungarian Monarchy owned by private commonics and honorforward situated in the territory of saveral States shall be regulated in companies and henceforward situated in the territory of several States shall be regulated in each instance by an agreement between the owning company and the States territorially

concerned, this provision not being subject to any condition.

As regards the second point, the company's overtures did not seem, up to the moment when the case came before the Committee, to have met with any definite reply pledging the Government. Since then, the negotiations undertaken, which the Committee had hoped would be successful before September 1920, have given no results. The Committee is would be successful before September 1930, have given no results. The Committee is accordingly of opinion that the Council should now proceed to appoint the arbitrators requested

by the company.

Appendix 9.

APPLICATION OF THE ZSEBELY-CSAKOVAR-BOKA LOCAL RAILWAY COMPANY.

REPORT.

The Council of the League of Nations has asked the Advisory and Technical Committee for Communications and Transit for a report to assist it in taking a final decision on the application submitted under Article 304 of the Treaty of Trianon by the Zsebely-Csákóvár-

Boka Local Railway Company.

After studying the application, the Advisory and Technical Committee considered that it was unnecessary for the Council to examine it until it was certain that a friendly agreement

could not be reached between the parties concerned.

From information received by the Committee, it appears that negotiations are at present in progress between the Yugoslav Government and the petitioning company. A reasonable period should be left to permit of these negotiations being pursued.

The Committee accordingly considers that it would be advisable for the Council to postpone the examination of the petition until its session of September 1930. If no friendly agreement is reached before this session, the Committee will make a supplementary report to the Council in good time.

[C.C.T.443(1).]

Appendix 10.

APPLICATION BY THE ZSEBELY-CSAKOVAR-BOKA LOCAL RAILWAY COMPANY.

SUPPLEMENTARY REPORT.

The Council of the League of Nations has asked the Advisory and Technical Committee for Communications and Transit for a report to assist it in taking a final decision on the application submitted under Article 304 of the Treaty of Trianon by the Zsebely-Csákóvár-Bóka Local Railway Company.

The questions which the Committee thus has to consider are in the nature of previous

questions. It is not for the Committee to examine the substance of the dispute between the petitioning company and the Yugoslav Government, but simply to consider whether the Council should take a decision regarding the request for arbitration. If arbitrators are appointed, it will be for them alone to examine the substance of the dispute.

If the conditions laid down in that article are fulfilled, the Council is obviously obliged, to appoint arbitrators in virtue of article 304. The Committee, adopting this point of view,

decided that it should consider separately:

(1) Whether the nature of the dispute was such as to bring it within the scope of Article 304, and

(2) Whether, in conformity with the terms of Article 304, according to which the arbitration in question only applies to differences "on which agreement is not reached", there was no prospect of an agreement being reached.

The first question was mainly a question of interpretation of the Treaty, and the second

one of appreciating the actual position of negotiations.

As to the first point, the Committee considers that there can be no doubt that the difference in question comes, as a whole, within the scope of Article 304. This article is absolutely imperative. It lays down in all cases that the administrative and technical reorganisation of the railroads of the former Austro-Hungarian Monarchy owned by private companies and henceforward situated in the territory of several States shall be regulated in the territory of several states shall be regulated in the territory of several states shall be regulated in the territory of several states shall be regulated in the territory of several states shall be regulated in the territory of several states shall be regulated in the territory of several states shall be regulated in the territory of several states shall be regulated in the territory of several states shall be regulated in the territory of several states shall be regulated in the territory of several states shall be regulated in the territory of several states shall be regulated in the territory of several states shall be regulated in the territory of several states shall be regulated in the territory of several states shall be regulated in the territory of several states shall be regulated in the territory of several states shall be regulated in the territory of several states shall be regulated in the several states are several states as a several states are several states. each instance by agreement between the owning company and the States territorially

concerned, this provision not being subject to any condition.

As regards the second point, the company's overtures did not seem, up to the moment when the case came before the Committee, to have met with any definite reply pledging the Government. Since then, the negotiations undertaken, which the Committee had hoped would be successful before September 1930, have given no results. The Committee is accordingly of opinion that the Council should now proceed to appoint the arbitrators requested

by the company.

Appendix 11.

APPLICATION BY THE GYULAVIDEK LOCAL RAILWAY COMPANY.

REPORT.

The Council of the League of Nations has asked the Advisory and Technical Committee for Communications and Transit for a report to assist it in taking a final decision on the application submitted under Article 304 of the Treaty of Trianon by the Gyulavidek Local Railway Company.

The questions which the Committee thus has to consider are previous questions. It is not for the Committee to examine the substance of the dispute between the petitioning company and the Roumanian Government, but simply to consider whether the Council should take a decision regarding the request for arbitration. If arbitrators are appointed, it will be for them alone to examine the substance of the dispute.

If the conditions laid down in this article are fulfilled, the Council is obviously obliged to appoint arbitrators in virtue of Article 301 of the Treaty of Trianon. The Committee, adopting this point of view, decided that it should consider separately:

- (1) Whether the nature of the dispute was such as to bring it within the scope of Article 304, and
- (2) Whether, in conformity with the terms of Article 301, according to which the arbitration in question only applies to differences " on which agreement is not reached ' there was no prospect of an agreement being reached.

The first question was mainly a question of interpretation of the Treaty, and the second,

one of appreciating the actual position of negotiations.

As to the first point, the Committee considers that there can be no doubt that the difference in question between the petitioning company and the Roumanian Government comes as a whole within the scope of Article 304 of the Treaty of Trianon. This article is absolutely imperative. It lays down in all cases that the administrative and technical re-organisation of the railroads of the former Austro-Hungarian Monarchy owned by private companies and henceforward situated in the territory of several States shall be regulated in each instance by an agreement between the owning company and the States territorially concerned, this provision not being subject to any condition.

As regards the second point, the negotiations undertaken, which the Committee had hoped would be successful before September 1930, have given no results. The Committee is accordingly of opinion that the Council should now proceed to appoint the arbitrators requested by the company.

[C.C.T. 153 Annex.]

Appendix 12,

GRAVE OCCURRENCES OF A GENERAL CHARACTER AFFECTING ROUTES OF COMMUNICATION.

I. DRAFT RECOMMENDATION.

The General Conference on Communications and Transit considers it desirable that, in the event of grave occurrences of a general character affecting routes of communication, all necessary steps should be taken to lessen the effects of such occurrences on international traffic.

It is of opinion that, should a grave occurrence of a general character interrupt international traffic through the territory of one or more States, those States whose lines could be of help in re-establishing the interrupted traffic should co-operate, each in its own territory, in the re-establishment of such traffic. It should be understood that, subject to the provisions of international undertakings concerning transport by rail, traffic would, as far as possible, and as far as is compatible with the interests of the passengers or goods carried, be forwarded by a new route involving the shortest possible detour.

In addition, consideration should be given to any suitable plan for using the transport services (other than railways), operated by the State, under concession or with its authority,

in order to facilitate the resumption of traffic.

II. DRAFT ADDITIONAL PROTOCOL TO THE CONVENTION ON THE INTERNATIONAL REGIME OF RAILWAYS.

The Governments of the States contracting parties to the Convention on the International Regime of Railways, signed at Geneva on December 9th, 1923, whose representatives, being duly authorised, have appended their signatures to the present Protocol,

Being desirous of facilitating the application of Article 7 of the Statute on the International

Regime of Railways and of supplementing its provisions,

Agree as follows:

Article 1.

Should a grave occurrence of a general character interrupt international railway traffic through the territory of one or more contracting States, those of the contracting States whose lines can be of help in re-establishing the interrupted traffic shall co-operate, each in its own territory, in the re-establishment of such traffic.

Article 2.

Subject to the provisions of international undertakings concerning transport by rail, traffic shall, as far as possible and as far as is compatible with the interests of the passengers or goods carried, be forwarded by a new route involving the shortest possible detour.

Article 3.

In the cases contemplated in Article 1 above, the contracting States shall, with a view to assisting in the re-establishment of traffic, take the steps required to obtain the assistance of transport services, other than railway services, operated by the State, under concession or with its authority.

Article 4.

The provisions of the present Protocol are to be construed as subject to Articles 29, 30, 32, 43 and 44 of the Statute on the International Regime of Railways.

[Distributed to the Council and the Members of the League.]

Official No.: C. 331. M. 134, 1930. VIII-Extract.

[C.C.T. (14th Session) P.V.]

Geneva, July 15th, 1930.

LEAGUE OF NATIONS

Advisory and Technical Committee for Communications and Transit.

EXTRACT FROM THE MINUTES OF THE FOURTEENTH SESSION

relating to the Discussions on the

REPORT OF THE SPECIAL COMMITTEE ON QUESTIONS OF COMPETITION BETWEEN RAILWAYS AND WATERWAYS.

FOURTH MEETING

Held on Thursday, March 13th, 1930, at 10 a.m.

Chairman: M. HEROLD.

Present: All those who attended the preceding meeting, except M. Poppius. There were also present: M. E. F. Heckscher, Professor at the University of Stockholm, Chairman of the Special Committee on Competition between Railways and Waterways, and M. J. DE Ruelle, Legal Adviser to the Ministry of Foreign Affairs, temporary member appointed by the Belgian Government.

Secretariat: M. Haas (Secretary-General of the Committee), M. Romein, M. Metternich, M. Lukač and Mr. Tombs.

XX. Report of the Special Committee on Questions of Competition BETWEEN RAILWAYS AND WATERWAYS 1 (Item 9 of the Agenda).

(M. Heckscher and M. de Ruelle came to the table of the Committee.)

M. Heckscher pointed out that the question was raised for the first time in a report by Mr. Walker D. Hines, who had received from representatives of river navigation on the Rhine and the Danube numerous complaints against the competition of the railways. He had pointed out that the question was too complex for him to study in detail. The Advisory Committee had then appointed a Committee to examine it. That Committee had collected

⁴ Document C.127.M.43.1929.VIII. ⁸ Documents C.444(a).M.164.1925.VIII and C.444(a).M.164(a).1925.VIII.

the opinions of those concerned, and had itself taken account of tha facts, drawing to a great extent on the existing statistics. The main points of its enquiries and the conclusions at

which it had arrived were contained in the report now before the Committee.

Unfortunately, the Committee had been obliged to limit its examination, on account of the lack or inadequacy of certain information. The statistics for the Danube were extremely meagre and in general were not comparable with pre-war statistics owing to the frontier changes which took place after the war. For the Rhine, the Committee had only inadequate information for France and Belgium. In addition, it was very difficult to base any conclusion on the statistics of those two countries, since they had been rendered unreliable by reason of fluctuations in exchange. The Committee was thus obliged to confine itself to studying the situation in Germany. It was there, however, that the problem was most urgent, though doubtless the situation in Germany had its counterpart on the other side of the Rhine.

The Committee had also confined itself, but in that case voluntarily, to questions of an international character. Competition between German navigation companies on the Rhine and the Reich Railways did not concern the League of Nations. The Committee had concentrated its attention on competition between German seaports and the seaports of

other countries, which appeared to be the crux of the situation.

M. Heckscher pointed out that the relative position of waterways and railways had not changed to any great extent since the war. A comparison of the tonnage showed that the waterways had a slight advantage. At the same time, if the details were examined, a certain number of changes could be observed. The number of kilometric tons transported by water had decreased. The transport of coal down the Rhine had increased considerably, it was true, but upstream traffic had decreased generally; and between Bremen and Hamburg and southern Germany a new railway traffic had sprung up.

It seemed clear that the German railways and, to some extent the French and Belgian railways, preferred direct rail traffic to combined rail and water traffic. The situation at the river port of Rotterdam remained good, but the river ports of southern Germany, and in particular Mannheim, had suffered greatly and had protested strongly. All those concerned in the presperity of river traffic in the above districts considered that the unfavourable position in which they found themselves proved that the policy followed by the railways

was bad.

The Committee did not adopt that point of view. It could not admit that there existed any indefeasible right to a position once acquired. The fact that the traffic at such ports was not what it had been in 1913 was not enough to condemn the measures taken by the railways. The only general rule which would enable the fairness of any particular measure to be judged could be expressed as follows: tariffs should be calculated in such a manner as to give the best possible result in transportation; in all cases they should cover the additional cost of transport; the tariffs should ensure the same surplus to the railway in either case. On that basis of calculation the trader would be able to choose the least expensive, when each offered the same advantages from the point of view of transport and, if one route offered greater advantages, account could be taken of that fact.

That principle would not appear to be difficult to apply. It simply involved a great knowledge of the real costs of transport. The German railways had studied the question very closely, but only very general figures had been published, and in the absence of certain information the Committee had experienced numerous difficulties in arriving at practical The Committee had examined one instance of competition which could be considered characteristic, since attention had been drawn to it in a memorandum of the Chamber of Commerce of Mannheim and it had been later criticised by Dr. Spiess, one of the Directors of the German Reich Railways. It was the case of the transport of paper from Albbruck on the Baden-Swiss frontier to Bremen on the one hand and Mannheim on the other. The distance between Albbruck and Bremen was 836 kilometres and that between Albbruck and Mannheim 305 kilometres. Nevertheless, the absolute amount (not only the amount per kilometre) to be paid for transport by rail was higher via Mannheim than via Bremen. The explanation of the railway administration was that, even if transport via Mannheim were facilitated on such a basis as would give the railway company the same surplus on that line as on the competing one, the port of Mannheim would not be able to acquire the traffic because the combined transport by rail and water would, in fact, be more expensive than on the all-rail route to Bremen. It was difficult, at first sight, to accept that assertion; and, if it were correct, no harm would be done by quoting a rate which would give the same surplus on both routes. Why were not traders given the choice?

It seemed obvious that the policy followed was not in the interest of the German railways. It had been said that the Dawes Plan involved the Reichsbahngesellschaft in the necessity of carrying as much traffic as possible. Its interest, however, and that of reparations, was to earn as much as possible, which was quite a different proposition, e.g., wagons employed for transport between Albbruck and the North Sea ports were used for a longer period for the same goods than if they were used on the route to Mannheim, and no railway interest appeared to be favoured by that.

The real reason was that the German railway authorities were not actuated only by commercial considerations, but also, and above all, by considerations of national policy, which had nothing to do with the working of the railways. It was not a question of competition between railways and waterways, but of competition between German seaports and the ports of other countries where the railway problem did not arise. The attitude of the German authorities in favouring German seaports was no doubt legitimate. It was none the less true that that should be done, if at all, in a way which made it clear to everyone what was going on; and that could only be achieved by granting actual bounties to traffic passing through them, instead of directing traffic over a more expensive route with the aid of railway rates not based upon additional cost of carriage.

The Committee recommended:

- (1) In rate-making, the self-cost of working should always be considered (Germany was in an exceptional situation in that connection, as she had the benefit of the work of several experts in particular, Dr. Tecklenburg);
- (2) The users should be able to employ the cheaper route if it offered the same commercial advantages;
- (3) If it was desired to lead traffic in a certain direction, it should be done by means of bounties and not by railway tariff modifications.
- M. Heckscher did not wish to dwell on the question of competition between railways and waterways from the point of view of France and Belgium. There was little exact information on that subject, and the situation was not serious. It could therefore be left on one side.

The Chairman desired to thank M. Heckscher and to congratulate him on the excellent work he had accomplished in collaboration with Mr. Dillon and M. Eberhardt.

M. Seeliger congratulated Professor Heckscher on the report of the Special Committee over which he had presided and on the very clear statement which he had just made. He appreciated its complete objectivity, and his sole regret was that, owing to the lack of the necessary information, the report only dealt with the problem of competition between the Rhine river navigation and the railways from the German side.

He recalled that the question was raised in Mr. Walker D. Hines' report which was

based on complaints coming from the navigation undertakings.

Competition between railways and waterways had existed from the time when the first railways had begun to function. Everywhere and at all times inland navigation had complained of the railways. It was somewhat amusing to recall that in 1850 the Ithine navigation had complained that, if the railways continued to develop to the same extent as

hitherto, the navigation companies would be obliged to suspend operations.

M. Seeliger was very glad to note that in studying the question of competition between railways and waterways, the Committee had recognised in general that that competition was in reality a national question. Obviously it could have international repercussions, but the international interest was not injured by the fact that a railway administration, by introducing reduced tariffs, established a second possibility in addition to traffic by waterways, and in fact opened up the possibility of greater activity. What, in fact, was it desired to protect; the interests of the means of transport or the interest of the traffic itself? The policy followed by the railways had given a new impulsion to goods traffic. Competition between seaports and river-ports had contributed to the development of trade at those ports, in spite of competition. Moreover, in regard to railway rate-making the administrations had not as free a hand as M. Heckscher's statement might lead one to suppose. Tariff reductions on one line had to be compensated by increases on another. No railway administration could, in the long run, afford to lose its running expenses. But, whenever railways raised their tariffs, they were faced with the competition of other means of transport; inland navigation, the coasting trade, and, at the present time, motor transport. When the railways wished to increase certain rates excessively, they came up against the barrier of competition. The railways were thus obliged to act with prudence.

In regard to national policy which had been so much criticised by the Committee, M. Seeliger said that every State must endeavour to obtain for itself as large a share as possible in world traffic by encouraging the exchange of goods. But, in the first place, it was imports and exports which were benefited by preferential rates granted to the scaports. The German railway policy had never been designed to injure foreign scaports. The present situation was not the result of any particular measure taken; it was rather a consequence of the fact

that the economic system of a country formed one whole.

M. Seeliger then considered the suggestion made in the report that tariffs should in all cases cover the additional cost of transport and that, in that connection, it was necessary to choose, as between two routes, the one which gave the best result for the lowest cost. He stated that the German railway administration would never contemplate attracting traffic to certain lines by means of special tariffs. It was obliged to publish all its tariffs, and the criticisms from economic circles to which it was always exposed made necessary the explanation, for the benefit of public opinion, of the motives which had actuated it in fixing these tariffs.

M. Seeliger was unable to admit the justice of the arguments in all their details raised in the report and by M. S. Heckscher in his statement. It was natural that even so eminent an expert, who was so well qualified and so rich in experience, should find difficult the extremely complicated machinery of the German railways. That admitted, however, his report was a very valuable contribution to the study of the problem of competition between

railways and waterways.

M. DJOURITCHITCH associated himself with the words of the Chairman and M. Seeliger in expressing gratitude to the Committee for its useful and conscientious work. He hoped that the Committee would not make reservations on the value of the statistical and other

information contained in the report. It was a tradition that it should accept the work of the committees of competent experts which it constituted. On the other hand, it was for the Committee to see whether or not it could adopt as its own the conclusions of the Special

Committee's report.

The first of those conclusions and the most important for the Committee was that inland navigation had not greatly suffered from the competition of the railways, which thanks to a system of decreasing tariffs had succeeded in attracting a certain amount of traffic. a system of decreasing tarilis had succeeded in attracting a certain amount of traine. The establishment of those tariffs, however, was justified in view of the fact that the self-cost was much smaller when the distances traversed were longer. The rates might be based on incorrect computations, but it would be impossible to verify them in each case. Thus changes from one route to another had affected in particular certain river ports, but those changes were of an almost entirely national character. It could be seen, therefore, that the fears expressed by Mr. Hines had no basis. Consequently the Committee could adopt as its own that conclusion of the experts' report.

The Committee had made use of a great number of recent documents in proposing an international tariff policy which would permit of the almost total suppression of competition. Its work had furnished very interesting observations and would enrich the

science of transport.

However, even if they adopted the Committee's point of view, the report was incomplete; it mentioned the harmful competition due to tariff policy, but failed to mention investment policy and new works, although these also resulted in competition, the value of certain invested policy and new works, although these also resulted in competition, the value of capital being destroyed by the investment of other capital which might have been used for more useful purposes. Such investment policy already contained the nucleus of all tariff policies and was frequently advanced in justification of the latter. Unfortunately, public funds were often employed within a State in putting two routes into competition. It was funds were often employed within a State in putting two routes into competition. It was easy to see what difficulties would arise if an attempt were made to control this policy from the point of view of the international interest as the international problem was still more complicated. Even if there were perfect co-ordination within each country in this particular field, no attempt could be made to co-ordinate on international lines without taking into consideration all the economic interests of each country.

In rate-making, the calculation of partial self-cost and of additional cost was obviously essential and was indispensable to good administration. The Committee had seen fit to recommend that all railway tariffs should be put to the test of a comparison with their actual

self-costs and that no tariff should be fixed higher than its partial self-cost.

These sound principles governing the commercial exploitation of railways and national economy were not always carried out integrally in the tariff policy of the individual countries, because they were combined with other principles, exigencies or working methods connected with the economic system of the country in question. Might it not therefore be premature to insist that they should be applied in the international field?

Moreover, the value of partial self-cost was indeterminate and differed from one form of transport to another, frequently reaching vanishing-point for the railway; any attempt to check the application of such values (supposing such a course were recommended or imposed)

would therefore be illusory.

At the present juncture, in the international field above all, only measures which were clear, definite and unquestionable, and which could be checked in their application should be recommended.

With a view to removing the uncertainty which prevailed in reference to the determination of actual partial self-cost, the Committee had taken as its basis the expenditure incurred in respect of one supplementary train-kilometre. Leaving out of account the element of uncertainty in this new idea, they could see that, although it might be convenient and suitable for use in economic studies of railway administration, it was nevertheless only an average and therefore was never the same as the actual value, which alone should be taken into

account in the cases they dealt with.

Railways had an advantage over waterways in the matter of tariff competition, because the partial self-cost was usually extremely low. This advantage was counterbalanced by the enormous initial outlay and the necessity for having tariffs which were fixed publicly in advance and applicable to all comers on the same footing. The advantage of waterways (in so far as their use was not restricted by competition) was that they could apply to the various categories of transport any tariff they wished, provided that the traffic could bear it. By forcing a railway to calculate its partial self-cost on the basis of the costs of a supplementary train, and by forcing it to keep in all cases its cost of transport higher than the cost price resulting therefrom, they should, as a rule, be making the railways lose to shipping interests, if the latter were interested in the traffic, all traffic for which it was not necessary to introduce supplementary trains, and for which the actual self-cost would naturally necessary to introduce supplementary trains, and for which the actual self-cost would naturally be lower than the self-cost calculated in accordance with the proposed method. in which the waterways were not interested would become impossible, although the railways might have been able to carry it with a margin of profit.

Again, the shipping interests would still enjoy the advantage of being able to fix their

rates as they wished in each individual case (because they could not be prevented from doing so, and these rates were not published and might often be lower than the partial self-cost where the interests concerned wished to secure or retain certain traffic, or to give preferential

treatment to certain ports or other interests.

M. Djouritchitch did not need to dwell at great length on the vagueness of the Committee's recommendation concerning the cheapest routes.

He would therefore sum up his opinion on the last two recommendations of the Committee.

They presented certain drawbacks owing to the vagueness of their contents and to the fact that they dealt prematurely with certain methods that formed part of the general economic policy of each country and that could not be treated in isolation: the recommendations could therefore hardly be adopted by the Committee for immediate application.

He nevertheless recognised the great value of the Committee's work, which would enrich

one of the most important branches of the science of transport.

M. Schlingemann would be glad to have some explanations on the question of additional cost. He understood what was meant by the term but feared that in attaching too much importance to the calculation of additional costs as a tariff basis there was a danger that new means of transport would be benefited to the detriment of the old. Indeed, if a part of the amortisation of the invested capital was not charged to the new means of transport, tariffs could be maintained, at any rate for some time, at very low levels, as a means of

propaganda.

M. Seeliger had said, on the other hand, that competition between railways and waterways was a permanent fact. That was true. The existence of such competition was not a danger to the world, but rather an advantage. It was, however, important to see how it was carried out. The railways had facilities which they did not possess in 1850, but which they had obtained by reason of their de facto or de jure monopoly. They could, if they wished, penetrate to all parts of a territory, but the waterways were unable to do so, and had to follow a route which was always more or less imposed on them by nature. Consequently, it was not so much a question of competition between waterways and railways as of competition between combined transport by water and rail on the one hand and rail transport on the other. The railways could always have the advantage in that competition. It was to the interest of everyone that they should not abuse their situation. In the first place, it was a national question, but there was a certain interdependence in the economy of the various countries which made it also of world interest. From the international aspect, what advantage was there in forcing traffic to leave its natural route in order to favour a particular port?

As to the question of self-cost, it was natural that the railways should always take it into account, and should not attempt to carry goods at a price lower than self-cost. Nevertheless, as a result of their monopoly which sometimes enabled them to gain on certain transport operations what they lost on others, they might be tempted to dispense with that rule and to adopt tariffs favouring a particular port which did not benefit the world as a Consequently the problem dealt with by the Committee over which M. Heckscher

had presided was pre-eminently of an international nature.

M. Silvain Dreyfus admired the Committee's report and M. Heckscher's statement, as well as the clearness and skill with which M. Seeliger had defended the German Bailway Administration.

M. Seeliger had recalled that navigation had always complained of the railways. should not be forgotten, however, that the converse was also true, and it could be said that

the railways were in the habit of complaining of the competition of navigation.

M. Seeliger had observed, moreover, that international interests were not injured by the facilities given to certain seaports. That, however, was only one side of the question. The "Hines" report raised, above all, the question of competition between railways

and waterways.

M. Seeliger had said that it would be difficult for the railways to lower their rates on certain lines and to seek compensation elsewhere. It would certainly be difficult but would not be impossible. As M. Schlingemann had said, the railway went everywhere, while the waterways were strictly limited by nature. It could be supposed that railways would profit by that situation to raise their rates where there was no competition from the waterways and to lower them elsewhere. Such a policy might lead to the ruin of certain water traffic. It would then no longer be a question of competition between two means of transport but of the disappearance of one of them. That would injure the interests of the public.

M. Silvain Dreyfus recalled that in the preceding year the Advisory Committee had considered whether it should discuss the question of competition between railways and waterways and had decided to do so. It was important now to decide whether, as a result of the Advisory Committee's discussions and decisions, account being taken of the reserves made both in the Minutes and in the resolutions, the Special Committee's report should become the report of the Advisory Committee itself, or whether the members of the latter Committee

should simply be called upon to give their opinion on its conclusions.

M. Silvain Dreyfus considered that the first solution would be the better. There were, in the body of the report, extremely useful and interesting observations and considerations.

An examination of the report showed, however, that it was often difficult to interpret the tariffs. Thus, for example, on page 27, the report spoke of "special tariffs applicable to goods exported or imported through the French Channel or North Sea ports". however, the reduction of 10 per cent on goods exported was a general reduction which applied equally to exports by land and by sea. In the conclusions on page 28, the Committee quoted special tariffs which would appear to exercise, at any rate on certain districts, a direct influence on Rhine navigation. But the special tariffs mentioned in section 1 of the conclusions applied to the export of products emanating from the northern districts and destined to be transported by sea either by ships from America or from the Canary Islands. It was not clear how, at any moment, the Rhine could be utilised for the transport of these products. On page 172 would be found a table "summarising the measures taken by the French railway systems in respect of goods exported or imported through the Channel and

North Sea ports". Among the tariffs quoted under "A" only eight had been conceded on the plea of defence against inland navigation. For example, Tariff P.V.No.5/105 (molasses), Tariff P.V.No.9/109 (carriage of baulks of rough timber, etc.) and Tariff P.V.No.9/109 (carriage of rough rattan wood), were designed to combat competition on the Scine. It was also the competition of the waterways which led to the creation of tariffs P.V.No.10/110 and No.11/111. They were not tariffs for the purpose of favouring French ports to the detriment of foreign ports. Tariff P.V.No.29/129 (special arrangements for carriage of goods consigned in lift-vans from any station on the Est or Nord system to any seaport station on the Nord system or nice nersa) was intended to offset the competition seaport station on the Nord system or vice versa) was intended to offset the competition of motor transport. Finally, the direct Paris-London tariff mentioned in B (International Tariffs) was simply the result of the assimilation of English and French home tariffs.

In the conclusions of the report it was stated that the railways should never carry goods at a price lower than the self-cost of transport; this was an excellent method, but the great difficult lay in the uncertainty which surrounded the computation of "additional costs It might perhaps be possible to adopt also another principle, which was often employed by the French organisations which were concerned with tariffs (High Administration of the Railways, etc.) when establishing rates in cases in which water and rail transport were in competition. That principle consisted in taking as a point of departure the self-cost of the waterway and adding thereto, for the purpose of fixing the railway tariff, a certain percentage intended to cover the advantages of speed and regularity afforded by the railway.

Both these methods should be taken into consideration, while admitting the impossibility of adopting absolute rules applicable to all kinds of transport. Each individual case should be considered separately. It should be possible to arrive at reasonable solutions if the general

observations which had just been made were borne in mind.

M. Sinigalia wished to associate himself with the appreciation expressed by the members of the Committee with regard to the report of the Special Committee presided over by Professor Heckscher. He agreed with the observations of M. Silvain Dreyfus, especially the last.

M. DE RUELLE drew attention to the fact that, in the report, Belgium — in extenuating circumstances, it was true - was included among those countries which had adopted a tariff policy calculated to handicap the waterways by establishing tariffs entirely in favour of the railways. In view of the small area of Belgium and the lack of points of contact between Belgium and the Rhine, that reproach did not appear to be entirely deserved. The object of the tariffs was, indeed, to facilitate the sending, via Antwerp, of goods from the natural hinterland of the port of Antwerp. Combined tariffs for combined rail and water transport were hardly justified in Belgium, but, nevertheless, tariffs had been established in favour of combined transport. For example, Lorraine ores destined for the Ruhr were brought to Antwerp at a moderate tariff, which enabled them to proceed to the Ruhr via Antwerp and the Rhine.

M. de Ruelle supported M. Schlingemann's statement that in economic matters competition was no doubt an element of progress, but, as M. Schlingemann had also pointed out, there was, apart from competition which was admissible and justifiable, another kind of competition which was open to criticism and could almost be called unfair. In the latter case it was not, strictly speaking, a case of competition between railways and waterways, but rather of competition between the ports themselves. In that connection, M. Heckscher had put forward a solution which the Advisory Committee should not merely file in the archives of the Communications and Transit Section, but should keep in mind in view of its future studies.

M. Heckscher thanked the Committee for its kind appreciation of his report; he had been prepared for much more adverse criticism.

In regard to the documentation, he would reply to M. Silvain Dreyfus that it had been practically impossible for the Committee to study the French and Belgian tariffs thoroughly;

it had confined itself to reproducing them as they were received.

M. Silvain Dreyfus had spoken of the uncertainty in regard to the calculation of self-cost and additional cost. He, M. Heckscher, recognised the justice of that observation, but had been unable to find a more efficacious principle than that adopted. He considered Dr. Tecklenburg was guite right in saving. Dr. Tecklenburg was quite right in saying:

"Still, for the railway, as well as for every other industrial undertaking, a knowledge of its self-cost is indispensable; it needs it in the first place for judging its internal efficiency. . . . And it needs it as a basis for its rate policy. A solution must consequently be found, and can also be found, in spite of all difficulties, if that principle is taken as a guide that there is no question of computing the rail cost of principle is taken as a guide that there is no question of computing the self-cost of each particular transport service on the basis of mathematically exact figures, but that it amounts to creating a picture which is true to life within reasonable limits and which makes it possible for the administration to base its decisions upon a judgment of facts which corresponds to the realities."

That was, in fact, the basis adopted by the German Railway Administration in calculating the cost of transport. It would be a pity not to make use of it in rate-making. M. Heckscher agreed with M. de Ruelle that there must be competition between the railways and the waterways. He considered, however, that, in order to be healthy, it should be based on an evaluation of the additional costs of transport.

He had not entirely followed M. Silvain Dreyfus when the latter had said that in estimating tariffs, a percentage should be added to the additional cost, in the case of railways, which would represent the advantages of speed and regularity of rail traffic. That was a problem for the trader. It was for him to decide of which route he would make use, whether he preferred to take into account the cost of carriage or regularity and speed.

On the other hand, M. Heckscher could understand very well M. Seeliger's point of view, that each country had to endeavour to attract to itself the greatest possible share of world trade. It was none the less true that if, in order to attract such trade, the railways were willing to lose on certain lines, someone had to bear the cost. Probably it would not be foreign countries which suffered, but certain German interests.

The railway administrations should do all they could not to obscure the problems, and to permit the effects which tariffs could have on the different branches of their economy to be seen clearly. But the only means of arriving at such a clear situation, if it were desired to give preference to one particular route over another, was by means of bounties.

M. Heckscher considered, moreover, that the policy followed by the railways in the case

of the paper transports between Albbruck and Bremen led to a clear loss for the German railways, their wagons gaining less by being prevented from going to Manuheim, though they would then be in use for a shorter period.

In concluding, M. Heckscher stated that the work carried out by the German Railway Administration in establishing the self-cost of transport was of primary importance, and he hoped that the Committee would encourage the continuation of that enquiry,

M. Seeliger was not sufficiently expert to give a reply on the question of carriage from Albbruck to Mannheim, but he would endeavour to find out the main reason which had actuated the railways. So far as he remembered the discussion, it was to the effect that the problem was so complicated, that so many elements entered into rate-making, that it was extremely difficult to detach the question from the framework of the commercial policy of each country.

On the other hand, he would point out that M. Heckscher, in asking that every preferential system should be based on the granting of bounties, had raised the question on to the moral plane. That was a very fine consideration, but it went beyond the present pre-occupations

of the Advisory Committee.

Sir John Baldwin stated the main point was to know whether the interests of consumers were unduly injured by certain measures of an artificial nature. He considered, on the other hand, that it would be very difficult to discover whether, in fact, the States which established such measures attained the results for which they hoped. Professor Heckscher had claimed that, in general, they did not. Sir John Baldwin thought that it would perhaps be interesting to pursue the study on a different basis. He believed that in the United States of America there existed many very detailed statistics which would bring nearer the solution

of the question.

He considered that the Committee should adopt the report, taking note of the inaccuracies pointed out by M. Silvain Dreyfus and the slight divergencies of opinion which had come to Attention could be drawn to those matters in the Minutes. Moreover, the Committee could recommend that the Special Committee should continue its enquiry in the direction he had just indicated. Finally, he would point out, in connection with the remarks on page 29 regarding Rhine traffic, that it was difficult for the ports of Rotterdam and Antwerp to enter into competition with the other ports by means of preferential tariffs. They were bound by international treaties, which did not admit of any discrimination on the basis of origin or destination. The duties imposed on the vessels and on goods in transit had to be based solely on the cost of the service rendered. They were, in fact, rather at a disadvantage.

M. Seeliger replied that the policy of all the great ports, when they desired to obtain the maximum trade possible, was to reduce their tariffs so far as possible. Thus, the treaties presented no danger for the ports in question.

The CHAIRMAN proposed that the Committee should ask the Bureau to prepare a draft resolution before the next meeting.

This proposal was adopted.

FIFTH MEETING

Held on Thursday, March 13th, 1930, at 5 p.m.

XXV. Report of the Special Committee on Competition between Railways and WATERWAYS (Item 9 of the Agenda) (continued).

M. Sinigalia said that he had been under the impression at the previous meeting that the discussion of this item had been brought to an end when Sir John Baldwin had proposed that the enquiry which had been made the object of the report in question should be continued. Sir John Baldwin had, in particular, referred to the possibility of combined transport, in the hope that an agreement between rail transport and river transport might put an end to the difficulties described in the report. M. Sinigalia thought that, apart from any question of expense, a new enquiry would take a very long time and that its results would be problematical. Competition between railways and waterways had numerous aspects, and the causes which determined them might be considered in very different ways according to circumstances. It would be difficult, therefore, to reach any general conclusion.

Sir John Baldwin had also referred to the situation in certain ports of Northern Europe.

If M. Sinigalia had properly understood his observations, that question appeared to be outside

the terms of reference of the Committee.

He did not wish to reopen the discussion which had enabled the various points of view to be clearly expressed. He would merely ask Sir John Baldwin to consider afresh whether the enquiry in question should be prolonged, and whether it would not be better to rest content with the valuable material collected by the Special Committee and with the very full discussion that had taken place at the previous meeting.

Competition had always existed and would always exist; if it did not do so, it would

be necessary to provoke competition for the general good of humanity. It could not, therefore,

be condemned, but care must be taken to see that it did not exceed reasonable limits.

The railway, which bore the main weight of the accusation, must examine its attitude in regard to the waterway transport undertakings which were competing with it, but it should not forget that those undertakings also provided it with a certain amount of its traffic. In conclusion, M. Sinigalia would offer this piece of advice to the Committee: "Allegretto, ma non troppo!"

The Secretary-General of the Committee said that the Committee was faced with a difficulty of procedure which was not insoluble. At the previous meeting, the Committee had been unanimous in considering the report submitted by the Committee presided over by Professor Heckscher to be an important piece of work and a valuable contribution to the solution of a question affecting European economy. It was obvious, on the other hand, that a detailed discussion of this report was materially impossible. In the interests of its scientific value it would be better to maintain it intest, without seeking to amond of its scientific value, it would be better to maintain it intact, without seeking to amend

it in any way in order to meet the views of members on any particular point.

The discussion which had taken place at the previous meeting was, in itself, a result which added to the value of the report. What the Committee had done was to associate itself, with a number of reservations made during the discussion, with the conclusions of the report. It should not, therefore, be difficult to draft a resolution in this sense, and this would be supported by the Minutes recording the discussion.

The question of an additional investigation remained to be considered. It would obviously not be necessary for the Committee to decide that the investigation should continue, unless it explained exactly in what that investigation should consist. In respect of the point raised by Sir John Baldwin concerning the information to be collected regarding special conditions in other continents, the Committee had always tried to complete the information it possessed by pursuing such studies. It would thus certainly be of interest at the moment, for example, as far as North America was concerned, to study the organisation of the Inter-state Commerce Commission. The information on the subject could be collected by the state Commerce Commission. The information on the subject could be collected by the Information Office and should not be lost sight of.

For the moment, the Committee should confine itself to examining the draft resolution

concerning the report.

Sir John Baldwin said that he wished to go beyond the desires of M. Sinigalia. The proposal of the Secretary-General of the Committee was more or less satisfactory. Personally, he thought it preferable for the question to remain on the agenda, in order that it might not be forgotten. It was a very important problem, the theoretical study of which might lead to interesting practical suggestions.

M. Schlingemann agreed with Sir John Baldwin in thinking that the question should remain on the agenda. The report, which was the result of very important work, was only the foundation-stone of a building whose future dimensions could not be gauged. Not only did the matter concern competition between two methods of transport, but it concerned also the economic side of transport. It was true that it would be necessary to collect an important amount of information but this was not sufficient. Conclusions must also be drawn important amount of information, but this was not sufficient. Conclusions must also be drawn from that information.

Consequently, M. Schlingemann proposed that the question should remain on the agenda and that the study of it might be entrusted to a sub-committee.

- M. Sinigalia wished to define the elements of discussion. The Committee had been instructed to examine the question of competition between railways and waterways in so far as navigation on the Rhine and Danube was concerned. It must put forward a resolution on this definite point. If the problem were to be widened in scope, if the study of the investigations were to be continued, if information concerning other countries, other epochs and other means of transport were to be collected, a fresh discussion would have to take place.
- M. Silvain Dreyfus agreed with M. Sinigalia. He would, however, recall that the Committee had, so to speak, drafted its own instructions, as the result of a resolution of the Genoa Conference of 1922. A preliminary report submitted by General Mance dealt

¹ Document A.64.1923.VIII.

practically entirely with the question of railways, and it merely touched upon waterways. The Permanent Committee for Inland Navigation had initiated an enquiry into inland navigation, and Mr. Hines had been instructed to carry out this enquiry. The present situation had therefore been reached step by step. M. Silvain Dreyfus thought the moment had come to adopt a general resolution in reply to that adopted by the Genoa Conference.

Sir John Baldwin emphasised the interest of the history of the question, as explained by M. Silvain Dreyfus. The report of the discussions of the Committee showed that it would

be useful to continue the investigation, but not necessarily on the same basis.

M. Schlingemann had been right in maintaining that a study should now be made of the economic side of transport in general. Though Sir John Baldwin had no objection to changing the name borne by the study in question, he thought, however, that the report submitted by the special Committee presided over by Professor Heckscher should be regarded as a starting-point for the new investigation.

M. Seeliger said that the account given of the question by M. Silvain Dreyfus had been entirely accurate. The Committee was required to undertake certain investigations periodically. This had been the practice followed up to the moment, in the form of enquiries

described in the report submitted by General Mance and Mr. Hincs.

The report of Mr. Hines left over certain points for investigation, among others the question of competition which had been made the object of a report by the Special Committee at the end of the present discussion. M. Seeliger agreed with M. Sinigalia and M. Silvain Dreyfus in thinking that the present enquiry could now be considered at an end. The Committee should state this, but should be prepared to take up the investigations again at a future date, though, in order to do so, it should not be necessary always to maintain the question on the agenda.

M. Hörnell wished to associate himself with the views expressed by Sir John Baldwin and M. Schlingemann. The conclusions of the report of the special Committee were certainly very valuable with regard to the parts of Europe with which they dealt, and the Advisory Committee should adopt them as their own; the Committee should, however, reserve the right to take up the investigation once more on a wider basis and with regard to parts of the world other than Europe where these problems arose in an entirely different manner.

The Chairman noted that the discussion had now reached the end of one stage. The Committee must now decide whether the investigation should be undertaken anew in another form or whether it should be retained on the agenda in order that it should not be overlooked.

- M. Sinigalia said that the discussion at the previous meeting called for the adoption of a resolution which should constitute something final. If it were desired to continue the investigation, this would be a fresh question and a definite starting-point, for it would have to be settled. It was impossible to carry out a general enquiry in the hope of reaching general conclusions. If similar questions were submitted to the Committee in the future, it must study them and, if possible, settle them, but there was no object in discussing a theoretical general enquiry.
- M. Schlingemann felt the force of the objections raised by M. Sinigalia. He would be satisfied if the Committee asked the Secretariat, not only to collect data concerning competition between railways and waterways, but also to group them with a view to future examination.
- M. Silvain Dreyfus said that while he was not very strongly in favour of the proposal to maintain the question on the agenda, it was because he did not see on what grounds such action could be taken. In every precedent that he could remember, the maintenance of such an item had been justified by special reasons (expectation of a report from experts, etc). The Information Service had been definitely created not only to collect information, but also to communicate it, if need be, to the various Organisations of the League. This service was competent to hold at the disposal of the Committee the information forming the subject of the present discussion.

The Committee could obviously decide to proceed to a new enquiry and to instruct a sub-committee to carry it out, but M. Silvain Dreyfus did not think that this was

the intention of any of his colleagues.

Sir John Baldwin pointed out that the draft resolution had not yet been submitted to the Committee. He would make his observations when the resolution was examined.

The Secretary-General of the Committee said that the draft resolution must, in his view, constitute a conclusion to the discussion of the report of the Special Committee. Any new investigation should be made the object of another resolution. This point was of no great importance in view of the fact that any member of the Committee might ask for the inclusion of a new item in the agenda.

M. Seeliger said that the programme contemplated by the Genoa Conference was not yet exhausted and that a third enquiry might always prove eventually possible.

Sir John Baldwin said that his only object was to prevent the burial of a report which he thought to be of great interest.

The Chairman concluded by deciding that the question should be examined simultaneously with the draft resolution concerning Item 9 of the agenda.

SEVENTH MEETING

Held on Friday, March 14th, 1930, at 5 p.m.

XXXI. REPORT OF THE SPECIAL COMMITTEE ON QUESTIONS OF COMPETITION BETWEEN RAILWAYS AND WATERWAYS (Item 9 of the Agenda) (continued).

The CHAIRMAN invited the Committee to examine the draft resolution submitted as a basis for discussion (see Annex 23).

The Secretary-General of the Committee read and commented on the draft resolution. He observed that the object of the first paragraph was to summarise the opinions expressed by the various members of the Committee, and pointed out that it was not intended to suggest at the end of the paragraph that the report offered a solution to the problem. It confined itself to making an important contribution without any pretension to having solved the problem. In the remainder of the resolution stress had been laid on the fact that the Committee had not considered it expedient to present a formal opinion on the subject of the use of the means of transport for purposes connected with economic policy, particularly in view of the limited nature of the question submitted for examination.

In the third paragraph, on the contrary, the Committee adopted a positive attitude. The meaning which it had given to the expression "normal lines" would be explained by an

extract from the Minutes of its discussions.

The Secretary-General of the Committee recalled the recommendation on the subject of the relation which should exist between additional costs of transport and tariffs: the latter should not in any case be lower than the additional cost. At the same time, he reminded the Committee that it might nevertheless be advantageous in certain cases to draw up provisions which, for a certain time, might lead to a deficit, if there was a possibility, by so doing, of making an effective contribution to the general economy. It had appeared that certain exceptions would remain possible even from the economic point of view.

M. Seeliger considered that the draft resolution offered a good basis for discussion. He would prefer, however, to see the word "solution" at the end of the first paragraph replaced by "appreciation", seeing that the Committee was still very far from being able

to offer a solution to the problems.

Even after the explanations of the Secretary-General of the Committee, he felt some apprehension on the subject of the expression "normal lines", which appeared in the third paragraph. Personally, he would have preferred to retain the three first lines of the first paragraph, and to add to them the third paragraph regarding the conclusions of the

Sir John Baldwin preferred the original text of the draft resolution. The first paragraph was a commentary; the third was a statement of the action taken by the Committee. He did not think it would be possible to combine them. The draft resolution did not give him entire satisfaction. He considered it inferior to the proposal which he himself had made. He would, however, accept it as a minimum.

M. DJOURITCHITCH proposed to say in the third paragraph: "the general conclusions are such as to make possible an improvement

The Secretary-General of the Committee observed that it must not be allowed to appear that these normal lines of tariff policy were not at present applied.

M. DJOURITCHITCH replied that their application was less extended than was desired in the report. The rallways began by applying them, but later had to give way before the pressure of questions of patients. pressure of questions of national economy and politics.

The Chairman invited the Committee to examine the draft, paragraph by paragraph.

First Paragraph.

M. Schlingemann observed that the first paragraph dealt only with the problems so far as they concerned European economic life. Since the enquiry did not concern Europe only, it seemed that the report should make clear the fact that it was also of interest for world economy.

The Secretary-General of the Committee recognised that the problem might arise in a similar manner in other continents. The enquiry had nevertheless been made only in Europe. Somewhat delicate problems might arise. The Committee should avoid appearing to give advice to countries faced with similar problems, but which were not represented on the Committee, in particular the United States of America. In reality, the problem only concerned each continent taken separately, and appeared under a different aspect for each. The enquiry had been undertaken without liaison between the continents.

M. Silvain Dreyfus considered that the expression suggested by M. Seeliger — "the appreciation of the problem" — would lead to ambiguity. It was necessary to place oneself in the position of the unitiated person called upon to read the resolution. The "appreciation of problems" was difficult to define, whereas everyone knew what was meant by "the solution of problems".

M. DE VASCONCELLOS saw no objection to retaining the words "solution of problems",

seeing that the report would in fact tend towards the finding of a solution.

He was in agreement with M. Schlingemann that the question should not be limited to Europe. The report was a contribution to the study of world economy, and it was particularly important to avoid suggesting that the League of Nations wished to limit its efforts to Europe.

- M. Seeliger explained what he understood by the "appreciation" of a problem. A problem had to be stated clearly before it was possible to consider its solution. That was what the report endeavoured to do.
- M. Sinigalia agreed with M. Seeliger. He was prepared to omit the word "solution", in view of the fact that it was necessary to refrain from suggesting that a solution had been found.
- M. DE RUELLE considered that the formula proposed in the text of the resolution was the minimum and that no omissions could be made. There were two sides to the problem—examination and solution. The Committee had not undertaken to find a solution to the problem. It offered a simple contribution in the direction of a solution.
- M. Silvain Dreyfus proposed the phrase "in order to facilitate the solution", which was accepted.

The Charman invited the Committee to give its opinion on the expression "European economic life".

The Secretary-General of the Committee considered that it would be possible to reply to the various objections which had been raised by leaving the words "European economic life", and introducing a new paragraph expressing the Committee's interest in the study of similar conditions in other parts of the world.

The balance between Europe and other continents in the Committee's work would thus

be maintained.

- M. DE VASCONCELLOS insisted that from the point of view of the League of Nations it was important to avoid limiting the field of study to Europe. The suggestion made by the Secretary-General of the Committee appeared to him to be acceptable.
- M. Hörnell pointed out that Sir John Baldwin's proposal would give him satisfaction, for the report of the Special Committee could not be considered complete before the possibilities of progress and economy by means of the concentration of traffic on one railway line instead of two had been considered.

 ***Be added that in America the employment of very large wagons, which made possible
- He added that in America the employment of very large wagons, which made possible the loading of 17,000 tons on a single train, had considerably lowered the cost of transport. Enquiries in that direction would be of interest. The report had been drawn up as a result of enquiries made in a small section of Europe, and it was difficult to base general considerations on such limited enquiries.

Sir John Baldwin regretted that no account had been taken of the proposal which he had made on the previous day. He would support the proposal of the Sccretary-General of the Committee, for he considered that it filled up a gap. If the expression "European economic life" were maintained, it would be necessary to make it clear that the Committee hoped that the problem would be considered in relation to other continents.

M. Seeliger withdrew his proposal.

Second Paragraph.

M. Silvain Dreveus asked for an explanation of the expression "forms of national economic life". He wished to know whether it referred to the protection of scaports. He proposed to replace the word "forms" by "organs" or "instruments".

M. Djouritchitch proposed the words "elements", "branches", or "aspects".

The Secretary-General of the Committee observed that it had been endeavoured to include all the manifestations of national economic life.

The Chairman, after a short exchange of views, noted the agreement of the Committee on the expression "elements of national economic life".

M. Schlingemann considered that the paragraph was not clear. It did not show clearly whether the use of national means of transport for the protection of certain elements of national economic life was desirable or not. He added that the Committee had not dealt with the desirability of examining the problem but had confined itself to deciding that the problem was rather within the competence of the Economic Committee.

The Secretary-General of the Committee agreed with M. Schlingemann and explained that the paragraph of the draft resolution was simply intended to show that the Committee had not considered it desirable, in view of the problem submitted to it, to examine the question of the use of the national means of transport for the protection of certain elements of national economic life.

M. DE RUELLE would have preferred to maintain the word "opportun". The Committee could reserve the right to do later what it did not at present consider desirable.

Sir John Baldwin agreed with M. Schlingemann, that an allusion to the effect on international economic life of protectionism exercised by means of national transport should be introduced.

The Secretary-General of the Committee considered that the question was worthy of consideration. He added that it would be preferable not to suggest that the question was considered as still open. The Transit Committee had, as a matter of fact, already dealt with it.

The CHAIRMAN considered that paragraph 2 could be accepted provisionally.

Third Paragraph.

- M. Seeliger proposed that the last part of this paragraph should be drafted as follows: "The general and normal lines of tariff policy".
- M. Silvain Dreyfus asked that it should be made clear that it was a question of transport undertakings.
- M. Seeliger also thought it advisable to explain that it was desired to consider, on the one hand, the public and, on the other, transporters.
- M. Djouritchitch wished for an explanation of the expression "tariff policy", which he considered too vague. He would have liked some indication that it was a question both of national and of international policy.

After an exchange of views, the Committee adopted the third paragraph in the following form, in order to confine itself to a simple statement, while reserving the possibility of future action:

"Notes that, apart from this question and simply from the standpoint of the legitimate interests of all the users of the means of communication on the one hand and of transporters employing railways and waterways on the other, the general conclusions of the report are such as to form a useful indication of the general and normal lines of tariff policy."

Fourth Paragraph.

The Secretary-General of the Committee read the text proposed for the fourth paragraph, the bearing of which was as follows:

- "Requests the Secretary-General to collect, so far as possible, all information on the manner in which the same problem or similar problems have been dealt with in continents other than Europe."
- M. Seeliger did not consider that that paragraph should appear in the draft resolution, seeing that the question referred to the Committee for examination was limited to the points raised by the Hines report.

Sir John Baldwin recalled that, when a question was examined, it often led to developments the study of which was considered interesting. The question of European communications seemed to lead to an extension of the enquiry, and to the collection of information concerning other continents, in particular, North and South America. It might be of interest to the Committee to pursue its task in that direction.

- M. Silvain Dreyfus pointed out that all the members of the Committee were in agreement on the principle. It was a simple question of drafting, that was to say, of deciding whether the question should be attached to the problem of competition between railways and waterways or whether it should be the object of a special study. He supported the second alternative.
- M. Sinigalia drew attention to the necessity for providing for the competition of other means of transport, in addition to waterways and railways.
- M. SEELIGER thought it preferable to confine attention to the question studied at the present session and, if necessary, to place the question of future developments on the agenda for the next session.
- M. Sinigalia recalled that on the previous day the Committee appeared to have decided to adopt two resolutions.

The CHAIRMAN proposed to leave the question in suspense and to invite the Secretary-General of the Committee to present a text at the next meeting.

M. Politis explained that the fact that the new text had been proposed in order to explain the use in the first paragraph of the expression "European economic life" should be borne in mind.

The Secretary-General of the Committee replied that it would be easy, even if it were decided to adopt the principle of a separate resolution, to maintain in the present text the words "European economic life".

The Chairman noted that the Committee agreed to invite the Secretary-General of the Committee to present a draft resolution which would be read at the next meeting.

EIGHTH MEETING

Held on Salurday, March 15th, 1930, at 10 a.m.

XXXIV. Report of the Special Committee on Questions of Competition between Railways and Waterways (continued) (Item 9 of the Agenda).

The Secretary-General of the Committee read the draft resolution which took into account the decisions taken at the previous meetings.

M. Seeliger, who had been one of those who, at the previous meetings, had raised the principal objections, was the first to declare that he accepted the present resolution. At the same time, he accepted the last paragraph less willingly than the remainder of the resolution, for the reason he had already given; i.e., he deplored the ever-encreasing number of enquiries undertaken under the auspices of the League of Nations.

The resolution was adopted by the Committee with several drafting alterations (see Annex 28, paragraphs XIX and XX).

ANNEX 23.

DRAFT RESOLUTION CONCERNING COMPETITION BETWEEN RAILWAYS AND WATERWAYS.

[C.C.T.451.]

The Committee,

Appreciating the thorough and impartial work of the Special Committee on Competition between Railways and Waterways, whose report may be taken as a basis for any subsequen studies that the Committee decides to undertake in this particular sphere, and alread constitutes a most valuable contribution towards the study and solution of problems of the highest importance to European economic life;

Considering it inexpedient to examine in connection with the single problem which forn the subject of the Committee's report, the question of the use of national means of transpo

for the protection of certain forms of national economic life;

Notes, apart from this question and simply from the standpoint of the legitimate interes of all the users of the means of communication on the one hand, and of transporters employing the railways and waterways on the other, that the general conclusions of the report are such as to form a useful indication of the normal lines of tariff policy; and

Decides to transmit to the Governments the report of the Special Committee, together

with the present resolution and an extract from the Minutes of the Advisory and Technical

Committee.

ANNEX 28.

RESOLUTIONS ADOPTED BY THE COMMITTEE AT ITS FOURTEENTH SESSION.

XIX. Report of the Special Committee on Competition Between Railways and WATERWAYS (Item 9 of the Agenda).

The Committee compliments the special Committee on Competition between Railways and Waterways on its exhaustive and impartial report, which will serve as a basis for any subsequent surveys that the Transit Committee may decide to undertake on this subject, constitute an immediate and very important contribution to the study of problems closely affecting European economy and help in the solution of such problems.

It does not think it advisable to consider, in connection with the single problem der with in the Committee's report, the general question of the utilisation of national forms transport for the protection of certain aspects of national economy.

Apart from this general question and looking at the matter solely from the standpoi of the legitimate interests both of private individuals and of rail and water transpositions the matter solely from the standpoint of the matter solely from the standpoint of the s undertakings, the main conclusions of the report bring out the principles on which tar policy is normally based.

The Committee resolves to forward to the Governments the special Committee's repo together with this resolution and an extract from the Minutes of the Transit Committee

XX. Relations between the Various Means of Transport in Continents OTHER THAN EUROPB.

In execution of the recommendations of the Genoa Conference and in pursuance of Mr. Walker D. Hines' report, the Committee examined certain questions regarding competition between railways and waterways affecting the European economic system. The secretariat is instructed to collect information on the problems arising in continents other than Europe connected with co-operation and competition between various modes of transport, more particularly between railways and waterways, and on the manner in which these problems are dealt with.

No official: C. 331. M. 134. 1930.VIII. Erratum. [C.C.T. (14° Session) P.-V.]

Genève, le 12 février 1931.

SOCIÉTÉ DES NATIONS

mmission consultative et technique des communications et du transit.

PROCÈS-VERBAL DE LA QUATORZIÈME SESSION

Tenue à Genève du 10 au 15 mars 1930 (avec annexes).

ERRATUM

ANNEXE 28.

'III. Règlement intérieur adopté par la Commission.

Page 137: Ajouter, à la fin de l'article 6, le paragraphe suivant:

« Les décisions prises par le président en vertu du présent article sont communiquées sans délai aux membres de la Commission. »

LEAGUE OF NATIONS

Advisory and Technical Committee for Communications and Transit.

MINUTES OF THE FOURTEENTH SESSION.

Held at Geneva from March 10th to 15th, 1930 (with Annexes).

ERRATUM

ANNEX 28.

VIII. Rules of Procedure adopted by the Committee.

Page 137: The following paragraph should be added at the end of Article 6:

"Decisions taken by the Chairman in virtue of this article shall be made known to the members of the Committee without delay."

[Distributed to the Council and the Members of the League.]

Official No.: C. 339. M. 139. 1930. VIII. [R. R. C. T. 3.]

Geneva, August 1st, 1930.

LEAGUE OF NATIONS

ORGANISATION FOR COMMUNICATIONS AND TRANSIT

ENQUIRIES INTO THE ECONOMIC, ADMINISTRATIVE AND LEGAL SITUATION

OF

INTERNATIONAL AIR NAVIGATION

Series of League of Nations Publications

VIII. TRANSIT V

1930. VIII. 6.

S. d. N. 1.150 (F.). 955 (A.). 8/30. Imp. du J. de G.

O sviluppo del traffico aereo ha fatto in questi ultimi cinque anni dei passi giganteschi. I cieli d'Europa sono solcati da numerose linee che congiungono i grandi centri e uniscono al disopra delle frontiere, come una linea ideale, tutti i popoli.

Secondo me il segreto dello sviluppo e del consolidamento dell'aviazione civile sta sopratutto nella sicurezza: più che aumentare il numero delle linee in Italia abbiamo atteso in questo ultimo tempo al perfezionamento delle garanzie di sicurezza, al perfezionamento del personale e del materiale con un aumento di frequenze su alcune linee principali. Insisteremo su questo metodo che ci ha dato finora degli ottimi risultati.

Tutti sanno che le linee civili europee sono sovvenzionate in tutti gli Stati: perchè divengano redditizie occorreranno ancora vari anni di lavoro e di perfezionamenti, di selezione e di sana propaganda che si ottiene più coi fatti che con gli scritti.

Perchè l'aviazione commerciale si sviluppi nei riguardi internazionali, ritengo che sia indispensabile l'adozione da parte di tutte le Nazioni, del criterio di una effettiva collaborazione aerea che semplifichi le norme vigenti che ancor oggi ne intralciano lo sviluppo. A questo criterio deve ispirarsi la legislazione aerea internazionale.

Solo a queste condizioni l'aviazione civile potrà prendere in Europa quell'impulso e quello sviluppo che tutti auspichiamo.

Roma, il 30 giugno 1930.

71:6 (3:160.

[Translation.]

Air traffic has made enormous strides during the past five years. A network of air lines connecting all the large centres has now been marked out on the skies of Europe, and forms an ideal link between all nations, regardless of frontiers.

In my opinion, the secret of the development and consolidation of civil aviation lies, above all, in increasing safety. In Italy recently, we have concentrated on adding to the guarantees of safety, improving personnel and material, and establishing a more frequent service on some of the principal lines, rather than on increasing the number of lines. We shall adhere to this method, which has, so far, yielded excellent results.

It is a well-known fact that civil aviation is subsidised in every European country. Several years' work and various technical improvements, as well as the careful recruiting of personnel and judicious propaganda, which calls for action rather than words, will be necessary before it becomes a paying proposition.

For the development of commercial aviation on international lines, I consider that all nations should adopt the principle of effective co-operation in air navigation, with a view to simplifying the existing regulations by which it is still hampered. It is on this principle that international legislation in the sphere of air navigation should be based.

Only on these conditions can civil aviation in Europe progress as rapidly as we all desire.

Rome, June 30th, 1930.

(Signed) Italo BALBO.

letzten Zeit unternommenen Weltslüge dürste, wie wir annehmen, der Beweis als erbracht gelten, dass die Lustschiffahrt berusen ist, grosse Ausgaben auf dem Gebiete des Passagierverkehrs und der Postbesörderung zu übernehmen, namentlich wenn es sich darum handelt, ganz grosse Entsernungen zu überbrücken. Die Begeisterung, mit der die Lustschiffe überall auf ihrem Flug und bei der Landung in fremden Ländern begrüsst wurden, redet eine eindringliche Sprache; sie beweist, dass der Lustverkehr die Völker einander näher bringen muss, weil ihnen Gelegenheit geboten wird, auch fremde Leistungen anzuerkennen und ihren grossen Wert für die gesamte Kulturmenschheit zu verstehen.

Will man allerdings einen Luftschiff-Weltverkehr organisieren, so muss man entsprechende Abmachungen zwischen den einzelnen Staaten herbeiführen und dabei ihren berechtigten Bedürfnissen Rechnung tragen. Das lässt sich aber nur dann ermöglichen, wenn sich der Ausbau des Luftfahrwesens in einer Atmosphäre des Wohlwollens und nicht etwa des Misstrauens vollzieht.

Man kann es daher nur mit Genugthuung begrüssen, wenn sich Kräfte dafür einsetzen, eine möglichst enge Zusammenarbeit zwischen den verschiedenen Ländern auf dem Gebiete der Zivilluftfahrt zu gewährleisten. Solche Kräfte werden den Ausbau des internationalen Luftfahrwesens tatkräftig fördern. Nur wenn sich die Völker in vertrauensvoller Zusammenarbeit finden, wird die Menschheit der erhofften Segnungen der ständig fortschreitenden Technik bald teilhaftig werden.

Friedrichshafen, den 8. März 1930.

Huyo tihum.

[Translation.]

As a result of the success of the world flights recently undertaken, we think it can be regarded as proved that air navigation is destined to render valuable services in the sphere of passenger traffic and mail carrying, especially when great distances have to be covered. The enthusiasm with which airships have been greeted everywhere in foreign countries, both when flying and upon landing, emphatically demonstrates that air traffic is likely to bring the peoples nearer together by affording them an opportunity of appreciating foreign achievements and of understanding the value of these achievements to civilised humanity.

If, however, a worldwide air traffic is to be organised, suitable agreements must be concluded between the individual States, taking into consideration their legitimate requirements. But this will only be possible if air traffic develops in an atmosphere of goodwill and not one of mistrust.

One cannot, therefore, but greet with great satisfaction all efforts which are made to ensure the closest possible co-operation between the different countries in the sphere of civil aviation. Such efforts will powerfully assist the development of international air navigation. Only when nations work together in trustful co-operation will humanity be able to share in the benefits which may be anticipated from the new improvements continually being achieved in the technical field.

Friedrichshafen, March 8th, 1930.

(Signed) Dr. Hugo Eckener.

A VIATION must be considered from an international standpoint. An ability to cover great distances in a relatively short time makes it a leading factor in world intercourse.

Every advance in transportation has stimulated commerce and brought people into closer contact with each other. One after another the fears and prejudices of isolation have been overcome as methods of communication and transport improved. Aviation, with its great speed and freedom of movement, is too powerful an instrument of progress to be long confined by the remaining artificial restrictions left over from an age of provincialism. Constructive thought is turning more and more toward international co-operation, and nothing is more important in this field than the simplification of communication and intercourse at the present time. While the world's air lines are in the formative stage in their development, much can be done to encourage their progress and to avoid unnecessary complications in the future.

There is great need for international co-operation in the standardisation of airways. A uniform system of markings and signals should be decided upon and a comprehensive meteorological and radio reporting system established.

The adoption of uniform regulations is of the utmost importance. In some countries to-day, aircraft are placed in the same class as ocean steamers, and must go through a similar procedure in clearing. As a result, clearance charges are high, and delays often comparatively long in relation to time spent in actual travel. There are instances where only aircraft

registered within a country and carrying its markings are allowed to operate; others where it is required that a native pilot be carried; in certain countries a visiting pilot must qualify for a licence before he is permitted to fly. Numerous and complicated papers are often required where careful study would make most of them unnecessary. Lack of uniformity is so great that it is at times impossible for a private flier to obtain accurate information regarding the regulations he will encounter on an international trip without unreasonable effort and delay.

The intelligent consideration of these and many other problems confronting aviation at the present time will be of untold assistance in the development of international air commerce.

Aviation does not concern one nation alone. Its ultimate value lies in bringing the various countries of the earth into closer contact. It is not possible to develop air transport and communication in its broadest aspect without the co-operation of the entire world.

New York, July 5th, 1930.

Charles a. Lundbergh

LEAGUE OF NATIONS

ENQUIRIES INTO THE ECONOMIC, ADMINISTRATIVE AND LEGAL SITUATION OF INTERNATIONAL AIR NAVIGATION

Errata

- Page 30. Title of Chapter II, for "Present Characteristics and Efficiency of Air Transport", read "Characteristics and Present Efficiency of Air Transport".
- Page 46. The Note I referred to in the eighth paragraph is on page 68.
- Page 51. The Note 2 referred to in the eighth line is on page 69.
- Page 67. In the last line, after "Swedish A.B.A.", add "or the Swiss Balair".
- Page 68. First line of second paragraph, for "Year-Book for Great Britain", read "Air Annual for the British Empire".

PRESENT ECONOMIC CONDITIONS OF CIVIL AIR NAVIGATION

 $\mathbf{B}\mathbf{y}$

M. Henri BOUCHÉ,

Editor of L'Aéronautique, Paris.

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Observation.

We cannot guarantee the figures given below. All these numerical data are the result of compilations, comparisons, analyses and, sometimes, suppositions, the general accuracy of which must be accepted a priori. We crave the reader's indulgence for any mistakes that may occur, and would be grateful if these were pointed out to us.

Chapter I.

THE PLACE OF AIR TRANSPORT IN THE ECONOMIC ORGANISATION OF THE WORLD.

A. Some European Facts and Figures.

1.

In France, from 1920 to 1929 inclusive, aeroplanes or seaplanes belonging to the subsidised air lines travelled 45,735,960 kilometres, conveying 124,792 passengers, 6,990 tons of parcels, and 995 tons of postal matter.

If this freight is reckoned as an element in the kilometres travelled by each passenger or each consignment, and if we assume that twelve passengers with luggage weigh a ton, the traffic figures in *kilometre-tons* are as follows:

Total... II,809,400 kilometre-tons: 607,397,000 francs of direct subsidies being paid to the companies. This works out at 51 francs per ton conveyed over one kilometre. (See Table III and Graph 4, Chapter III.)

Over a distance of 1,000 kilometres, like Paris-Berlin or Paris-Prague, the whole of the French aeroplanes and seaplanes would have carried per day, from 1920 to 1929, 16 passengers, 840 kilogrammes of parcels, and 416 kilogrammes of postal matter. This average quantity calculated over ten years is, of course, lower than the most recent figures; for 1929, the daily load would have been 34 passengers, 2,430 kilogrammes of parcels, and 860 kilogrammes of postal matter.

The resources employed by the companies to obtain this result (staff and material)

amounted, in 1929 (see Table I, page 8), to:

Direction and administration. 817 persons Mechanics, workmen, maritime services 1,955 persons and 133 pilots, with 363 aeroplanes and seaplanes.

| Companies | Kilom of air | Machines in service | | Pilots | | Direc an adminis | ď | Mechanics, workmen and miscellaneous | | |
|--------------------------------------|-----------------|---------------------------|----------|--------|------|------------------------|------|--|-------|-------|
| | 1928 | 1929 | 1928 | 1929 | 1928 | 1929 | 1928 | 1929 | 1928 | 1929 |
| Air Union | 2,321 | 2,593 | 40 | 41 | 20 | 24 | 105 | 131 | 236 | 312 |
| Compagnie générale aéropostale | 16,650 2 | 16,650 \$ | 125 | 200 | 77. | 49 | 170 | 376 | 875 | 1,130 |
| C.I.D.N.A. | 4,119 | 4,119 | 55 | 75 | 35 | 41 | 232 | 232 | 333 | 405 |
| S.G.T.A | 1,378 | 2,333 | 24 | 37 | 10 | 12 | 43 | 54 | 55 | 74 |
| Air Union Eastern lines | 3,254 | 3,254 | <u>r</u> | 9 | 3 | 7 | 24 | 24 | 34 | 34 |
| Total | 27,722 | 28,949 | 245 | 362 | 145 | 133 | 574 | 817 | 1,533 | 1,955 |

¹ Including 26 for the Maritime Rescue Service.

2.

In Germany, where commercial aviation has absorbed all the aeronautical resources of a country in which military aviation is prohibited, approximately 200 aeroplanes covered, in 1928, on the regular lines, 11,500,000 kilometres, carrying 120,000 passengers for average distances of 235 kilometres. These were maximum results, coinciding with maximum subsidies (see Table II and Graph 2, Chapter III).

3,

Between the Continent of Europe and London, the annual number of passengers crossing the Channel by aeroplane rose from 6,500 in 1920 to over 48,000 in 1929, or more than 130 per day on an average, and more than 500 on certain days in summer. This increase is continuing at a still more rapid rate.

The importance of aerial transport is clearly shown by the value of the goods exported or imported by the great Customs airports.

For London-Croydon, in 1928, this value has been estimated at 375 million francs

(15 million dollars), of which two-thirds refer to imports.

For Paris-Le Bourget the increase from 1921 to 1929 is shown in Table II below, which does not include imports of gold. (These amounted to 45,267,000 francs in 1928 and 3,320,956,800 francs in 1929.)

Including 2,320 kilometres by despatch-boat.
 Including 292 for the Despatch-boat Service to Dakar-Natal.

| Year | Value | of goods |
|------|-----------------|-----------------|
| | Exported | Imported |
| | (French francs) | (French francs) |
| 921 | 16,070,000 | 7,945,000 |
| 922 | 29,646,000 | 12,262,000 |
| 1923 | 68,848,000 | 16,843,000 |
| 1924 | 89,090,000 | 37,238,000 |
| 1925 | 125,736,000 | 64,555,000 |
| 1926 | 189,893,000 | 100,694,000 |
| 927 | 148,430,000 | 127,775,000 |
| 1928 | 297,286,000 | 165,483,000 |
| 1929 | 340,182,000 | 162,314,000 |

This traffic of half a milliard francs in 1929 forms but a small part of the total Parisian traffic; none the less, it represents 6 to 7 per 1,000 of the total French exports, and 2 to 3 per 1,000 of imports.

5.

The traffic of the airports is significant in itself; our graphs (Figures 1 to 4) show its comparative growth for Berlin-Tempelhof and Paris-Le Bourget. For the latter port the numerical progress is summarised below (Table III).

| | • | 1 | | ···· |
|-------------|---------------------|-----------------------|-----------------------|-----------------------|
| Year | Machines (units) | Passengers (units) | Post (kilogrammes) | Parcels (kilogrammes) |
| 1927 | 6,247 8,502 | 26,556 | 12,440 17,567 | 827,266 1,416,200 |
| 1928 | 10,519 | 41,176 45,017 | 49,750 | 1,923,850 |

We may also mention Croydon, Amsterdam, Cologne and Munich, whose traffic in 1928, according to the official statistics of Cina (the International Commission for Air Navigation), works out as follows:

| Table IV. — | Traffic of a Fi | ew Large Europ | ean Airports in 1 | 928. |
|---|----------------------------------|--------------------------------------|---------------------------------------|--|
| | Machines | Passengers | Post (kilogrammes) | Parcels (kilogrammes) |
| Croydon (London) Amsterdam Cologne Munich | 7,325 6,204 7,751 4,493 | 42,628 18,000 18,500 15,000 | 90,000 18,000 101,000 46,000 | 1,450,000 550,000 530,000 238,000 |

From 1919 to 1929, France, Germany, Great Britain and Italy spent on transport aviation approximately 3 milliards of francs (120 million dollars), including 2,200 millions in direct subsidies, 300 millions in land equipment, 300 millions in subsidies for the construction of commercial machines and 200 millions in operation and control credits.

Simultaneously, the private capital engaged in these undertakings may be estimated in these four countries at 300 million francs (12 million dollars); about 200 million francs have been issued in the form of debentures or notes.

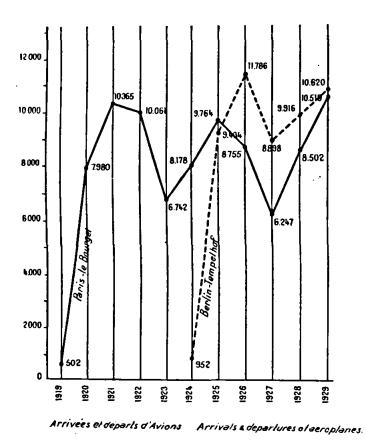


Figure 1. — Comparative Increase of the Traffic of the Airports of Berlin-Tempelhof and Paris-Le Bourget.

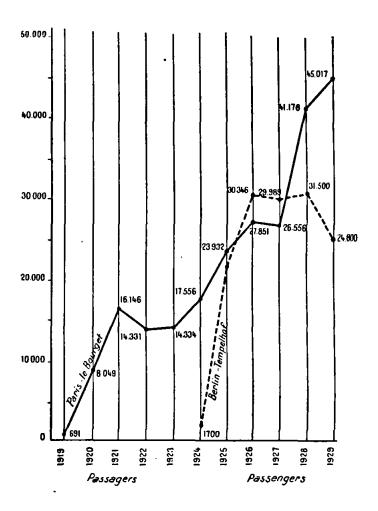


Figure 2. — Comparative Increase of the Traffic of the Airports of Berlin-Tempelhof and Paris-Le Bourget.

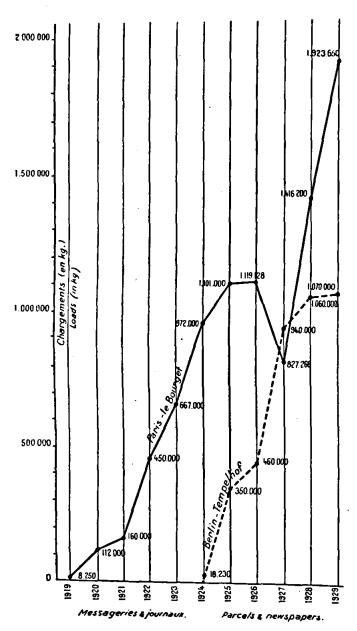


Figure 3. — Comparative Increase of the Traffic of the Airports of Berlin-Tempelhof and Paris-Le Bourget.

Note. — The statistics at our disposal for Tempelhof do not distinguish postal matter from parcels and newspapers in 1926, 1927 and 1928.

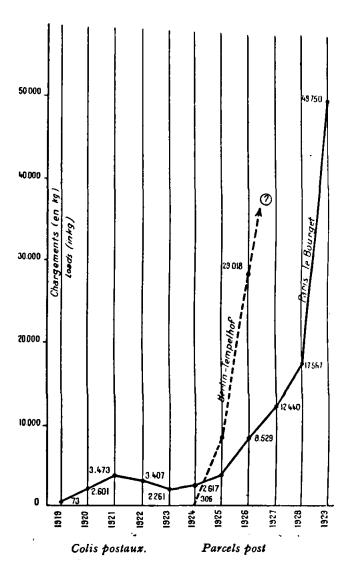


Figure 4. — Comparative Increase of the Traffic of the Airports of Berlin-Tempelhof and Paris-Le Bourget.

Note. — The statistics at our disposal for Tempelhof do not distinguish postal matter from parcels and newspapers in 1926, 1927 and 1928.

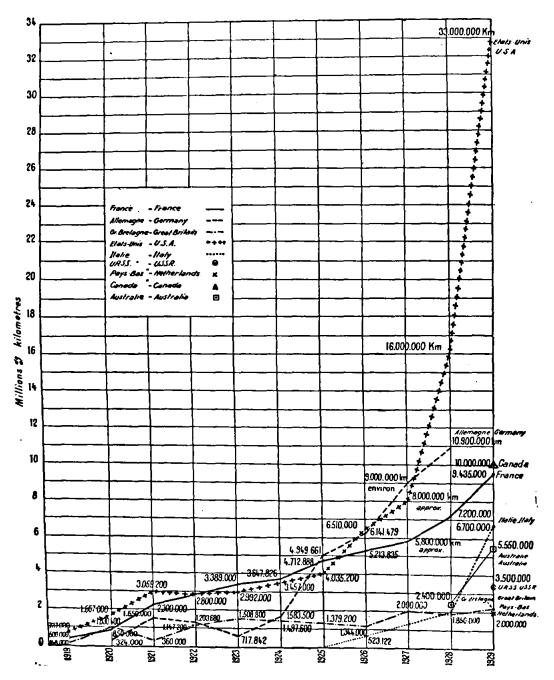


Figure 5. — Increase in the Number of Kilometres travelled by Aeroplanes and Seaplanes of the Principal Air Powers engaging in Regular Transport.

B. THROUGHOUT THE WORLD.

7.

In 1929, the aeroplanes in service on the regular transport lines covered approximately:

| | | | | | | | | | | | | | | | k | fillions of ilometres |
|-------|----------|---------------|------|---|---|---|---|---|---|---|---|---|---|---|---|--------------------------|
| Under | the | United States | flag | | | | | | | | | | | | _ | 33 |
| y | × | French | » Č | | | | | _ | _ | _ | | Ī | Ī | • | • | 9.4 |
| * | * | German | 2 | | | | | | | | | | | | | |
| • | * | British | | | | | | | | | | | | | | 2.2 |
| * | » | Italian | * | | | | | | | | | | | | | |
| , |) | Netherlands | | | | | | | | | | | | | | 2 |
| * | 2. | Soviet | * | | | | | | | | | | | | - | _ |
| | | | | • | - | • | • | • | • | • | • | • | • | • | • | |

The total works out at some 66 million kilometres, or 1,650 times the circumference of the earth for the aeroplanes and seaplanes of these seven Powers. The rise in the

kilometrage from 1919 to 1929 is shown by our graph (Figure 5).
In 1929, these same machines accounted for 145 million passenger-kilometres, which is equivalent to carrying 145,000 passengers for 1,000 kilometres. To carry the same number of passengers in Pullman cars, and assuming a coefficient of utilisation of 40 per cent (which corresponds in both cases to the facts), 1,200 trains of six carriages each would have been required during the year, or 20 waggons only per day.

8.

A comparison between the present length of railways and air routes in the world gives the following results:

| | Area (per 1,000 sq. kms.) | Population (millions) | Railways (kms.) 1 | Air routes (kms.) ² |
|-------------|------------------------------|--------------------------|----------------------|-----------------------------------|
| Europe | 10,059 | 465 | 381,000 | 80,000 |
| Asia | 41,600 | 953 | 122,000 | 20,000 |
| Africa | 29,795 | 138 | 50,000 | 10,000 |
| America | 40,000 | 213 | 632,000 | 100,000 |
| Australasia | 8,000 | 8 | 74,000 | 9,000 |
| World | 129,454 | 1,777 | 1,259,000 | 219,000 |

Position at the end of 1929.

Thus, per 100 square kilometres there are in:

| | Metres of railway | Metres of air route |
|-------------|-------------------|---------------------|
| Europe | 3,800 | 800 |
| Asia | 300 | 50 |
| Africa | 170 | 30 |
| America | 1,540 | 260 |
| Australasia | 870 | 90 |

Naturally, in order to understand the meaning of these figures, account must be taken of the relative facility of establishing an air line; but it must be remembered, also, that any line followed by a regular service presupposes an air route thoroughly marked out and organised on land.

9.

This organisation, in particular, necessitates wireless communications (meteorological warnings, traffic information). For example, in 1928, 26,500,000 words were exchanged between the twenty-four principal stations constituting the wireless system of the German airports, of which 3 millions were accounted for by Berlin-Tempelhof.

10.

Lastly, an endeavour may be made to estimate the amount of aerial transport in the whole world, and we have established rough statistics (Table VI) on the basis of a recent article in the American review Aviation (March 22nd, 1930).

Roughly, the outcome of these figures is that:

- (1) On 225,000 kilometres of regular air lines 600,000 passengers and 14,000 tons of postal matter and parcels were carried in 1929 by 2,000 aeroplanes and seaplanes.
- (2) There are already nearly 3,000 aerodromes or equipped flying-grounds at the disposal of aviation throughout the world.

11.

Going outside the sphere of regular public air transport, an estimate may be attempted of the place occupied by the civilian aeroplane—public or private—in the chief country of mechanical transport, the United States of America.

In that country, there are 27 million motor-cars, or one for every four inhabitants, and 10,000 civilian aeroplanes, or one for every 11,000 inhabitants. In the European countries where civil aviation is most highly developed, this coefficient is eight to ten times smaller.

Table VI. — ROUGH GENERAL STATISTICS OF AIR TRANSPORT THROUGHOUT THE WORLD AT THE BEGINNING OF 1930.

Note. — These statistics are based on the table published by Aviation on the date mentioned. They have been rearranged and modified whenever the information at our disposal seemed more recent or more reliable. Nevertheless, these figures should only be regarded

The traffic results are those of the last year (1928 or 1929) for which published figures were available.

| [| 1 | | | | | <u> </u> | | |
|----------------------------|----------------------------------|--|---|--|----------------------|--|-------------------------------|--|
| Country | Length of air-lines (kilometres) | Passengers carried (regular services) | Postal matter and parcels carried (kilogrammes) | Number of machines cmployed by the regular services | a Number of airports | Number of aerodromes on or emergency grounds | Number of military grounds | Square kilometric se area of grounds (all types) |
| | i | | ' | Eure | <u> </u> | <u> </u> | 1 , | |
| Germany | 29,800 | 120,711 | 1 2 5 7 2 2 2 2 | | ·. | | | _ |
| Austria | 1,840 | 5,477 | 2,510,000 | | 33 | 68 | - | 4,650 |
| Belgium | 595 | 1,543 | 18,400 | | , | - | - | 1 - |
| Denmark | 290 | I,740 | 47,300 | L | | - | 9 | 2,160 |
| Spain | 1,175 | 1,027 | 11,600 | | - | 3 | | 4,750 |
| France | 31,533 | 25,000 | 1,800,000 | | | 18 | 12 | 9,000 |
| Finland | 432 | 3,201 | 47,400 | _ | 19 | | 10 | 10,000 |
| Great Britain | 3,740 | 19,935 | 596,000 | 23 | 1 7 | 5 8 | 38 | 1 |
| Hungary | 600 | 2,293 | 53,100 | 23 | 34 | <u>°</u> | 30 | 2,875 |
| Italy | 12,800 | 54,700 | 908,000 | 54 | 12 | 88 | 45 | 2,160 |
| Netherlands | 3,040 | 19,129 | 964,000 | 21 | 4 | 15 | 10 | 2,100 |
| Poland | 1,980 | 6,585 | 248,300 | 20 | 1 6 | 20 | 1 - | 14,900 |
| Sweden | 1,140 | 14,948 | 105,900 | 8 | 4 | - | l | 112,000 |
| Switzerland | 3,390 | 14,283 | 155,000 | 19 | 18 | 17 | l | 1,180 |
| Czechoslovakia | 2,220 | 6,231 | 51,600 | 31 | 6 | '' | 13 | 7,360 |
| U.S.S.R | 18,442 | 11,000 | 350,000 | 100 | 2 | 30 | 20 | 7,3-0 |
| | ł | | | Ast | a. | | | • |
| China | 1,500 | 1 | ı — | 1 10 | 1 1 | 10 | l | ı <u>—</u> |
| Japan | 3,245 | 270 | 54 | 26 | 1 - 1 | 30 | l <u> </u> | |
| Persia | 1,760 | 2,800 | 38,400 | 7 | I | 10 | l _ | _ |
| Netherlands Indies | 1,500 | 10,045 | 1 - | 1 7 | 6 | 42 | 48 | |
| | | | • | A fri | ca | | 1 71- | |
| Belgian Congo | 3,530 | 735 | 56,500 | 1 33 | | 50 | ı — | ı _ |
| South Africa | 2,000 | 1 73 |] 3-,5 | 1 16 | 5 25 | 50 | l — | 48,900 |
| | | • | • | Amer | | | • | 4-,, |
| Canada United States of | 2,560 | 124,689 | 1,235,000 | 150 | 68 | _ | - | 142,000 |
| America | 59,500 | 165,263 | 3,220,000 | 619 | 969 | 511 | 8o | 5,060 |
| Mexico | 10,580 | 3,500 | 9,060 | 59 | 39 | <i></i> | | 50,800 |
| Bolivia | 3,420 | 2,963 | 58,400 | 8 | 3º | 10 | | |
| Colombia | 2,860 | 2,667 | 242,000 | 15 | I | 10 | ' — , | |
| Peru | 3,780 | 517 | 10,900 | 10 | 6 | | | 228,000 |
| | ٠., | - , | | Ocean | ia. | | | , |
| Australia | 8,800 | 28,962 | 93,200 | 34 | 10 | 195 | | |
| Total | 217,482 | 618,000 | 12,931,114 | 1,861 | 1,317 | 1,083 | 241 | |
| | | | ł | | | 2,641 | | |
| | | | | | | 2,041 | | |

Note. — The following countries do not figure in the above table:

Europe: Portugal, Norway, Estonia, Latvia, Lithuania, Bulgaria, Roumania, Yugoslavia, Greece, Albania.

Asia: Turkey, Syria, Hejaz, Yemen, Afghanistan, British India, Burma, Malay States (Straits Settlements), Siam, French Indo-China, Netherlands East Indies.

America: All the countries of Central America (except Mexico), Venezuela, Ecuador,

Chile, the Argentine, Paraguay, Uruguay and Brazil.

To take account of the air transport of these countries, the results obtained above should doubtless be increased by 5 per cent for the lines, 10 per cent for the traffic results, 20 per cent for the total number of airports and 10 per cent for the number of machines in service.

C. Maps of the Principal Services, with Comments.

We have no intention of giving in this report a list of the air services available to the public throughout the world. The reader will, however, find below a few maps, accompanied by comments, which have been prepared so as to provide a general idea of the various systems.

Europe.

Maps of the air system of Europe are too familiar, too complex, and also—if unaccompanied by a long commentary—too deceptive, for one to be reproduced in support of this chapter. It may be well to recall, however, that the length of the air-lines in Europe is three times as great in proportion to the area of the continent as in America, and approximately the same as in the United States of America; and that the airport of Paris-Le Bourget was utilised daily during the summer of 1929 by 48 aeroplanes engaged in regular public transport (average figure), that of Berlin-Tempelhof by 44, and that of Cologne by 32. But local conditions, and the consequent value of the lines, are so much influenced by the subdivision of European soil into small national territories (small in comparison with the average range already attained by aeroplanes) that any description of the air system must involve political considerations of rivalry and co-operation (see Chapter IV).

Africa.

At the beginning of 1930, the only regular aeroplane services in Africa—apart from the Mediterranean basin, which is better classed with Europe—were the following (Figure 6):

- (1) The coastal section Casablanca-Dakar, connecting French West Africa with Morocco, but owing its true significance to its extension to South America;
- (2) The Belgian Congo system, a large and methodical enterprise whose efficient operation has already shown its effects on the life of the colony;
- (3) The first postal lines of the "Union Airways", organised on a modest scale in the Union of South Africa, which have been in existence barely a year.

In addition, the first section, Cairo-Bagdad, of the British line to India may be regarded as of importance to Africa.

The plans in process of realisation chiefly aim at the establishment of Empire air routes, which do not afford any guide to the frequency or economic importance of the services which may be initiated in future.

The Cape-to-Cairo route, which throughout traverses territory under British sovereignty or influence, will be entirely open to commercial aviation as from the beginning of 1931; its political unity will simplify the establishment of the air services.

The route from Algiers to Madagascar lies, for over two-fifths of its length, over territory not under French sovereignty or influence—Belgian Congo, Rhodesia and Portuguese East Africa. On this route there will, therefore, be a preliminary problem of international agreement and co-operation to be solved.

The same will apply to the less important route, reconnoitred by the British military air service in 1929, which leaves the Cape-to-Cairo route at Khartoum and connects this great artery with Nigeria and the British West African colonies (see Figure 7, page 20).



Figure 6. - COMMERCIAL AIR-LINES IN AFRICA.

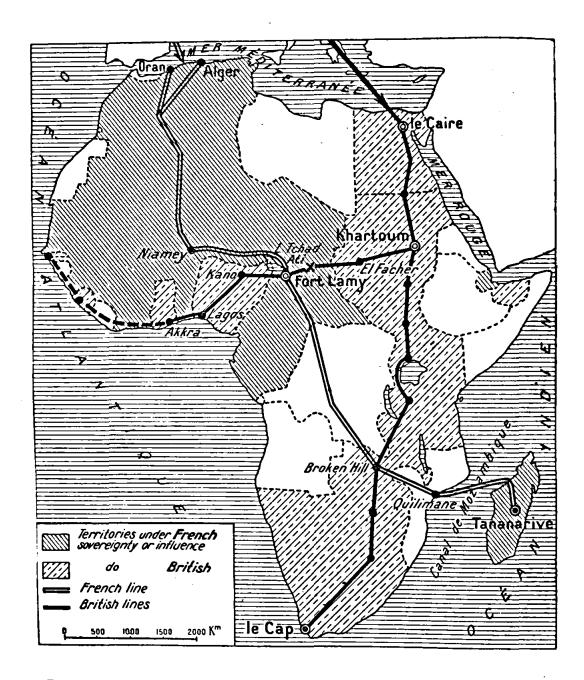


Figure 7. — THE BRITISH AND FRENCH PROJECTS FOR EMPIRE AIR ROUTES IN AFRICA AND THE PROBLEMS OF SOVEREIGNTY.

(Map taken from an article by the author, published in L'Illustration).

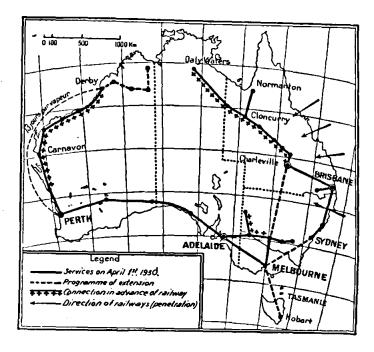


Figure 8. - COMMERCIAL AIR-LINES IN AUSTRALIA.

Australia.

As, owing to its political unity, the business-like execution of a programme solely based on economic considerations is easy, Australia is perhaps the part of the world where commercial aviation at present renders the most valuable services (though possibly not the most regular) in proportion to the length of the lines established.

The map of air routes in operation (Figure 8) should be interpreted in the light of the rail and coastwise communications, which are often the only means of transport. Thus, the distance from Perth to Derby (approximately 2,500 kilometres) is covered by aeroplane in two days, whilst a steamer takes six times as long.

Many air services, the stopping-places and sometimes the termini of which are not given on our map, have been started owing to gaps in the railway system. Furthermore, the railways of the west consist chiefly of lines of penetration perpendicular to the coast, and the aeroplane has made it possible to establish rapid connection without delay between their inland termini above territories where railway construction is always difficult and sometimes not an economic proposition.

This special suitability of aviation to the territory of Australia has led to an accelerated development of regular air transport in that continent in the last two years, to which subsidies have also contributed their share.

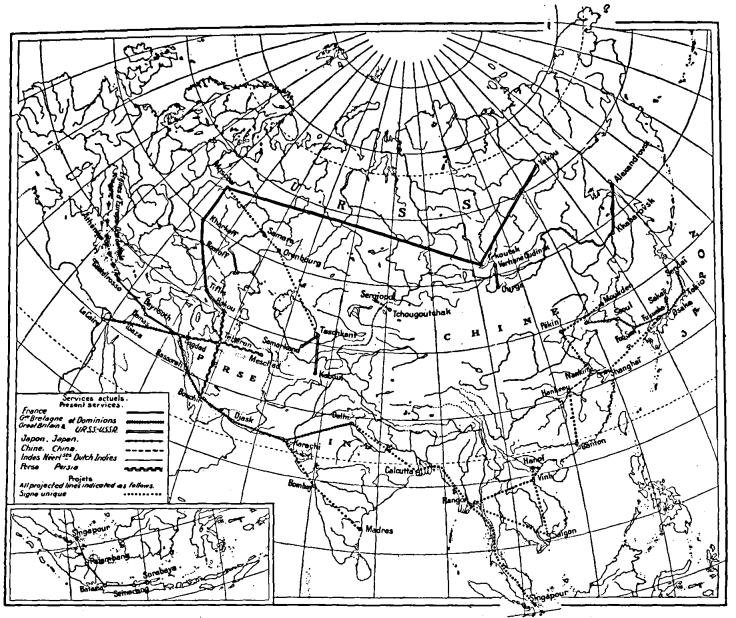


Figure 9. — Commercial Air-Lines in Asia.

Note: Long distance lines in Russia and Siberia are shown in skeleton form.

The latest particulars, taken from the Australian review Aircraft, may be summarised as follows:

| | 1928 | 1929 |
|-------------------------------------|------------|-----------|
| Aerodromes equipped | 56 | 8- |
| Emergency grounds maintained | 4 | 118 |
| Licensed commercial pilots. | 708 801 | 157 |
| Kilometrage of subsidised lines. | 5,620 | 8,660 |
| Kilometres travelled on these lines | 821,000 | 1,100,000 |
| Total kilometrage of civil aviation | 2,400,000 | 5,460,000 |

Asia.

The only active "local" services, which, however, cover territories as large as several European countries, are the Persian services (see Chapter III) and those of the Netherlands East Indies (see Figure 9).

The Japanese programme is still only in its early stages. China, where the future prospects of air transport are undeniable, is at present hardly in a condition to permit of the regular operation of an air-line.

The Union of Soviet Socialist Republics had nearly 19,000 kilometres of lines at the end of 1929—long-range connections across Siberia or towards Mongolia, communications filling serious gaps, whether permanent or local.

Great Britain has already brought the weekly service of the line to India as far as Delhi. France and the Netherlands wish to adopt the same itinerary, the former towards Indo-China and the latter towards the Netherlands East Indies. The necessary sub-structure is already in existence or is being completed in Indo-Chinese territory and in the Netherlands East Indian archipelago. But from Delhi to Rangoon, and from Rangoon to Hanoi and Saigon on the one hand, and to Singapore on the other, there is a big hiatus.

North America.

Dominion of Canada.

Private air services have multiplied in this immense country, where "the aeroplane reigns supreme and is utilised by all wherever the railway has not yet penetrated".1

The Dominion Government has subsidised some twenty postal air services, prolonging the railways over territories where transport in winter is only possible by means of dog-sledges at the cost of weary weeks of dangerous travel. Thus, certain Arctic outposts which had hitherto only been able to receive one letter mail throughout the long winter are now in weekly touch with the civilised world.

In 1929, on twenty air routes having postal contracts with the Dominion Government—only the most important of which are shown on our map (Figure 10)—200 tons of

mail were carried.

The Dominion Government is organising an "Aerial Canadian Pacific", duplicating and accelerating the Canadian Pacific Railway. The Ottawa-Winnipeg section, through the great province of Ontario, and the Calgary-Vancouver section, across the Rockies, still remain to be established.

Canadian civil air traffic in 1929, including both public and private services, has been estimated at 78,000 hours' flying over a distance of 10,000,000 kilometres covered by 400 aeroplanes or seaplanes on 10,000 kilometres of established routes; 125,000 passengers and 1,750 tons of freight being thus conveyed by air.

United States.

On the basis of the three official maps of the American Department of Commerce, brought up to January 1st, 1930, we have prepared a single document (Figure 11) showing whether the air routes are used for the conveyance of postal matter, express parcels and passengers, or whether they specialise in a particular freight. In order to give a clear picture of air traffic in the United States, some idea ought also to be given of the wide differences in the relative amount of transport on the different lines. Suffice it to say that, apart from the great transcontinental routes, which reduce the length of the journey from ocean to ocean to 30 hours for mails and 48 hours for passengers (air-rail services) instead of four days, certain shorter lines (Boston-New York; San Diego-Los Angeles-San Francisco; Kansas City-Wichita), and even very short lines (Tulsa-Oklahoma City; Dallas-Fort Worth), enjoy a large custom, owing to the inadequacy of the railway system or its local inconvenience.

The development of air traffic in the United States since 1926 (when there was only the transcontinental air post which the Government had organised and handed over to private enterprise) was, as it were, "inflated" by the superabundance of capital which in 1928, and still more in 1929, was seeking employment. The following figures none the less deserve consideration:

¹ Pierre de Saint-Denis: " Aviation and its Future in Canada" (L'Aéronautique, May 1930).

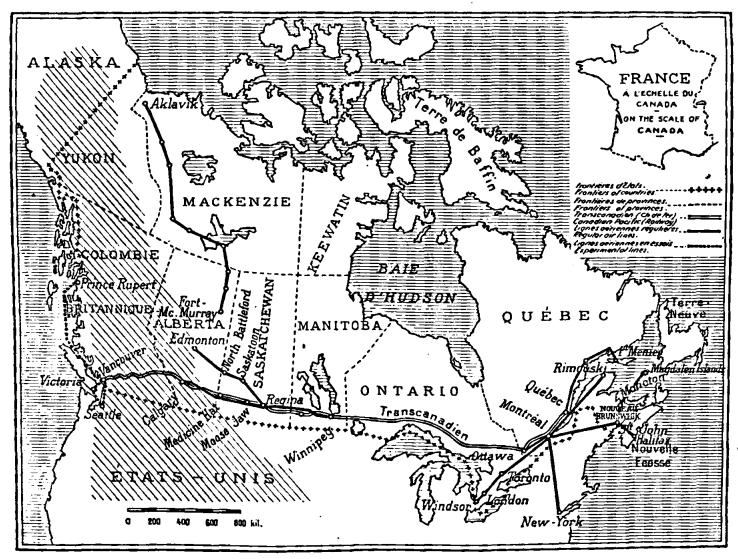


Figure 10. - PRINCIPAL LINES OF THE CANADIAN AIR TRANSPORT SYSTEM (according to L'Aéronaulique).

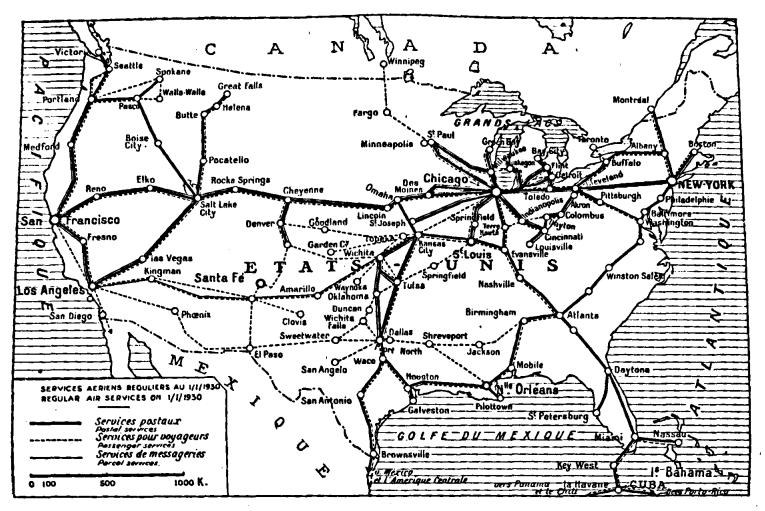


Figure 11. - REGULAR AIR SERVICES IN THE UNITED STATES.

Activity of Regular Air-lines.

| | 1926 | 1927 | 1928 | 1929 |
|--------------------------------|-----------|-----------|------------|------------|
| Kilometres travelled (approx.) | 6,920,000 | 9,400,000 | 17,300,000 | 36,000,000 |
| | 19,000 | 26,000 | 48,000 | 97,000 |
| | 5,782 | 8,679 | 49,713 | 150,000 |
| | 760,000 | 1,000,000 | 820,000 | 900,000 |
| | 370,000 | 730,000 | 1,900,000 | 3,600,000 |

Aeronautical Equipment of the Country.

| | 1926 | 1927 | 1928 | 1929 |
|---|-------------|--------|--------|--------|
| Air routes utilised (kilometres) Air routes equipped for night flying | 13,000 | 14,700 | 25,000 | 60,000 |
| (kilometres) | 3,300 | 7,200 | 11,800 | 21,000 |
| Civil airports | | 503 | 733 | 948 |
| Emergency grounds | _ | 320 | 340 | 235 |
| Total grounds available | | 823 | 1,073 | 1,183 |

In March 1930, the kilometrage of the air services was officially estimated at 145,000 a day. At the same period, out of 93 lines, 50 carried mails, 64 passengers, and 32 express parcels; 15 went abroad, providing 12 postal services and 8 passenger services. On the same date, it was calculated that regular transport represented 15 per cent of the total air transport, and that the latter therefore amounted to a daily kilometrage of 980,000.

Central America.

The air system of Central America and the Greater Antilles should be considered as part of that of the United States. The principal Mexican lines owe their significance to their linking up with the United States system (both in the case of the tourist lines to the pleasure resorts and in the case of the main traffic lines); in the same way it is owing to the leisured and wealthy population which resides in Florida that the luxury lines going as far as San Juan de Porto Rico are assured of their custom.

But the true value of these lines is due to the fact that their stopping-places, both on the mainland and in the islands, lie along the prearranged routes to South America.



Figure 12. - COMMERCIAL AIR-LINES IN SOUTH AMERICA.

South America.

Briefly, the air system of South America includes (Figure 12):

- 1. In Colombia, and from Colombia to Panama westwards and to Ecuador and Peru southwards, the lines of the S.C.A.D.T.A., a remarkable Germano-Colombian enterprise which, owing to the exceptionally favourable geographical conditions that have determined the lines on which the undertaking has developed, was for a long time the only air transport company in the world which survived, prospered and distributed dividends without being subsidised (see Chapter III).
- 2. The system, entirely continental like the country itself, of the Bolivian Lloyd Aero, an undertaking also under German technical control and management.
 - 3. The Peruvian Government lines on the eastern slopes of the Andes.
- 4. The east coast services, mainly consisting of the great Natal-Buenos Aires artery of the French Compagnie générale aéropostale, which has been prolonged as far as Santiago de Chile to the west, Asunción (Paraguay) to the north, and Comodoro Rivadavia and Rio Gallegos (Patagonia) to the south; on the east coast, too, the German-Brazilian Kondor Syndicate operates coastal services, chiefly by seaplane, between Rio Grande do Sul and Rio de Janeiro; the extension of these services to the north as far as Natal has just been announced. Lastly, the American N.Y.R.B.A. has, since April, been carrying on subsidised postal services connecting the United States with Buenos Aires, Santiago de Chile, Yacuiba (Argentine-Bolivian frontier) and Asunción (via Corrientes).
- 5. The west coast services (Pan-American Airways, Faucett Aviation Company, Chilian Government lines all along the coast of that country), which practically complete the aeronautical circuit of the South American continent.

Many of these services are too new to enable any judgment to be formed of their economic efficiency. Broadly speaking, however, they cover immense areas, most of them wealthy and badly served by coastwise shipping lines or by precarious land communications. They should gradually transform local traffic conditions and influence trade, and their future is therefore assured.

Chapter II

PRESENT CHARACTERISTICS AND EFFICIENCY OF AIR TRANSPORT.

The place already occupied by air transport in the economic equipment of Europe is, to a considerable extent, due to the artificial development of the aeronautical industry. After the war of 1914-1918, this industry used every means in its power to maintain its business; but these efforts of self-preservation would not have been decisive if aviation had not been able to rely on its own technical qualities. Moreover, the commercial air movement which began in North America early in 1926 owed practically nothing to the accidental impetus of the war, but everything to the technical realities of aviation and the power attributed to it of endowing this vast continent with a new and advantageous system of public transport.

In that continent, which the railway takes at least three days and four nights to cross, and in which the road system is still rudimentary, the aeroplane should

have special opportunities for demonstrating its essential quality - speed.

But this speed, which must not be over-estimated, and which, in the case of commercial speed, is much lower than usually supposed, is set off by drawbacks which must be taken into account when judging the true possibilities of air transport. This question we propose to examine below.

A. SPEED.

Record Speed. — The greatest speed yet attained by a flying machine is 575 kilometres an hour. This official record was established on the basis of a distance of 3 kilometres travelled several times in each direction with a 2,000 h.p. engine by an aeroplane with floats, carrying its pilot and the few decalitres of petrol necessary for the flight, a machine totally incapable of any practical service.

Exceptional Speeds. — From time to time the newspapers announce that a plane has "beaten the record" on a particular journey, doing Paris-London or Paris-Berlin at 250 or 280 kilometres an hour. These announcements have no technical importance, as the speeds in question are due to a strong wind which helped the machine in its flight, but lowered the speed of the commercial machines doing the same journey in the opposite direction to 60 or 70 kilometres an hour.

True Speeds. — Transport machines in service on the regular lines have a maximum speed of 160 to 260 kilometres an hour, according to their technique and especially according to their general dimensions and the power of their engines. The fastest are single-engine monoplanes, capable of carrying a load of 500 to 1,000 kilogrammes for distances of 500 to 1,000 kilometres; for example, in Europe, the Latécoère 28 (600 h.p. Hispano-Suiza engine), which reaches 240 kilometres per hour; and, in the United States of America, the Lockhead and Fleetster, which are said to exceed 260 kilometres an hour, but with a less roomy cabin and a smaller commercial load. Seaplanes are about 20 per cent slower than aeroplanes of the same tonnage and of the same power.

Cruising Speeds. — These speed maxima are attained during trials or in exceptional circumstances; they sometimes require special propellers and always the full power of the engine; they are incompatible with the requirements of regularity and safety which are essential to a public transport service, and they would involve the rapid wearing-out of the material. Except when he has to contend with unfavourable atmospheric conditions, the pilot keeps his machine throttled down to a cruising speed of about two-thirds or three-quarters of the maximum speed, i.e., between 110 and 120 kilometres per hour for the slower machines and between 180 and 200 kilometres for the faster. Leaving on one side the special postal machines employed on certain lines, the use of which is still not without some element of risk, an average speed of 150 kilometres an hour on a normal line of 500 kilometres travelled without a stop by modern machines carrying passengers must be regarded as exceptionally high.

This practical travelling speed remains much higher than that of the best means of transport (fast steamer, 45 kilometres per hour; motor-car, 70 kilometres per hour; express train, 90 kilometres per hour); from the point of view of transport, however, it is not the speed of the vehicle which is important but that of the passengers or freight transported between the point of departure and the terminus of the journey.

Commercial Speeds. — The wide open spaces still required for the safe taking-off and landing of aeroplanes too often mean that airports are situated at some distance from the great cities; the result is that journeys by air are lengthened at both ends to an extent which sometimes annuls the gain in speed. This is the case for short journeys between towns well served by fast trains and with badly situated aerodromes.

On longer journeys, intermediate landings and the taking in of supplies reduce the commercial speed, as it is not always possible to adopt the expensive solution of changing the machine at each stopping-place.

But it is on the longest stretches, when theoretically the aeroplane should be best able to display its qualities of speed, that it still nearly always encounters the most serious handicap, stoppage at night. As we shall see, there are still very few routes in the world along which an aeroplane is capable of flying at night with reasonable safety. This drawback is the more serious inasmuch as the man whose time is of most value can generally afford the luxury of a sleeping-car and nearly always spends the night in travelling, so as not to waste time. 1

In order to be subject as little as possible to the severe handicap of night stoppages, the whole journey must, if circumstances permit, be covered between dawn and twilight; and with the help of technical progress an enterprise can thus be considerably improved. We give below (Table I and Figure 1) a remarkable example of this in the case of the France-Morocco line. In two years the percentage of journeys carried out in a day between Toulouse and Casablanca has doubled; thus, in 1929, a commercial speed of between 160 and 190 kilometres an hour was achieved 77 times out of 100. It is true that, during six months of the year, there practically has to be night flying at the two ends, between Casablanca and Tangier and between the Col du Perthus and Toulouse.

¹ One evening, in December 1929, we happened to find the directors of most of the air companies of Europe on the platform of the Berlin-Friedrichstrasse station waiting for the Nord Express. They had been attending a congress which had ended in the afternoon, and were taking advantage of the night train in order to be at their offices, after a comfortable night, towards the middle of the following day. An aeroplane could not do the same for them, and the public argues in the same way.

| | | France-Morocco Morocco-France | | | Morocco-France | | | |
|------------|--------------------------------------|---|---|--|---|---|--|--|
| Year. | | | | | | | | |
| | On first day | On second day | On third day | On first day | On second day | On third day | | |
| Number | 156 | 192 | 17 | 143 | 199 | 22 | | |
| Percentage | 42.7 | 52.6 | 4-7 | 39 | 55 | 6 | | |
| Number | 197 | 157 | 12 | 193 | 165 | 5 | | |
| Percentage | 54.I | 45.5. | 3.2 | 53 | 45 | 1.4 | | |
| Number | 307 | 55 | 0 | 256 | 108 | I | | |
| Percentage | 84.6 | 15 | 0 | 70 | 29.7 | 0.3 | | |
| | Number Percentage Number Percentage | Year. of On first day 156 Percentage 42.7 Number. 197 Percentage 54.1 Number. 307 | Number and percent of journeys complete of journeys comple | Number and percentage of journeys completed On first day On second day On third day Number | Number and percentage of journeys completed Number of journeys completed On third day On first day Number of journeys completed 156 192 17 143 Percentage of journeys completed 42.7 52.6 4.7 39 Number of journeys completed 197 157 12 193 Percentage of journeys completed 54.1 45.5 3.2 53 Number of journeys completed 307 55 0 256 | Year. Number and percentage of journeys completed Number and percent of journeys completed On first day On second day On third day On first day On second day Number 156 192 17 143 199 Percentage 42.7 52.6 4.7 39 55 Number 197 157 12 193 165 Percentage 54.1 45.5 3.2 53 45 Number 307 55 0 256 108 | | |

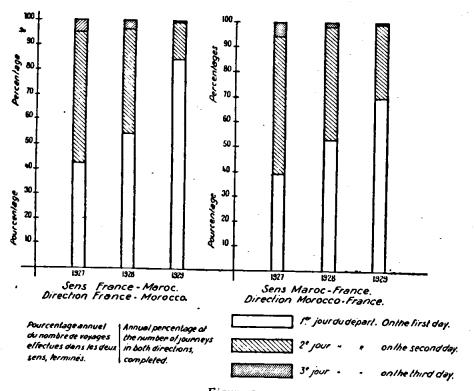


Figure 1.

Nevertheless, even when night flying is impossible, long-distance aeroplanes show a considerable superiority over ships as a means of world communication.

On the line to India, British machines only achieve a commercial speed of 48 kilometres per hour between London and Karachi; but this nevertheless constitutes a saving of seven days out of sixteen for the connection with Calcutta.

On the line France-South America, where two air sections (Toulouse to Dakar, 4,695 kilometres, and Natal to Buenos Aires, 4,650 kilometres) are still separated by sea crossings of 3,300 kilometres in fast despatch boats, a speed of 66 kilometres per hour is now normally obtained; in fact, the seventeenth journey of 1929 achieved a commercial speed of 71 kilometres an hour over the 12,665 kilometres between Toulouse and Buenos Aires, reducing to 7 days 9 hours the length of the connection, for which the fastest boats take approximately 18 days.

It should not, however, be forgotten that these results are achieved on a postal line where passengers are not normally admitted and where the efforts of the pilots are still attended by undoubted risks, since for each weekly connection, out of 90 hours' flying, 15 to 20 are done at night over inhospitable areas.

* * *

Finally, there are numerous cases where special geographical or economic circumstances give particular value to the speed of aerial transport, e.g., sea crossings (even short ones, if they avoid transhipment), slow river travelling (communications between the Colombian coast and the capital), flying over desert areas (Persian or Australian lines).

B. REGULARITY.

Even a very high commercial speed might, for lack of regularity, be of little value. One often hears it stated that aerial transport is, if not perfectly regular, at any rate of a regularity comparable with that of transport by rail; here, unfortunately, the wish is father to the thought and such a reality is still far off.

If the vague notion of regularity is analysed, it may be subdivided into three factors: constancy (corresponding to the permanence of supply), regularity proper and punctuality.

Constancy. — In the case of Europe, this quality is still not at all marked. The mileage in service is hardly more than half in winter what it is in summer; in addition, the falling-off in frequency reduces to a quarter, or even less, the supply of aerial transport during the bad season. ¹ This very accentuated seasonal character (see Figure 2) is partly due to the fact that passengers still represent three-quarters of the total business and that these passengers are chiefly tourists and therefore travel in summer; but, above all, it is due to aerial transport dependency on atmospheric variations. This dependency is apparent in the statistics of regularity proper.

¹ Even during the summer the capacity of an active aerial line remains very small compared with that of other means of transport; and, for lack of adaptability to the demand, it may have to refuse clients who have been attracted by advertisement and who, in many cases, may not come again.

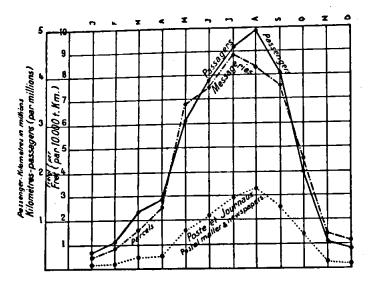


Figure 2. — SEASONAL CHARACTER OF AIR TRANSPORT (according to the German statistics for 1927).

For the sake of convenience we have adopted a scale for passenger-kilometres which greatly reduces passenger traffic; in kilometric weight the latter is five times greater than the parcels traffic.

Regularity. — In the first place, definitions of aeronautical regularity differ profoundly from those employed for other modes of transport. M. Dautry, in his report already referred to, has emphasised the fact that the French railway administrations regard as irregular any train reaching its destination more than one minute late; in aviation, many companies still regard as regular any aerial voyage completed, whatever the distance, on the day on which it was undertaken (definition A); there is, however, a tendency to adopt the definition sanctioned by the twenty-third International Aeronautical Conference to the effect that a stage is regular if it is effected with a delay of less than 100 per cent on the time-table (definition B).

According to definition A, which is the less strict of the two, the regularity of the German air traffic in 1927 took the course, month by month, which is shown in the graph (Figure 3).

It will be seen that the maximum percentage of regularity achieved in August was 96.9 per cent and corresponds to the period of greatest activity; and that the minimum, 57 per cent, was reached in January, when the *number* of journeys not undertaken or declared irregular was 480 out of 1,121.

For the whole year the regularity was 90.4 per cent, and 26,656 journeys out of 29,473 were regular; for 1928 the percentage — which this time applied to 30,424 journeys out of 33,116 — remained identical.

* * *

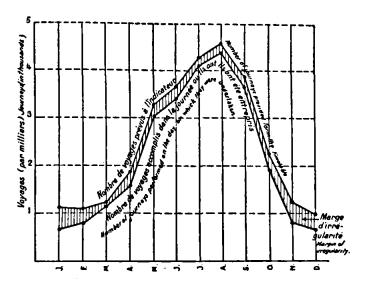


Figure 3. - REGULARITY OF GERMAN AIR TRAFFIC IN 1927.

N.B. — A journey is reputed regular when performed on the day on which it was undertaken. Highest percentage of irregularity (January): 43%. Highest number of irregular or cancelled journeys (January): 480 out of 1,121. Lowest percentage of irregularity: 3.1%.

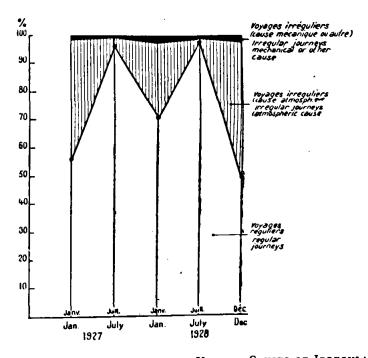


Figure 4. — SEASONAL INFLUENCE OF VARIOUS CAUSES OF IRREGULARITY.

Ger.nan Luft Hansa (1927 and 1928).

The most powerful influence, at any rate in Europe, on the regularity of air transport is the weather, as will be seen from Figure 4, based on the statistics of the Deutsche Luft Hansa and from Table II below:

| | | | | Percentages | | |
|-----------------------|---|------------------|-------------------|--------------------|-------------------|--------------------|
| | | 192 | 27 | | 1928 | |
| | | January | July | January | July | December |
| Regular jo | urneys | 56.7 | % 95.9 | % 70.6 | % 97·3 | % 49.1 |
| Irregular journeys | Atmospheric cause Mechanical cause Other causes | 42 0.8 0.5 | 3.2 0.7 0.2 | 27.6 1.2 0.6 | 1.5 0.9 0.3 | 48.9 0.9 1.1 |

It will be observed that, in winter, bad weather is a cause of irregularity twentythree times more often than all other causes combined, and even in the middle of the fine season its influence continues to predominate.

However that may be, the average regularity of air transport (still according to definition A) from 1925 to 1928 was 89 per cent for the United States, 90 per cent in Germany, 92 per cent for the British lines and 94.5 per cent for the lines of the Netherlands K.L.M. Company, which, however, in 1928, only achieved 93.3 per cent.

Taking definition B, which is stricter, the regularity of the most typical French air-transport undertakings—calculated per stage—in the last three years was as follows:

| | Air lines | Percentage of s not more that | | |
|---------------------------|-----------------------|----------------------------------|----------------------|------------------------------|
| <u> </u> | Ţ | 1927 | 1928 | 1929 |
| I. Short Aeroplane Lines: | Toulouse-Bordeaux | */• | °/• 100 | •/• 98 |
| | Lyons-Geneva | 97 90 93 | 97 87 91 | 92.2 93.2 93.4 |
| II. Long Aeroplane Lines: | Paris-Marseilles | 87 81 97 91 | 80 87 97 80 | 89.7 85.8 98.4 76.7 |
| III. Long-range Aeroplane | Lines: France-America | 79 | 95 | 97 |
| IV. Seaplane Lines: | France-Corsica-Tunis | 82 56 | 95 67.2 | 82.6 86.5 |
| V. Night Services: | Paris-London | | | 56.5 |

Technical difficulties being equal, the Mediterranean and African lines have a greater regularity. Naturally, also, the short lines have an advantage, as they derive more protection from weather forecasts.

The C.I.D.N.A., which, in 1929 for the first time, extended its Paris-Constantinople service to the whole year round, experienced a reduction in regularity from 80 to 76.7 per cent, although from April to October it reached 90 per cent (see Figure 5).

The regularity of 56.5 per cent obtained by the Paris-London night service should be noted. Such services presuppose great experience on the part of the crews

and also a land equipment which, in the case of this line, is still rudimentary. The German night services, which are of longer standing and are better guided on land, covered 70,000 kilometres in three months in 1927 and 255,000 kilometres during the twelve months of 1928, with an average regularity of 88.2 per cent the first year (August-October) and 83 per cent the second.

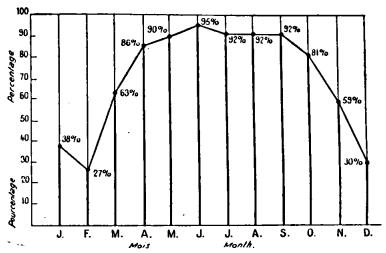


Figure 5. — REGULARITY OF THE C.I.D.N.A. IN 1929 (Paris-Constantinople and branches).

To sum up, and according to the French definition, it may be said that, in Europe and North America, the regularity achieved is 90 per cent during the summer and 80 per cent over the whole year. These results are certainly improved upon under more favourable skies, notably in Australia.

Punctuality. — In the present state of affairs, punctuality cannot be expected of air transport. It can only be achieved at the original place of departure, and at the starting-point of the stages, if the margin procured by the stoppages—at the expense of commercial speed—is sufficient.

The Swiss Balair Company, well known for its efficient administration and the homogeneity of its material, only carries on a small number of winter services over moderate distances; it is justly proud of having achieved, in 1928, 90 per cent of arrivals with less than thirty minutes' delay on the time-table.

C. SAFETY.

The statistics of aeronautical safety are few in number, rarely comparable, and not always readily published—all of which clearly shows the present insecurity of the aeroplane as compared with railways and even motor-cars.

In his report for 1928, M. Dautry estimates that the motor-car is sixteen times less safe than the railway and that the aeroplane, taking as a basis the statistics in passenger-kilometres—which are the only correct ones—is, on the French lines, one hundred times less safe than the train. Taking for the aeroplane, not the figures of M. Dautry's report relative to 1925 and 1926, but the average results for the period 1919 to 1929 inclusive, we may establish the following comparison (Table IV), in which the only victims considered are the passengers:

| • | Table IV. | | |
|---------------------------------|---------------------|--------------------|---------------|
| | Railway | Aeroplane | Ratio |
| | (average 1923-1926) | (average 1920-1929 | (approximate) |
| Killed | 0.0011 | 1.17 | 1 to 1,060 |
| Per million pas- | 0.0125 | 1.07 | 1 to 85 |
| senger-kilometres Total victims | 0.0136 | | 1 to 160 |

The safety of the railways from 1923 to 1926 inclusive was 160 times as great as that of the aeroplane (1920 to 1929) if we consider the number of passengers victims of an accident, and 1,060 times greater if the number of passengers killed is compared with the number of passenger-kilometres.

The statistics of the *Deutsche Luft Hansa*, which operates shorter lines and over generally more hospitable country, compare less unfavourably (Table V), especially as regards killed, with those of the railways, which we assume to be identical with those of France.

| | Table | <i>v</i> . | | |
|--|----------------------|----------------------|----------------------|----------------------------------|
| | Aerop | olanes | Average | Probable ratio with railways |
| | 1926-1927 | 1927-1928 | VACTARE | (approximate) |
| Per million pas- senger-kilometres Killed Injured Total victims | 0.29 1.75 2.04 | 0.15 0.89 1.04 | 0.22 1.32 1.54 | 1 to 200 1 to 110 1 to 130 |

Recently, the American review, Aviation, gave for commercial aeronautics in three countries a death rate per million passenger-miles which worked out as follows after conversion into passenger-kilometres:

These figures, which apparently refer to the period 1925-1929, are remarkably similar. It should be noted that, from 1925 to 1928, British subsidised air transport did not have a single fatal accident; but, its traffic not being very large, two accidents with several victims in 1929 were sufficient to bring it back to the common level of relative insecurity. Similarly, certain small companies which have so far had no accident involving the death of a passenger do not on this account provide proof of absolute security; a single accident would perhaps put them at once at the rate of one killed per million passenger-kilometres.

This fact brings out the most serious difficulty of aeronautical insurance: absence of large numbers on which probabilities can be calculated.

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Statistics in passenger-kilometres alone permit of a valid comparison with other means of transport, for they alone eliminate the disproportion between the average journeys on the one hand and the average number of passengers on the other.

But, if the object is simply to judge the progress of aeronautical safety, all factors of comparison are valid, and mention should be made of the remarkable work Aviation

and Life Insurance published at the beginning of 1930 by the Daniel Guggenheim Fund. We reproduce the following figures from this article:

1. Mortality rate of aeroplane pilots in the United States: 1927, 2.34 per 100; 1928, 2.78 per 100; 1929, 2.37 per 100.

2. Mortality rate of aeroplane passengers in the United States: 1927, 1.06 per 1,000; 1928, 1.33 per 1,000; 1929, 1.46 per 1,000.

3. Joint statistics for both categories:

| Year | Miles travelled | Pilots on active service | Pilots killed | Passengers carried | Passengers killed |
|-------|--------------------|-----------------------------|---------------|-----------------------|----------------------|
| 927 | 35,692,653 | 2,772 | 65 | 833,679 | 99 |
| 1928 | 70,673,450 | 5,787 | 161 | 1,669,713 | 223 |
| 929 1 | 140,000,000 | 7,161 | 170 | 1,550,000 | 226 |

In Figures 6 and 7 below we have expressed in graphic form the evolution displayed by the statistics; an undeniable (and, one may add, essential) progress towards security is shown.

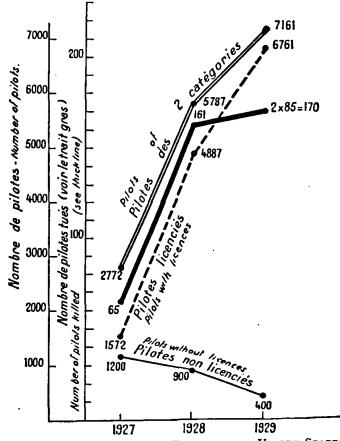


Figure 6. — FATAL ACCIDENTS TO PILOTS IN THE UNITED STATES.

This table applies to all civilian pilots, and not only to pilots employed on the regular transport lines. (In 1929, the figure of those killed in the first half-year has been doubled.)

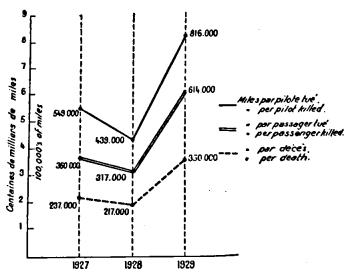


Figure 7. — Increase of Distances covered in the United States per Fatal Accident.

Such progress is naturally more difficult to achieve when a system not only grows larger each year but also ensures long-range communications which sometimes involve hazardous flights daily or weekly and, in any case, necessitate regular journeys above alien, ill-supplied and sometimes hostile territories, or above the sea. Such is the case on the greater part of the French system, and this is a factor which must be seriously taken into account in estimating the security of this system. We summarise below (Table VII and Figures 8 and 9) the statistical data which show this degree of security.

| Year | Passenger- | Accidents | Killed | Injured | Passengers | | Cn | cw 🛕 |
|------|------------|-----------|--------|-----------|------------|---------|--------|-------------|
| 1621 | kilometres | Accepted | Killed | Anjured . | Killed | Injured | Killed | Injured |
| 920 | 615,000 | 9 | 10 | 5 | 3 | 0 | 7 | 5 |
| 921 | 4,126,000 | 11 | 11 | 7 | 7 | 4 | 4 |] 3 |
| 922 | 3,484,000 | 8 | 19 | 2 | 12 | ļ i | 7 | Ĭ |
| 923 | 4,189,000 | 6 | 12 | 13 | 8 | 9 | 4 | 4 |
| 924 | 5,366,000 | 6 | 6 | 3 | 3 | 0 | 3 8 | 3 |
| 925 | 6,279,000 | 12 | 12 | 10 | 4 | 5 | 8 | 3 5 8 |
| 926 | 6,592,000 | 17 | 18 | 25 | 11 | 17 | 7 | 8 |
| 927 | 7,717,000 | 9 | 12 | 6 | 6 | 2 | 7 6 | 4 |
| 1928 | 9,926,000 | 23 18 | 19 | 28 | 6 | 15 | 13 | 13 |
| 1929 | 12,461,000 | 18 | 21 | 19 | 10 | 11 | 11 | 13 8 |
| | 60,245,000 | 119 | 140 | 118 | 70 | 64 | 70 | 54 |

The average figures for 10 years are thus as follows:

- I serious accident per 506,000 passenger-kilometres.

 I victim per 233,500
- I victim per 233,500 per 430,000 per 502,000 per 502,0

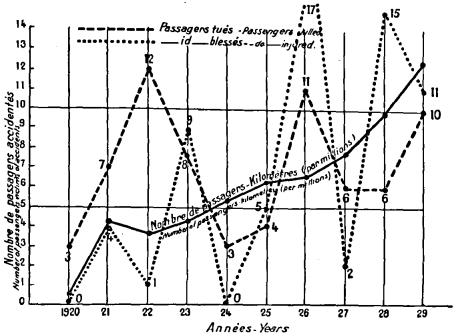


Figure 8. — FRENCH AIR TRAFFIC (1920-1929).

Killed and injured (passengers).

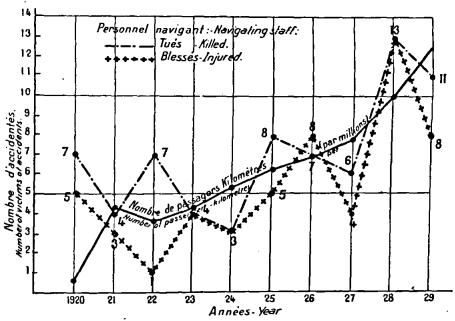


Figure 9. — French Air Traffic (1920-1929).

Killed and injured (navigating staff).

Or, per million passenger-kilometres (1,000 passengers travelling 1,000 kilometres each):

2 serious accidents;

2.33 killed (1.17 passengers and 1.17 pilots);

Approximately 2 injured (1.07 passengers and 0.9 pilots);

4.31 victims (2.24 passengers and 2.07 pilots);

1.17 passengers killed and 1.07 passengers injured;

1.17 pilots killed and 0.9 pilots injured.

Conclusions:

- (1) In ten years the number of killed among the passengers and among the navigating personnel composing the crews was exactly the same (70), which is due to the small capacity of the machines, their small degree of utilisation, and the comparatively large number of postal or commercial machines travelling without passengers;
 - (2) Even in the passenger class, the number of killed exceeds that of injured;
- (3) The number of victims increases at approximately the same rate as that of the passenger-kilometres; the sharp fluctuations in the graphs show how necessary it is, as long as one or two accidents may have such important effects on the annual statistics, to consider the longest period possible and, within this period, the average figure.

D. Working Costs.

A mixed train capable of carrying 230 to 240 tons useful load costs, according to M. Dautry, 22 francs per kilometre—all track, operation and traction expenses included.

A transport aeroplane with a 300 h.p. engine capable of carrying, in addition to the pilot, 4 passengers and 100 kilogrammes of baggage, or about 400 paying kilogrammes, costs, according to the technique of its construction and the difficulties of the route it travels, between 6 and 12 francs per kilometre.

The transport of a ton for a kilometre therefore costs by railless than 0.10 franc and by aeroplane 15 to 30 francs. No doubt the aeroplane goes faster, but we have seen that this speed, particularly on a number of European routes, is more apparent than real, and is outweighed by a regularity and security much inferior to that of the train.

In these circumstances, the aeroplane can only pay if it is used in a judicious manner, i.e., if it renders services in proportion to the price at which its kilometres are sold and to the new risks which it introduces. This is not the case for any regular air service in Europe, and outside Europe only for a few services which are geographically well situated. The best proof of this is that the public can only be asked for sometimes one-third and generally one-quarter, and often less, of the price which it ought to pay, and the deficit has to be covered by Government subsidies.

It may, of course, be hoped that technical progress will bring about a considerable reduction in working costs. But this reduction seems to depend largely on an increase in the tonnage of aeroplanes ¹; the regular utilisation of machines which will carry 50 to 100 passengers at a time necessitates, however, a wider clientèle and a better established security than at present. Furthermore, it is somewhat striking that, after 25 years' existence, aeroplanes do not yet answer to definite standard types; aeronautical technique is feeling its way much longer than did automobile technique—the problem to be solved being, of course, much more complex. It is, therefore, wiser, in order to allow for a technical instability which involves the scrapping of machines still capable of long service, to take as a basis the present prices of aeroplanes ² and of air transport.

. * .

A lowering in working costs in the near future is not very probable, because the aeroplane, as we have seen, must become faster, more regular and safer before it can be really adopted as a normal means of public transport.

In addition, if the transport of passengers is to be regarded as the chief or as an important resource, the aeroplane must become much more comfortable than it is

at present.

All these improvements will tend to increase working costs or to neutralise economies made elsewhere. In cases where, as in Europe, regular air services are (a) international and (b) working at a heavy loss, it is therefore necessary to have recourse without further delay to all the assistance that can be obtained from international organisation and co-operation.

¹ The appearance in 1929 of the Dornier Do. X seaplane (100 passengers for 800 to 1,000 kilometres) and of the Junkers G. 38 (30 passengers for 3,000 kilometres), giant machines with an economic output probably much greater than that of the aeroplanes in service, is an event of great importance.

A transport aeroplane with three engines of 300 to 450 h.p. intended for the conveyance of ten to fifteen passengers over 600 kilometres costs, if made of metal, 1,500,000 to 2,000,000 French francs and one-third less if it is made of wood. The best technical systems allow for the wearing out of the structure in 3,000 hours, with general overhauling every 200 to 300 hours, and that of the engines in 1,500 hours with overhauling about every 250 hours. Furthermore, technical evolution is rapid enough to make it necessary to eliminate from the parks of the companies concerned aeroplanes or seaplanes in perfect flying order but unable to compete with more modern material.

Chapter III

FINANCIAL RESULTS: TEN YEARS' EXPERIENCE.

Under these working conditions, which all depend on technique, what financial results has it been possible to derive from regular air transport? How far has this new force been able to make itself independent, as regards the place and method of its application?

During recent parliamentary debates in France, it was officially stated that no regular air transport undertaking had hitherto been able to "pay its way" and do

without subsidies either from the State or from other administrative bodies.

This is roughly true, though, to our knowledge, there is one exception—and perhaps two. This is little enough if we consider the number of companies.

A. THE COLOMBIAN S.C.A.D.T.A.

The one undoubted exception is the S.C.A.D.T.A. (Sociedad Colombo-Alemana de Transportes Aéreos), a German-Colombian undertaking established in 1921 in a prosperous, progressive country, whose capital is a thousand kilometres from the coast, from which it is alone accessible. This distance is normally covered in eight to twelve days by vessels plying from Barranquilla to Girardot on the Magdalena River, the Girardot-Bogota section being served by rail. At first, the small floatseaplanes employed covered this essential section (1,000 kilometres) in eight hours that is to say, in the day—and the service rendered was such that the S.C.A.D.T.A., when it had shown what it could do, could make its own prices. Since then, it has become more and more prosperous. Other lines were opened, though always with caution and only when the advantage of air transport was so marked as to make the public willing to pay the rates which had to be charged: coastal lines of 800 to 1,000 kilometres to Panama or Peru, which meant a saving in time of two to five days; small inland lines such as that from Puerto Wilches to Bucaramangua (perched over the River Magdalena) which is 70 kilometres in length as the crow flies and makes it possible to cover the distance in an hour (the plane has to fly high to cross the mountain) as compared with two days and a-half—this being the time taken in the train, followed by a mule ride.

The S.C.A.D.T.A. seaplanes cover 125,000 kilometres a month; the river service from Barranquilla to Girardot, which used to be weekly, is now daily. Thanks to agreements concluded, more particularly with European postal authorities (an example of long-distance co-operation due to the initiative of enterprising commercial services), the air lines of Colombia, which is a country of six and a-half million inhabitants, convey—and at a profit—a larger quantity of mail than all the German lines in Europe. What is still more remarkable, these 125,000 kilometres a month are paid for by a tonnage which is not very large: 500 tons in all during the year, 60 tons of which are for postal matter. But the rates charged, which are regulated in proportion to the service rendered, are from three to six times the rates on the European lines.

The S.C.A.D.T.A. pays quite good dividends, is gradually reducing its rates in order to fill its planes, and is contemplating and preparing for extensions of the system—all designed on the same principles—to Central America, Chile and Trinidad.

* * *

Some of the Peruvian lines, which are run by the State Air Service, make it possible to cover in two days a difficult section for which six weeks are otherwise required. The Lloyd aéreo boliviano is always rendering similar services. In Persia, the Junkers Luftverkehr lines are transforming conditions of traffic and, having worked without a subsidy for three years, consider their financial independence established. One New Guinea line in the service of a gold-mining concern is also regarded as prosperous.

In all these cases which we have considered, it is the local conditions and especially the precariousness and difficulty of normal traffic which have made air transport prosperous, or are likely to do so in the near future. But the companies must be able to obtain enough tonnage and tonnage that can pay the true price. As has been said, "aviation does not live exclusively on the area covered [or indeed, one may add,

on its ability to surmount obstacles], but on traffic".

Although it is true that this paying tonnage (passengers in a hurry, urgent correspondence, samples, interest-bearing bankers' bills, etc.) is larger in more highly developed countries, it is also true that these countries, as a rule, already possess rapid means of transport which are more regular, safer and less costly than air transport, and frequently, for the reasons given above, scarcely less rapid. Thus, in cases where the technical superiority of air transport has been proved, it is often unable to obtain the tonnage which would ensure its commercial success; and, again, where the material to be transported is plentiful, already established means of communication often almost entirely neutralise, by their high degree of development, the theoretical superiority of the new means of transport.

B. COMMERCIAL AVIATION IN THE UNITED STATES OF AMERICA.

One country, however—a country as large as Europe—appears at first sight as if it ought to be the "promised land" of commercial aviation. I refer to the United States, where business is intense, distances great, and road and rail systems less concentrated and less equally distributed than in Europe. Much has been said of the prosperity of American commercial aviation, as if its undeniably promising future were a present reality.

Commercial aviation in the United States still lives on subsidies. It receives special Government grants for mail services, and private grants for other branches of air transport in the form of generous donations in initial capital—a circumstance which was largely due to the superabundance of ready money in America between

the beginning of 1928 and the middle of 1929.

Nevertheless, as regards these latter concerns, and especially the soundest of them, which have not indulged in aviation "on the cheap", the facts of the technical position have made themselves felt, as is shown by the balance-sheets that have

been published.

An express transport company plying between the Atlantic and the Pacific in co-operation with the railways—the *Transcontinental Air Transport*, *Maddux*—announces for its first financial period (six months only) a deficit of 32 million francs on operation. Of course, this deficit does not take account of sums tied up for initial installation, which are shown in the accounts at approximately 4 million dollars (100 million francs).

The Western Air Express would have lost at least 25 million francs in 1929 on its passenger and rapid goods services if it had not, on its postal contracts for two lines of a length of approximately 1,300 kilometres in all, made, on 2,355,000 dollars received from the Government, a profit of nearly two-thirds of that sum, which restored the balance.

In point of fact, as regards practically all the regular American air-transport concerns, the "compensation" paid by the Federal Postal Administration has alone ensured their prosperity or continued existence in accordance with the rates—and these are often very different—at which they have undertaken to perform their services.

But whenever concerns have had to depend on the public for remuneration for services rendered, they have proved almost as ineffective in the United States as in Europe. As the transport of a passenger by aeroplane over one kilometre costs 10 to 12 cents and the planes can only be half-filled by charging 5 to 10 cents a kilometre, it is not difficult to see what the result will be. Since the beginning of 1930, the American companies have had to reduce their rates in order to attract customers. Reductions of 30 to 50 percent have sometimes been sufficient almost to fill the aeroplanes, but the general financial result has not been any better. All that can be said is that such a policy, provided that accidents are not too numerous, may prepare the way for that more numerous public which will, in the near future, use aeroplanes that are safer, larger, better and easier to run at a profit.

. * .

At all events, the Government "compensation" and the large quantities of mail carried at extra rates make it reasonably certain that, in the United States, where the conditions are very favourable, we shall see self-supporting postal air services.

In 1928, the postal matter carried by air amounted to 135 tons a month; the figures for 1929 and the first quarter of 1930 being 170 tons and 250 tons per month respectively.

At the end of the first quarter of 1930, on twenty-five inland lines totalling 24,000 kilometres, postal machines covered 60,000 to 70,000 kilometres a day and conveyed altogether 9 tons of postal matter, for which they received one million francs.

The remuneration per kilometre may therefore be estimated at 15 francs, and the postal "compensation" paid to the companies at approximately 110 francs per kilogramme.

Furthermore, the system in use allows of this compensation being paid to several concerns if they all help to carry the mails (see Note 1).

There are cases where the payments made by the State are so disproportionate to its receipts that it may be said that the subsidies paid to the air companies reach a level rarely seen in Europe. That is one of the results of the American system of making contracts for the mail service over several years on sections where it was difficult to appreciate the yield of the new services and where the carrier naturally tended to "cover himself" by charging high rates computed by weight. He could do this the more easily as, in 1926, civil aviation was entirely unknown to the American business world. Since then, he has taken advantage—and this is human if the pursuit of gain and of gain alone can be said to be human—of any weak points in the contracts. For instance, one carrier sent by air to his own address crank-shafts covered with stamps, each of which cost the consignor 5 cents but brought him in 20; while another carrier one Christmas sent thousands of actual or prospective clients Christmas cards, each of which, so far from costing him anything, brought himin a profit. The American Postmaster-General has described these practices as "unethical". It is obvious.

however, that such methods can only have been applied in relatively rare cases where the rates of "compensation" were disproportionate to the postal rates. Generally speaking, the air postal transport undertakings seem to have lost money in the United States since 1926, in spite of the very substantial support received from the Government.

At the time of writing, the Waters Law has just been passed. It extends this Government support to passenger lines, though on a small scale and by a method which amounts to taking the new subsidies out of the unduly generous "compensation" accorded to certain postal air carriers. At the same time, the present payments, which are reckoned on the weight of mail carried, are being replaced by payment of a sum proportionate to the space made available for the Federal Postal Administration by the air company in question on a given section.

* * .

This is not the place to examine the probable consequences of this change. We will only say that the inability of regular air transport to "pay its way" is at present the general rule; that there are only a few exceptions based on the observation and intelligent utilisation of peculiarities of economic geography; and that, finally, this weakness is inherent in the average aircraft of to-day, which has reached much the same technical level everywhere and the employment of which—both in the United States and in Europe—is subject to the same limitations and involves the same outlay if the conditions of employment are comparable.

* * *

These conditions of employment, however, actually differ very greatly, especially in the case of the European concerns. It would therefore be necessary, in order to gauge their influence, to examine separately the most characteristic concerns. Such an examination is difficult, as the accounts published are often not very clear or are too greatly simplified. We will, however, endeavour briefly to state the position of two non-French undertakings, and then of two French companies. We have more information with regard to the latter, and we shall perhaps appear to be too severe on them at times, which would be inexcusable and unreasonable. It is our intention merely to bring out certain facts, proved by experience, of which account must be taken at least in Europe, if air transport is to render more and more valuable services, which will be ultimately and adequately paid for by the passenger and not by the taxpayer.

C. THE NETHERLANDS K.L.M. COMPANY.

The K.L.M. is often quoted as a typical example of a concern run on sound business lines, and giving a constantly increasing return.

These working results are shown in Table I and the graph (Figure 1) below. While the traffic of the K.L.M. has expanded continuously, the cost price per kilometre-ton offered by it to the public also fell continuously until 1928, so that, in 1927, the proportion of operation expenses covered by commercial receipts had already doubled since 1923 (69.3 as against 34.3 per cent). Thus, while at that date the company had either to receive a subsidy of something like 20 francs per kilometre-ton or submit to the loss of that amount, this Government assistance—or the company's loss—amounted to only about 3.50 francs in 1928.

It will be admitted that the progress made is considerable; but, before holding up the K.L.M. as an example, we must study its peculiar working conditions.

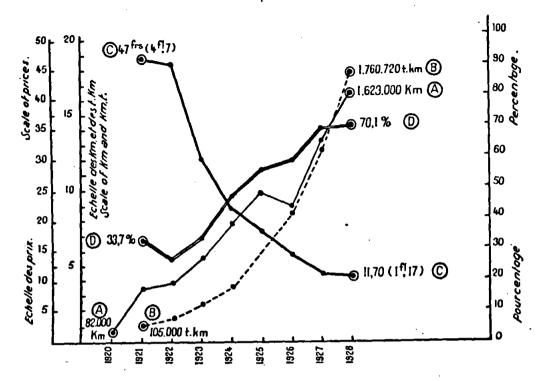


Figure 1. — OPERATING RESULTS OF THE K.L.M. FROM 1920-1928.

- A. Kilometrage.
- B. Number of kilometre-tons offered.
- B. Costs per kilometer-ton offered.
- D. Percentage of commercial receipts to total receipts.

| | 1921 | 1922 | 1923 | 1924 | 1925 | 1926 | 1927 | 1928 | 1929 |
|--|----------|---------|---------|---------|---------|---------|-----------|-----------|----------|
| Number of kilometres covered | 350,000 | 397,000 | 540,000 | 790,000 | 965,000 | 895,000 | 1,310,000 | 1,623,060 | 1,986,24 |
| Number of kilometre-tons offered | 105,000 | 163,000 | 239,000 | 359,000 | 620,000 | 883,000 | 1,272,000 | 1,760,720 | 1,965,00 |
| Cost of kilometre-ton offered (Francs) | 47 | 46 | 30 | 22,30 | 18 | 14.10 | 12.10 | 11.70 | 13.70 |
| Percentage of working costs covered by commercial receipts 1 | 33-7 */• | 27.2 % | 34-3 % | 47.6 % | 56 % | 59 % | 69.3 % | 70.I */o | 64 % |

- I. Its system is a small one. Permanent lines between Amsterdam and London and Amsterdam and Paris; lines to Copenhagen and Basle during the half of the year most suitable for tourist traffic and air transport.
- 2. This system converges on Amsterdam. The termini, which can be reached without intermediate landing and without the company having had to worry about ground installations, are situated sufficiently near the principal base to make it possible, even where it is not commercially desirable for aeroplanes to make the double trip on the same day, to reduce to a minimum the staff and technical equipment required, the cost of which is borne by the company. The K.L.M. has made every effort to introduce regular services on the Amsterdam-Paris-London triangle, where two aeroplanes, leaving Holland in the morning in each direction, would easily cover the distance in the day and be able to get back by the evening.
- 3. The K.L.M. material is homogeneous and, as far as possible, kept up to date. This facilitates repairs, the changing of parts, and the training and remunerative utilisation of the shifts employed on upkeep. The company sells its machines, while still perfectly airworthy, to other concerns whenever it can replace them by machines of a more recent model and better suited to its requirements. In this way, its park is not encumbered with material of inferior quality which slows down traffic or which, when scrapped, depreciates in value very rapidly.
- 4. The system of free trade followed in the Netherlands makes it possible for the K.L.M., which operates in a small country where the aeroplane industry cannot be expected to excel in all subsidiary specialities, to purchase its raw material, engines and other equipment in the best and cheapest market. A K.L.M. aeroplane is a curiously international combination, and so sometimes is its crew.

The direct consequence of these principles and of this system is that the technical quality is high, the upkeep is easy and cheap, and the "rotation" of the material remarkably rapid and steadily improving. In 1927, 14 machines covered 1,310,000 kilometres in 8,817 hours; in 1928, 12 machines covered 1,750,000 kilometres in 10,287 hours: that is, in 1927, 93,600 kilometres and 629 hours and, in 1928, 145,833 kilometres and 857 hours. Last year, the machines were, on an average, available for 88 days out of 100, as against 53 out of 100 in 1921. Similarly, 46 per cent of the tonnage offered by the various aeroplanes belonging to the regular service was utilised by paying freight in 1927, and 47.6 per cent in 1928.

As the company receives only small subsidies, which were originally intended merely as a Government guarantee in respect of two-thirds of the deficit on operation, and as it has accepted the sound principle of diminishing grants over a period of seven years, the K.L.M. has had every inducement to improve its service, but only within the limits of an easily executed European programme, and a local one at that. Owing to the fierceness of competition, however, it is no longer possible for the financial side to keep pace with the technical progress.

The percentage of working costs covered by commercial receipts fell from 70 per cent in 1928 to 64 per cent in 1929, and, owing to the losses sustained in 1929 and the anticipated deficit for 1930, the Government has had to grant larger subsidies. These amounted to 925,000 florins last year and will amount to 1,000,000 florins for the current year.

D. THE GERMAN « LUFT HANSA ».

Attached to this chapter (Table II and Figure 2) are some statistics and a graph showing the development of the regular German air services. These attached documents, which cover the period 1925 to 1929, really represent the operations of the German Luft Hansa, the only company which has a monopoly of Government subsidies. Account being taken of the operations of the Deruluft, which only runs the services between Germany and Russia, and of the Nordbayerischer Verkehrsfug, a local company, 88 to 90 per cent of the total traffic is in the hands of the Luft Hansa.

The figures for 1928 show that each passenger covered 240 kilometres on an

average and each ton of freight 360 kilometres.

If the air transport limitations we indicated in Chapter II are kept in mind, and if, in particular, we consider the density of the road and rail systems in Germany, it is doubtful whether air traffic can have meant any great saving of time for these

| Table 1 | 7 DE | VELOP | | MAN AIR TRA nical Statistic | NSPORT FROM s. | : 1919 то 1928 | 3. |
|---------|---|--|--|---|--|---|---|
| | | | Aeropl | anes in use. | | | |
| Year | With cabin | Withou | | Number of flights | Kilometres flown per diem | Kilometres flown per annum | Percentag of regularity |
| 1919 | 27 34 50 72 107 142 168 | 115 124 75 73 142 182 248 344 | 158 125 145 2 249 324 416 538 | 2,504 3,064 4,198 18,634 42,184 26,659 1 30,424 1 | 3,060 6,780 9,860 9,670 15,030 35,174 37,222 55,812 67,577 | 580,139 480,053 1,654,000 1,203,680 717,842 1,583,492 4,949,661 6,541,159 9,969,995 11,449,744 | 84.0 84.4 89.7 95.2 89.6 |
| | 1 | Passe | | sport Statistic | | oods | · |
| ** | | <u> </u> | Passenger- | Weigi | ht (tons) | | Kilometre- |
| Year | Numi | ber | kilometres | Goods | Postal matter | Total weight | tons |
| 1919 | 3, 6, 7, 8, 13, 55, 84, | | 2,062,901 3,266,334 10,603,035 14,639,151 26,953,998 28,689,466 | 1,056 2,326 | 6.4 | 9.9 12.1 31 69 44 93 808 1,607 3,152 2,514 | 9,501 41,513 178,328 311,266 681,661 873,467 |

¹ A flight is regarded as regular if it is completed on the day on which it was begun.

passengers or goods over such short distances, and it will therefore be felt that, in view of the insignificant services rendered, the remuneration can scarcely have been adequate. Indeed, it must be admitted that the *Luft Hansa* (to take only that company) covers less than one-third of its expenditure out of its commercial receipts (59 million francs out of 185 millions in 1928-29), and that it has hitherto received a subsidy of approximately 14 francs per kilometre. In 1929, the reduction in the Government subsidies immediately led to a proportionate reduction in traffic, which shows that in this as in other cases the progress (see Note 2) is of an artificial nature.

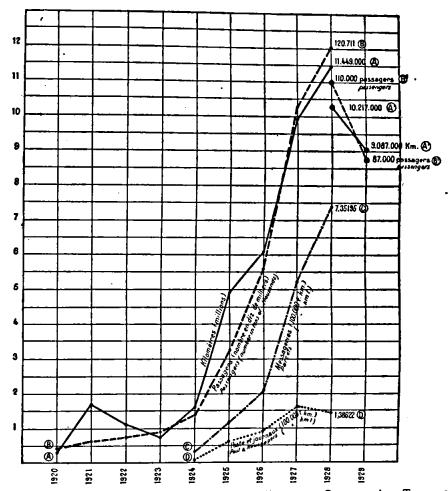


Figure 2. — Graph of the Development of Regular German Air Traffic from 1920-1929.

- A. Annual kilometrage. B. Passengers (per 10,000).
- C. Parcels (per 100,000 kilometer-tons).
 D. Mail (per 100,000 kilometer-tons).
- ._

Observations.

The only figures available in the middle of April 1930 with regard to 1929 are those concerning the *Luft Hansa*. It may, however, be assumed that in 1929 they represented at least nine-tenths of the total traffic, as in 1928 (cf. values A and B—total traffic—and A¹ and B¹—*Luft-Hansa* traffic). The trend of the graph (decline from 1928 to 1929) is therefore undoubtedly correct.

We are referring here only to averages and are fully aware of the importance of particular lines.

The German inland system has so often been the subject of critical examination, the details with regard to its ninety lines so often reproduced, and the reasons for this artificial development are so well known that we will not go into this question here.

We will only point out that, the unproductive lines neutralising the satisfactory results of the best lines, even the astonishingly low rates (they were again reduced in 1930) have not succeeded in raising to more than 35 per cent the average utilisation of the tonnage offered to the public. In 1928, the *Luft Hansa* classified its lines as follows, according to the greater or lesser utilisation of the tonnage offered for passenger traffic (passengers represent in weight seven-tenths of the total traffic):

Main lines: Of the 27 main lines, there were 15 with a percentage of more than 45, 7 with a percentage of 30 to 45, and 5 with a percentage of less than 30.

Subsidiary lines: Out of a total of 43, there were 15 with more than 45 per cent, 11 with 30 to 45 per cent, and 17 with less than 30 per cent.

On more than half the ninety permanent or seasonal lines, not more than 20 per cent of the seats available for passengers were filled. One of our graphs (Figure 3) shows the variation in the large percentage of unoccupied seats in 1927, and the curves for 1928 and 1929 would be much the same.

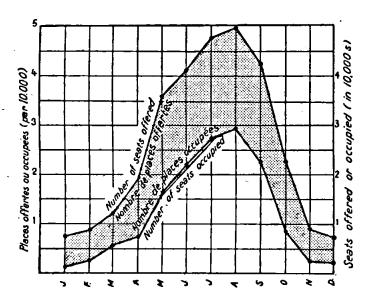


Figure 3. — Utilisation of Seats for Passengers. (According to the German statistics for 1927.)

Maximum percentage of unoccupied seats—78% (January).

Maximum number of unoccupied seats—20,000 (out of 47,000 and 49,000 in July and August).

E. EXPERIENCE IN FRANCE.

Table III and the corresponding graph (Figure 4) summarise, for the various companies, the working results of the French air transport undertakings, and also give the total subsidies granted annually to these companies by the French Government.

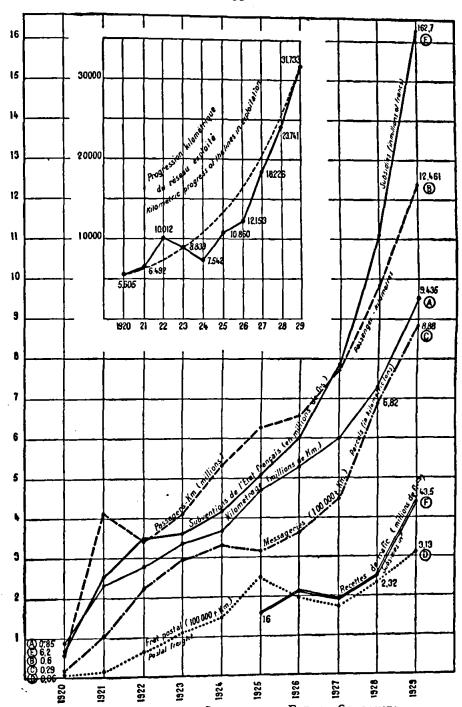


Figure 4. - GENERAL STATISTICS OF FRENCH COMPANIES. Activity, Traffic and Subsidies, from 1920-1929 inclusive.

A. Kilometrage;B. Passenger-kilometres;C. Parcels (kilometer-tons);

D. Postal freight (kilometer-tons); E. Subsidies (in millions of francs).

| Table III. — French Companies: Traffic and Subsidies between I | 1920 AND 1929. |
|--|----------------|
| (From the French official documents.) | |

| | Length | | / | Absolute traffic | | | Kilometre traffic | | | Total receipts | |
|------------------|---|-----------------------|----------------------------|-------------------------------|--|---|---------------------------------|--|---------------------------------|--------------------------------------|--|
| Year | of system operated (kilo- metres) | Kilometres covered | Number of passengers | Parcels (kilo- grammes) | Postal matter (kilo- grammes) | Passen- ger-kilo- metres (000's omit- ted) | Parcels (kilometre- tons) | Postal matter (kilometre- tons) | Traffic receipts (francs) | French Government subsidies (francs) | |
| 1920 | 5,605 | 853,959 | 1,379 | 48,100 | 3,925 | 615 | 29,458 | 6,320 | | 6,207,000 | |
| 1921 | 6,492 | 2,353,455 | 9,427 | 166,490 | 9,481 | 4,126 | 106,250 | 14,040 | | 25,180,000 | |
| 1922 | 10,013 | 2,798,366 | 6,799 | 388,509 | 40,367 | 3,484 | 209,552 | 65,914 | l i | 34,908,000 | |
| 1923 | 8,833 | 3,387,195 | 7,822 | 704,253 | 73,573 | 4,189 | 292,781 | 114,486 | | 36,062,000 | |
| 1924 | 7,542 | 3,647,826 | 10,758 | 674,559 | 110,176 | 5,366 | 333,411 | 150,130 | i | 41, 100,00 | |
| 1925 | 10,860 | 4,712,888 | 14,196 | 741,085 | 198,609 | 6,279 | 319,359 | 254,689 | 16 | 51,340,00 | |
| 1926 | 12,153 | 5,220,585 | 13,634 | 767,681 | 154,258 | 6,592 | 361,349 | 195,404 | 22) in stem 25 (43) | 60,250,00 | |
| 1927 | 18,226 | 6,028,727 | 15,857 | 746,452 | 125,289 | 7,717 | 445,591 | 171,232 | 19 (2 2 | 78,650,00 | |
| 1928 | 23,741 | 7,297,004 | 19,644 | 1,156,354 | 130,256 | 9.926 | 682,448 | 232,201 | 25 (🚉 | 111,000,00 | |
| 1929 | 31,733 | 9,435,434 | 25,256 | 1,602,596 | 149,398 | 12,461 | 888,317 | 313,293 | 43) 🕫 | 162,700,00 | |
| Total 1920-29 | | 45,735,960 | 124,792 | 6,990,079 | 995,332 | 60,245 | 3,070,000 | z,518,000 | 1 | 607,397,000 | |

If we only take the period for which we know the approximate traffic receipts, we shall see from this table and graph that between 1925 and 1929:

- (1) The number of kilometres covered exactly doubled (4,712,888 as against 9,435,434);
- (2) The passenger traffic doubled (12,461,000 passenger-kilometres, equivalent to 12,461 passengers each carried 1,000 kilometres, as against 6,279,000);
- (3) The parcels traffic increased nearly three times (888,317 kilometre-tons as against 319,359);
- (4) The postal traffic increased 23 per cent (313,293 kilometre-tons as against 254,689);
- (5) The total traffic expressed in kilometre-tons more than doubled (2,240,020 as against 1,097,298);
- (6) The annual subsidies increased more than threefold (162,700,000 francs as against 51,340,000).

Thus, activity doubled, traffic doubled, subsidies more than trebled (or roughly trebled, as account must be taken of the depreciation of the currency).

If we compare the subsidies received with the traffic receipts, we see that the latter amounted to nearly one-third of the former (exactly 31.4 per cent) in 1925 and to little more than one-quarter only (26.4 per cent) in 1929.

The average commercial returns of the concerns have thus fallen during the last five financial years, so that Government assistance has had to be increased, not only absolutely, but also relatively, with the increase in the activity of the companies.

This increased activity, expressed by the steady rise in the annual number of kilometres covered, is due, to a small extent only, to more frequent services on the lines already opened; for the most part, it has been due to the opening of new lines. Between 1925 and 1929, the French air system increased from 12,400 to 31,533 kilometres. At the same time, the index of utilisation, the importance of which is emphasised by M. Louis Kahn in two highly important memoranda, and which expresses the annual tonnage per kilometre of system, has fallen in five years from 91 to 71.

¹ Revue Politique et Parlementaire (November 10th, 1927, and April 10th, 1928).

If we desire to obtain a more exact idea of the average returns of the French public air transport undertakings, we must study Table-IV with its corresponding graph (Figure 5).

| Table IV. — | RETURNS OF | FRENCH | SUBSIDISED | Air | TRANSPORT | FROM | 1025 1 | 0 1028. | |
|-------------|------------|--------|------------|-----|-----------|------|--------|---------|--|
|-------------|------------|--------|------------|-----|-----------|------|--------|---------|--|

| | Kilomet | ire-tons | Ratio | | price netre-ton | Subsidy per kilometre-ton | | Total receipts per | Returns (ratio of |
|---|--|--|--------------------------|----------------------------|-------------------------------|------------------------------|---------------------------|--------------------------------------|---------------------------------------|
| Year | I Offered | 2 Carried | 2 I | Offered (francs) | Carried (francs) | carried (francs) | carried (francs) | kilometre-ton carried (francs) | traffic receipts to cost price) |
| 1925 1926 1927 1928 ¹ | 2,335,000 2,524,250 2,882,940 4,729,922 | 1,202,000 1,215,900 1,388,020 1,907,200 | 51% 49% 45% 40% | 29.50 35 35 33.50 | 56.90 72.90 72.31 83 | 47.60 47.40 58.30 | 10.40 17.56 14 ? | 58 64.96 72.30 | 18.2 24 19.4 ? |

¹ On April 25th, 1930, the Audit Committees had not communicated the result of their work for 1928. The values given are therefore taken from the statements made by the companies themselves to the official services.

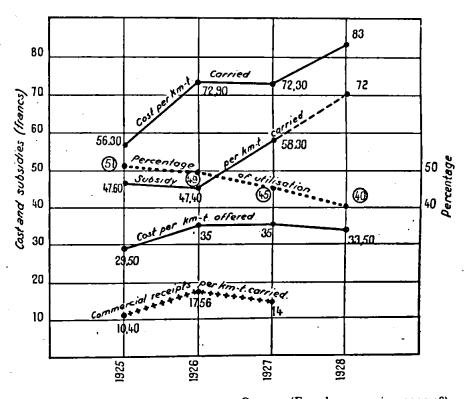


Figure 5. - FACTORS FOR ESTIMATING OUTPUT (French companies 1925-28).

Variation in the operating cost per kilometer-ton (offered and carried), utilisation, subsidies and commercial receipts per kilometer-ton carried.

It will be noted that:

(1) The cost price of the kilometre-ton offered remains practically constant;

(2) On the other hand, the cost price of a kilometre-ton carried increased in three years from 56 to 83 francs, owing to less satisfactory utilisation of the tonnage offered, expressed by a percentage which has fallen from 51 to 40 and was no doubt lower still in 1929 (slight fall in the number of passengers on certain lines, more notable increase on others, but on all the lines larger aeroplanes and seaplanes introduced; see Table V);

(3) As the commercial receipts per kilometre-ton carried are scarcely increasing at all, the corresponding rate of subsidy needed roughly to balance the

accounts has increased from 47.60 to 72 francs.

Table V. — COEFFICIENT OF TONNAGE UTILISATION (Coefficient of sale).

| Companies and lines | Percentage of utilisation (kilometre-tons offered — kilometre-tons carried | | | | |
|---|--|----------------------------|------------------------------|--|--|
| | 1927 | 1928 | 1929 | | |
| Compagnie Générale Aéropostale: | % | % | % | | |
| Toulouse-Casablanca. Casablanca-Dakar France-America Marseilles-Algiers. Paris-Madrid | 50 15 | 36.8 22 6.3 | 21.5 18 18 9.6 | | |
| Air Union: | | | | | |
| Paris-London 1 Paris-Marseilles Antibes-Tunis Lyons-Geneva | 50 76 50 68 | 59-3 43.8 48 43.6 | 55.6 44.6 35.8 28.8 | | |
| C.I.D.N.A.: | | 1 1 | | | |
| Paris-Stambul and branches | 61 | 58.7 | 48.5 | | |
| S.G.T.A.: | 1 |] | | | |
| Paris-AmsterdamParis-BerlinParis-Saarbruck (Berlin in 1929) | 43 59 | 45·3 49 18.6 | 44·3 48.8 38.7 | | |

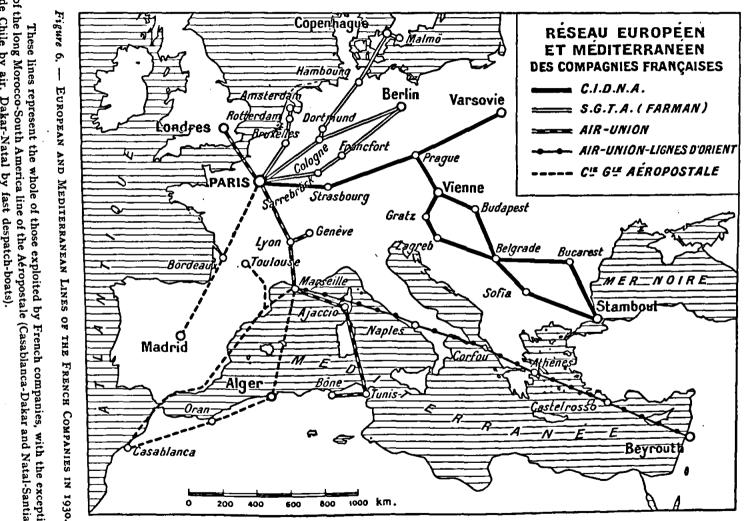
¹ Day service. For the night service, introduced in 1929, the coefficient of utilisation is 56.5 per cent.

The variation in these average values for such a varied system as that of French companies (see Figure 6) is not very illuminating. If we desire to obtain a clearer picture, we must consider each company separately and see what subsidy each of them has needed each year and what commercial receipts it has been able to obtain with the help of these subsidies.

Figure 7 shows the subsidies paid between 1926 and 1929 per kilometre covered. Figure 8, which refers to 1929 only, shows the subsidies as a percentage of the total receipts.

Figure 7 shows that the Aéropostale and the Air Union are the concerns which in 1929 required the largest subsidies per kilometre, but figure 8 shows that the Air Union obtained by far the most satisfactory commercial receipts.

A more detailed examination of these two companies would seem to be specially indicated.



These lines represent the whole of those exploited by French companies, with the exception of the long Morocco-South America line of the Aéropostale (Casablanca-Dakar and Natal-Santiago de Chile by air, Dakar-Natal by fast despatch-boats).

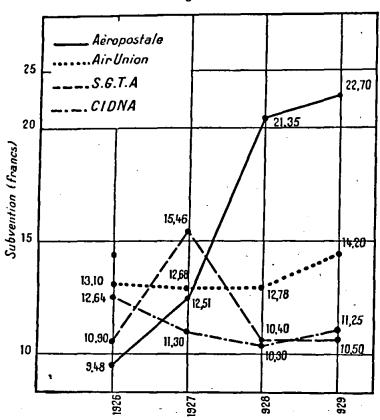


Figure 7. — Subsidy paid to French Undertakings per Kilometre travelled from 1926-1929.

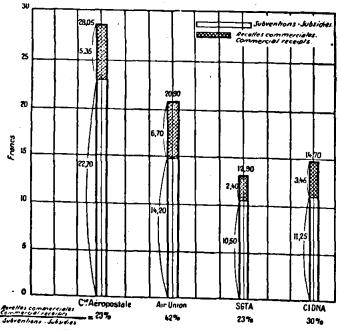


Figure 8. — APPROXIMATE RECEIPTS PER KILOMETRE OF THE FRENCH COMPANIES IN 1929.

Note. — The Air Union-Eastern lines, which carried on a postal service provisionally of an experimental character between Marseilles and Beirut, does not figure in this graph. It received about 58 francs per kilometre, of which 56.50 francs was subsidy.

F. AIR UNION.

The system operated by the Air Union consists for practical purposes of three lines:

A short aeroplane line: Paris-London (375 kilometres);

A medium aeroplane line: Paris-Marseilles (730 kilometres);

A long seaplane line: Marseilles-Ajaccio-Tunis-Bona (1,300 kilometres).

The first provides a connection of less than three hours between two of the most important capitals, which are also almost constant stopping-places for tourists, particularly from the United States. At the same time, certain Customs simplifications, and also the special suitability of aeroplanes for the transport of fragile objects, have gradually led to the building up of a considerable parcels traffic on this air route. Furthermore, the subsidies enjoyed by the Air Union (like its British competitor Imperial Airways) have made it possible to charge very low rates, especially for goods.

It is therefore natural that the traffic between Paris and London should have continually grown since 1927, as will be seen from Table VI and Figure 9, the proportion of available space utilised remaining, however, between 50 and 60 per cent. For this period the increase amounts to 90 per cent for parcels and 110 per cent for passengers (200 per cent for mail, but the quantities of the latter carried are so small that the variation could not be shown on the graph), while the number of kilometres covered only increased by 70 per cent.

Table VI. — Traffic of the French Air Service between Paris and London (Air Union) from 1923 to 1929.

| | Kilometres covered | Tre | affic in absolute fig | ures | Kilometric traffic | | | |
|--|---|--|---|---|---|---|---|--|
| Year | | Number of passengers | Parcels (kilogrammes) | Mail (kilogrammes) | Passenger- kilometres (000's omitted) | Parcels (kilometre-tons) | Mail (kilometre- tons) | |
| 1923 1924 1925 1926 1927 1928 | 384,228 485,771 617,890 563,827 576,600 700,629 957,740 | 2,303 5,622 7,708 6,255 5,176 8,541 10,774 | 436,927 443,711 514,926 487,146 336,653 425,033 823,471 | 769 822 1,251 1,916 1,218 1,985 3,776 | 864 2,108 2,891 2,347 1,906 3,204 3,993 | 136,848 166,392 193,098 182,672 126,250 160,391 233,924 | 288 308 469 718 459 745 1,203 | |

¹ These figures do not include night traffic.

These traffic results, when compared with the general statistics (Chapter III, Table III), show that, in 1929, the Paris-London line, whose length represents 1.2 per cent of the system, carried 25 per cent of the kilometre-tons and earned 23 per cent of the commercial receipts obtained by the French undertakings. Exceptional though its output may be, however, its economic yield is smaller; for the aeroplanes on the Paris-London line, while accounting for 10 per cent of the total French mileage, also received 9 per cent of the subsidies.

Here, therefore, we have a very active line with a large assured custom, but it does not succeed in recovering from its customers the cost of the service rendered. In 1927, the commercial receipts on the Paris-London line amounted to 9,460,000 francs, or 38 per cent of the total receipts of the line, these being supplemented by

nearly 15 millions in subsidies (see Figure 10).

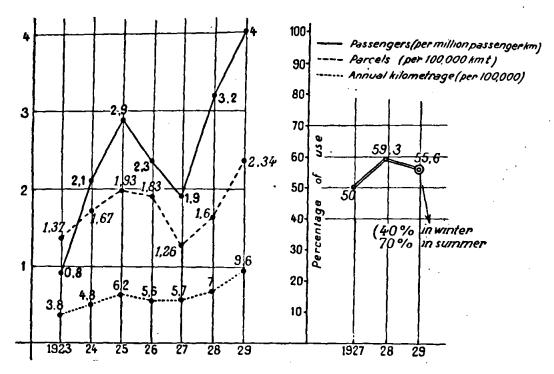


Figure 9. — TRAFFIC AND UTILISATION OF THE FRENCH PARIS-LONDON AIR SERVICE FROM 1923-1929 (Air Union).

There are two explanations for this fact. In the first place, the receipts are still mainly derived from rich or well-to-do passengers, and particularly tourists, who are willing to pay more for an aeroplane than for railway and boat, but who would certainly be deterred by the real cost of air transport; for, as we have already indicated in Chapter II, the time saved is small, and this saving applies to day journeys, whereas the ordinary means of transport provide excellent night services which alone can really save time for ordinary hurried travellers, e.g., for those whose time and energy are valuable. There remain urgent cases and tourists who have been recommended to take this air trip, which is beautiful, not too long and very pleasant, especially in summer; but this is a limited clientèle.

In the second place, the competition which exists between Imperial Airways and the Air Union makes it very difficult to reach an agreement on prices which

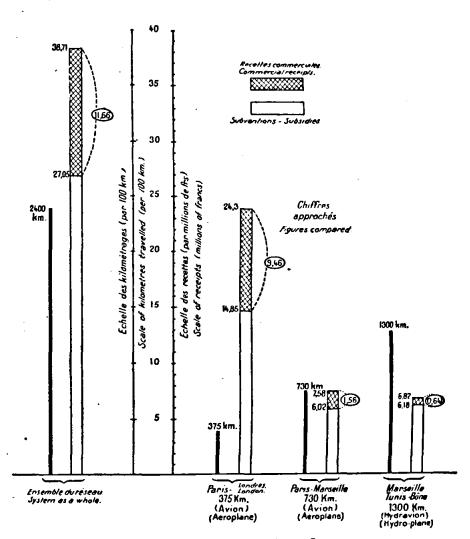


Figure 10. - AIR UNION LINES.

To the right of the scales, comparison for each line of kilometres travelled, the commercial receipts and the subsidies in 1929.

On the left will be found the same particulars for the system as a whole.

would tend to raise them methodically in proportion as the service rendered became more real (more comfortable aeroplanes; more frequent flights; very fast evening services, carried on, if necessary, into the night between 7 and 10 p.m. but leaving the ordinary business hours intact, while allowing the passenger a full night at an hotel or at home). On the contrary, if the tourist traffic tends to fall off, there is reason to fear a rates war in regard to goods, which would not be likely to improve the earning power of the line.

. * .

However that may be, and in spite of these weaknesses, the air service between Paris and London is easily the Air Union's greatest asset at present. On the Paris-Marseilles line (see Figure 10) the traffic receipts only account for 20 per cent of the total receipts, the subsidies amounting to 80 per cent; and the proportion of actual receipts is as low as 9 per cent, while the subsidies amount to 81 per cent on the seaplane line Marseilles-Ajaccio-Tunis-Bona.

It has been rightly said in defence of the Paris-Marseilles line that this sector is much less valuable in itself (being served by excellent night trains) than in its prolongations. A journey from London to Marseilles makes it more worth while to travel by air if the connections are good; but it is still more the connections further on towards Egypt and the East which give their importance to this preliminary sector.

Much the same applies to the Marseilles-Tunis line via Corsica, a difficult connection—despite its landing-places—like all Mediterranean air-lines. Moreover, while seaplanes involve higher operating expenses than aeroplanes, the route in question is one on which commercial exchanges are neither very important nor often urgent.

In Table VII we have grouped the various characteristics of the financial yield of the Air Union in 1929—factors in the total receipts per line and in the receipts per kilometre of line, subsidy paid per 100 francs of traffic receipts, and, lastly, what we propose to call the "characteristic coefficients" of the system and of the lines. 'We describe as "commercial yield" the percentage expressing the share of the traffic receipts in the total receipts, and as "commercial deficit" the complementary percentage expressing the share of the subsidy in these total receipts. A comparison between these two coefficients is instructive. It shows, for example, that the commercial yield of the Paris-London line is four times that of Marseilles-Tunis-Bona, but that its commercial deficit (which expresses its present weaknesses) is only one-third lower (61.4 against 90.7 per cent). As, moreover, Paris-London is much more active than Marseilles-Tunis-Bona, the former really absorbs in absolute figures a much greater total of subsidies than the second.

Emphasis is often laid, to the extent of confusing it with the commercial yield, on the ratio between the traffic receipts and the subsidy. We have thought it preferable, to avoid all confusion, to replace it by an equivalent but more expressive figure—the subsidy absorbed per 100 francs of commercial receipts. It will thus be seen that even Paris-London requires subsidies to an amount (156 francs) which exceeds the standard of 100 francs considered, and one is tempted to think that a first result to be aimed at would be to achieve equality between these two factors in the total receipts. In the case of Paris-London, each of these factors would then come to 128 francs, i.e., the traffic receipts would have to be improved by 28 per cent assuming the total outlay to remain constant.

This indicates a first stage in the progress towards financial independence, that at which the line obtains as much from its customers as from the Government which subsidises it. Modest though this result may be, it is still far from achievement in

many cases. For Paris-London the deficiency, as we have seen, is 28 per cent, for Paris-Marseilles 144 per cent, for Marseilles-Tunis-Bona 434 per cent and for the whole of the Air Union system 70 per cent.

* * *

One fact remains clear, however. As it does not seem that, in the countries of Western Europe, the aeroplane is yet strong enough to create new currents of transport, there is an obvious advantage in using it for the most active, the best established and, above all, the densest currents. Paris-London remains typical of a line which could very quickly be made to pay by means of wholehearted Franco-British cooperation. Over these 375 kilometres the Air Union obtains nine and a-half millions of commercial receipts. This is substantially the same as that which the C.I.D.N.A. derived in 1929 from a trans-European system of 4,120 kilometres, and is three times what the S.G.T.A. has been able to obtain on 3,000 kilometres of lines.

| · · | | Total system (2,4co kilometres) | Paris-London (375 kilometres) | Paris-Marseilles (730 kilometres) | Marseilles-Tunis Bona (1,300 kilometre |
|---|---|---------------------------------|----------------------------------|--------------------------------------|--|
| | | Francs | Francs | Francs | Francs |
| Inclusive (A | nnual traffic receipts | 11,658,561 | 9,459,535 | 1,560,882 | 638,144 |
| receipts \ A | nnual subsidies | 27,050,939 | 14,847,936 | 6,021,728 | 6,181,275 |
| • (| Total receipts | 38,709,500 | 24,307,471 | 7,582,610 | 6,819,419 |
| D'-4- | (Traffic receipts | 4,858 | 25,220 | 2,138 | 491 |
| Receipts per kilometre | Subsidy | (A) 11,271 | 39,592 | 8,248 | 4.754 |
| of line | Total receipts | 16,129 | 64,812 | 10,386 | 5,245 |
| Subsidy per receipts | 100 francs of traffic | 240 | 156 | 387 | 968 |
| | Commercial yield: | % | % | % | % |
| | $\% = \frac{\text{Traffic receipts}}{\text{Total receipts}} \cdots$ | 30 | 38.6 | 25.9 | 9.3 |
| Characteristic coefficients of the system and | Commercial deficit: % = Subsidy Total receipts | 70 | 61.4 | 74.1 | 90.7 |
| of the lines | Improvement still neces- sary in the percentage of traffic receipts before they become equal to the subsidies 1 | 70 | 28 | 144 | 434 |

¹ This first result would be achieved for the whole system, for example, all other conditions remaining equal, if (see (A) in the table) the kilometre receipts of 16,129 francs, which at present ensure the approximate balance of the accounts, consisted of 8,064.50 francs of traffic receipts (i.e., 70 per cent more than at present) and 8,064.50 francs of subsidies.

G. COMPAGNIE GÉNÉRALE AÉROPOSTALE.

The increase in earnings, subsidies and general activities over the whole of this company's system from 1925 to 1929 is as follows:

| | | Table VIII. | | |
|--------------|-------------------------------------|--------------------------------------|--|---------------------------------|
| | Kilometres flown | Commercial receipts | Subsidies | Observations |
| · | | Francs | Francs | |
| 1925 1926 | 2,360,494 2,440,367 | - 3,624,189 5,480,667 | 23,210,000 23,666,000 | Original system |
| 1927 1928 | 2,482,002 2,851,002 3,442,663 | 5,265,043 9,252,209 18,524,929 | 33,600,000 60,550,000 78,000,000 | Extension Extended system |

The graph (Figure 11) illustrating these figures calls for comment.

In 1925 and 1926, the Compagnie générale aéropostale was mainly engaged in the France-Morocco service, which we shall consider separately later. The subsidies remained steadily at 23 millions, while commercial earnings increased from 3.6 to 5.5 million francs, from 1925 to 1926; but this was owing to the temporary influence of extraneous events. As a matter of fact, receipts from this service decreased

during the following years.

Thereafter (in 1927), the Company, in accordance with its settled policy, secured the right to ensure communications with French West Africa, a necessary preliminary to establishing communications between France and South America. The subsidies then suddenly rose to 33.6 millions, although, naturally, the extension of the service could not produce any immediate effect on traffic receipts, which then amounted to 15.6 per cent of the subsidies. In 1928, the opening of the postal service between France and South America caused the subsidies to increase to 60.5 millions (and then, in 1929, to 78 millions, mainly owing to the extensions of the service in American territory). At the same time, the commercial earnings rose to 9.2, and then to 18.5 millions (an increase of 100 per cent in one year), whereas the subsidies increased by 30 per cent during the same period. The curves show that, if the present rate of progress is maintained, commercial earnings should attain from 70 to 80 million francs towards the year 1934. Actually, after the extension of the system, they amount to 24 per cent of the subsidy as against 16 per cent in 1927.

By this extension, the company has discovered a way out of what seemed to be an impasse. But the new system has imposed a financial burden on the State four times what it was previously; mention should also be made of the large issues of bonds by the company which have made it possible to create the vast substructure necessary. This would, however, appear to be an example of a long-term enterprise in which the directors (and consequently the State, if the contracts are properly drawn up) may hope to recover their capital and occupy, perhaps definitively, a

valuable position.

Figure 12 shows that extra postal charges accounted for 91.3 per cent of the total receipts for 1929, and that the France-South America line already earned almost two-thirds of these surcharges.

Figure 13 shows the regular increase in quarterly postal receipts on this special line. Their average value, which was less than 600,000 francs in 1928, rose to more than two and a-half million for 1929, i.e., an increase of over 300 per cent. It can

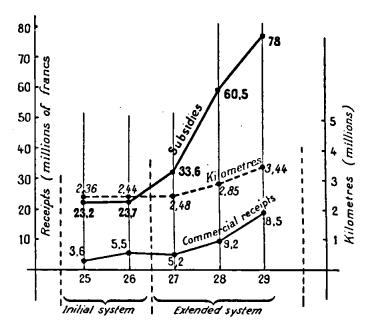


Figure 11. -- MOVEMENT OF COMMERCIAL RECEIPTS, SUBSIDIES AND DISTANCES FLOWN OF THE "COMPAGNIE GÉNÉRALE AÉROPOSTALE" FROM 1925-26.

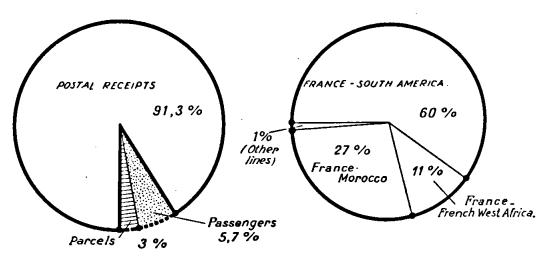


Figure 12. — DISTRIBUTION OF THE COMMERCIAL RECEIPTS OF THE "COMPAGNIE GÉNÉRALE AÉROPOSTALE" IN 1929.

- I. Distribution between the various categories of freight (out of 18,524,929 francs).
- Distribution of the postal receipts between the lines (out of 16,881,781 francs).



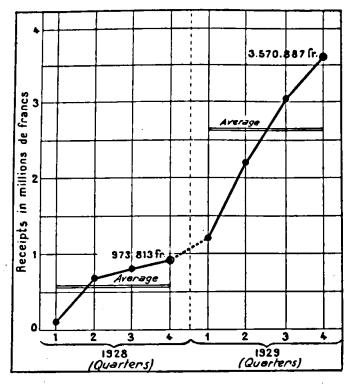


Figure 13.— Variation of the Quarterly Commercial Receipts on the Postal Line between France and South America.

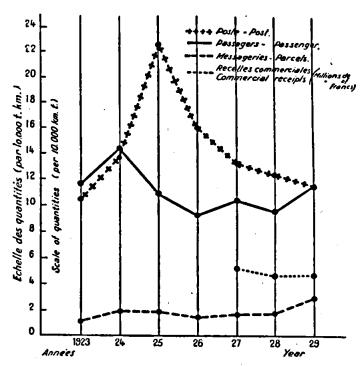


Figure 14. — Variations in Traffic on the Line between France and Morocco.

Note. — Constant annual kilometrage (from 1,300,000 to 1,400,000 kilometres).

hardly be hoped that this rate of increase will continue. It is, however, fair to suppose, even if the recent acceleration of the service by means of seaplanes with floats is not permanent, that very appreciable progress will be made, for the volume of the mail between Europe and South America is considerable.

Many years, therefore, will probably elapse before a situation is reached similar to that which has obtained since 1926 in the case of the Toulouse-Casablanca air service (see Table IX and Figure 14)

| | 5C1 1 | /ICE | lacc | Table | IA | anu | rigure | 14). |
|--|-------|------|------|-------|----|-----|--------|------|
|--|-------|------|------|-------|----|-----|--------|------|

| Year | Commercial receipts | Passengers | Parcels | Mail |
|------|---------------------|--|----------------|---------|
| | Francs | <u>' </u> | Kilometre-tons | |
| 1923 | | 114,000 | 10,550 | 106,661 |
| 1924 | | 143,000 | 19,333 | 137,871 |
| 1925 | | 111,000 | 19,545 | 228,910 |
| 1926 | | 93,000 | 15,855 | 160,050 |
| 1927 | 5,105,419 | 105,000 | 18,546 | 132,685 |
| 1928 | 4,372,826 | 98,000 | 18,833 | 124,470 |
| 1929 | 4,788,750 | 116,000 | 25,172 | 112,780 |

In spite of the excellent technical operation of the service, and in spite of a regularity which ensures the saving of several days, there has been an obvious stagnation in the traffic of this line, after the artificial spurt due to military events of 1924 to 1926. The reason for this is quite simple. Although the line carries a considerable portion of the total mail between France and Morocco, air mail alone cannot keep it going, because the amount of mail carried is insufficient. We believe, however, that, thanks to new, comfortable and rapid aeroplanes, such as the Latécoère 28, the Toulouse-Casablanca line, which was for long regarded (owing to the absence of a better example) as the model air-mail line, will very soon become an excellent line for the carriage of freight and passengers. The amount of mail necessary to justify and keep going a daily air goods service can only be found along the great world trade routes which are inter-continental. The United States of America are possibly the only exception to this rule. There, postal lines which are both national and continental will shortly attain a state of prosperity, thanks to a movement of trade which is much more intense than is possible in Europe, with its many barriers.

* * *

Thus, undeniable technical progress, the valuable experience acquired by the directors and the employees of every category, and the devotion of all concerned to their own undertaking in particular and to the transport of goods by air in general have not, on the whole, succeeded in improving to any appreciable extent the financial situation of air-transport companies.

There are exceptions, as we have seen. Absolute success—the S.C.A.D.T.A. is perhaps the only example—is due to special geographical and economic conditions. Progress, wherever progress is clear, is due to the careful and intelligent operation of a moderate-sized system; this is the case with the Netherlands K.L.M. and also, to a lesser degree, with other very restricted and seasonal enterprises like the Swedish A.B.A.

But, as soon as a system shows any ambition, any desire to gain prestige, any disdain for facts (whether they be technical, geographical or economic)—in short, any undue haste to go ahead or outdistance a rival, the results invariably indicate—and almost to the same extent, taking into account the local purchasing power of the currency—the inability of the young undertaking to cope with the task entrusted to it.

According to the most authentic sources (the Year-Book for Great Britain and the official documents of the French, German, United States and Italian Air Ministries), each kilometre of air transport cost the taxpayer in 1929: 20 francs for the British lines in Europe (but 90 to 100 francs for the British Empire air routes), 14 francs for the German airways, 17 francs for the French airways (whose task is, we think the most difficult of all), 12 francs in Italy and 11 francs in the United States of America.

It may, of course, be argued that these first years are merely a trial period in which each country is endeavouring, according to its means or enthusiasm for air transport, to formulate a definite policy. The truth is, however, that, in the long run, there can be no hope for a commercial enterprise unless it succeeds commercially.

We have now to consider on what lines such success may possibly be attained. if a definite attempt is made to put an end to confusion and waste.

Note I.

AIR MAILS IN THE UNITED STATES OF AMERICA.

Approximative Estimate, taking an Extreme Case, of the "Compensations" PAID TO AIR MAIL CARRIERS BY THE FEDERAL POSTAL SERVICE.

Example of a kilogramme of surcharged letters transported by air from Boston to Los Angeles (4,570 kilometres) by the following services:

- I. Boston-New York (Colonial). New York-Chicago (N.A.T.).
- Chicago-Salt Lake City (Boeing).
- 4. Salt Lake City-Los Angeles (W.A.E.).

The State pays for this transport:

For sector 1 (300 kilometres): 3 dollars per lb. (453 grammes), or 165 francs per kilogramme.

For sector 2 (1,150 kilometres): 0.74 dollar per lb. (453 grammes), or 40.75 francs per kilogramme.

For sector 3 (2,160 kilometres): 2 dollars per lb. (453 grammes), or 110 francs per kilogramme.

For sector 4 (960 kilometres): 3 dollars per lb. (453 grammes), or 165 francs per kilogramme.

In all, about 480 francs per kilogramme conveyed over 4,570 kilometres, or a

total of 105 francs per kilometre-ton.

The State would receive only 44 francs per kilogramme (1.25 franc per 28 grammes) if each postal packet weighed that amount. Statistics show, however, that the average weight of letters sent by air is only II grammes, which would bring the receipts up Each kilometre-ton therefore brings in 24 francs to the State and costs the State 105 francs. In this extreme case, the State incurs very heavy loss, whereas on other routes used by the Federal administration a profit is made. At this other end of the scale, of course, it is the transporter who loses, though in some cases, very little

scale, of course, it is the transporter who loses, though, in some cases, very little. As a whole, the network of postal lines in the United States should cost the State, for the fiscal year 1930-31 (taking only the inland routes into account), 15 million dollars according to the old law, while receipts can hardly exceed 8 to 9 million dollars. The loss (or subsidy) provided for is, therefore, between 6 and 7 millions, or 150 to 175 million francs, for a national public service which does, it is true—and this is a consideration in so vast a territory—save time.

Note II.

TRAFFIC OF THE GERMAN LUFT HANSA IN 1928 AND 1929.

In its Nachrichten, March 1930, the Deutsche Luft Hansa has published its traffic statistics for 1929, and a comparison of these results with those for 1928. Taking separately the "mixed service", which accepts all categories of freight, the "goods service" and the "newspaper service", the comparison, in tons, is as follows: (in order to appreciate more correctly the variations of the commercial freight carried, we are showing passengers as weight, estimating each passenger at 70 kilogrammes):

| | Service | 1928 (tons) | 1929 (tons) | Percentage of variation |
|-----------|--------------------|----------------|--------------------|-------------------------|
| Mixed { | Passengers Luggage | 7,700 868 | 6,090 690 | -21.7 -20.5 |
| Mixed (| Goods | 900 262 | 921 263 | + 2.3 + 0.4 |
| | Caala | 9,800 | 7,964 | - 18.7 +125 |
| Freight } | Goods | 123 | 277 104 381 | $\frac{+86}{-113}$ |
| Transport | of newspapers | 162 10,141 | <u>45</u> 8,390 | $\frac{-7^2}{-17.3}$ |

Concurrently with this reduction of 17.3 per cent in commercial freight, there has been a diminution of 11.1 per cent in the number of kilometres flown. Air transport has not, therefore, been so well patronised. It will be seen, moreover, that passengers represent 72 per cent of the bulk transported, and that the mixed service still transports 95 per cent of the load entrusted to aircraft.

If the aircraft number 180 and their average flying speed is 135 kilometres per hour, each machine has flown for about 370 hours per annum—a fact which shows the excessive demands made on the material of the Luft Hansa.

(Extract from L'Aéronautique, No. 132, pages 189 and 190).

Chapter IV.

THE CONDITIONS OF PROGRESS.

The observations in the foregoing chapters should already have placed us on our guard against excessively simple theories. In regard to commercial aviation, there is no panacea, no infallible prescription for improving the conditions of a service which is running at a loss. There is only one very general principle of action, and we have stated it already—that the service rendered should be sufficient to obtain the price desired.

Where there is indisputably latent wealth co-existing with means of communication still in the primitive stage, aviation can accelerate the pulse of the country and hasten its exploitation. Where the intensity of industrial and commercial life has given rise to a correspondingly dense network of communications, aviation can still substantially expedite business and make it possible to reduce stocks and gain on the period of inertia which travel imposes on securities, goods, and men themselves.

It is for this second function that aviation is still technically the less suited;

but this is the task which lies before air transport in Europe.

As we have seen, technical conditions are still so precarious that a sensible airline sometimes pays almost as badly as an absurd line. Facts, however, are making themselves felt; the ease with which air transport can be "put on the road", where it can be aided by other methods of rapid transport, may have created illusions, but cannot maintain them in being. Although there are vast new countries where competition can be allowed free play and the progress of aviation enterprises, already encouraging, can be left to look after itself, having regard to the inevitability of technical improvements, there is at least one quarter of the world—Europe—where it does not seem possible to rely any longer on these forces alone.

We have nations shut off in watertight compartments and shrinking away from their neighbours; we have only a small volume of long-distance traffic, and few of those continuous strong currents which, across six million square kilometres, form the characteristic feature of the vitality of the United States of America. At the same time, we have national aircraft industries which are too powerful to be able to live on their own areas, and neutralise each other's efforts on foreign markets or international lines, exhausting themselves in this struggle notwithstanding the supporting policies of their Governments—or perhaps actually because of this excessive support.

Such is the situation in Europe.

* * *

The international character of air traffic has undoubtedly already made numerous agreements essential, and established perfectly valid methods of co-operation between different countries. The initials C.I.N.A., C.I.T.E.J.A., C.A.I., are familiar in flying circles; the work of these bodies in the political, legal and administrative spheres is both persevering and successful. The C.C.I. (International Chamber of Commerce) also has placed its authority and experience, through a special committee, at the service of air traffic. As the outcome of the most recent Congresses, it has made suggestions for a complete programme of air mails and combined transport, and for the better adaptation of Customs methods to aviation. The I.A.T.A. (International Air Traffic Association) comprises practically all the European companies licensed by their Governments to operate international air traffic. Dealing professionally with questions of time-tables, rates, relations with Customs and postal authorities, combined transport, the form of documents, the mutual representation

of companies—in short, with traffic as a whole—it has done an enormous amount of work during the last ten years. At close grips with realities, and confronted by antagonisms, it has already promoted and registered a considerable number of separate agreements among its members. Most important of all, perhaps, it has created, by its periodical meetings, an atmosphere of confident and friendly personal relations between the heads of the principal concerns.

All these efforts, supported by the most incontestable ability, are directed to the same end—the progress of commercial aviation. The lines on which this progress must be made are known, and we shall therefore be content to summarise below the essential suggestions which are now, thanks to the endeavours to which we have referred, more or less public property.

A. EQUIPMENT OF THE TERRITORY.

We propose for consideration a document (Figure 1) published quite recently by the American review Aviation showing the distribution of airports in the United States. On January 1st, 1930, there were 453 municipal aerodromes, 495 commercial and private aerodromes, 285 intermediate fields equipped by the Department of Commerce, and 235 auxiliary fields equipped with marks and beacons. In all, therefore, there are some 1,500 non-military landing-grounds which can be used by commercial aircraft. It was, of course, impossible to show on the map the individual features of the aerodromes represented, but a much more expressive means of representing them was found—the approximate circle of land (or, if you prefer it, slice of land) protected by each landing-ground, inasmuch as an aeroplane's chance of reaching the aerodrome is proportionate to the altitude at which it is flying. The value of this ground organisation is further illustrated by the fact that throughout the Middle West there are natural landing-grounds everywhere along roads where supplies of fuel, lubricants and essential spare parts are already organised for the immense volume of motor traffic.

Although we have had no means of working out a similar map for Europe, we can safely say that this ground organisation is much less advanced there. It is estimated that there are between 600 and 700 airports open to civil aircraft in Europe, but we doubt whether, on an average, these grounds are as accessible and as freely open to commerce as the American airports. Moreover, numbers are only one factor, and probably the least important; what really counts is the arrangement, upkeep, equipment, supervision and communications of the landing-grounds—in short, the vitality which is given to each of them and, still more, to the organic structure which they should form throughout the country. All this involves considerable initial expenditure, and at a later stage—quite apart from income, which may not be received at once—a large supply of working capital. These conditions are effectively fulfilled in the United States, where, between June 1928 and December 1929, 330 million dollars or 8,250 million French francs were laid out in the establishment and upkeep of aerodromes.

When we consider that, apart from all this expenditure by private enterprise, every annual budget of the Department of Commerce provides for expenditure on the construction, upkeep and buoyage of the Federal air-lines (this expenditure is in the neighbourhood of 180 million francs for the fiscal year 1930-31), we shall have some idea of the financial resources set in motion.

These Federal air-lines alone, which are open to public commercial aviation, formed, at the end of 1929, a thoroughly equipped system of 60,000 kilometres, over 24,000 kilometres of which night flying is possible; by the end of 1930 another 7,000 kilometres will have been added to the night-flying system.

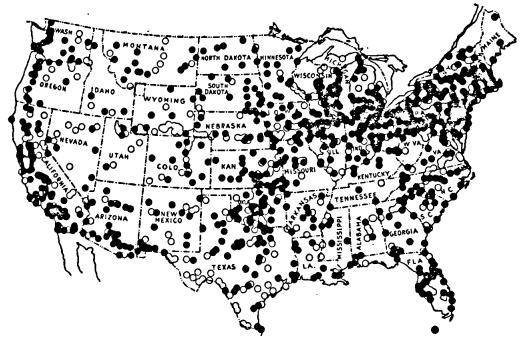


Figure 1. - DISTRIBUTION OF AIRPORTS (BEGINNING OF 1930) OVER THE TERRITORY OF THE UNITED STATES.

Commercial or municipal airports are shown in black; the intermediate aerodromes, whether private grounds or State grounds, along the main routes are shown in white.

Each airport is represented by a circle with a radius of 32 kilometres to suggest the portion of the territory above which an aeroplane flown at a moderate height has a chance of reaching the airport or ground prepared for landing (from Aviation).

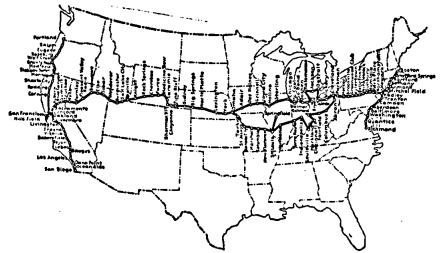


Figure 2. — Teletype System established in the United States by the "Airways Division" of the Ministry of Commerce (Situation at the Beginning of 1930).

Lastly, the essential security is being provided for this system by the establishment of Hertzian-wave buoys and the acceleration of meteorological intelligence. At the beginning of 1930, the system of hourly messages by teletype was working over at least 8,000 kilometres (see Figure 2). This kilometrage will have been increased by 1,000 kilometres by July, and another 3,800 kilometres during the following fiscal year. A parallel effort is being made, with the co-operation of the Departments of Commerce, War, and the Navy, to produce a much larger number of special flying maps, which

are indispensable to pilots (Figures 3, 3bis and 3ter).

We have made out on the same scale two skeleton maps (Figures 4 and 5) illustrating the present position as regards air-lines equipped for night flying in the United States and Europe—4,200 kilometres here and 24,000 there. In the United States, there are long continuous routes actually covered throughout the year by night-mail services. In Europe, there are a few short French and German routes which it is being attempted to connect up through the Rhine provinces, the Netherlands and Belgium, but only experimental services have yet been inaugurated. In the United States, there is a uniform technique determined by eight years of experiment and practice in the conveyance of air mails both by day and by night between the Atlantic and the Pacific 1; here we are engaged in uncertain experiments which still offer too much opportunity for barren discussions in a field where valid principles can only be based on long experience of operations on a large scale.

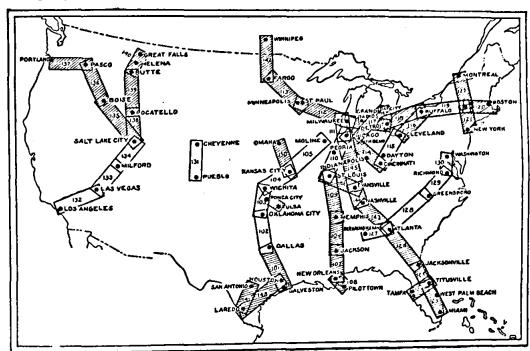
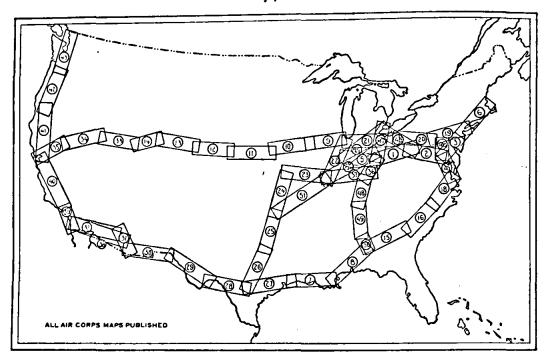
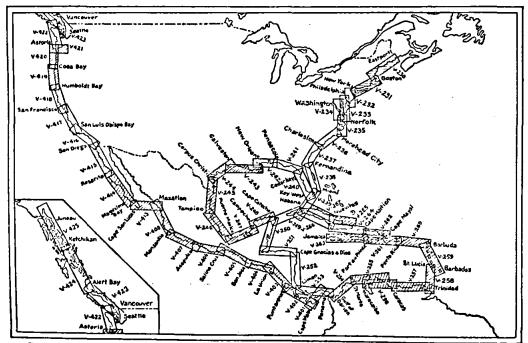


Figure 3. - Special Maps for Air Navigation in the United States.

Maps of the Department of Commerce. — Maps published are shown in white, and maps in process of compilation are shown shaded (position at the end of 1929).

On the 4,300 kilometres of the New York-San Francisco line alone, this technical unity embraces 16 airports, 111 emergency landing-grounds, and 887 lights, including 232 revolving lights and 529 alternating lights; luminous buoyage, properly so-called, on this route cost 22 million francs.





Figures 3bis and 3ler. - Special Maps for Air Navigation in the United States.

Reading downwards: Maps of the Military Aviation Department and of the Naval Hydrographical Service. Maps published are shown in white, and maps in process of compilation are shown shaded (position at the end of 1929).

A genuine effort has been made in Europe (chiefly at the International Aviation Conferences of high officials, which do much valuable but unrecognised work) to establish, within the general scope of the C.I.N.A., uniform rules for the construction of landing-grounds, traffic in their approaches, buoyage, meteorological safeguards, and methods of giving help on oversea air-routes. It is perfectly clear, however, that this effort is inadequate; the regulation of the ground organisation is continually improving, but the whole system is still too anæmic. This is unavoidable, since between 1919 and 1929 Europe spent on her air-routes far less than one-quarter of the amount she spent in direct bonuses and subsidies to air navigation companies. France is perhaps the country which, at the instigation of the first head of her Air Navigation Service, saw furthest in this direction, as long ago as 1919; yet in ten years the present French ground organisation has been established at a cost of barely 120 million francs, whereas over 600 millions have been spent on mileage bonuses. In the United States, on the other hand, it will be seen that the proportion is roughly reversed.

At the same time, there can be no denying the importance of these national systems of air routes. A well-constructed and well-managed ground organisation will very quickly become a source of profit, especially if determined efforts are made

to link these systems up into a general European network.

B. Co-operative Working.

The routes followed by the air traffic system across Europe must reflect the economic facts of European life, and not national ambitions or rivalries, if this new network is really meant to take its place in the general economic system. The present mutual neutralisation of efforts may lead to serious antagonisms, and even conflicts; the first step towards its elimination will be a working programme aiming at

emphasising the essentials.

We reproduce (Figure 6) the scheme recently proposed by Dr. Pirath for a Continental air system, designed, according to its author, exclusively from the European economic standpoint. This system seems still too complicated, especially so far as concerns Germany, to form the minimum programme on which European agreement could be reached; but it does represent an effort to clear up the position, and, what is more, it coincides—except as regards the links with Russia via Roumania and Poland, the Rome-Belgrade line, and the Zurich-Genoa line via Milan—with the most important existing lines.

Another document on which to base this study might be the map (Figure 7) showing in the first place, the postal routes over which night flying is already or very soon will be possible (see Figure 5), together with certain other essential arteries taken from Figure 6. The ground organisation assumed to be most urgent is shown in thicker lines; it affects nine European countries, including practically all those (except Italy) in which commercial aviation is active. We are very far from supposing, however, that existing aircraft and ground equipment are adequate to allow of the establishment, from one day to the next, of a day and night mail service across such a difficult area as Europe, where mountain systems and meteorological conditions so often interfere with flying. That is one reason the more for the experiment to be undertaken without delay, with the support of a close ground organisation. This would be productive expenditure, and the funds could very well be drawn, if necessary, from those superabundant mileage bonuses of which no more is heard when the flight is over.

Financial pressure of this kind, if it were applied simultaneously in all the countries interested in this general clearing system, would have the further result of making working agreements between companies of different nationalities more effective,

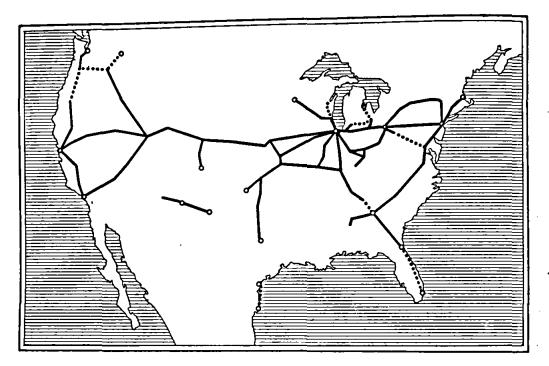


Figure 4. — Air-Routes in the United States marked with Beacons for Night Flying (January, 1930).

Full lines show routes equipped, and dotted lines routes in process of equipment. All equipped routes have actual day and night postal services throughout the year.

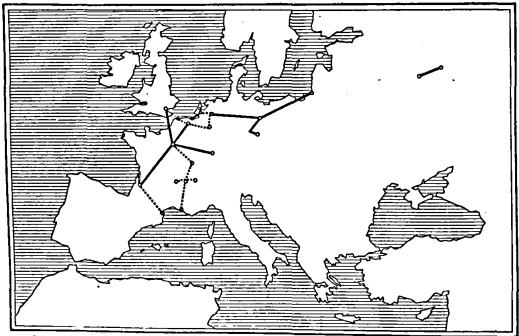


Figure 5. — EUROPEAN AIR-ROUTES MARKED WITH BEACONS FOR NIGHT FLYING (MAY 1930). (Same scale as for Figure 4).

Full lines indicate a normal complement of beacons and dotted lines insufficient beacons or beacons in process of installation.

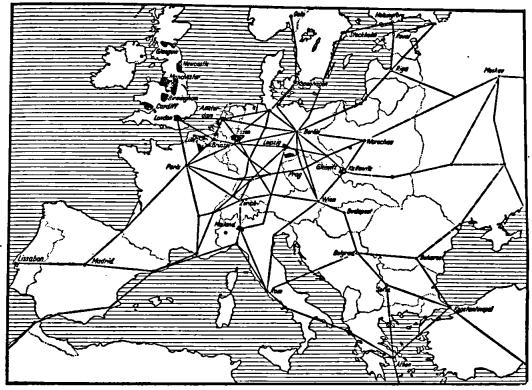


Figure 6. — CONTINENTAL AIR SYSTEM OF EUROPE, STUDIED FROM THE ECONOMIC POINT OF VIEW, BY DR. PIRATH.

Existing air-lines.
---- Projected or proposed air-lines.

because more necessary. The present double and treble costs would be diminished, and, above all, there would be fewer of those rate wars which do no good even to the customer, seeing that he, as taxpayer, pays the difference. At the same time, there would be a tendency towards equality on the technical side, because that would be the condition for the optimum allocation of receipts; thus pressure would be exerted with excellent results, tending to the removal of restrictions from the European traffic in raw materials and flying requisites.

1. Air Mails in Europe.

Only on this simpler system, with its smaller "resistance", can aircraft accelerate the currents of traffic—postal traffic, in the first place. At present, the amount of postal traffic carried by air in Europe is really negligible, partly because the service is limited and unreliable, and partly because the public is not adequately informed.

Properly speaking, it ought to be superfluous for the public to be informed; it is not the public's business to work out time-tables, or to ascertain whether the time saved is worth the extra money. When an "accelerated transport system" (which, by the way, need not be entirely an air system) has really been added to the normal postal system, the public should not need to do anything more than buy an express stamp instead of the ordinary stamp, if they wish their letters to go by the quickest route. Moreover, when this accelerated transport system is added to the normal

system, with sufficient uniformity to make the service of approximately equal value the whole way across Europe, it is the general rate that will have to be altered so that letters may be automatically sent by express, assuming that an extra charge is still made for the latter.

The International Chamber of Commerce, at its Congress at Amsterdam (July 1929), recommended that the clauses of the Universal Postal Convention relating to air mails should be amended to facilitate this accelerated postal traffic. We think that the first thing necessary would be to establish a single express postal rate within the Continent of Europe, considered as a single unit as soon as the express service is actually in operation on certain essential lines.

Continental Europe should thus become less impermeable and more open to international exchanges, which, on the present world scale, are really no more than inter-regional; but this cleansing of the tissues will take time.

On the other hand, Europe is already prolonging its transcontinental traffic in three essential directions in which the mail traffic is heavy—to North America, to South America, and to India and the Far East (the case of Mediterranean traffic and that of links with Africa should be considered separately). It seems urgently necessary that in these three directions a programme of co-operation should take the place of open rivalries, which cannot but injure the European community.

On the Indian route, where aircraft has no oceanic obstacle, co-operation should take the form of the distribution of national services in time rather than in space.

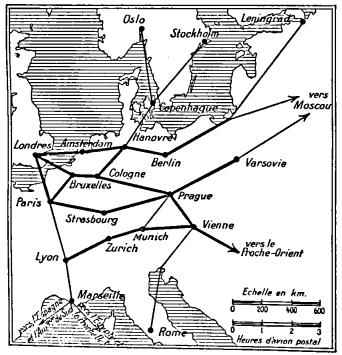


Figure 7. — A SUGGESTED PROGRAMME OF GREAT URGENCY FOR EUROPEAN POSTAL AVIATION.

The indicated speed of 200 kilometres per hour can now be achieved by day and night on well-organised air-routes.

This is what M. Louis KAHN wrote nearly three years ago in one of his articles in the Revue Politique et Parlementaire, to which we have already referred:

"A combined postal service by aircraft and mail-boats should be tried experimentally on the South American route if it seems too difficult to cross the Atlantic regularly by seaplane. Connection might be made with the mail-boat at Lisbon, in the Canaries, at Dakar, in the Cape Verde Islands, and at the American ports of call. The service should be a daily one like the mail-boat services. Mails would save about the same amount of time, or even more, because they would not have to await the departure of the postal aeroplanes from one week to the next. The cost would be less, and we should not have to cross the Atlantic."

The first successful crossings in May 1930, by a seaplane with floats and a rigid dirigible, certainly do not in any way detract from the immediate importance of this

programme of co-operation—quite the contrary.

Both on the North American and on the South American route the mails could be very appreciably speeded up if uniform systems for dropping mails and picking them up on postal aeroplanes or seaplanes (catapults, trailing waterproof bags) and transferring loads without landing (catching-hooks, etc.) became in the near future part of the normal equipment of mail-boats of all nationalities.

2. Combined Transport.

That is only one particular instance of combined transport, which method, if systematically applied, is particularly well adapted to the present state of aviation technique. Even if the "express air system" which we have sketched were superimposed to-morrow on the ordinary system of communications, it would, in our belief, be wholly premature to send by night any freight other than mails or certain express parcels which may be treated as mails.

Passengers, however, still represent at least three-quarters, by weight, of the freight carried by air in Europe. Every effort must therefore be made, not merely to keep these customers, but to increase their number in proportion to the service rendered—care being taken, however, not to outstrip the progress of technique. Furthermore, in many cases it will still be expedient, for a long time to come, to take advantage—even in the case of mails—of the night trains which deliver the freight on the spot in the early morning (this is the common-sense method, primarily originated by M. Latécoère in 1929, when he fixed the starting-point of the air mails from France to Morocco at Toulouse, one night from Paris and other important centres). Lastly, under the combined transport system, the aircraft themselves generally have to follow routes on which the train and the motor-car—more reliable means of communication, and less affected by the weather—can step in if the journey is unavoidably interrupted.

We must here pay a tribute to the efforts of the *Deutsche Luft Hansa*. M. Wronsky recently wrote that "every little town in Germany is automatically linked up with the air system", and pointed out that 80 per cent of the freight conveyed by this combined transport system started—in the case of exports—from towns that had no aerodromes. In 1929, indeed, such freight was accepted at 287 German stations,

while only 70 aerodromes were served.

In the International Chamber of Commerce, in the I.A.T.A., and at the recent Conference of the International Railway Union at Nice, M. Wronsky urged the extension throughout Europe of a system which has proved its worth in Germany and—in a lesser degree, or more recently—in Switzerland, Sweden, Belgium and Hungary, and also—in what is, to tell the truth, a very peculiar case—in France.

M. Wronsky's proposal was adopted at Nice, subject to the necessary sanction. If every air-transport ticket were, in the near future, accepted at any European railway-station in respect of its unused portion, that would represent a considerable advance.

Further, efforts must be made on quite general lines, at all events so far as concerns peninsular Europe, to establish a traffic by land and air (railway, public motor transport, aeroplane) with a single all-in tariff. Nothing will demonstrate more clearly that, in the case under consideration, these different methods of transport should be

mutually complementary and not competitive.

We may reasonably suppose, also, that the ground system of roads and railways, which was established first, will long continue to be of immense value to aviation, since the latter is very far from being freed from terrestrial necessities. There can, indeed, be no question that investigations should be set on foot with a view to adapting these road and railway systems all over Europe to help and combine with air traffic (buoys, identification marks, landing-grounds close to railways and roads, establishment of air routes in conjunction with the new motor-roads).

The "Common Fund".

Special resources would be desirable for the carrying out of this programme of rationalising the ground organisation and the operation of services. We would suggest that, in this general clearing system to which we have referred, every country—starting from the present position—should sacrifice a portion of its annual traffic subsidies and pay the money thus released into a common fund. We are convinced that, by this means, it would be possible in a very few years, without making any addition to the taxpayer's burdens:

To equip Europe for air traffic;

 (1) To equip Europe for air traffic;
 (2) To perfect European co-operation along the main lines of traffic;
 (3) To spare many countries—thanks to these national ground organisations, which would be freely opened to international traffic—the cost of disproportionate expansionist tendencies in aviation (because on this traffic system each country's contribution will be proportionate to its traffic);

(4) Incidentally (for we are digressing from our subject), to give life to an

aviation industry in Europe that would no longer be a war industry.

C. Some other Possible Methods of Co-operation.

Information.

A non-commercial service of reliable information and free publications might be established for peninsular and Mediterranean Europe and for the European services on the main lines of traffic. This service would be similar to that provided in the United States of America by the Aeronautics Branch of the Department of Commerce.

Consideration might be given to the possibility of publishing in every important country an international guide, making a special feature of the transport combinations (time-tables and itineraries) possible on the general system (trains, motor-cars, aeroplanes, boats).

Technique.

Efforts might be made to secure free trade in regard to aviation, which is particularly necessary in an area divided up like Europe, with a view to the employment of the best material—even the best being barely adequate.

Consideration might be given to the desirability of holding international commercial aviation shows, so as to give an impetus to the development of the flying material and equipment necessary for the efficient operation of the international air system. The cost of these shows would be defrayed from the common fund referred to above. The inevitable and, indeed, necessary increase in the general dimensions of aircraft should have the effect, here also, of making the effort international.

Financing and Subsidies.

Consideration might be given to the possibility of setting up a European banking organisation for aviation. This organisation would alone be competent to administer the common fund, and, in particular, to assign subsidies or loans, where necessary, to air services of public concern. This bank might perhaps have a wider sphere of action and endeavour to accelerate transport by all tried technical means.

CONCLUSION.

The international character of air traffic is a new development. We have no longer to deal with a traffic which goes from one country to another without penetrating the latter's territory, but merely touching at the port and returning to sea; in the near future it may be possible to fly over countries at altitudes which will make sovereignty an empty word because all control will be illusory. Doubtless the defensive reaction against this violation, which is to-day scarcely perceptible, will be greatly intensified; nationalism in the air will be all the more vehement because it will be obviously against the nature of things. International co-operation in the air is necessary and will, therefore, be particularly difficult, because compulsion—even the compulsion of nature—is never willingly endured.

The problem of the hour—we freely admit it, after these analyses and sketches of the solution—is neither technical nor economic, but *purely political*. Before anything can be done, there must be the will in political circles to pay heed, in a spirit as international as air traffic itself, to the technical and economic realities by which this

mode of transport is limited.

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THE RELATIONS BETWEEN CIVIL AND MILITARY AVIATION

Ву

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THE RELATIONS BETWEEN CIVIL AND MILITARY AVIATION

It is with great pleasure that I accept the invitation, from the Secretary-General of the Advisory and Technical Committee for Communications and Transit, to contribute a memorandum on "The Relations between Civil and Military Aviation". As I see it, the pivot of these relations is that frequently debated issue—the military significance of civil aviation. My readers are doubtless acquainted with the various discussions of this difficult question which have taken place during the past ten years, and it is therefore unnecessary for me to review them in detail. But, for the purpose of this memorandum, I wish to recall the following salient facts:

Between 1919 and 1922, the subject was exhaustively debated by three international committees of air experts which sat at Paris, Geneva and Washington respectively. The three committees arrived independently at an identical conclusion, namely, that civil aviation is very readily convertible to war purposes, and that no means can be devised to prevent such convertibility which would not, at the same time, prejudice the development of civil air-transport.

When this opinion was expressed in January 1919 by the first of the abovementioned committees, namely, the Aeronautical Advisory Commission to the Peace Conference, the Supreme Council refused to accept it. Accordingly, the Peace Treaties provided that the late enemy powers should be forbidden to possess any military (including naval) aviation, but should be allowed to develop civil aviation. It is illuminating to note what followed—during 1919 and 1920 the Commissions of Control constantly confiscated aircraft which they ruled as "military" but which the Central Powers claimed to be "civil". At length, in the autumn of 1920, the Supreme Council instructed the Aeronautical Advisory Commission to "draw up rules to distinguish between civil aviation and the military and naval aviation forbidden by the Peace Treaties". The Commission replied that the task was impossible and referred to its original report of January 1919, in which that opinion had been unanimously recorded. The Supreme Council nevertheless insisted that its instructions should be complied with. Accordingly, after debating for several months, the Aeronautical Advisory Commission submitted a set of regulations known as "The Nine Rules". The Central Powers were obliged to accept these purely arbitrary restrictions, which were enforced by Commissions of Control in the territories of the countries concerned. These rules certainly prevented the development of military aviation, but they also stultified the development of civil aviation. Eventually, the Allies recognised the manifest unfairness of imposing a set of regulations which, if applied to their own civil aircraft, classified the bulk of them as military, and the attempt to enforce the Nine Rules was abandoned. To sum up, "The Nine Rules", the best regulations which the Allied air-experts could devise, after months of discussion, proved to be abortive because they penalised civil aviation.

Thus theory was borne out in actual practice.

An important point to note, before we pass on, is that the earlier investigations of our subject (at Paris, Geneva and Washington) were made before great commercial aviation interests had come into being, and before national air policies had developed.

Neither of these potent factors, which have since influenced discussion, was then in existence.

The next occasion upon which our subject was exhaustively discussed was in 1926, when Sub-Commission A reviewed the whole issue in detail, in the course of three sessions held at Geneva. The Sub-Commission was unable to make a unanimous report, but on the key-issue of convertibility the opinion of the three earlier international committees was endorsed by a large majority.

Early in the following year (1927) the question was referred to a Committee of Civil Aviation Experts which met at Brussels in February of that year. The paragraph in the Committee's report which is most relevant to our subject reads as follows:

"Every effort should be directed towards differentiating more and more clearly between civil and military aviation; in this way civil machines will become capable of a maximum economic return and will become less and less useful for military purposes."

This opinion opposes, almost to the point of contradiction, that expressed by the other bodies of air experts which I have mentioned. The basic contention of these bodies (a small minority of Sub-Commission "A" excepted) was that the "performance" of air transport machines rendered them suitable for military purposes and that their construction permitted of ready adaptation; consequently, that convertibility was inherent and therefore ineluctable. It is this conclusion which the report of the Committee of Civil Aviation Experts implicitly denies. Is the opinion of this Committee justifiable in the light of the up-to-date development of civil and military aviation? The question is of cardinal importance, in view of the fact that the Committee's opinion was accepted by the Preparatory Commission for the Disarmament Conference (vide the Minutes of the sixth session (first part) 1929).

I have kept closely in touch with the development of both civil and military aviation and during the past few years have flown in, or examined, many types of civil and military aircraft. I have also discussed the question of convertibility with various aircraft constructors and other air experts. Much as I should like to endorse the opinion of the Committee of Civil Aviation Experts, my personal knowledge of the facts has driven me to the conclusion that it is totally unwarranted in regard to air liners—the type of aircraft to which, judging from the context, the report particularly refers. On the other hand, I consider that there is justification for the view that the development of the smaller types of civil and military aircraft has been along divergent lines. These convictions are based on the following considerations.

First in regard to air liners. The development of commercial aviation has called constantly for increased range, greater reliability, greater weight-carrying capacity and higher speed. These are precisely the requirements aimed at in the development of bombers. Day bombers require also high ceilings, but the present ceilings of air liners are adequate for night bombers. The average air liner of to-day is potentially a far more efficient bomber than the air liner of seven years ago. This can easily be proved by comparing the performances of air liners of that period with the performances of the great passenger-carrying machines which now fly regularly over the European and American air route systems. Can it seriously be denied that such machines, for example, as the British Argosies and Handley-Page air liners, the French Farman

Goliaths and Jabirus, the German three and four-engined Junker and Rohrbach monoplanes, the American three-engined all-metal Fords—to mention but a few types, could be converted into highly efficient night bombers? It is evident that the development of commercial flying will call for even better performance in the machines employed and thus automatically improve their military potentials as bombers. Already we have for long-distance work such machines as the De Haviland "Hercules" type employed on the Cairo-Baghdad-Karachi service. This aeroplane has a top speed of 130 miles per hour, a ceiling of 17,000 feet and an endurance, when fully loaded, of five hours. I estimate that, as a bomber, this machine would have an action radius of 500 miles, carrying two-thirds of a ton—the remainder of its useful load being carried as extra fuel. As an example of a still later type, consider the Fairey monoplane which made a non-stop flight from England to India last year. This machine was designed for imperial contact work as an express mail-carrier. High technical authorities have confirmed my estimate that, as a bomber, this monoplane would have a radius of action, carrying a load of one ton, of about 1,200 miles.

Large flying boats are also convertible into bombers. Example, the British "Calcutta" type, which was especially constructed for commercial purposes, yet has a better all-round performance than most of the Royal Air Force flying-boats.

The performance of the German Dornier "Dox" flying-boat has not been published. But it is obvious that this gigantic machine, which is driven by twelve 500 h.p. engines and is capable of making a long flight with sixty passengers, in addition to its crew of nine, possesses great military potentials as a carrier of bombs or war chemicals.

The arguments against the convertibility of air liners are:

First, that which I have already mentioned, namely, that commercial aircraft do not possess the requisite ceiling. The reply is that the ceiling imposed by geographical conditions is ample for night bombing. Moreover, there are several methods by which a ceiling can be increased if desired.

Secondly, that the construction of air liners precludes the possibility of good fields of fire for self-defence by machine-guns. The reply to this argument is (a) that clouds and darkness serve as protection, and that additional protection could, if necessary, be supplied by sending long-distance fighters to escort the bombers; (b) that simple structural alterations and additions would permit of the installation of several gun-rings giving excellent fields of fire.

The report of the Committee of Civil Aviation Experts advocates that no military features should be embodied in the construction of air liners. In other words, that no provision should be made for gun-mountings, bomb-racks, gas-containers or good fields of fire. The lack of such provision might entail that conversion would take several days instead of several hours, but it would not neutralise the convertibility, since this, as I have already mentioned, is inherent in performance.

The views of the British Air Staff on the subject of convertibility were stated in a lecture, given by one of its members, under the chairmanship of the late Air Minister, Sir Samuel Hoare, at the Royal United Services Institute, on December 27th, 1928:

"In bombing attacks by night, or on days of indifferent visibility, large passenger-carrying civil aircraft may be usefully employed after comparatively minor modifications."

Alluding to this same issue of convertibility, Captain the Hon. F. E. Guest, who was British Air Minister in 1922 and is now chairman of National Flying Services, Ltd., said, in the course of the debate on the Air Estimates for 1928:

"Civil machines are convertible to a degree which was not possible five or six years ago. These machines can carry twenty passengers at 110 miles per hour, and are driven by the most experienced pilots, as capable of flying by night as well as by day as any service pilot, and can be, within a week, converted into bombing-planes."

It would be possible considerably to amplify this review of the issue of convertibility, but I think sufficient has been said to prove that, so far as air liners are concerned, the claims of the Committee of Civil Aviation Experts are quite unjustified. There is, in fact, no particle of evidence to support the contention that, if certain steps are taken, such machines "will become less and less useful for military purposes". On the contrary, the up-to-date development of commercial flying and the trend of progress point to diametrically opposite conclusions. I venture to suggest that general recognition of this truth would not only pave the way for limitation of air armaments, but would also prove beneficial to the development of commercial aviation itself. These are points to which I shall return later.

I propose now to consider the war value of the smaller types of civil aircraft. Ten, or even seven, years ago, these were mostly converted military machines and were obviously reconvertible. To-day the majority of these small machines are, for reasons of economy and safety, of low horse-power. On the other hand military machines of the same size have developed very high horse-power. Example, the modern single-seater fighter has frequently an engine of 500 h.p., whereas the "light" aeroplane has an engine of from 40 to 100 h.p. I think all air experts will agree that, generally speaking, it would be quite impossible to convert existing small aeroplanes into even moderately efficient fighters. The two types have diverged; the construction of small civil machines would not permit of any considerable increase in performance. It is true that there are a few types of civil machines, such as sky-writing aeroplanes and racers, which could be converted into fighters. But the total number of these in Europe is negligible.

A certain proportion of small aeroplanes, such as air taxi machines, could be adapted for such auxiliary work with armies and navies as artillery co-operation, aerial photography and reconnaissance. But in this connection it should be noted that there has been considerable specialisation and development in naval and military co-operation aircraft during the past ten years and, in most cases, converted civil aircraft would fall far below modern standards of efficiency.

I believe it would now be entirely practicable for a committee of military air experts supplied with a list of a country's civil aircraft, showing the performance of each machine, to classify them as follows:

- (a) Potentially aggressive, that is, suitable for inclusion in a striking force;
- (b) Potentially non-aggressive, that is, not suitable for inclusion in a striking force;

(c) Suitable for miscellaneous naval and military duties.

I would draw special attention to (a) and (b); the possibility of differentiating between aggressive and non-aggressive types is of great importance. The essential aim of limitation of armaments is to limit the probabilities of war, and that aim may largely be achieved by limiting the factors which make for striking power. It is of course out of the question to limit the development of civil aviation. But if the truth that air liners are readily convertible into bombers were accepted, then all such civil aircraft could be counted in a nation's air strength as second-class bombers. Effort might then be directed towards reduction of the numbers of first-class, that is, military bombers. This suggestion is analogous to that of scaling down naval strengths by reducing the number of battleships, or of scrapping these and agreeing upon the cruiser as the capital ship. But there is this difference: the cruiser, although it is a less powerful unit than a battleship, is nevertheless an instrument of war, and nothing else. Whereas the air liner, while potentially an instrument of war, is primarily an instrument of commerce—a means to facilitate commercial intercourse, to establish closer intellectual and political contact, hence to promote mutual understanding.

At present, European States, with few exceptions, devote less than five per cent of their annual air votes to the development of commercial aviation. General recognition of the reality that air liners are inherently, and therefore unavoidably, bombers, should result in some reallocation of expenditure in favour of commercial flying. The advantages of such reallocation, both to the cause of peace and to the development of air transport, are too obvious to call for comment.

To turn now to the question of the military value of the personnel employed in civil aviation. First as regards air liners—the pilots of these machines fly regularly over long distances in all kinds of weather—rain, snow, gales and fog. Not infrequently, owing to delays, they are also required to fly in darkness. Already there are several air services on both sides of the Atlantic, which are operated by night as well as by day; and night flying is on the increase on all air systems. In flying, more perhaps than in any other form of human activity, efficiency depends upon experience, and the air-liner pilot gains more experience in the course of his ordinary work than any other pilot. Example, the pilots of Imperial Airways, Ltd., fly, on an average, 100 hours per month, whereas the average pilot in the Royal Air Force flies 100 hours per year. Clearly, an air-liner pilot is a first-class airman, his training makes him an excellent bombing pilot, he should therefore be counted amongst first-line effectives.

The mechanics—fitters, riggers, etc.—who keep a large commercial machine in order, are obviously equally fitted to maintain the efficiency of a bomber, particularly as the engines employed in these two kinds of aircraft are frequently of the same type. These civil mechanics are in fact 100 per cent efficient as air-force mechanics and should therefore be counted as first-line effectives.

These arguments do not apply equally to the personnel of small civil machines. The pilots of these have far less experience than those of air liners, and they are not used to high-powered aircraft. They could, however, be utilised for military purposes after a short period of training, and might therefore be regarded as first-line reserves. The mechanics employed with these small types of civil aircraft are more difficult to classify. Their training is such that very little additional instruction would render them suitable for military employment. I estimate that fifty per cent could at once be transferred to military units.

This completes my survey of the relation of civil to military aviation in the light of up-to-date developments. The principal conclusion, to which I would again draw attention, is that it is now possible to differentiate between civil aviation which is potentially striking power, and that which is unsuitable for such a purpose. It might be possible to go further and estimate the war values of all civil aircraft, judging by their performance, and classify them in their various categories. But this, although it would certainly be done in war time by the nations concerned, would be a difficult task for an international committee in time of peace. I venture to suggest therefore, as a first step, an examination of civil aviation with a view to drawing a dividing line between potentially aggressive and potentially non-aggressive forms. Let the fact of convertibility be faced, at least so far as striking forces are concerned. Nothing can be gained by denying or discounting the truth. Certain it is that those countries which hold that civil aviation is convertible and recognise the great striking power of fleets of air lines, will not abate their military preparations because other countries. possessing large commercial air systems, refuse to admit inexorable facts. General admission of the truth, and the consequent inclusion of air liners and their personnel in statements of air armaments, would help to disarm suspicion and facilitate comparison. Refusal to admit the truth transgresses the spirit, if not the letter, of the last paragraph of Article 8 of the Covenant, and thus renders it impossible to agree upon a common denominator in the problem of aerial disarmament. Yet, until a common denominator has been fixed, no progress can be made towards a solution of that

And while that solution tarries, air power, which has developed enormously during the past decade, continues to expand. Four years ago the British Air Minister stated that the air forces of one continental power could drop, within the first 24 hours of conflict, a weight in bombs equivalent to the total weight dropped in England by German air forces in the course of the war (nearly 300 tons), and continue that scale of attack indefinitely. That represented a fifteen-hundredfold increase in striking power in the course of six years. The following figures, quoted in the House of Commons

last autum, give a further index to the rate of expansion:

"Since 1925, Italy has increased her expenditure on air armaments by 28 per cent, France by 92 per cent, and the United States of America by 126 per cent. During the same period Great Britain's expenditure on air armaments has decreased by 10 per cent."

INTERNATIONAL COMMERCIAL AVIATION AND NATIONAL ADMINISTRATION

Вy

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INTERNATIONAL COMMERCIAL AVIATION AND NATIONAL ADMINISTRATION.

I. INTRODUCTION.

Commercial aviation, more than any other means of international communication, affects the most varied branches and interests of the national administration. In the case of railways, the territorial limits of the national administration coincide with those of technical exploitation. It is true that a railway truck may circulate beyond the national frontiers, but its transport beyond that point is effected by another and a foreign concern with a foreign staff, and under control of a foreign administration. Continuity of railway transport through several countries is also possible in an emergency, even in the absence of all co-operation between the various other national administrations concerned. In shipping, there is no such concordance between the territorial limits of exploitation and those of administration. A foreign vessel flying a foreign flag and under a foreign administration, enters waters which belong to the territory of another State. It thereby becomes subject to another administrative power, the requirements of which it can only satisfy in practice if they are compatible with the regulations of the State of origin. This compatibility of requirements as between different national administrations is, however, much more easily secured in maritime navigation than in aviation. The area within which a foreign vessel can move is restricted to territorial waters, ports or rivers, and it is easily controlled. These national conditions also restrict the possible encroachments and actual dangers by which foreign vessels may threaten public order and safety. For this reason the State need only issue a comparatively small number of simple administrative regulations, which may be the same in the different countries and the application of which will inconvenience maritime traffic the less since it is accustomed to reckon by days and months and not by hours.

How much greater are the difficulties encountered by the State administration when it comes to international aviation. The latter's technique does not confine it to specified areas, but permits it to cover the whole territory of the State. National legislation may erect frontiers reaching perpendicularly to the stars, but, for the administration which has to control these frontiers day and night, the air will nevertheless create new and extremely difficult tasks. Foreign aircraft may fly at no matter what altitude and with the most pacific intentions, but the natural law of gravity necessitates measures by the State to secure the lives and property of its citizens. The administration is obliged to adopt a number of measures towards the aircraft which, with its crew, comes from a territory under foreign sovereignty, is already subordinate to a foreign administration, and which, by reason of its first economic purpose—the establishment of the most rapid communications—allows, less than any other means of transport, of loss of time due to the fulfilment of administrative formalities. The competence of different national administrations and the opposition between the needs of the administration and the technical requirements of air traffic are conflicts upon the satisfactory solution of which the development of international commercial aviation primarily depends.

No one can be surprised that in the first few decades, during which aviation technique has itself undergone constant modification, progress has not yet passed beyond the experimental stage. And yet it is less the rapid and not yet perfected changes in technique than certain considerations not connected with transport policy which are endeavouring to influence the regulation of free international commercial These considerations are armaments policy, commercial policy and considerations of national culture. Obviously such different objects as armaments. commerce and transport imply not only a difference of end but a difference of means. According as one or the other is preponderant, commercial aviation will differ in regard to its fleet, its organisation and national status. If commercial aviation, that is to say, the carriage of persons and goods for hire, is primarily to serve the interests of cultural policy, it will be used less to facilitate international transport than to establish connecting links between countries to the exclusion of other nationalities. An armaments policy, on the other hand, will be based upon the idea that although a fleet of transport aircraft is by itself completely useless as a weapon of defence, it nevertheless constitutes a valuable complement to a country's fighting squadrons. This policy too, thrusts economic considerations into the background, as regards both the choice of aviation material and the whole administrative organisation. It also has merely a secondary interest in international co-operation between the administrations. International commercial aviation finds more support in commercial policy, which, owing to the economic interdependence of nations, cannot prosper without a certain international adjustment of national laws and administrative regulations, and is thus led to encourage freedom of air traffic, although commercial policy also may pursue a policy of national protectionism which will hamper international communications.

However great may be the pressure by which political ends divert commercial aviation from its natural channels, it is still a fact that under present conditions commercial aviation is dependent for its existence upon the aid of these political forces. Throughout the world there are only very few aviation undertakings which are capable of operating their lines without financial help from the State. The universal system of subsidies is the means by which the tendencies of aviation policy find expression. In this way the national Administration is given a direction which, under the pretext of encouraging national schemes, may, and very often does, impede the development of international aviation.

We can already anticipate that the technique of aviation will in the near future have made sufficient progress for international commercial aviation to become economically self-supporting. It may, however, be doubted whether national legislation and administration will open the way for these technical possibilities, or whether national laws, in pursuance of existing tendencies, will not throw away the advantages which international commercial aviation offers to humanity. The tasks in which the jurists and diplomats of the different countries will have to co-operate to set commercial aviation on its feet are scarcely less formidable than the technical problems which still await solution. The purpose of the present report is to contribute towards this preliminary work. It indicates briefly those administrative measures by States which seem of the greatest importance to international commercial aviation. The difficulty of securing documents and the still greater difficulty of obtaining information concerning the administrative practice of certain countries will excuse all faults and omissions.

II. ADMINISTRATIVE ORGANISATION.

The administrative authority under which commercial aviation is placed is symptomatic of the main political influences at work. Before and during the war questions affecting aviation were generally dealt with by the Ministry of War. With the development of air transport after the war, however, the administrative competence of an authority inspired by purely military considerations came to be realised as more and more unsuitable. Accordingly, most countries, including those which have worked hardest to develop aviation, have proceeded during the last ten years to place civil aviation under a civil administration.

The Ministry of War, or, most often, a special section of this Ministry, is still exclusively responsible for civil aviation in the following countries: The Argentine (Ministry of War and the Marine, with a Directorate for Civil Aviation); Chile (Ministry of War with Aviation Department); Yugoslavia (Ministry of War and the Marine); Canada (Ministry of National Defence with a Directorate for Civil Aviation); Colombia (Ministry of War); Cuba (Ministry of War); Norway (Ministry of National Defence); Peru (Ministry of the Marine and Aviation); San Salvador (Ministry of War); Siam (Ministry of War); Turkey (Ministry of War); Uruguay (Ministry of War and the Marine).

In the following countries commercial aviation is placed under a civil ministry: Egypt (Ministry of Transport and Public Works); Belgium (Ministry of Transport); Bolivia (Ministry of Railways and Transport); Brazil (Ministry of Transport and Public Works); Bulgaria (Ministry of Railways, Posts and Telegraphs); China (Ministry of Railways); Denmark (Ministry of Public Works); Germany (Reich Ministry of Transport); Estonia (Ministry of Transport); Finland (Ministry of Transport and Public Works); Greece (Ministry of Transport); Guatemala (Ministry of Public Works); Japan (Ministry of Transport); India (Ministry of Public Works); Ireland (Ministry of Industry and Trade); Latvia (Ministry of Transport); Lithuania (Ministry of Transport); Mexico (Ministry of Transport and Public Works); the Netherlands (Ministry of Public Works); Austria (Federal Ministry of Trade and Transport); Poland (Ministry of Transport); Portugal (Ministry of Trade and Industry); Roumania (Ministry of Industry and Trade); Sweden (Ministry of Transport); Switzerland (Federal Department of Posts and Railways); Union of South Africa (Postmaster-General); Czechoslovakia (Ministry of Public Works); Hungary (Ministry of Trade); United States of America (Department of Commerce, Aeronautics Branch).

In countries which attach equal importance to the development of military and civil aviation and wish to develop the two as complements to one another, we often find an undesirable and harmful rivalry between the different ministries, especially when military aviation is further divided between the Ministry of War and the Ministry of Marine. In these countries the main endeavour has been to create a uniform administration and this has led to the establishment of special ministries competent in all matters of aviation including commercial aviation: Australia (Civil Aviation Department); France (Ministry of Aviation); Great Britain (Secretary of State for Air); Italy (Ministry of Aviation); Panama (National Aviation Board); Spain (Consejo superior de Aeronautica); Union of Soviet Socialist Republics (Chief Inspectorate of Civil Aviation).

III. LICENSING OF AIRCRAFT ACCORDING TO NATIONAL LAW.

As a general rule aircraft cannot be admitted to air traffic unless they fulfil conditions of two kinds: (a) material conditions concerning airworthiness; (b) formal conditions concerning registration. Further (c) the machine must bear a distinctive mark; (d) it must fulfil certain conditions peculiar to various countries, and (e) according to the law of some countries, an insurance contract must be concluded to cover the risk of accidents. The rules, however, only apply to private aircraft. We must therefore further distinguish (f) between private aircraft and State aircraft.

(a) AIRWORTHINESS.

- I. All countries, desiring to make air traffic as safe as possible, have been led to adopt certain regulations forbidding aircraft to fly without the authorisation of the State. The latter reserves the right of testing the aircraft to see if it fulfils the necessary technical conditions, and the machine must in no case be used before it has been officially recognised as airworthy. If the machine satisfies the conditions, the authorities issue a certificate, either in the form of a special certificate of airworthiness, or in connection with the certificate of registration.
- Cf. The Argentine (Decree of July 30th, 1926); Belgium (Decree of November 27th, 1929); Brazil (Decree of July 22nd, 1928); Bulgaria (Law of July 8th, 1925); Denmark (Law of May 1st, 1923); Danzig (Law of June 9th, 1926); Germany (Law of August 1st, 1922); Estonia (Decree of May 28th, 1926); France (Decree of October 13th, 1926); Great Britain (Air Navigation Consolidation Order of December 19th, 1923); Japan (Law of April 8th, 1921); India (Aircraft Rules 1920); Italy (Decree of January 11th, 1925); Ireland (Air Navigation Regulations, 1928); Cuba (Decree of April 21st, 1928); The Netherlands (Decree of December 16th, 1928); Norway (Law of December 7th, 1923); New Zealand (Decree of February 21st, 1921); Austria (Law of December 10th, 1919); Poland (Decree of March 14th, 1928); Saar Territory (Decree of February 15th, 1928); Sweden (Laws of May 26th, 1922, and April 20th, 1928); Switzerland (Decree of the Federal Council, dated January 27th, 1920); Spain (Law of March 6th, 1920, and Decree of October 12th, 1928); Csechoslovakia (Law of July 8th, 1925); Hungary (Decree of November 28th, 1929); Union of Soviet Socialist Republics (Decrees of July 20th, 1923, and June 13th, 1924); Venezuela (Law of June 21st, 1920); United States of America (Law of May 20th, 1926, and Air Commerce Regulations of September 1st, 1929).

In a few countries a certificate of airworthiness is required, not for all, but only for commercial aircraft:

Chile (Decree of October 17th, 1925); Colombia (Decree of March 15th, 1920); Latvia (Law of June 7th, 1926); Portugal (Decree of April 27th, 1927).

This body of law contains the following stipulations concerning airworthiness:

2. — Even after the authorisation to use the aircraft has been granted as a result of a test of airworthiness, the machine continues to be under State supervision and as soon as it is found to be unfit for use or dangerous, the authorisation may be withdrawn. If any technical changes are made or important repairs done to a machine authorised for use, a new certificate is generally required or a confirmation of the old one. In order to ensure that machines are regularly tested, the airworthiness certificate is only granted for a limited period.

3. — These regulations, which are laid down in the interests of safety are often prejudicial to national and international aviation. This is shown in the methods by which the State carries out the tests for airworthiness. In the discharge of this duty the administration has recourse to a number of official, semi-official or State-aided laboratories, offices and technical experts. Either in law or in fact, these offices exercise a monopoly as regards this examination. This may interfere with the play of national competition in the aviation industry in every case when the State does not confine itself to testing but also participates in manufacture, either directly or by the granting of subsidies. In the same way the State, on the pretext that an aircraft does not satisfy the conditions of airworthiness, is able to take protectionist measures against foreign manufactures. These dangers are all the greater both to national and foreign production because only very few countries allow of any appeal against the decisions of the examining authorities.

In other directions, too, the various regulations for testing airworthiness contain measures which may have an injurious effect upon national and foreign manufacture. The test generally consists of an examination of the model (examination of type and series) and of each machine (individual examination). For the examination of the type, the designs are generally asked for. Sometimes the rules provide for control over manufacture.

With regard to the technical qualities of an aircraft, the various countries impose minimum requirements, the details and extent of which vary considerably in the different countries. Thus the same machine may be regarded in one country as not airworthy and may in another country be recognised as airworthy. These differences may be justified. Obviously an aircraft must satisfy different conditions according as it serves one or another purpose—is to be used in a temperate zone or in the tropics, in mountainous country or on the plains. Nevertheless, the differences between minimum official requirements may have a harmful effect upon the national industry, since they are calculated to limit the possibility of mass manufacture in an industry which works partly with a view to export.

(b) REGISTRATION OF AIRCRAFT.

I. — The State recognition of airworthiness through the granting of a certificate is not, however, the only condition which aircraft must fulfil before its use is authorised. It also has to be marked and entered in the official register. A State which desires to exercise permanent technical supervision over aircraft flying over its territory and to take measures to punish offences against traffic regulations, must be able in individual cases to identify the machine rapidly and with certainty even when flying. In order to facilitate this identification, it is ordered that aircraft must be marked with letters and numbers visible at a long distance and corresponding to entries in the official register. The latter must contain the necessary particulars concerning the owner, operator, manufacturer, model, equipment, etc.

The main purpose of the register is, therefore, administrative; it serves in the first place the requirements of the traffic police. This does not prevent various countries, such as France and Italy, from also using the register for promulgating and establishing certain private rights to aircraft.

2. — In all these cases it will be understood that registration is necessary for the needs of the traffic police. On the other hand, it is not so easy to justify the conditions generally laid down (except in the Argentine and Colombia) as preliminaries to registration. Thus, it is not enough that airworthiness should be proved and recognised. It is further required that the machine shall be the exclusive property either of a national or of a national company in the State in which it is to be registered.

As regards a company's nationality, the different laws contain different requirements. In the case of a company of persons, all the members, or at any rate those personally responsible, must be nationals of the registering State. For joint-stock companies on the other hand, the regulations differ. The rules of the Cina, Article 7 of which requires that, in addition to the chairman of the incorporated company, at least two-thirds of the directors must also be members of the registering State, have been adopted in the following countries:

Belgium (Decree of November 16th, 1919, Article 7); Bulgaria (Law of July 23rd, 1925, Article 2, paragraph 2); France (Law of May 23rd, 1924, Article 5); Great Britain (Decree of December 9th, 1923, Appendix I A. 1 (b)); Ireland (Air Navigation Regulations 1928, Article 5); Canada (Decree of December 31st, 1929, Article 5); Latvia (Law of June 7th, 1926, Article 6); The Netherlands (Decree of December 6th, 1928, Article 8); Poland (Decree of March 14th, 1928, Article 10); Switzerland (Decree of the Federal Council, dated January 27th, 1920, Article 8); Spain (Decree of November 25th, 1919, Article 3); Czechoslovakia (Law of July 8th, 1925, Article 6, paragraph 3); Venezuela (Law of June 16th, 1920, Article 41).

Denmark, Finland, Norway and Sweden have laid down requirements which go farther still. These countries require in principle that all the directors must be nationals domiciled in the country. The authorities may, however, grant exceptions in the case of not more than one-third of them.

Denmark (Laws of May 1st, 1923, and June 15th, 1928, Article 4); Norway (Law of December 7th, 1923, Article 6); Sweden (Laws of May 26th, 1922, and April 20th, 1928, Article 6).

In these countries, thanks to the possibility of these exceptions, the regulations are in accordance with the minimum requirements of Cina. This, however, is not the case in a number of other countries which, in addition to Cina's conditions, require that the majority of the shares shall be held by nationals. Thus, Chile and Italy require two-thirds of the shares of joint-stock companies to be held by nationals of the country in order that the company may possess the nationality necessary for the registration of the aircraft. Similarly, the United States of America requires that 51 per cent of the shares be held by nationals. From the point of view of the financial administration of aviation companies, Chile establishes certain restrictions on the transfer of shares, but it is not clear how these restrictions work out in practice. Italy and the United States of America impose no restrictions of this kind, but the company automatically ceases to fulfil the conditions necessary for registration as soon as the majority of shares pass into the hands of foreigners.

Cf. Chile (Decree of October 7th, 1925, Articles 7 and 8); Italy (Decree of August 20th, 1923, Article 6); United States of America (Law of May 20th, 1926, Section 3 (a) 1, Section 9 (a) 3).

In Germany and Danzig the question of the nationality of aviation companies has been settled in accordance with quite different principles. The regulations in general used before the War have been maintaind and the criterion adopted is whether or not the company's head offices are situated in the country. In the case, however, of limited liability companies, the members personally responsible must be German (or Danzig) nationals. According to the laws both of Germany and Danzig, therefore, it is possible for a company to acquire the nationality of the respective State even if all the directors and shareholders are foreign.

Germany (Law of August 1st, 1922, Article 2, paragraph 2); Danzig (Law of June 9th, 1926, Article 2, paragraph 2); Saar Territory (Decree of February 15th, 1928, Article 2, paragraph 2).

The nationality requirement for purposes of registration has sometimes been explained on the grounds that aircraft regulations were—rightly or wrongly—based on the rules of maritime law concerning the registration of vessels. This may be true of the earliest attempts to construct a theory of aerial law, but it cannot explain a legal clause which has been applied with such persistence by the legislation of the majority of countries. It is, in the last resort, political considerations which are here paramount. In so far as the State does not impose restrictions upon itself through international treaties, it desires in principle to reserve its territory to the aircraft of its own nationals, and in this way to give them precedence over foreign owners of aircraft. It has frequently been pointed out in recent times that, while regulations of this kind have very few positive advantages, their negative effect is to impede international air traffic. They do not ensure the protection of national interests. Aerial espionage, for example, is just as practicable from aircraft belonging to a national. Regulations which consist in registering only aircraft belonging to nationals become an administrative absurdity in cases when international conventions oblige the State to permit the passage of foreign aircraft over its territory.

Let us suppose that an owner of aircraft of A nationality is domiciled in country X, which, in virtue of an international convention, is obliged to permit the flying in its territory of aircraft registered in country A. In this case, the tests and control of airworthiness and all the registration formalities would have to take place in country A, of which the owner is a national, while the aircraft would be stationed and used in country X, where its owner resides. How can the owner's native country exercise technical control over aircraft which an aviation company belonging to that country employs on foreign air routes, possibly in another continent? Imagine, too, the difficulties confronting an owner, who, for the purposes of tests, certificates and subsequent inspection in respect of his aircraft used abroad, must apply to his country of origin. In practice he will be referred to his Consulate, but this procedure is exceedingly dangerous from the traffic point of view, since Consulates do not as a rule have either the laboratories or the experts required for these examinations.

In order to avoid this separation between administrative competence and facilities for genuine control, it has sometimes been decided that not only shall registration depend upon nationality, but also the aircraft shall have its aerodrome in the State in which it is registered, e.g., Denmark, (Law of May 1st, 1923, Article 7); Sweden (Laws of May 26th, 1922, and April 20th, 1928, Article 7). This solution, too, is unsatisfactory. In the first place, any person domiciled abroad will be unable to operate and, therefore, to register aircraft. Further, this solution does not prevent a national air navigation company, having its head office in the territory of the State concerned, from making use of its aircraft abroad and thus, in practice, evading control by the State.

The consequences for international traffic which follow from the application of these principles are bound to deprive of most of their value the national airworthiness certificates recognised in the relations between various States. For, if it is in fact impossible for one country to ensure the permanent airworthiness of its aircraft used in foreign territory, the foreign country must reserve the right to exercise control at any time and, if necessary, to cancel the certificate of airworthiness. This point will be dealt with later. (International Law in Matters of Aviation).

One further condition is required for registration. A whole number of laws contain an express clause specifying that registration must be refused when the aircraft is already registered in another country.

Examples: Great Britain (Law of December 19th, 1923, Annex 1 A, No. 1b); Ireland (Air Navigation Rules of October 5th, 1929, Section 5, No. 2); Cuba (Law of April 21st, 1928, Article 21); Latvia (Law of June 7th, 1926, Section II, No. 6); Poland (Decree of March 14th, 1927, Article 10, No. 3); Sweden (Laws of May 26th, 1922, and April 20th, 1928, Article 6, paragraph 2).

As regards countries belonging to Cina, the same situation results from Article 8 of Cina; see also Ciana, Article 8, Havana Convention, Article 7.

Belgium-Germany (Convention of May 29th, 1926, Article 15); Denmark-Norway (Convention of July 27th, 1921, Article 8 et seq); Germany-France (Convention of May 22nd, 1926, Article 15); Germany-Norway (Convention of January 23rd, 1929, Article 17); Germany-Czechoslovakia (Convention of January 22nd, 1927, Article 18); Sweden-Norway (Convention of May 26th, 1923, Article 9), etc.

3. — In the application of these official regulations, the different countries proceed differently. Some, as we have already said, make the airworthiness and registration certificates independent one of another, although both are required before the aircraft can be used.

Examples: Belgium (Decree of November 17th, 1919, Articles 5 et seq); Bulgaria (Law of June 6th, 1925, Articles 2 et seq); Great Britain (Decree of December 9th, 1923, Annex 1); Ireland (Air Navigation Rules, 1928, Section 12); Netherlands (Decree of December 6th, 1928, Articles 3 et seq, Articles 74 et seq); United States of America (Law of May 20th, 1926, Section 3a and b).

Other countries only register those aircraft whose airworthiness they require to be established. In this case, registration may at the same time constitute a recognition of airworthiness.

Examples: The Argentine (Decree of September 4th, 1925, Articles 37 et seq); Brazil (Decree of July 22nd, 1928, Article 13); Denmark (Law of May 1st, 1925, Article 8c); Danzig (Law of July 9th, 1926, Article 2, paragraph 2); France (Decree of October 13th, 1926, Article 3); Italy

(Decree of January 11th, 1925, Articles 156 et seq); Poland (Decree of March 14th, 1928, Article 10); Saar Territory (Decree of February 15th, 1928, Article 2, paragraph 2); Sweden (Laws of May 26th, 1922 and April 20th, 1928, Article 7).

4. — The effects of registration vary. According to the law of some countries, registration, according as airworthiness has to be determined before registration or not, is a requisite condition in order that the aircraft may be used in aerial traffic. We have already mentioned above that a few laws also confer upon registration certain effects concerning property rights to the aircraft (ownership, mortgage).

Nearly every country has recognised the legal principle that aircraft acquire by registration, the nationality of the registering State. (In addition to national laws, see Cina, Article 6, Ciana, Article 6, Havana Convention, Article 7). The legal importance of this nationality is shown mainly by the fact that, in international private law, administrative law and penal law, it is regarded as the determining factor in applying national rules. We shall have occasion to return to this question later on. It may, however, here be mentioned that the adoption of the nationality of aircraft as a criterion must, in international law, often lead to unsatisfactory solutions, since the nationality of aircraft is determined, not by the aerodrome where the machine is stationed or by the nationality of its operator, but by its registration and, therefore, indirectly by the nationality of its owner.

5. — If the conditions governing registration (airworthiness, owners' nationality, nationality of the directors or shareholders of a company, native aerodrome, registration of aircraft abroad) should undergo modification, some laws provide for the cancelling of the registration, while others deprive the registration ipso jure of its legal effects. It can happen therefore that, in virtue of a still apparently valid registration, some aircraft continue to fly abroad although they are no longer properly registered in any country. In practice, this situation has been satisfactorily remedied by establishing an obligation upon States to notify to one another registrations and cancellations.

(c) Affixing of Marks to Aircraft.

The distinction of each aircraft, which is the primary aim of registration, consists in marking machines by fixing plates containing the same particulars as those entered in the register (name and domicile of owner and operator, type, number, etc.); also registration marks and national colours or emblems are painted upon the machine. The laws of the different countries all require in one form or another the fixing of marks of this kind.

So far, however, marks have not been unified under conditions fully satisfactory to international traffic. The international Conventions, with the exceptions of Cina and Ciana (Article 10 and Annex I), content themselves with stating that aircraft must bear distinct and visible marks which will enable the machine to be identified during flight (Havana Convention, Article 9, and all the separate European Conventions).

(d) Insurance Responsibility.

The last condition which has to be fulfilled before aircraft are authorised for use is the proof required by a few countries of the deposit of security or of the conclusion of an insurance contract to cover any damages that may have to be paid as the result of an accident due to the exploitation of the aircraft:

Examples: Arizona (Decree of November 10th, 1928); Bulgaria (Law of July 25th, 1925, Article 25); Denmark (Law of May 1st, 1923, Article 39); Germany (Law of August 1st, 1922, Article 29); Louisiana (Law of June 26th, 1926, Sections 1 and 3); Norway (Law of December

7th, 1923, Article 40); Sweden (Laws of May 26th, 1922, and April 20th, 1928, Article A 37); Switzerland (Decree of Federal Council dated January 27th, 1920, Article 28); Czechoslovakia (Law of July 8th, 1925, Article 38); Venezuela (Law of June 16th, 1920, Article 65); Virginia (Decree of July 1st, 1929, No. 33), etc.

As regards details, insurance responsibility is regulated in very different ways by different countries. In some, it is a sine qua non for the authorisation of the aircraft; in others it is compulsory but independent of the aircraft's authorisation; in some countries the condition is only obligatory if the authorities decide that it shall be so; in others, it is only compulsory for aircraft engaged in transport. The risks to be covered include either all damage to persons or only damage caused to third parties or only damage to passengers and goods. In some cases, the responsibility is limited to a certain sum, in others it is unrestricted. Naturally, these differences seriously hamper international communications. We shall have occasion to revert later on to their importance to commercial aviation.

(e) SPECIAL REGULATIONS.

Reference should be made to a few special regulations governing the authorisation of aircraft, which are found in the laws of certain countries but which have not yet been adopted elsewhere.

- r. The Netherlands make provision not only for certificates of airworthiness which apply to a complete aircraft—that is to say, a machine including the engines and equipment necessary for flying—but for special certificates for aircraft manufactured in series (Decree of December 6th, 1928, Articles 74, et seq).
- 2. Switzerland, in contradistinction to other countries, has laid down that the aircraft, before it can be authorised for use, must not only be registered after being tested for airworthiness, but must further be provided with a licence issued by the supervisory authority (Decree of the Federal Council dated January 27th, 1920, Article 7, paragraph 2). This certificate is evidence at the same time of airworthiness, registration and authorisation to fly. It contains the name of the owner or of any person authorised by the owner to operate the aircraft (Cf. Hess, "Schweizerisches Luftrecht", 1927, page 27, et seq). Arizona has similar rules (Decree of November 10th, 1928).
- 3. According to the Czechoslovak Law on Aviation, dated July 8th, 1925 (Article 7), no one may operate aircraft—that is to say, have the right to make permanent use of a registered aircraft—unless he has obtained a special licence issued by the Ministry for Public Works, such licence only being granted if there is no objection either to the person of the operator or to the general geographical position of the native aerodrome. This licence takes the form of a special legitimation card. In the case of persons who wish to fly Czechoslovak aircraft outside Czechoslovakia, the card may be issued by the Czechoslovak representative abroad.

(f) STATE AIRCRAFT AND COMMERCIAL AIRCRAFT.

State aircraft everywhere enjoy a special situation, which amounts to privileged treatment in national traffic and unfavourable treatment in international traffic. From the point of view of international commercial aviation there is no occasion to examine these conditions except in so far as is necessary in order to define the term "commercial aircraft" and their legal status.

Here, too, the opposition should be noted between national and international traffic:

I. — In national traffic the essential point is that both State ownership and also the mere use of a machine by the State are sufficient to place an aircraft outside the general laws on transport and to subject it to the special rules of administrative law. The machine is then described as "State" or "public" aircraft. Its special situation involves various consequences: it is exempted from the usual procedure governing authorisations; the customary registration in the official register may be waived; the machine is not marked, or only by special signs; the prohibition to take on board certain apparatus, or the obligation to obtain a special licence to do so, does not apply to these aircraft, nor are they subject to the internal regulations prohibiting flight over certain areas (prohibited areas), etc.

Since, therefore, the questions of what aircraft is to be regarded as State aircraft and what are the results of this situation are matters concerning the administrative law of each country concerned, we must here consider this latter law. Only a few countries have laws on aviation containing any special provisions on this subject. Thus, according to the *Brazilian* Aviation Decree, dated July 22nd, 1925 (Article 4), and according to the *Polish* Decree of March 14th, 1928 (Article 5, paragraph 2), every aircraft belonging to the State must be regarded as official aircraft. The same rule must be taken to apply to all countries which have no express regulations to the contrary. Most aviation laws take as their criterion, either exclusively or as well as the point above mentioned, the use to which the aircraft is put. In this case, all aircraft are regarded as State aircraft which are used in the administration of the State:

Examples: The Argentine (Decree of July 30th, 1926, Article 1a); Chile (Decree of October 17th, 1925, Article 2, paragraph 2); France (Law of May 31st, 1924, Article 2); Great Britain (Air Navigation Consolidation Order of 1923, Section 31 (1)); Italy (Decree of August 20th, 1923, Article 3 and Decree of June 11th, 1925, Article 4); Latvia (Decree of July 27th, 1925, Article 18); Portugal (Decree of April 27th, 1927, Article 2); San Salvador (Decree of May 17th, 1923, Article 2). Cf. also Code de l'Air, Articles 32 et seq.

Some texts enumerate all the services which confer upon aircraft the character of State aircraft; this class includes, in addition to military aircraft, aircraft used by the postal authorities, the police, and the Customs. Accordingly, a machine which although belonging to the State is used for other than the above purposes—for example, for survey work, for the campaign against harmful insects or for health work—would not constitute State aircraft, at any rate on a literal interpretation of the texts:

Examples: Colombia (Decree of March 15th, 1920, Article 2); Switzerland (Decree of Federal Council dated January 27th, 1920, Article 34); Venezuela (Decree of June 16th, 1920, Articles 70 et seq).

Even aircraft belonging to private persons or companies may be declared to be State aircraft when they are used on account of the State:

Examples: Chile (Decree of October 17th, 1925, Article 2, paragraph 3); Italy (Decree of June 11th, 1925, Article 4, paragraph 3).

The laws of the different countries agree in treating all military aircraft as State aircraft. A machine is in every case a military aircraft, no matter to whom it belongs,

if it is piloted by a military person.

The foregoing definitions are not without importance to international aviation, because the international Conventions which establish different regulations for State aircraft and private aircraft often fail to give an exact definition of these two groups and therefore oblige us to refer to the definitions given by domestic law.

2. — In International traffic, the international Conventions relate in the first place to private aircraft. State aircraft are therefore excluded, unless the Convention expressly provides for exceptions in the case of such aircraft or certain sub-divisions thereof. At the same time a number of comparatively old Conventions omit to define the term "private aircraft":

Examples: The Argentine-Uruguay (Convention of May 18th, 1922); Denmark-Germany (Convention of April 25th, 1922); Germany-The Netherlands (Convention of July 24th, 1922); Germany-Austria (Convention of May 19th, 1925); Germany-Sweden (Convention of May 25th, 1925); Germany-Switzerland (Convention of September 14th, 1920); France-Switzerland (Convention of December 9th, 1919); Great Britain-Switzerland (Convention of November 6th, 1919); Colombia-U. S. A. (Convention of February 23rd, 1929); The Netherlands-Poland (Convention of November 24th, 1925); The Netherlands-Switzerland (Convention of May 18th, 1925).

The difficulties due to the interpretation of the term "private aircraft" are, in this case, all the greater because national legislation, as we have already shown under I (a) differs in the different countries. As far as I know, the question has not yet been settled. The best method would seem to lie in having recourse to the more recent Conventions, which contain greater detail as regards the meaning to be given to the terms "State aircraft" and "private aircraft". Nevertheless they, too, reveal divergencies.

In these Conventions, any machine is regarded as a private aircraft which is neither under the charge of a military person nor devoted exclusively to a State service. Accordingly—and this is a matter which concerns us—postal aircraft belonging to the postal administration of the State must be regarded as State aircraft:

Examples: Belgium-Denmark (Convention of June 28th, 1923, Article 2); Belgium-Switzerland (Convention of June 13th, 1922, Article 2); Ciana (Article 30); Cina (Article 30); Denmark-Norway (Convention of July 27th, 1921, Articles 30 et seq); Denmark-Portugal (Convention of December 16th, 1924, Article 2); Sweden-Norway (Convention of May 26th, 1923, Articles 30

In order, however, that the advantages of aviation Conventions may be enjoyed by aircraft which, like postal aircraft, do not serve the political administration of the State, in spite of their official character, Cina has assimilated to private aircraft, over all the territories to which it is applicable, all State aircraft except military, Customs and police aircraft (Article 30, paragraph 3). Thus, State aircraft employed on health work, surveying, or in the campaign against harmful insects could, in international traffic, fly under the same conditions as private aircraft. Nevertheless, differences of opinion might occur in practice. If, according to the law of a foreign country, these aircraft are exempted from the obligations to be registered and marked or are only provided with special signs not recognised internationally (e.g., signs peculiar to the postal administration), this would conflict with the general obligation whereby aircraft plying internationally must be marked with easily recognisable emblems and registration marks.

Many Conventions are based upon the regulations laid down in Cina:

Examples: Canada-United States of America (Convention of November 5th, 1929, Article 1); Ciana (Article 30); Germany-Czechoslovakia (Convention of January 22nd, 1927, Article 1, paragraph IV); Italy-Austria (Convention of May 11th, 1928, Article 1, paragraph V); Austria-Czechoslovakia (Convention of February 15th, 1927, Article 2); Pan-American Commercial Aviation Convention (of February 20th, 1928, Article 3); Switzerland-Saar Territory (Convention of August 15th, 1928, Article 1, paragraph II).

A last group of international air Conventions deals with private aircraft and State aircraft exclusively employed for commercial purposes:

Examples: Belgium-Germany (Convention of May 29th, 1926, Article 1, paragraph IV); Germany-France (Convention of May 22nd, 1926, Article 1, paragraph IV); Germany-Great Britain (Convention of June 29th, 1927, Article 1, paragraph III); Germany-Italy (Convention of May 20th, 1927, Article 1, paragraph V); France-Spain (Convention of April 25th, 1928 Article 1, paragraph V); Great Britain-Norway (Convention of July 15th, 1921, Article 1, paragraph I); Great Britain-Portugal (Convention of May 6th, 1921, Article 1, paragraph 18); The Netherlands-Norway (Convention of January 8th, 1925, Article 1, paragraph II).

Here, we encounter the difficulty of what is meant by "commercial purposes". This term may be differently interpreted by the law of each country. Aircraft employed by the health services are certainly not devoted to commercial purposes; and the same applies to postal aircraft, since the postal administration does not primarily work for profit. As regards postal aircraft, therefore, the Conventions must be regarded as unsuitable. For this reason some Conventions assimilate postal aircraft to State aircraft devoted to commercial purposes, e.g.:

Germany-Spain (Convention of December 9th, 1927, Article 1, paragraph IV); France-Spain (Convention of April 15th, 1928, Article 1, paragraph V); Spain-Italy (Convention of August 15th, 1927, Article 1, paragraph V).

3. — To sum up, as regards the distinction between State aircraft and private aircraft, the laws of the different countries differ substantially in the same way, the international Conventions, owing to their partial assimilation of State aircraft to private aircraft, reveal certain divergencies which are due both to the differences of national legislation and to a defective wording of the Conventions themselves.

Most open to criticism are those Conventions which do not treat postal aircraft as private aircraft. If this has not resulted in any disadvantage as yet, it is only because the postal administrations have not so far established any air services of their own, but have entrusted the transport of mail to private aviation concerns. If, however, the postal administrations should decide to carry mail by their own aircraft, Cina, and the provisions of the Conventions based thereon, would probably be found to be the most suitable for the purpose.

IV. AIRCRAFT CREWS.

1. — Since the safety of air traffic is dependent both upon the airworthiness of the machine and upon the competence of its crew, the different States naturally require a special certificate, not only for the machines, but for their crews. Departments have been created to examine the health and technical competence of airmen. Many

countries entrust this examination to the air administration itself, others to experts appointed by that administration, while a few have recourse to the services of recognised aviation associations. According to the report of the authority in charge of the examination, the air administration grants or refuses the certificate, and in principle this applies to all airmen of the country concerned. With regard to details, however, there are very wide differences between the forms of the authorisation, the conditions under which it is granted, and the validity of the certificate.

2. — Some countries require only one permit (certificate of competency). This permit certifies that the holder possesses the necessary competence and, at the same time, authorises him to fly. Other countries distinguish between the certificate of competency and the police permit, both these certificates being issued according to different procedures and under different conditions.

The certificate of competency also varies according to the holder's duties on board and according to the nature of the aircraft for which it is to be valid. The pilot (originally the only aviator) is invariably dealt with separately. The different laws, however, according to their chronological date, have taken very unequal account of the differences which recent technical progress has established between the various duties on board. In some countries, special certificates are issued for the commanding officer, the mechanics, navigators and wireless operators; in other countries all these persons are combined within the general category of aviators, and there are no special regulations for these different functions; in some cases no certificate at all is required for them. Some laws expressly define the term "crew", others only enumerate those aviators who have to obtain a certificate.

Differences in classifying aircraft which the holder of a certificate is authorised to fly are a further cause of inequalities. In the scale of machines, extending from the glider via the sporting machine to the commercial aeroplane, there are many possible methods of distinguishing according to number and horse-power of engines, carrying capacity, etc., and a distinction may also be made according to whether the aircraft is to be flown over land or over sea. Accordingly the certificates of competency valid for these machines frequently vary.

3. — We need only mention that in these circumstances the requirements of the different countries as regards qualifications vary very widely. From the point of view of international traffic it need only be said that certain countries, in addition to requiring technical qualifications, demand that the aviator shall be a national of the country, or be domiciled therein, a condition which is obviously explained, not so much by the nature of things, as by nationalist (military) and protectionist tendencies; permission to fly over the national territory will only be given to those who, in the event of war, can be mobilised for the service of the country.

The following countries, as a general rule, require that pilots of aircraft entered in the national register or flying over the national territory shall be nationals of the country:

Denmark (Law of May 1st, 1923): the air administration is authorised to issue regulations concerning nationality and domicile, both of which conditions are also required by the Decree

of September 11th, 1920 (Article 39a); Italy (Decree of September 2nd, 1927, Article 1d) requires that wireless operators shall be Italian nationals; Norway (Law of December 7th, 1923, Article 24) lays down that the crews of all aircraft flying over Norwegian territory shall be of Norwegian nationality and resident in Norway. Exceptions may be granted by the air administration, but in the case of service on board a Norwegian aircraft, these exceptions will not be granted for more than two months; Poland (Decree of March 14th, 1928, Article 18); the crew of every Polish aircraft and all auxiliary personnel must be Polish nationals, but exceptions may be granted; Portugal (Decree of April 27th, 1927, Article 4b): a special authorisation may grant exemption from the requirement that every aviator on board Portuguese aircraft must be of Portuguese nationality; Sweden (Decree of April 20th, 1928, Article 15): pilots, navigators, engineers and wireless operators on board Swedish transport aircraft must be of Swedish nationality, but as regards other aircraft, the Laws of May 26th, 1922, and April 20th, 1928 (Article 23), contain executive regulations which may also require Swedish nationality or domicile; Czechoslovakia (Law of July 8th, 1925, Article 12, paragraph 2): according to this law foreigners must prove that their country of origin accords formal reciprocity; the United States of America require that an "industrial, limited, commercial or transport pilot" shall be either a national of the U. S. A. or a national of a country which grants reciprocity (Air Commerce Regulations 1929, Section 49). Other categories of pilots (pilots of gliders and private pilots) may be foreigners.

V. AERIAL LAW IN GENERAL.

(a) THE PROBLEM OF SOVEREIGNTY IN THE AIR.

I. — For the lawyer, who takes his stand on positive law, the principle that the sovereignty of the State also extends to the air space above its territory—a principle which the technical expert and the sailor have difficulty in understanding—is now a well-established rule of international law. It is characteristic of the present state of the law that of the many amendments submitted to the diplomatic conference convened by Cina in the summer of 1929 and consisting of representatives of nearly 100 countries, none made any attempt to attack the principle of the sovereignty of the State over the air space above the home country, colonies and territorial waters, which constitutes the basis of Cina.

All other international aviation Conventions rest on the same principle. Ciana and the Pan-American Convention of Havana have both textually reproduced Cina provisions and proclaimed in Article I "full and exclusive sovereignty over the air space". If other international Conventions, such as those concluded by Germany, do not expressly proclaim this sovereignty, it is only because the principle is tacitly assumed. It is recognised by these Conventions by the fact that foreign aircraft are only allowed free access to and flight over national territory in virtue of treaty provisions and subject to certain restrictions.

The sovereignty thus recognised internationally is reflected in domestic legislation. Many of these national laws expressly mention the point:

Examples: The Argentine (Decree of September 4th, 1925); Brazil (Decree of July 27th, 1925, Article 1); Chile (Decree of October 17th, 1925, Article 17); Great Britain (Law of December

23rd, 1923); Italy (Decree of August 20th, 1923, Article 1); Cuba (Decree of April 21st, 1928, Article 1); Latvia (Law of June 7th, 1925, Article 1); Lithuania (Law of December 10th, 1921, Article 1); Czechoslovakia (Law of July 8th, 1925, Article 1); Hungary (Decrees of December 30th, 1922, and March 22nd, 1924, Article 1); Venezuela (Decree of June 21st, 1920); United States of America (Law of May 20th, 1926, Section 6a).

In order that sovereignty may exist there is, however, no need for it to be proclaimed. It exists and is claimed by the fact that domestic legislation in principle prohibits and subjects to special authorisation the flight of foreign aircraft over its territory.

Examples: The Argentine (Decree of September 4th, 1925, Articles 4 et seq and Decree of July 30th, 1926, Article 74); Belgium (Decree of November 27th, 1919, Articles 1 and 50); Brazil (Decree of July 22nd, 1925, Article 43); Bulgaria (Law of June 6th, 1925, Article 2); Chile (Decree of October 17th, 1925, Article 19); Denmark (Law of May 1st, 1923, Article 3); Danzig (Law of June 9th, 1926, Article 2); Germany (Law of August 1st, 1922, Article 2); France (Law of May 31st, 1924, Article 8); Great Britain (Decree of December 9th, 1923, No. 4); Italy (Law of August 20th, 1923, Article 5); Yugoslavia (Decree of June 12th, 1926, Article 2); Colombia (Decree of March 15th, 1920, Articles 18 et seq); Cuba (Decree of April 21st, 1928, Article 21); Latvia (Law of June 7th, 1926, Article 16); New Zealand (Decree of February 21st, 1921, Article 1); the Netherlands (Law of July 30th, 1926, Articles 7 and 11); Norway (Law of December 7th, 1923, Article 3); Austria (Law of December 10th, 1919, Article 9, No. 5); Portugal (Decree of April 27th, 1927, Article 15); Russia (Decree of January 17th, 1921, No. 15); San Salvador (Decree of May 17th, 1923, Article 17); Sweden (Decrees of May 26th, 1922 and April 30th, 1928, Articles 14 and 15); Switzerland (Decree by Federal Council dated February 27th, 1920, Article 7); Spain (Decree of November 25th, 1919, Article 38); Czechoslovakia (Law of July 8th, 1925, Article 43); Hungary (Decree of December 30th, 1922, Article 20); Venezuela (Law of June 21st, 1920, Article 38); United States of America (Law of May 20th, 1926, Section 6b).

Peru constitutes an exception. In its decree of November 15th, 1921, No. 1, it proclaims the freedom of aviation at an altitude above 3,000 metres. This is a last survival of Fauchille's liberal theories, which, at any rate in the form of the zone theory we find in Peru is, if only for technical reasons, recognised by modern doctrine as impracticable.

Sovereignty over the air space, which would appear proved by the sources of national and international law mentioned above, involves as a positive consequence the right of the State to dispose of this air space and, negatively, the right to exclude from traffic third parties, especially foreign aircraft. Accordingly, however important its air territory may be to international air traffic, a State can reserve it for certain foreign Powers or close it to all. Such action will be in conformity with modern conceptions of international law, whenever the exclusion of foreigners is dictated by the interests of the State, whether by considerations of its security or by the wish to gain economic advantages. It is of course conceivable that these national advantages may be out of all proportion to the injury inflicted upon the excluded nations and their international air traffic. The jurist may here see an abuse of rights or will consider the possibility of granting harmless passage

and participation in international air traffic through the recognition of a way of necessity (Notweg) from excluded States through the air territory of a foreign country. This, however, would be equivalent to applying to international law conceptions of private law, without any legal basis for such procedure. And there will be no such basis until some universally recognised rule has been fixed which will reconcile the interests of each individual country with those of the commonwealth of nations.

2. — With regard to oversea air traffic, sovereignty over the air space will involve special difficulties in cases when coastal and insular States, upon which the technique of air communications still depends, do not in principle permit international traffic over and through their territorial waters. It may be asked whether, in spite of the closing of the air space above territorial waters, the free coastal stations necessary to air traffic could not be found, at any rate if the hydroplanes employed were to take off from and descend in the open sea and then proceed to enter ports as floating vessels, in conformity with the more liberal provisions of maritime law.

Against such a procedure it may be urged that States are anxious to claim sovereignty over the air space above their territorial waters—uniformly recognised in international conventions—for the very purpose of establishing a monopoly of oversea air transport from their coasts. If, in pursuit of this policy, they refuse to apply the provisions of maritime law to the entry of floating aircraft into their ports, their refusal would be perfectly justified in law. It is contrary to the ordinary conceptions of traffic to place aircraft within the category of "vessels". When Cina in Annex D, No. 50, prescribes that an aircraft manœuvring under its own power on the water shall conform to the regulations for preventing collisions at sea, it expressly states that aircraft and vessels shall be treated alike for the purposes of those regulations only. Moreover, it would seem obvious that the application of the same treatment to vessels and aircraft is a theory which is untenable in face of the technical and police regulations for traffic in ports. Finally, the coastal State could prohibit the entry of all floating aircraft simply by invoking its sovereign rights over territorial waters—rights which are generally admitted and are also recognised in a draft of the International Institute of Law (Stockholm 1928).

Accordingly, any exposition of the present regime of international air traffic must proceed from the conception of the full and exclusive sovereignty of the State over the air space above its territory and territorial waters, as something which, even if a serious obstacle to traffic, is nevertheless an incontestable fact.

3. — The question whether and how far State sovereignty also extends to aerial traffic over the high seas is obscure and has not yet found any solution. The only point upon which there is a certain general agreement is that the aircraft itself and its actions are subject to the law and jurisdiction of the State whose nationality it possesses. This rule is mainly envisaging acts which may occur during flight over the sea and which affect private law and the penal code. It is far from satisfactory, especially when the aircraft does not possess the nationality either of the country from which it started or of the country in which it lands. This criticism, which has more than once appeared in recent literature, calls for no further remark here, since it does not directly concern international aviation proper.

On the other hand, we must emphasise the great disadvantages resulting from the absence up to the present of any general regulations governing traffic in space which is not subject to the sovereignty of any State. Air traffic rules and provisions as to lights, signals and marks still remain to be established for oversea air traffic of the future.

Similarly, aviation cannot in the long run dispense with international police regulations such as apply to navigation on the high seas. The legal questions which, in the event of a war involving only one maritime power, would immediately affect all oversea air traffic, have scarcely been raised, far less settled.

Again, the regulation of the legal status of floating islands is a question which has to be decided. There are no legal grounds whatever for assimilating these islands to vessels on the high seas and thereby subjecting them to the regime of the "freedom of the seas."

All these questions will remain, so to speak, in a legal void until some definite legal conceptions have been formed. There is reason, however, to fear that one of these days some countries may appeal to their sovereign rights as an excuse for entering this legal no-man's-land and may then, in spite of the protests of other States, create and succeed in maintaining a situation to which time might lend a semblance of right. The result would then be to apply to oversea air traffic that principle of sovereignty which is already such an obstacle to air traffic over land. We need only consider the possibility of sovereignty being claimed over the air space above battleships and floating islands regarded as national territory; such a development would finally destroy all freedom of oversea air traffic, and it can only be prevented by the adoption of international regulations before it is too late.

(b) Limitation by Treaty of Sovereignty in International Aviation.

I. — The "Peace-time" Clause. — With a very few exceptions the conventions, such as that between Canada and the United States of America dated August 29th, 1929, grant to the participating States mutual freedom of air navigation in peace time only. This means that the right of free navigation for aircraft ceases not only when one of the two contracting parties is at war with the other or with a third Power, but even when the political atmosphere is disturbed by war without either of the two contracting parties being itself engaged in hostilities. In weighing the effects of the clause in question, we must therefore distinguish between these two eventualities.

It can easily be understood that a State which is itself engaged in war cannot accept a treaty obligation to permit the flight of foreign aircraft over its territory; the control of all transit traffic, which is essential to the conduct of war, and the dangers of espionage from the air impose this solution.

More questionable, however, are the grounds for suspending all air traffic under a treaty regime when the State flown over is itself a neutral. Not every flight over or passage through a country on the part of the contracting State engaged in war necessarily constitutes an act of war which the neutral State would be entitled or bound to prohibit in virtue of its neutrality. Let us only consider how generally desirable it may be to maintain air communications between the belligerent State and the seat of the League of Nations and other neutral capitals. The needs of the

neutral State as regards security would be fully met if it could prescribe that the commercial aircraft of the belligerent States, before flying over its territory, must land at a frontier aerodrome for the examination of its crew and cargo.

It is absolutely untenable that two neutral countries should be able to put a stop

to all treaty traffic as soon as a third Power finds itself in a state of war.

Accordingly, the peace-time clause, which has been generally adopted, goes far beyond its purpose. It furnishes the contracting parties with a means of evading their treaty obligations, even when it has no legitimate interests involved. It thereby endangers the maintenance of international traffic even within the narrow limits which the Conventions allow it. In view of these circumstances some general regulations governing neutral rights and the rights of war in regard to aviation are urgently required.

- 2. Mutual Recognition of Registration and Airworthiness Certificates and Certificates of Competency. — The granting of the right to fly over another State would be impracticable and valueless if the State which granted it insisted upon the foreign aircraft and its crew being furnished with airworthiness certificates and certificates of competence issued by that State itself in conformity with its domestic law. One of the principal clauses in these aviation Conventions, therefore, is the clause by which each country recognises, in respect of traffic over its own territory, the certificates which the other contracting State has granted to registered aircraft and their crews. Similarly each contracting State undertakes not to require of a foreign aircraft any certificates other than those prescribed by the State of origin
- Cf. Cina (Article 13); Ciana (Article 13); Havana Convention (Article 15), and the other international Conventions.

How this recognition of foreign certificates is applied in air traffic, and what are the consequences which result for the different national administrations from the fulfilment of their undertaking to recognise these certificates, will be shown below (see pages 122 et seq.).

The corresponding obligation upon aircraft to carry on board in international traffic all the certificates and licences required by the State of origin, and to produce them whenever requested to do so by the authorities of the State flown over, is self-

evident and calls for no further comment.

Cf. Cina (Articles II et seq.); Ciana (Articles II et seq.); Havana Convention (Articles 12 et seq.), and all other international aviation Conventions.

3. — The Right of Passage, which States grant each other is limited not only in time but in extent. It only allows "innocent" passage. The texts nowhere explain what is meant by "innocent" or "not innocent".

The damage which passage may cause may injure existing private rights, especially landed property, or the public interests of the State. In both cases special provisions in the Conventions afford adequate protection. The provision where by the machine and its crew are subject to the domestic law of the State flown over alone ensures the inviolability of all private rights. The interests of the State which have to be protected against the possible dangers of aircraft in transit are also adequately safeguarded by the provisions concerning prohibited transport and the establishment of prohibited areas, to which reference will be made below. The reservation relating to the innocent nature of the passage has, therefore, only the value of a general clause. In so far as its contents correspond to the special protective provisions contained in the different Conventions, it is superfluous. In so far as it goes farther, it is a subtle clause inspired by fear, for, thanks to this provision, one contracting party can at any moment deprive the other party of the most important advantages which it has to accord it. The best solution, therefore, would be to suppress this clause.

4. — Right of Landing and Use of Aerodromes. — The right of passage does not automatically include the right to land on the territory of the foreign State. Nevertheless, the Conventions do not expressly recognise the right of aircraft belonging to the other party to land. In granting each other the right of free passage over their territory, therefore, countries are accustomed to recognise tacitly the right of landing. This follows from the fact that the Conventions which contain no clause concerning the right of landing are precisely those which allow foreign aircraft to make use of public aerodromes, or even compel them to land at specific aerodromes.

The extent of the right to land not as a rule being defined in aviation Conventions, domestic law holds good. The provisions of the latter differ. The most liberal regime obtains in Germany, where, according to Article 12 of the Aviation Law of October 1st, 1922, aircraft are allowed to land on aerodromes or unenclosed land or on water situated outside centres of population. Other countries prescribe voluntary landings

and takings-off at aerodromes only:

Examples: Brazil (Decree of July 22nd, 1922, Article 49a); Belgium (Decree of November 27th, 1919, Articles 21 and 22); Bulgaria (Law of June 6th, 1925, Article 14); Chile (Decree of October 7th, 1925, Article 33); France (Law of May 31st, 1924, Article 24); Italy (Decree of August 20th, 1923, Article 31); Latvia (Law of June 7th, 1926, Article 34); The Netherlands (Law of July 30th, 1926, Article 18); Switzerland (Decree by Federal Council, dated January 27th, 1920, Article 20); Hungary (Decree of December 30th, 1922, Article 8); United States of America (Law of May 20th, 1926, Section 10); Venezuela (Law of June 16th, 1926, Article 54).

An intermediate regime is adopted by those laws which impose the obligation to make exclusive use of aerodromes only upon aircraft engaged in transport:

Examples: Great Britain (Decree of December 9th, 1923, Article 5); New Zealand (Decree of February 21st, 1921); Spain (Decree of November 25th, 1919, Article 12); according to Article 13 of the Treaty between Germany and Czechoslovakia, dated January 28th, 1927, aircraft may only land on and take off from an aerodrome open to public traffic; exceptions, however, may be allowed.

A clause whereby the aircraft of the contracting parties may make use of public aerodromes under the same conditions as national aircraft is an important rule in international traffic law; it is contained in most of the Conventions and, if my information is correct, has not as yet given rise to any difficulties.

Cina (Article 24); Ciana (Article 1); Havana Convention (Articles 23 et seq); Belgium-Germany (Convention of May 29th, 1926, Article 10); Belgium-Switzerland (Convention of June 13th, 1922, Article 12); Denmark-Germany (Convention of April 25th, 1922, Article 11); Denmark-Norway (Convention of July 27th, 1921, Article 24); Germany-Great Britain (Convention of June 29th, 1927, Article 10); Germany-Austria (Convention of May 19th, 1925, Article 6); Germany-

Switzerland (Convention of September 14th, 1920, Article 11); Germany-Czechoslovakia (Convention of January 22nd, 1927, Article 12); Germany-Sweden (Convention of May 29th, 1925, Article 5); France-Switzerland (Convention of December 9th, 1919, Article 11); France-Spain (Convention of March 22nd, 1928, Article 10); Great Britain-Switzerland (Convention of November 6th, 1919, Article 11); Great Britain-Norway (Convention of July 15th, 1921, Article 10); Italy-Austria (Convention of November 16th, 1928, Article 10); Italy-Spain (Convention of August 15th, 1927, Article 10); The Netherlands-Norway (Convention of January 8th, 1925, Article 5); Netherlands-Switzerland (Convention of May 18th, 1926, Article 5); Sweden-Norway (Convention of May 26th, 1923, Article 24); etc.

- 5. Equality of Treatment as Regards Transport Prohibitions. When the airtraffic Conventions provide for the possibility of a State, for reasons of public safety, restricting the transport of specific articles, they assume that the same treatment shall apply both to national aircraft and to the aircraft of the other contracting State. This rule, which is set forth in Article 29 of Cina, has been embodied in most of the other Conventions and is also contained in Article 17 of the Havana Convention.
- 6. The Most-favoured-nation Clause may occur in commercial and establishment treaties, or in an air-traffic Convention. In either case the question is how far it affects international air traffic.

Whether the most-favoured-nation clause contained in treaties of commerce and establishment applies to air traffic depends upon the scope of the clause in the treaties in question. To-day it is not usual to adopt an unrestricted most-favoured-nation clause governing all the international relations of the contracting States. On the other hand, we find some commercial and navigation treaties which contain a most-favoured-nation clause applying to every kind of transport or transit.

Examples: The Netherlands-Poland (Treaty of Commerce and Navigation, dated May 30th, 1924, Article 10); The Netherlands-Portugal (Exchange of Notes of August 27th, 1924, No. IV); Denmark-Siam (Treaty of Friendship, Commerce and Navigation dated September 1st, 1925, Article VIII).

Nevertheless, if we try to ascertain the intention of the parties in all these treaties, it becomes clear that, when concluding them, they were not contemplating air traffic, which should therefore be excluded from the most-favoured-nation clause. At the most its application might be considered in the case of the industrial establishment of air-traffic undertakings.

I only know of one commercial treaty in which air traffic is expressly admitted to the benefits of the most-favoured-nation system. This is the German-Lithuanian Treaty of June 1st, 1923 (Article 10). This treaty, however, has recently been replaced by the new Treaty of Commerce and Navigation, dated October 30th, 1928, which grants most-favoured-nation treatment to maritime navigation, but not to aviation.

On the other hand, air navigation Conventions themselves frequently contain the most-favoured-nation clause, but its scope and the accompanying conditions vary.

The most liberal regime is that of the German-Italian Convention of May 20th, 1927, according to which each of the contracting States grants to the other most-favoured-nation treatment in all matters affecting their mutual relations in the sphere of commercial aviation (Article 1, paragraph 3).

According to this Convention, however, the establishment and operation of regular air lines by an aviation concern, within or over the territory of the other contracting State, are subject to the conclusion of a special agreement and are expressly excluded from the benefits of the most-favoured-nation clause (Article 1, paragraphs 1 and 2).

In view of the fact that, according to European practice, the most-favourednation clause pure and simple is regarded as unconditional, any advantage which one of the contracting States accords to a third power is extended to the State benefiting by the most-favoured-nation clause, even if that State does not grant the same advantages to the former State. It will be understood that so far-reaching an effect of the most-favoured-nation clause as that contained in the German-Italian Convention has not been generally adopted by other Conventions; nor does it apply to regular transport lines, which in practice robs it of a great part of its value. The only treaties in which the clause has the same scope are the Italian-Spanish Air Navigation Convention of August 15th, 1927, and the Italian-Austrian Convention of May 11th, 1928 (Article I, paragraph III).

In a few other treaties the clause reappears in a conditional form only. Article 2, paragraph 2, of the Air Navigation Agreement between Germany and Great Britain, dated June 29th, 1927, grants to the nationals of each of the two States, as regards the import, export and transit of goods produced in the territories of each of the two States, the advantages reserved to persons and goods by the Anglo-German Commercial Treaty of December 2nd, 1924; these advantages include most-favoured-nation treatment. According to paragraph 3 of the same Article, aircraft employed in international traffic, their passengers and cargoes shall enjoy the same advantages and be subject to no duties or charges other or higher than those imposed upon the aircraft (and their passengers and cargoes) of any other foreign country. To sum up, therefore, most-favoured-nation treatment is conditional, is limited to certain articles and does not extend to all traffic.

The Scandinavian treaties establish a most-favoured-nation regime which applies to a still more limited section of aerial law; Denmark and Norway in their Air Navigation Convention of July 27th, 1921, grant each other most-favoured-nation treatment in respect of internal trade (cabotage) (Article 18) and extend the same treatment to their aircraft as regards cargoes, taking off, flight over their territory, and landing (Article 37); the same provisions are found in the Convention between Denmark and Sweden of November 7th, 1922, and in the Convention between Norway and Sweden dated May 6th, 1923 (Articles 18 and 37 of both Conventions).

An application of the most-favoured-nation clause which, unlike the above-mentioned cases, is of the greatest value to commercial aviation, is found in the *Franco-Spanish* Convention of March 22nd, 1928 (Article 1, paragraph 3). The two contracting States grant each other most-favoured-nation treatment in the operation of their jointly established air lines.

The same arguments can be advanced for and against the expediency of the most-favoured-nation clause in air navigation Conventions as in commercial treaties generally. In air navigation Conventions, however, the clause may perhaps constitute a special obstacle to the granting of provisions in separate treaties owing to the fact that the State which grants most-favoured-nation treatment will fear the possible effects of this clause.

7. — Periods of Validity and Time-limits for Denunciation. — The fact that these air navigation Conventions provide no definite period of validity and contain comparatively short time-limits for denunciation is further proof that, in concluding them, States are very conscious of the uncertainty and instability of the situation.

In the Convention between Canada and the United States of America, dated August 29th, 1929-October 22nd, 1929 (Section 9), the period of validity is only two

months.

The period is three months in the following Treaties:

Belgium-Switzerland (Convention of June 13th, 1922, Article 20, paragraph 1); Germany-Denmark (Convention of April 25th, 1922, Article 19); Germany-The Netherlands (Convention of July 24th, 1922, Article 16); Germany-Austria (Convention of May 19th, 1925, Article 19); Germany-Sweden (Convention of May 29th, 1925, Article 17); Germany-Switzerland (Convention of September 14th, 1920); France-Switzerland (Convention of December 9th, 1919, Article 19); paragraph 1); Great Britain-Switzerland (Convention of November 6th, 1919, Article 19, paragraph 1); The Netherlands-Switzerland (Convention of May 18th, 1925, Article 16, paragraph 1).

The Havana Convention (Article 37) may be denounced on giving six months' notice.

The period for denunciation is twelve months in the following Conventions:

Cina (Article 43); Ciana (Article 42, paragraph 1); The Argentine-Uruguay (Convention of May 18th, 1922, Article 19); Belgium-Germany (Convention of May 29th, 1926, Article 21); Germany-France (Convention of May 22nd, 1926, Article 21); Germany-Great Britain (Convention of June 29th, 1927, Article 21); Germany-Italy (Convention of May 20th, 1927, Article 21); Germany-Norway (Convention of January 23rd, 1929, Article 23); Germany-Spain (Convention of December 9th, 1927, Article 24); Germany-Czechoslovakia (Convention of January 22nd, 1927, Article 23, paragraph 1); France-Spain (Convention of March 22nd, 1928, Article 21); Italy-Spain (Convention of August 15th, 1927, Article 21); Austria-Italy (Convention of May 11th, 1928, Article 21).

(c) THE VARIOUS CONDITIONS TO WHICH INTERNATIONAL AVIATION IS SUBJECT UNDER INTERNATIONAL CONVENTIONS.

1. — Commercial Aviation. — The air navigation Conventions do not authorise every form of innocent passage. Most of them, in fact, impose restrictions upon the transport of passengers and goods for hire and upon the establishment of commercial air lines. Here we must distinguish between international lines and national lines (cabotage).

The important Conventions concluded between groups of Powers prescribe a special authorisation by the State flown over to establish international lines, whereas in other cases they grant freedom of entry and passage. Article 15, paragraph 3 of Cina and Ciana may be quoted as examples. The special Conventions concluded by various States, in particular those concluded with Germany, are based upon the system established by Cina and make special arrangements to govern the establishment of international lines.

Examples: Belgium-Germany (Convention of May 29th, 1926, Article 1, paragraph 2); Belgium-Switzerland (Convention of June 13th, 1922, Article 3, paragraph 2); Germany-France (Convention of May 22nd, 1926, Article 1, paragraph 2); Germany-Italy (Convention of May 20th, 1927, Article 1, paragraph 2); Germany-Czechoslovakia (Convention of January 22nd, 1927,

Article 1, paragraph 2); France-Spain (Convention of March 22nd, 1928, Article 1); The Netherlands-Norway (Convention of January 8th, 1925, Article 12); The Netherlands-Switzerland (Convention of May 18th, 1925, Article 12); Austria-Hungary (Convention of August 29th, 1924, Article 15); Austria-Italy (Convention of November 16th, 1928, Article 1).

In a few cases the State flown over reserves the right to grant a special licence for international lines, but this licence is declared to be unnecessary when the air navigation undertakings concerned contain nationals of both States in equal numbers.

Examples: Denmark-Norway (Convention of July 27th, 1921, Article 17); Denmark-Sweden (Convention of November 7th, 1922, Article 17); Norway-Sweden (Convention of May 26th, 1923, Article 17).

In opposition to these Conventions are all the other Treaties, the main purpose of which is to establish commercial air lines.

Examples: The Argentine-Uruguay (Convention of May 18th, 1922); Canada-United States of America (Convention of August 29th, 1929, Section 6); France-Switzerland (Convention of December 9th, 1919); Great Britain-Norway (Convention of July 15th, 1921); Great Britain-Switzerland (Convention of November 6th, 1919); Havana Convention of 1928, Article 12, paragraph 5 and Article 21); Poland-Czechoslovakia (Convention of April 15th, 1926).

Even under these Conventions, except when their purpose is to establish a specific line, commercial air navigation concerns are not given by any means a free hand, since these Conventions only grant in respect of transport the rights laid down by the national laws, and the latter for the most part require a concession for the operation of air navigation concerns.

Examples: Brazil (Decree of July 22nd, 1925, Article 64); Bulgaria (Law of June 6th, 1925, Article 12); Danzig (Law of June 9th, 1926, Article 11); Germany (Law of August 1st, 1922, Article 11); Italy (Decree of August 20th, 1923, Article 20); The Netherlands (Law of July 30th, 1926, Article 11); Norway (Law of December 7th, 1923, Articles 34 et seq.); Austria (Law of December 10th, 1919, Article 7); Sweden (Decree of May 26th, 1922, Article 33); Switzerland (Decree by Federal Council, dated January 27th, 1920, Article 16); Czechoslovakia (Law of July 8th 1925, Article 17); Hungary (Decree of December 30th, 1922, Article 7).

In countries where no concession is required for the establishment of air navigation concerns, the benefits of this regime are reserved for national lines.

Examples: Chile (Decree of October 7th, 1927, Article 18); France (Law of May 31st, 1924); Great Britain (Decree of December 9th, 1923); Colombia (Decree of March 15th, 1920); Latvia (Law of June 7th, 1926); Portugal (Decree of April 27th, 1927); United States of America (Law of May 20th, 1926).

In short, therefore, we find that, in spite of the obligations arising out of general Conventions on air navigation, most countries decide by autonomous regulations whether and how far they will admit foreign aviation undertakings in their territory. Even when an international Convention, like the Havana Convention, establishes a general international obligation to admit these enterprises, the State flown over can still exercise a decisive influence even over international traffic above its territory owing to the fact that it is perfectly free to regulate the organisation of its air routes, aerodromes and transport organisations.

Cabolage, that is to say, national traffic between two points in the territory of the same State, is reserved for nationals in nearly all air navigation Conventions.

Examples: Cina (Article 16); Ciana (Article 16); Havana Convention (Article 22); Canada-United States of America (Convention of August 29th, 1929, No. 6); Belgium-Germany (Convention of May 29th, 1926, Article 2); Denmark-Germany (Convention of April 25th, 1922, Article 9); Denmark-Norway (Convention of July 27th, 1921, Article 18); Germany-Switzerland (Convention of September 14th, 1920, Article 9); Germany-Czechoslovakia (Convention of January 22nd, 1927, Article 2); France-Germany (Convention of May 22nd, 1926, Article 2); France-The Netherlands (Convention of July 2nd, 1923, Article 6); France-Switzerland (Convention of December 9th, 1919, Article 8); France-Spain (Convention of March 22nd, 1928, Article 2, paragraph 3); Great Britain-Germany (Convention of June 29th, 1927, Article 2); Great Britain-Norway (Convention of July 15th, 1921, Article 1); Great Britain-Switzerland (Convention of May 18th, 1926, Article 12); Sweden-Norway (Convention of May 26th, 1923, Article 17); The Netherlands-Switzerland (Convention of May 18th, 1926, Article 12), etc.

The reservation concerning cabotage also creates obstacles to international air navigation, and we shall have occasion to refer to them later on.

2. — The Principle of Territoriality. — The above-mentioned reservation concerning commercial air transport may be one of the weak points in international air traffic, but at least it has the advantage of legal certainty. Where this reservation exists, it is certain that in the absence of special regulations a contracting party cannot claim against a co-contracting party the right to fly over its air routes. If, on the other hand, these special regulations have been made, there is as a rule no doubt as to the authorised extent of the commercial air traffic above the foreign territory. One—and perhaps the most important—element of uncertainty in international aerial law and traffic as they exist to-day is the principle of territoriality, that is to say, the principle which subjects the aircraft, its crew and its passengers to the legal regime of the State flown over. Unless the domestic legislation of the State flown over makes a distinction between foreign aircraft and national aircraft, all the legal rules of the private, penal and administrative law of that State apply to aircraft flying over its territory.

The formula which expresses the principle of territoriality is found in the great majority of air navigation Conventions, but its meaning and wording are not always the same, and its interpretation is sometimes very questionable.

When the Conventions declare that the laws of the State flown over are applicable to foreign aircraft, its passengers and its cargo, this affirmation is a self-evident fact. Once we grant that a State possesses sovereignty over the air space it follows inevitably that the law of the country extends to all acts committed in the territory of the State concerned and that aircraft flying over that territory—as well as the persons and goods on board—are subject to its rules, whether these rules are a part of aerial law in particular or whether they are other rules of law. Thus Cina, Ciana and the Havana Convention make no mention of the principle of territoriality, since it follows automatically from the recognition of sovereignty over the air space. Only from one point of view is an express statement of the principle of territoriality not quite superfluous; a treaty provision precludes any conflict of laws which might arise owing to the existence of the principle of personality in the foreign State.

We can realise the problems raised by the territoriality clause when we enquire which of the legal rules of the State flown over are completed, replaced or cancelled by international Conventions. This breach which the international Convention makes in the general body of national law varies in extent in the different air navigation

agreements. Some of them employ a negative formula and declare that the law of the State flown over applies "unless the present agreement decides otherwise." or "except in so far as it is inconsistent with the provisions of the present agreement."

Examples: Germany-Great Britain (Convention of June 29th, 1927, Article 2); The Netherlands-Switzerland (Convention of May 18th, 1925, Article 15).

Other Conventions employ a positive formula and stipulate that foreign aircraft shall not be subjected to such regulations of the State flown over "as relate to registration, navigation licences, pilots' certificates and logbooks, which shall be regulated by the laws of the country of origin" (e.g., Belgium-Switzerland, Convention of June 13th, 1922, Article 15).

Finally, a third group of Conventions subjects foreign aircraft to the domestic law of the State flown over, but adds a provision whereby the navigation licences, airworthiness certificates and the certificates of competency issued to aircraft and the members of the crew in one country, shall have the same validity in the other country

as the corresponding certificates issued by that country itself.

Examples: Belgium-Germany (Convention of May 29th, 1926, Articles 2 and 5); Denmark-Germany (Convention of June 14th, 1923, Articles 13 et seq.); Germany-France (Convention of May 22nd, 1926, Articles 2 and 5); Germany-Italy (Convention of May 20th, 1927, Articles 2 and 5); Germany-Sweden (Convention of May 29th, 1925, Articles 6 and 13); Germany-Switzerland (Convention of December 14th, 1920, Article 14); Germany-Spain (Convention of December 9th, 1927, Articles 2 and 6); Germany-Czechoslovakia (Convention of January 22nd, 1927, Articles 2 and 7).

What modification in territorial law results in all these cases from treaty provisions? If, for example, the provisions of the country of origin concerning certificates of competence are declared to be exclusively applicable, will the country of origin also be exclusively competent for the purpose of applying these provisions or will the State flown over be able, on its own authority, to apply the provisions of the country of origin to foreign aircraft? Or, again, if the contracting States have mutually undertaken to recognise certificates issued by the other party, what awe will determine the conditions and the period of validity of the legal effects of thles certificates? Lastly, what national authority is competent to control or withdraw the certificate?

In order to solve this problem, we must in each particular case weigh the whole of the provisions of a Convention and determine the intentions of the parties as manifested therein. We shall, however, do well when studying this problem to distinguish between the fundamental rules of air navigation law (aa) and the administrative authorities competent to ensure their application (bb).

(aa) If the principle of territoriality were applied without restriction, no aircraft could enter the territory of a foreign State or fly over it without having first obtained the certificates of registration and competency or the licences required for the machine and its crew by the foreign State in question. In this case, aircraft and their crews, before undertaking any international flight, would have to fulfil the admission formalities of every country which they wished to fly over. In order to facilitate international traffic, the Conventions therefore lay down that certificates issued by one State will be recognised by the other contracting parties. This recognition, by its very nature, must have at least the following consequences: First, the State which recognises the certificate must regard the other State as competent to issue it; secondly, the certificate must be furnished by the recognising State with full legal effects within its territory. What these legal effects are must depend upon the interpretation of the individual Convention.

Cina and Ciana simply speak of the recognition of validity. This unrestricted formula apparently means that the certificate shall have the same legal effects in the State issuing it as in the State which recognises it. In other words, the legal regulations of the issuing State concerning the conditions and effects of the certificates in question are adopted by the State flown over and regarded by the latter as exclusively governing the matter. The formula in the Belgo-Swiss Convention, according to which these documents "shall be regulated by the laws of the country of origin", has exactly the same meaning.

This regulation constitutes a substantial undertaking for each State, since it compels it to apply in its territory foreign rules of law concerning conditions and effects, without itself having had any opportunity of contributing towards the framing of these rules—unless it is a State party to Cina which, through its co-operation in the work of the International Commission for Air Navigation, may exercise a certain influence on the contents of the annexes to Cina which govern this question. Even in this case, however, the State remains subject to certain obligations owing to the fact that, as regards the recognition of foreign certificates, it must comply with the minimum requirements of Cina, even if its domestic legislation formulates stricter requirements. Let us suppose, for example, that for the same certificate of admission State A (or Cina) imposes x requirements, while State B imposes x + y requirements; the latter country will always be compelled to admit any person duly furnished with a certificate of State A. In order, in these circumstances, to prevent intending applicants from all besieging the State which makes fewest requirements, nearly all the Conventions provide that each contracting State may refuse to recognise the certificates issued to its own nationals by another State.

Examples: Cina-Ciana (Article 13, paragraph 2); Belgium-Germany (Convention of May 29th, 1926, Article 5, paragraph 6); Belgium-Switzerland (Convention of June 13th, 1922, Article 15, paragraph 2); Germany-France (Convention of May 22nd, 1926, Article 5, paragraph 6); Germany-Great Britain (Convention of June 29th, 1927, Article 5, paragraph 6); Germany-Italy (Convention of May 20th, 1927, Article 5, paragraph 6); Germany-Norway (Convention of June 7th, 1929, Article 7, paragraph 2); Germany-Spain (Convention of March 31st, 1928, Article 7, paragraph 2); France-Spain (Convention of March 22nd, 1928, Article 5, paragraph 7); Austria-Czechoslovakia (Convention of February 15th, 1927, Article 12, paragraph 2).

Nevertheless, the unrestricted recognition of foreign certificates issued to nationals of a foreign country is a rule which presupposes mutual confidence between the contracting States in a stable, objective and in the main concordant legislation and administration.

In order as far as possible to limit the obligation to apply foreign law to foreign certificates, a number of other Conventions prefer the clause already mentioned, according to which certificates issued in one contracting State have the same validity in the State flown over as the certificates issued by the latter for the same purpose or "the same validity as the corresponding certificates issued by that State" (the State flown over).

Examples: Belgium-Germany (Convention of May 29th, 1926, Article 5, paragraph 5); Denmark-Germany (Convention of April 25th, 1922, Article 14, paragraph 1); Germany-France

(Convention of May 22nd, 1926, Article 5, paragraph 5); Germany-Great Britain (Convention of June 29th, 1927, Article 5, paragraph 5); Germany-Italy (Convention of May 20th, 1927, Article 5, paragraph 5); Germany-The Netherlands (Convention of June 24th, 1922, Article 6, paragraph 4); Germany-Norway (Convention of June7th, 1929, Article 7, paragraph 1); Germany-Austria (Convention of May 19th, 1925, Article 7, paragraph 4); Germany-Switzerland (Convention of September 14th, 1920, Article 14, paragraph 3); Germany-Spain (Convention of March 31st, 1928, Article 7, paragraph 1); Germany-Czechoslovakia (Convention of May 21st, 1927, Article 7, paragraph 1).

This clause can only mean that the competence of the foreign State to issue certificates is recognised by the State flown over, but that the legal effects of these certificates are determined in principle by the laws of the latter State. Accordingly, the rules of law must be applied which the State flown over has itself laid down for "corresponding certificates". But what are "corresponding certificates"? The answer to this question raises very serious practical difficulties whenever, as is usually the case, the certificates of the two States differ in character, conditions under which they are granted and legal effects. Country A, for example, only admits a single certificate for pilots; country B, on the other hand, distinguishes between pilots' certificates for sporting planes and transport aircraft; country C has pilots' certificates varying for each group of aircraft (aeroplanes and hydroplanes, machines with a single engine and machines with several engines, etc.); a fourth country, D, issues for each type of machine a special pilots' certificate valid for that type only. How far, then, is it possible to speak of certificates of one country corresponding to those of another country; Can we take as our criterion the conditions required for the issue of the certificate, so that certificates of country A would have the same legal effects in country C as a certificate issued in the latter country to persons fulfilling the same conditions? Or is the criterion to be the purpose of the certificate, so that a certificate issued by country B for transport aircraft would then be sufficient in country D for all its types of aircraft? It would be easy to stress these difficulties by further examples and details, but our illustrations suffice to show that the question of "corresponding certificates", owing to the defective wording of the clause, is not settled and that it compromises international legal security, since the law applicable in each particular case is not clearly determined.

The position is not greatly improved by the restriction established in more recent Conventions, whereby the State flown over only recognises certificates of competency and licences in the case of the crews of aircraft belonging to the State issuing the certificate. Even in this case, it is not certain to what class of aircraft and under what conditions (inspections, etc.) these certificates are to be valid according to the law of the State flown over.

In regard to the whole question of the recognition of certificates, the Havana Convention does not go so far, but is clearer. According to Article 13, the certificate of competency must satisfy the requirements of all States flown over and even then will only be recognised as certifying that the holder has successfully passed all the examinations required by the provisions of the State of origin and of the States to be flown over. On the other hand, the airworthiness certificate, even if the issuing authority has certified that the conditions required by all the contracting States were fulfilled, may be refused by the State flown over if the latter finds that the aircraft does not comply with local regulations as regards safety (Article 12). According, therefore, to the Havana Convention, the conditions governing the granting of

certificates and the latter's effects are everywhere determined by the local law of the State flown over. The only simplification made by this international Convention is that the contracting parties mutually recognise the competence of their administrations to carry out examinations and to issue certificates.

(bb) The Competent Administrative Authority. — In order to determine the administration competent in matters of international air navigation, it must be remembered that every administration exercises its functions in virtue of rules of law and that its competence in respect of persons and goods included in international traffic therefore depends upon whether the legal rule which forms the basis of a particular administrative act is exclusively applicable to nationals or whether it also extends to foreigners. The application of the rule to foreigners may result from an international convention, from national legislation or from the general principles of international law.

Various clauses which we find in most of the Conventions expressly proclaim the competence of the authorities of the State flown over in regard to foreign aircraft. Thus, as regards the order to land, we may quote the following provisions:

Cina, Ciana (Article 15); Havana Convention (Article 18); Belgium-Germany (Convention of May 29th, 1926, Article 11); Belgium-Switzerland (Convention of June 13th, 1922, Articles 13 and 14); Denmark-Germany (Convention of April 25th, 1922, Article 11); Germany-France (Convention of May 22nd, 1926, Article 11); Germany-Great Britain (Convention of June 29th, 1927, Article 11); Germany-Norway (Convention of May 29th, 1929, Article 13); Germany-Austria (Convention of May 19th, 1925, Article 6); Germany-Czechoslovakia (Convention of January 22nd, 1927, Article 14); France-Switzerland (Convention of December 9th, 1919, Article 13); Great Britain-Norway (Convention of July 15th, 1921, Articles 11 and 13); The Netherlands-Norway (Convention of January 8th, 1925, Article 5).

The following provisions apply to the examination of aircraft at the time of departure or landing and to the examination of certificates and lists:

Cina, Ciana (Article 21); Havana Convention (Article 20); Belgium-Switzerland (Convention of June 13th, 1922, Article 10); Denmark-Germany (Convention of April 25th, 1922, Article 8); Denmark-Norway (Convention of July 27th, 1921, Article 22); Germany-France (Convention of May 22nd, 1926, Article 9); Germany-Great Britain (Convention of June 29th, 1927, Article 9); Germany-The Netherlands (Convention of July 24th, 1922, Article 11); Germany-Norway (Convention of May 29th, 1929, Article 11); Germany-Austria (Convention of May 29th, 1925, Article 13); Germany-Saar Territory (Convention of April 30th, 1929, Article 11); Germany-Sweden (Convention of May 29th, 1925, Article 11); Germany-Switzerland (Convention of May 29th, 1929, Article 9); Germany-Czechoslovakia (Convention of January 22nd, 1927, Article 11); France-Switzerland (Convention of December 9th, 1919, Article 9); France-Spain (Convention of March 22nd, 1928, Article 9); Great Britain-Norway (Convention of July 15th, 1921, Article 8); The Netherlands-Norway (Convention of January 8th, 1925, Article 11); The Netherlands-Switzerland (Convention of May 18th, 1926, Article 11); Norway-Sweden (Convention of May 26th, 1923, Article 22).

As regards the authorisation to have on board photographic apparatus and as regards other restrictions on the carriage of certain objects, we find the following provisions:

Cina, Ciana (Articles 26 to 29); Havana Convention (Articles 15 to 17); Belgium-Germany (Convention of May 29th, 1926, Article 7); Denmark-Germany (Convention of April 25th, 1922, Article 15); Denmark-Norway (Convention of July 27th, 1921, Articles 26 et seq.); Germany-

France (Convention of May 22nd, 1926, Article 7); Germany-Great Britain (Convention of June 29th, 1927, Article 7); Germany-Italy (Convention of May 20th, 1927, Article 7); Germany-The Netherlands (Convention of July 24th, 1922, Article 10); Germany-Norway (Convention of January 23rd, 1929, Article 9); Germany-Austria (Convention of May 19th, 1925, Article 10); Germany-Sweden (Convention of May 29th, 1925, Article 8); Germany-Switzerland (Convention of July 14th, 1920, Articles 7 et seq.); Germany-Spain (Convention of December 9th, 1927, Articles 8 and 9); Germany-Czechoslovakia (Convention of January 22nd, 1927, Article 9); France-Spain (Convention of March 22nd, 1928, Articles 6 and 7); The Netherlands-Norway (Convention of January 8th, 1925, Article 9); The Netherlands-Switzerland (Convention of May 18th, 1926, Article 9); Norway-Sweden (Convention of May 26th, 1923, Articles 26 et seq.).

These various competences, however, are all included in the territoriality clause. If the aircraft, crew, passengers and cargo are subject to the laws of the State flown over, they are also subject to all those rules of domestic law which establish the competence of the administrative authorities in respect of foreigners. The competence of the administration in the State flown over is therefore the rule in this matter, and exceptions can only be based upon formal provisions which depart from the general rule. Such provisions are rare.

For example, domestic legislation and air navigation Conventions both exclude the competence of an administration for the purpose of registering aircraft when the machine is already registered in another State or when it is not the property of nationals

or national companies of the State flown over.

Examples: Cina, Ciana (Articles 7 et seq.); Havana Convention (Article 7 (corresponding to Articles 6 and 8 Convention of Cina but not to Article 7)); Belgium-Germany (Convention of May 29th, 1926, Article 15); Denmark-Norway (Convention of July 27th, 1921, Articles 8 and 9); Germany-France (Convention of May 22nd, 1926, Article 15); Germany-Great Britain (Convention of June 29th, 1927, Article 15); Germany-Italy (Convention of May 20th, 1927, Article 15); Germany-Norway (Convention of January 23rd, 1929, Article 17); Germany-Spain (Convention of December 9th, 1927, Article 17); Germany-Czechoslovakia (Convention of May 21st, 1927, Article 18); France-Spain (Convention of March 22nd, 1928, Article 15); Norway-Sweden (Convention of May 26th, 1923, Article 8).

Nevertheless, these provisions do not affect the competence of an administration to verify the conditions of registration. It must be accepted that the State flown over is perfectly competent to examine whether the marks affixed to the foreign aircraft correspond to the registration marks, but not to determine whether the registration itself complies with all the conditions required by the law of the foreign State concerned. Nor has the State flown over authority for examining whether, at the time of registration, the persons concerned submitted a valid certificate of airworthiness or whether the owner of the aircraft possessed the nationality required by the rules of the foreign country.

But what is the position as regards competence when it comes to applying the legal regulations concerning certificates? This question, which is of real importance to international air navigation, is implicitly dealt with by the provisions relating to the obligation to recognise certificates and to the right of inspection. The reply to this question depends upon an interpretation of the text. The purpose of the mutual recognition of certificates is to save the foreign State the need of a fresh examination to see whether all the conditions required for admission to air navigation are fulfilled. This purpose would not be attained if the administration of the State flown over were authorised to examine in its turn the procedure whereby the State of origin had issued the certificate. The right of control over certificates, which is recognised by the

Conventions, is only a right to examine the documents from the point of view of their formal regularity, the right, that is, to examine the authenticity and period of validity of certificates and to ensure their identity with the holder or aircraft.

Competence to control whether the conditions required for the issue of the certificate still obtain is quite another question. It should be pointed out here that the legal effects of certificates (as was stated under (aa) are determined either by the law of the State which issued the certificate or by the law of the recognising State; in point of tact, however, the State in which the aircraft is flown is in both cases alone in a position to ensure the application of these legal rules. To deny the competence of the State flown over in this matter is equivalent to excluding all control by the State over the existence of those guarantees of safety which are the main purpose of these certificates. For this reason the State flown over must always be regarded as competent when the regulations relating to certificates allow of, or even demand, subsequent control. Although this rule must be tacitly admitted, some Conventions expressly formulate it to meet cases in which the airworthiness of an aircraft is seriously impaired.

Examples: Belgium-Denmark (Convention of June 28th, 1923, Article 8); Denmark-Poland (Convention of December 16th, 1924, Article 8); Italy-Austria (Convention of May 11th, 1928, Article 5, paragraph 7); Austria-Czechoslovakia (Convention of February 15th, 1927, Article 12, paragraph 3).

On the other hand, the State which issues the certificate will always be competent to withdraw or renew it, for the administrative act consisting in the issue of the certificate can, in the absence of special regulations, only be modified or cancelled by the authority which performed it. This rule, however, does not prevent the State flown over from issuing certificates to foreign aviators for its own territory on its own authority and in conformity with its domestic law, and does not invalidate foreign certificates on the ground that the requisite conditions for their issue are no longer fulfilled.

The main source of all competence of the State flown over would seem to reside in the police regulations which, according to the law of all civilised countries, authorise and pledge the police to take the necessary preventive measures against nationals and foreigners whenever public order and security are threatened. In virtue of these regulations the police of the State flown over can, at any time and in spite of the recognition of foreign certificates, suspend international air traffic if it can claim that public safety is threatened, owing, for example, to constructive defects in foreign aircraft or the incompetence, illness or drunkenness of the foreign crew or passengers. It is not even necessary that the danger involving the prohibition or restriction of traffic should have been caused by the foreign aviator or be due to his fault. It is sufficient that the national air routes should be defective; examples of such defects are the absence of luminous signals on air-lines used by night, the defective working of existing lights, the bad state of certain aerodromes, unfavourable atmospheric conditions, etc. Nothing is easier than to find or create conditions of this kind when a State administration, which is bound by a convention to permit international traffic, wishes to hamper that traffic over its own territory. The only brake upon the police administration in the arbitrary exercise of its power is the fear lest the foreign State concerned should apply similar measures against its own aircraft. In cases, however, when there is no such convergence of interests in matters of international air navigation -for example, in the case of competing countries or countries which do not operate

air navigation lines—it has been found that the application of police measures dictated by considerations of public safety have constituted a never-failing means of intervention and one which is, in fact, scarcely open to attack from the point of view of international law.

3. — The Establishment of Air Routes, Prohibited Areas, and Flying Prohibitions. — Most air navigation Conventions themselves substantially restrict international traffic by recognising the right of the State flown over to establish air routes—that is to say, to fix the routes which aircraft must follow above the territory of that State.

Examples: Cina, Ciana (Article 15); Havana Convention (Article 15); Denmark-Norway (Convention of July 27th, 1921, Article 16); Germany-Great Britain (Convention of June 29th, 1927, Article 12); Germany-Switzerland (Convention of May 29th, 1925, Article 12); Germany-Czechoslovakia (Convention of January 22nd, 1927, Article 1); The Netherlands-Norway (Convention of January 8th, 1925, Article 12); The Netherlands-Switzerland (Convention of May 18th, 1926, Article 12).

The right to establish air routes may obviously include the right to fix areas of entry and departure. Many Conventions content themselves with formally recognising the right to fix frontier zones which the aircraft must fly over on entering or leaving a country.

Examples: Argentine-Uruguay (Convention of May 18th, 1922, Article 15); Belgium-Germany (Convention of May 29th, 1926, Article 12); Belgium-Switzerland (Convention of June 13th, 1922, Article 13); Denmark-Germany (Convention of April 25th, 1922, Article 10—a very liberal regime); Denmark-Norway (Convention of January 27th, 1921, Article 16); Germany-France (Convention of May 22nd, 1926, Article 12); Germany-Italy (Convention of May 20th, 1927, Article 12); Germany-Norway (Convention of January 23rd, 1929, Article 14); Germany-Austria (Convention of May 19th, 1925, Article 3); Germany-Spain (Convention of December 9th, 1927, Article 14); Germany-Czechoslovakia (Convention of January 22nd, 1927, Article 15); France-Switzerland (Convention of December 9th, 1919, Article 12); France-Spain (Convention of March 22nd, 1928, Article 12); Great Britain-Switzerland (Convention of November 6th, 1919, Article 12); The Netherlands-Norway (Convention of January 8th, 1925, Article 2); The Netherlands-Switzerland (Convention of May 18th, 1926, Article 2); Austria-Hungary (Convention of August 29th, 1924, Article 4).

Against this right of the State flown over to establish air routes and frontier zones, it has frequently been urged, not without reason, that it is too great a concession to the sovereignty of the State flown over, and that the advantages derived from the right of flying over foreign territory may in this way be so curtailed as to lose all value. Specialists, too, point out that the protection against espionage afforded by the establishment of air routes and frontier zones is illusory and that, even when it is thought necessary to maintain these restrictions, they should at least be relaxed for night traffic, which is unsuited to the practice of espionage. It must not be forgotten, however, that if the frontier is wholly open for the entry and departure of aircraft, frontier control becomes extremely difficult and that the legitimate interests of the frontier, Customs and sanitary police may necessitate the fixing of prescribed entry zones and air routes. No sovereign State can or will renounce rights of this kind which appertain to its sovereignty. In my opinion, these sovereign rights are in themselves less prejudicial to international air traffic than the fact that their exercise is not conditional upon the existence of any national interests worth protecting. For the sake of frontier control, it may be admitted that the State may close certain parts of its frontiers, both for land and for air traffic; but this closed zone should not consist of precisely those

comparatively small areas which constitute the shortest way of entry for a foreign competing line. It is also permissible that the State should fix air routes to regulate internal traffic and control landing; these rights, however, should not hamper but facilitate international traffic. From the point of view of the application of the law, we are once more faced with the problem we have already mentioned: how can the interests of international air navigation be brought into harmony with the admitted administrative competence of the different States?

The same considerations also apply to prohibited areas and flying prohibitions. The establishment of prohibited areas, that is to say, the fixing of certain areas, flight over which is forbidden to private aircraft, both national and foreign, for military reasons or other considerations of safety, was already the practice before the great war. A provision of this kind is to be found in a French decree of October 24th, 1913. To-day, all air navigation Conventions contain a reservation concerning prohibited areas (Cina, Article 3; Ciana, Article 3; Havana Convention, Article 5; and all the separate Conventions).

The most recent of them, however, borrowing a clause which The Netherlands introduced into their Air Navigation Convention, contain a further reservation, whereby States situated in extraordinary circumstances may prohibit traffic over all or part of their territory, this prohibition having immediate effect and applying to all foreign aircraft, but not to national aircraft.

Compare, in addition to The Netherlands Conventions, which lapsed when The Netherlands joined the International Commission for Air Navigation, the following:

Belgium-Germany (Convention of May 29th, 1926, Article 3, paragraph 2); Germany-France (Convention of May 22nd, 1926, Article 3, paragraph 2); Germany-Great-Britain (Convention of June 29th, 1927, Article 3, paragraph 2); Germany-Netherlands (Convention of July 24th, 1922, Article 16, paragraph 2); Germany-Norway (Convention of January 23rd, 1929, Article 3, paragraph 3); Germany-Czechoslovakia (Convention of January 22nd, 1927, Article 3, paragraph 2); France-Spain (Convention of March 22nd, 1928, Article 3, paragraph 2); Italy-Austria (Convention of May 11th, 1928, Article 3, paragraph 2); Italy-Spain (Convention of August 15th, 1927, Article 3, paragraph 2).

We can imagine situations (insurrections, disturbances, revolutions) in which it may be justifiable, even in peace-time, to prohibit the circulation of foreign aircraft. At the same time, a reservation of this kind is not without drawbacks. It opens the way for suspending international air traffic in cases where such a measure could not be justified. Nevertheless, it has become more and more frequent in recent Conventions, and the insertion of such a reservation in Article 3 of Cina is also under consideration.

4. — Restrictions on the Freedom of Landing and Taking-off in Foreign Territory. — The provisions which prescribe that foreign aircraft shall land and take off from certain specific aerodromes are based upon the same national reasons which have led States to fix air routes for international traffic. As has already been pointed out, all the public aerodromes of a country are in principle open to the aircraft of another country in virtue of Conventions. But foreign aircraft are required to land upon a specific Customs aerodrome on arrival in the country, and to depart from such aerodrome before crossing the frontier to leave the country. This provision is made in most of the Conventions, and in certain national laws on air navigation (see Cina,

Article 15, paragraph 2; Ciana, Article 15, paragraph 2; Havana Convention, Article 18).

In a very few Conventions, aircraft are permitted to land at and depart from any public aerodrome (for example see *Denmark-Germany*, Convention of April 25th, 1922, Article 11).

The disadvantages of this restriction on freedom of landing and taking-off are mainly felt by sporting and private international aviation. Such traffic becomes quite impossible where there are no Customs aerodromes or when they are situated so far from the national frontiers that sporting machines are unable to reach them without an intermediate landing.

As regards the establishment of international air lines, States have not as yet made any difficulty in establishing the Customs aerodromes necessary for traffic as soon as an agreement has been concluded in respect of routes. They further undertake in all cases to notify one another of the Customs aerodromes where aircraft must land.

Nevertheless, these landing restrictions are also prejudicial to international traffic. The effects are felt when the machine has to make a forced landing outside the prescribed areodromes, as often happens in the present stage of technique. Most of the Conventions lay down that, in this case, aircraft may not leave again until the nearest police or Customs authorities have been informed and have authorised the machine to continue its flight to a specific Customs aerodrome. (For example, see Cina, Annex H, No. 4). A similar clause is found in the Havana Convention, Article 18, paragraph 5, but while Cina makes no mention of the passengers, the Havana Convention expressly observes that passengers must remain on the landing-place until the arrival of the competent authorities, provided these are within 24 hours' reach. A number of older German Conventions deal with the question of a forced landing between the frontier and Customs aerodromes in similar fashion (e.g., Denmark-Germany, Convention of April 25th, 1922, Article 12; Germany-Austria, Convention of May 19th, 1925, Article 6; Germany-Sweden, Convention of May 29th, 1925, Article 5, paragraph 3; Germany-Switzerland, Convention of September 14th, 1920, Article 13). On the other hand, more recent German Conventions declare that, in the case of a forced landing, the pilot, crew and passengers must conform to the Customs and passport regulations of the country in which the landing is made. These general provisions allow each country to take account at any moment of the needs of air traffic in greater measure than the above Conventions. The national regulations to which these provisions refer generally lay down that the nearest police authority, who must be communicated with by the pilot, is competent to undertake Customs clearance and passport control. In this way the rapid conveyance of passengers and cargo—a condition indispensable to air traffic—is, as far as possible, ensured, if necessary, with the aid of other means of transport. It is, however, desirable that, in this matter, present practice should receive the sanction of international Conventions (see Germany-Belgium, Convention of May 29th, 1926, Article 11; Germany-France, Convention of May 22nd, 1926, Article II; Germany-Norway, Convention of January 23rd, 1929, Article 13, etc.).

Similar regulations to those laid down for forced landings exist to meet the case of an aircraft flying over a prohibited area. As soon as it is aware of the fact, the aircraft has to give the prescribed signals of distress and land outside the prohibited area as soon as possible, and as near to it as possible, at one of the aerodromes of the

State unlawfully flown over (Cina, Article 4; Ciana, Article 4; Havana Convention, Article 6 and most other air navigation Conventions). An irregular landing of this kind is, in practice, treated as a forced landing, but the administrative control and the verification of the facts are stricter than in the case of a forced landing, with the result that the journey is more seriously interrupted.

5. — Assistance to Foreign Aircraft. — Most recent conventions contain the assurance that foreign aircraft shall be entitled to the same measures of assistance, especially in case of distress, as national aircraft.

Cina, Article 22; Ciana, Article 22; (right of assistance on landing in general, and especially in case of distress); Havana Convention, Article 27 (right of assistance only in case of distress); Belgium-Germany (Convention of May 29th, 1926, Article 18); Belgium-Switzerland (Convention of June 13th, 1922, Article 11); Denmark-Germany (Convention of April 25th, 1922, Article 11); Denmark-Norway (Convention of July 27th, 1921, Article 23); Germany-France (Convention of May 22nd, 1926, Article 18); Germany-Great Britain (Convention of June 29th, 1927, Article 18); Germany-Italy (Convention of May 20th, 1927, Article 18); Germany-Norway (Convention of January 23rd, 1929, Article 19); Germany-Switzerland (Convention of September 14th, 1920, Article 11); Germany-Saar Territory (Convention of April 30th, 1929, Article 16); Germany-Czechoslovakia (Convention of January 22nd, 1927, Article 20); France-Switzerland (Convention of December 9th, 1919, Article 10); France-Spain (Convention of March 22nd, 1928, Article 18); Great Britain-Norway (Convention of July 15th, 1921, Article 9); Great Britain-Switzerland (Convention of November 6th, 1919, Article 10); Italy-Austria (Convention of December 24th, 1928, Article 18); Norway-Sweden (Convention of May 26th, 1923, Article 23).

Jurists have frequently criticised these provisions on the grounds that the general reference in many Conventions to the provisions of maritime law on assistance and salvage in case of distress at sea do not in any way satisfy the requirements of oversea air navigation. And this is true. The expenses of a steamer which, in response to a wireless call, proceeds to the place of the accident—deviating, perhaps, considerably from its normal course—are out of all proportion to the value of the material salved, upon which salvage is paid. On the other hand, bilateral conventions on air navigation cannot extend to the sailors and aviators of all countries the requisite obligation to co-operate in salvage operations. Lastly, it is doubtful whether, and to what extent aircraft flying over the sea should be obliged to lend each other assistance, and to come to the help of vessels in distress. A special international convention could provide a remedy for this situation.

6. — Exemption from Seizure. — In principle, aircraft, like any other movable object, may be seized by creditors in accordance with the law of the State flown over. In only one case do the conventions provide an exception to this rule. If an aircraft, passing or in transit over or through the air space of a contracting State should be seized owing to the infringement of a patent, design or model, the seizure may be avoided on the deposit of security, the amount of which, in the absence of a friendly arrangement, must be fixed as soon as possible by the authority competent in the place of seizure.

Cina, Article 18; Ciana, Article 18; Belgium-Germany (Convention of June 29th, 1926, Article 17); Denmark-Norway (Convention of July 27th, 1921, Article 19); Germany-France (Convention of May 22nd, 1926, Article 17); Germany-Great Britain (Convention of June 29th, 1927, Article 17); Germany-Italy (Convention of May 20th, 1927, Article 17); Germany-Norway

(Convention of January 23rd, 1929, Article 18); Germany-Spain (Convention of December 9th, 1927, Article 19); Germany-Czechoslovakia (Convention of January 22nd, 1929, Article 19); France-Spain (Convention of March 22nd, 1928, Article 17); Italy-Austria (Convention of December 24th, 1928, Article 17); Italy-Spain (Convention of December 24th, 1928, Article 17); Norway-Sweden (Convention of May 26th, 1923, Article 19).

When this special provision was inserted in air navigation Conventions, it must have sometimes escaped notice that the same question had already been dealt with by the laws of certain countries by measures which go still farther. Various national laws on patents (for example, those of Denmark, Germany, Great Britain, Japan, Yugoslavia, The Netherlands, Norway, Austria and Hungary) stipulate that "the effect of the patent shall not extend to aircraft installations which are only temporarily on the national territory" (paragraph 3 of Article 5 of the German Law on Patents). Similarly, the Paris Conventions for the Protection of Industrial Property (The Hague text of 1925) provides that in the territories of the contracting States the use of patented installations on an aircraft or its accessories which enter another country temporarily or accidentally (paragraph 2 of Article 5ter) shall not be regarded as an infringement of the patent law. This provision in a general convention, like the national laws, contains a legal rule preventing patents from exercising their effects in the special case of an aircraft temporarily entering the territory of a foreign State. The air navigation Conventions, on the other hand, do not go so far. They do not suspend the effect of patents in regard to installations on board aircraft, but are content to establish a procedure whereby the seizure may be avoided on deposit of security.

As regards the application of these provisions, there can be no doubt that the laws and conventions on patents, which are leges speciales take precedence of air navigation Conventions. When, therefore, two countries are parties to the Paris Convention on the Protection of Industrial Property, or when their national laws on patents contain provisions similar to those mentioned above, international traffic not only may avoid seizure in case of an infringement of the patent laws, but enjoys immunity from seizure. In the interests of commercial aviation it would be well to make this legal rule generally applicable in future international air navigation conventions.

At the same time, it should also be considered whether it is not desirable to establish, as well as immunity from seizure in the particular case of an infringement of the laws on patents, a general immunity from seizure for aircraft engaged in international traffic. Here the analogy is not so much with railway law, which in international traffic provides immunity from seizure for railway trucks in very different circumstances, as with the maritime law of certain countries (relative immunity from seizure for vessels ready to sail, absolute immunity for mail steamers). This question is of much greater importance to international air traffic even than it is for maritime navigation. Aircraft is compelled much more often than ships to land at places where the company to which it belongs has no representative and is, therefore, unable to prevent the seizure of the aircraft, in consequence of some claim, by the immediate deposit of security. Few countries have regulations so favourable to air traffic as Germany, for instance. According to the German law on air navigation (Article 12, paragraph 2), an aircraft which has landed without the authorisation of the owner of the land can in no case be prevented by the latter from proceeding on its way, once the identity of the navigator and pilot have been determined. On the other hand, most laws (for example, those belonging to the Anglo-Saxon system, as well as French law, and still more Swiss law) reserve to a third party who has sustained loss through the operation of an aircraft, a lien on the property or a right to detain the aircraft. Rights of guarantee and use of this kind are bound to have exceedingly unfavourable results from the point of view of regular international air traffic. On the other hand, it will not be possible to avoid these consequences by simply introducing immunity from seizure for aircraft. It will be necessary at the same time to offer other guarantees as compensation to creditors who, according to long-established conceptions of national law, enjoy a privilege. This compensation might be found in a compulsory insurance organised in all countries on uniform lines, or in some other form of guarantee.

VI. INTERNATIONAL COMMERCIAL AVIATION.

(a) STATE CONTROL OVER NATIONAL AVIATION UNDERTAKINGS.

I. — Aviation undertakings. — No country in whose territory there are commercial air navigation undertakings is content, in the sphere of law and administration, to issue general measures to protect public safety and maintain the free competition of national undertakings. All countries, even those as a rule opposed to any policy of intervention and to the preferential treatment of commercial undertakings, have, since the war, taken a very keen interest in air navigation concerns and have endeavoured to bring the whole of their activities under strict control by the State.

Various reasons are advanced to justify this policy. It is said that aviation should serve commerce as a whole, since it constitutes by far the speediest means of transport. In countries where the railway system is not yet so developed as to allow of the full economic exploitation of the country, the air is not only the quickest, but also the cheapest means of communication. In oversea trade in particular, aircraft, it is argued, is tending to become the most powerful factor in the development of foreign trade and world trade in general.

These arguments are very often inspired by wishes rather than based upon actual facts. We may, it is true, expect that further technical progress will, in the near future, create the conditions necessary for the fulfilment of these aspirations, but we must seek elsewhere for the explanation of the present and past policy of many countries. If States have in mind only the economic advantages of aviation, it is not easy to understand why most of them have, during the last ten years, been prepared to encourage and control aviation undertakings the return from and prospects of which were doubtful and on which the losses, at any rate until recently, would have frightened private capital away from the industry. If the State had had in view exclusively or mainly the economic services which aviation can render, why has it preferred to reserve the operation of an international line to a national company, requiring substantial subsidies, in cases when a foreign company could have ensured its exploitation without any financial aid at all?

The State's interest in aviation is not economic but political. This is a generally recognised fact, but confusion reigns as to the aim of this policy and its justification.

An English author, a Member of Parliament and an expert in aviation, in the course of a very detailed study of the subject, recently made the following very frank statement:

"The number of military aviators and aircraft in the armies of the great Powers, large as it is, is insignificant when we compare it with the number of aviators and aircraft employed in the great war and who would be needed in the event of another war. At the same time, the cost of maintaining a permanent air fleet, the material of which would at all times be abreast of technical progress, would far exceed the financial resources of States. There is only one possible solution, and that is to create and develop a national commercial air fleet, the personnel and machines of which can be used in case of war, and large enough for its requirements to ensure in peace time a sufficiency of work for a national air armaments industry."

If we examine the air policy pursued by certain great Powers during the last ten years, we find many arguments in support of the theory that commercial aviation policy is inspired by purely military ends. We may mention among these arguments the competence or preponderating influence of the military authorities in all questions of air organisation; the choice of air material in accordance with military considerations; the size and employment of subsidies; the training of personnel; the hostile attitude towards foreign aviation explained by the fear lest the admission of foreign companies should reinforce the armaments of the foreign State, etc., etc. It is, therefore, not surprising that many people are convinced that commercial aviation policy is a policy of armaments. And yet nothing is more fatal to the development of commercial aviation on lines useful to all countries and calculated to facilitate the co-operation of countries in the interests of world trade than this grave error of identifying the commercial air fleet with the military power of a State.

Even if we deny that any difference exits between military aircraft and commercial aircraft as it has developed during the last few years, it can scarcely be disputed that technically a fighter aeroplane is essentially different from a bombing aeroplane. The difference is in fact so great that one machine could not possibly be used for the purposes of the other. It is also certain that, in these days, war could not be waged by bombing squadrons alone without the protection of fighter flights having offensive power. It follows that no State can pursue an armaments policy with a commercial air fleet unsupported by a suitable number of fighter squadrons. Even countries which have, in addition to their commercial air fleet, a large number of battle planes will more and more be compelled to give up the idea of supplementing their military air fleet in the event of war by civil aircraft. There is no doubt that technical progress will impose even on bombing aircraft conditions as regards armourplating and armament which are quite incompatible with the constructive features of civil aircraft. The time is not far distant when a battle-plane will be as different from a commercial aeroplane as a battleship is from a merchant vessel or a tank from a limousine. The distrust of commercial aviation which has hitherto been felt in every country owing to the alleged possibility of using civil aircraft for military purposes will, on an impartial examination, be found to be unjustified.

But even if the State no longer has any military interest in developing commercial aviation, or if that interest becomes less and less as technique develops, the State will for political reasons continue to take the same interest in actively controlling or participating in commercial aviation. This is the necessary consequence of the fact that commercial aviation is a means of transport. The policy of the colonial Powers demands of them that they develop every means of transport without regard to its financial return, in order that the scattered possessions of these Powers may be welded to form an organic administrative and political unit by a reduction of distances. Further, the policy of commercial and industrial countries requires that each country shall encourage the development of all means of transport which may facilitate communication with world markets. These political factors have created, by means of State subsidies, the great railway systems and modern steamship lines. If the State had adopted a passive attitude towards them and had awaited the time when they would be self-supporting, the world to-day would not enjoy the means of transport and the international communications assured to it by the railways, shipping, transmaritime cables and wireless telegraphy. The same factors and the same conditions which formerly favoured the spread of railways and shipping are now beginning to contribute towards the development of commercial aviation. Neverthelessl the form which the latter is about to take is not without danger to internationa. traffic, and the effects may be felt by the commercial aviation of the separate countries,

This point of view must be appreciated if we are to understand how and why aviation companies are so closely connected with the public Administration. In every country which took part in the war, with the exception of Germany and the other Central Powers, who had to hand over and destroy their air fleets, private companies were established on the conclusion of peace which tried to ensure commercial air transport by the aid of State subsidies and to some extent with military material handed over to them. In the United States the postal administration for a few years actually operated its own postal air lines. To-day, when technique has made enormous progress, it will easily be understood that the economic results could in no wise even approximately balance the enormous expenditure of public funds. And yet the failure of the first years was due not only to technical imperfections, but still more to the fact that the companies had not created a satisfactory organisation between one another. In France, there were eleven aviation concerns, in England four, and in Germany six, all of which tried by means of State subsidies to maintain a cut-throat competition against one another on a small system of air lines. Reorganisation was essential. In each country it was effected under the direction of the State, without whose aid these companies could not have continued and to whose will they were compelled to submit. In the various countries, however, the influence of the State over aviation companies, has taken different forms.

The United States of America occupy a special position. The Kelley Act in 1925 authorised the Ministry of Posts to offer a contract by tender for the operation of a few subsidised postal air lines, and to grant the concession to a private undertaking. Since 1927, therefore, commercial aviation has been exclusively in the hands of private companies, indirectly connected however, with the State through postal conventions, which govern their administration and their very existence. These measures have given extremely satisfactory results. Thanks to competition between the private companies, it has been possible to reduce the State subsidies to a minimum. Competition is possible because the air transport company, which has a large share in the receipts derived from air mail transport, is able to add to its receipts by efficient exploitation and more especially by means of publicity.

The methods of the American Administration are often held up as a model and their imitation recommended by critics of the organisation in Europe. This is a mistake. Traffic conditions in Europe call for a different policy since they are in many respects entirely different from conditions in America. No European postal administration is in a position to concede postal lines which will realise the considerable profits derived from the American lines. Economic areas are less decentralised, and the distances between them shorter; the railway communications are denser and, if the principal lines which traverse the territory of the United States were laid down in Europe, they would pass through a considerable number of different countries. For this reason the administrations of European countries, in order to maintain national commercial aviation undertakings, have had to resort to a system of subsidies, the amount of which depends upon technical efficiency and cost of production. The private companies have been unable themselves to create the bases of a paying concern. Nevertheless, competition between the companies (whose disputes were less about the requirements of transport than about the State subsidies!) led to a movement of concentration and rationalisation. In France, the weaker companies have gone to the wall and a number of the more important have amalgamated. In Germany, the many small companies combined in 1923 to form two groups, the Deutscher Aero Lloyd and the Junkers-Luftverkehrs A. G.

The only really satisfactory way of using State subsidies, however, seemed to be by the establishment of a monopoly of all air transport. For this reason the monopoly of transport has been granted by legislative measures or a system of subsidies either to a single company for all the national lines or to a number of companies, each operating one line. The latter method has been applied in France and Italy, whereas in Great Britain and Germany the threat to withdraw subsidies led to the amalgamation of all important companies within a single national company, Imperial Airways, Ltd., in Great Britain and Luft-Hansa A. G. in Germany.

In this way an organisation was created which allowed of the use of State subsidies under conditions guaranteeing maximum economic efficiency. In order to make sure at the same time that the State would have an influence over the administration of the companies, in the interests of policy, the State has in some cases reserved a right of co-administration, that is to say, a share in the administration of aviation companies. It seems that the State possesses this right of co-administration in most companies (all without exception are joint stock companies), whenever it holds part of the capital of the company and when the shares have neither been offered to the public (the shares of aviation companies are only placed on the market in the United States of America and, to some extent, in Switzerland and Canada) nor are in the hands of the aircraft factories (as is partly the case in France). The national interests are further safeguarded by a provision which prescribes that shares may only be held by nationals, to whom is also reserved an exclusive right of subscription in case of new issues (this is the case in England, Portugal and Italy). A right of co-administration is expressly granted to the State in the cases of Imperial Airways, Ltd., and K. L. M. Even when an aviation undertaking is in the hands of private capital, the State reserves the right of expropriating it at any moment and nationalising it in the public interest. This right is expressly laid down in Germany and Norway. Lastly, the State secures for itself an indirect but decisive influence over commercial aviation by the conditions to which it may subject the concession and subsidy. This is a question to which we shall have to refer later in order to form a judgment concerning international aviation. First, however, it seems well to mention briefly the steps which have been taken by the State in regard to the auxiliary installations at the service of commercial aviation, namely, aerodromes and ground establishments.

2. — Aerodromes and Air Navigation Facilities. — By what are known as air navigation facilities we understand all the installations established on the ground to ensure and facilitate the operation of aerial traffic; that is to say, aerodromes, landing-places, ground signals, lights, meteorological stations and wireless stations. The importance of air navigation facilities is shown by the fact that without them modern air traffic could not operate with safety and regularity. The most important elements in ground establishments are aerodromes. Before determining their status according to the administrative law of each country, we should realise that the term "aerodrome" has not been uniformly defined. Many laws regard as an aerodrome any area on land or water which is even temporarily intended for the taking-off, landing, or stationing of aircraft:

Examples: The Argentine (Decree of July 30th, 1926, Article 51); Bulgaria (Law of July 6th, 1925, Article 7); Chile (Decree of October 17th, 1925, Article 32); France (Law of May 31st, 1924, Article 1, No. IV); Poland (Decree of March 14th, 1928, Article 21); etc.

Recent progress, however, has necessitated the following distinctions to satisfy the requirements of transport technique:

Aerodrome (or airports): that is to say, places for landing and taking-off provided with installations and premises for the accommodation, upkeep and repair of aircraft, and for the accommodation and transport of passengers and goods;

Landing-fields: These are areas for landing and taking-off without special arrangements for goods and passengers;

Emergency landing-fields: that is to say, ground situated between airports and aerodromes which are only fitted up for the purpose of forced landings:

Examples; Brazil (Decree of July 22nd, 1925); Italy (Decree of January 11th, 1925, Article 6); Spain (Decree-law of July 19th, 1927); United States of America (Law of May 20th, 1926, Sect. 9, g and h); Sweden (Laws of May 26th, 1922, and April 20th, 1928, Article 26); etc.

Aviation has benefited to a very large extent from the fact that the installation of aerodromes and landing-fields has been dictated by the general interests of the State. Only a few countries, e.g., Portugal, have imposed upon an aviation company, when granting the concession, the obligation to establish and maintain at its own expense the necessary aerodromes and landing-fields and sometimes even the other air navigation facilities. In most cases, the State has placed at the disposal of the companies concerned its big military aerodromes well kept up and furnished with all the necessary installations; it has also created new aerodromes (France, Italy, etc.). Towns desiring, for reasons of transport policy, to attract air traffic have also constructed and maintained public aerodromes at their own expense. In these cases the aerodrome is established and operated by the municipality, municipal or provincial organisations (in France the Chambers of Commerce now deal with this question) or by companies (Germany), of which all or most of the capital is in the hands of the municipality. In countries where companies mainly serving the interests of public utility can be constituted in a special form, the latter is usually adopted for the under-

taking which operates aerodromes. Thus, in the United States of America, aerodromes are generally managed by the "Public Service Companies" or "Public Utilities". An essential point is that these companies are under a public commission of control, responsible for auditing their accounts and approving their charges. In all other countries the aerodromes are administered by bodies constituted in the form of ordinary private companies, especially joint stock companies, limited liability companies and co-operatives. There is no noticeable difference in results between these companies and the "Public Utilities", as is shown by the clauses in the concessions which constitute the regime everywhere adopted and which usually impose upon the company the obligation to keep their installations at the disposal of public traffic and military aviation.

Neither the military interests of the State nor the transport policy of towns, however, furnish any guarantee that aerodromes are established in every place where they are needed by commercial aviation. Few Ministries of War will recommend the establishment of an aerodrome on the frontier of the country and not all towns are sufficiently wealthy to establish aerodromes at places where commercial aviation would wish them to be. Under what conditions, we may ask, can commercial aviation undertakings themselves construct airports, landing-fields and emergency landing-fields?

When it is a case of authorising the establishment of an aerodrome or landingfield by private enterprise, questions of general policy, protectionist and military considerations, and the interests of public safety, run side by side. These different factors are only seen to diverge when the law distinguishes between the police authorisation as regards installations and the operating concession, a distinction made for example by the Czechoslovak Aviation Law of July 8th, 1925 (Articles 21 and 17d), or the Italian Law of January 11th, 1926 (Article 9, II). In most cases, however, a single authorisation procedure has been fixed in which account is taken of consideration of safety and policy at the same time. In most cases, the competent authority has full freedom of decision as regards the granting of the concession. In Italy, the Air Ministry, after examining the installations, may declare that there is no objection to the operation of the aerodrome (Article 50 of the Law of January 11th, 1925). In Czechoslovakia, the concession is granted by the Ministry of Public Works, which has full freedom of decision (Article 17, paragraph 3). In a few countries the conditions governing installation and operation are separately enumerated. Nevertheless, the conditions are so elastic that a suit claiming the granting of the concession in cases where the Administration was opposed to it would have very little chance of success. Still more important are the restrictions which special laws may impose upon the Administration with regard to the granting of concessions. The construction and operation of public aerodromes are subject to control by the Administration. Sometimes the concessionaire is even required to be a national of the country, or the operation of public aerodromes is reserved to nationals. The establishment of private aerodromes may be entirely forbidden to foreigners on the grounds that their existence would facilitate offences against the Customs regulations—as if this danger were not just as great in the case of private aerodromes operated by nationals ! As an example of recent detailed regulations of administrative law concerning aerodromes, we may mention the Spanish Decree of July 19th, 1927 (together with executive regulations embodied in the Decree of July 19th, 1928, and the Ordinance of May 31st, 1929).

Finally, we must draw attention to the terms of the concession, which are often so burdensome that any private company—and especially a foreign company—would hesitate to accept them. Generally, the company will not be free to fix its own charges, which have to be approved by the authorities. The latter have access to the aerodrome at all times (a condition expressly formulated for example in Italy, Article 53). State aircraft have the right to use the aerodrome and all its installations free of charge. In time of war, all aerodromes and landing-fields come under the administration of the military authority. Frequently the concession lays down, under penalty of its withdrawal, that the material required for the establishment or completion of aerodrome installations must be of national origin and, lastly, there is an obligation to conclude special insurance responsibility contracts.

It may be asked whether these burdensome conditions imposed upon land aerodromes could not be avoided, at any rate by hydroplanes, through the use of seaports. This solution, however, would seem to be excluded. Although most laws make no mention of this question, the considerations of policy and public safety which have determined the regime for land aerodromes apply in exactly the same way to landings on waters subject to the sovereignty of the State (see above pages 116 et seq.). It is just because the administrative needs of seaplane stations are different from those of seaports that a material and administrative distinction has been established between seaports and seaplane stations. The latter, however, are as a general rule included in the legal definition of an aerodrome. Accordingly, the general rules of law concerning aerodromes also apply to seaplane stations. In Spain, it is expressly stipulated (Decree of July 19th, 1927, Article 6) that the laws on seaports also apply to seaplane stations, but that special administrative regulations will be laid down to organise the system of supervision necessary for air traffic. With regard to hydroplanes desiring to alight on inland waterways, Switzerland requires that the landing places shall be approved by a special decision of the cantonal authorities or by the railway department (Federal Air Office (Regulations of January 24th, 1921)).

The results of these regulations are that in the last resort aerodromes are everywhere subject to the State Administration and, even when private enterprises are authorised to establish and operate them, are wholly at the mercy of the State. It is thus made impossible for private capital in general, and for foreign aviation companies in particular, to establish and operate aerodromes and landing-fields in accordance with technical and commercial considerations alone. The position of the State and of aerodrome undertakings subject to State administration is correspondingly stronger. The laws of most countries provide a right of expropriation in favour of the State and of these operating companies, whenever this right is required for the establishment or extension of public utility installations:

Examples: Brazil (Decree of July 22nd, 1925, Article 37); Germany (Aviation Law, Article 15); Portugal (Decree of April 27th, 1927, Article 18); Switzerland (Cantonal Laws); Austria (Aviation Law of July 18th, 1929, Article 3); Czechoslovakia (Law of July 8th, 1925, Article 25); Hungary (Decree of December 30th, 1922, Article 18).

Nevertheless, aerodromes belonging to private concerns are in the same way subject to expropriation by the State.

As we have seen, aerodromes are dependent upon the public administration and, for reasons connected with technique and organisation, the same regime has to apply to installations which ensure connection between the different aerodromes and which are intended to facilitate air traffic (ground marks, emergency landing-fields, signals and meteorological information). We therefore find that in the legislative texts aerodromes and the organisation of air routes are frequently referred to by the general term "aviation installations", or by some similar term, and are in principle subject to the same regime. The provisions concerning concessions and the right of expropriation apply therefore to all these installations.

Examples: Belgium (Decree of December 27th, 1919, Article 2); Brazil (Decree of July 22nd, 1925, Articles 33 and 39); Denmark (Law of May 1st, 1923, Article 26); Germany (Law of August 1st, 1922, Article 16); Italy (Decree of January 11th, 1925, Articles 9, 14 and 48); Poland (Decree of March 14th, 1928, Article 22); etc.

The concessions granted to a few aviation companies are accompanied by an obligation themselves to ensure the whole organisation of the lines they operate. An obligation of this kind may involve serious risks for a private company, since the State may subsequently insist upon alterations being made in the air routes and, according to the administrative law of some countries, the company cannot be sure of compensation in the event of installations losing all their value on this account.

All the countries in which air traffic is heaviest have themselves undertaken the organisation of these installations. In the *United States of America*, the Administration, when granting a concession to an air mail line, itself undertakes to organise the installations required by these lines, and it was the Administration which developed the famous night-flying lines. In *Germany*, the installations necessary for the operation of airways are established by the Reich and the Federal States, which have created for the purpose a special company, the Signaldienst G.m.b.H. In *France*, the organisation of airways has, up to the present, been entrusted to the central authority for aviation, but it is proposed in the future to appeal to local services. In The *Netherlands*, too, airways are organised by the State (see Decree of December 6th, 1928, Article 177).

The organisation of the meteorological service, which is indispensable to the safety of air traffic, is everywhere linked up with the existing meteorological establishments under State administration. Further, in a few countries the administrations have created special organisations for air traffic, which forward weather reports and give advice on the matter. The meteorological stations of aerodromes also render immensely valuable services. In France, the Office national météorologique is the centre of this organisation; in Germany the competent service is the Amtliche Flugwetterdienst, whose reports are supplemented for oversea flights by reports from the maritime meteorological station at Hamburg, and for land flights partly by weather reports received from the post offices situated along the air line (see also Brazil, Decree of July 22nd, 1925; Spain, Decree of November 25th, 1919, Article 40; Venezuela, Law of June 16th, 1920, Article 40).

The meteorological service is probably, of all auxiliary installations, the one which, by reason of its special character (extensive organisation and highly-trained staff),

is least suited for organisation under a private enterprise. It is not inconceivable, however, that an aviation company might wish to instal a special meteorological service for the operation of a line. It will, however, rarely be possible to obtain a State authorisation for this purpose (for example: Bulgaria, Decree of September 7th, 1925, Article 13). As a rule, the fact that aerodromes are operated by a public administration, and especially the monopoly possessed by the State or by telephone and wireless companies for the transmission of news, will prove obstacles in the way. Here again, therefore, we find that commercial aviation is dependent upon the Administration of the State flown over!

3. — Subsidies and International Competition in Commercial Aviation. — The control exercised by a State over its national air traffic allows it to exclude from its territory all competition by national or foreign enterprises. Let us now examine the forms which competition takes in international commercial aviation.

When two countries open their frontiers to one another for commercial traffic, they have it in their power to prevent all competition by each imposing joint tariffs and time-tables. In this case, both enterprises are equally situated as regards traffic receipts. At the same time, there are differences in the competitive capacity and potential efficiency of undertakings, due to the nature and the amount of the subsidy which the State grants to its national undertaking. This is calculated to compromise the very existence of a concession given to a foreign concern. But when enterprises of different nationality operate simultaneously in the territories of third Powers, the competition may become very keen and may even be exceedingly prejudicial to the development of international aviation as soon as ever the amount of its national subsidy and not the efficiency of the undertaking becomes the essential consideration. In order to estimate this danger we must examine more closely the system of air subsidies.

Here we must distinguish between direct and indirect subsidies, according as the enterprise receives financial assistance or other operating facilities without being required to furnish an equivalent return.

Nearly all countries which have their own aviation undertakings resort to both systems—direct subsidies and indirect subsidies. Their methods differ, however, in respect of the advantages accorded and procedure.

Direct subsidies are granted under subsidy contracts concluded between the State and the undertaking, generally before operations start. Owing to the impossibility of calculating at that stage how large a subsidy the enterprise will need in order to be put upon its feet, and owing to the absence of experience in the matters of organisation and operation, these contracts are necessarily provisional. For this reason, subsidy contracts are generally concluded for a few years only. When they are renewed many clauses in the original contract which were of a fortuitous nature are maintained in the later agreements. It is only recently that some countries have concluded subsidy contracts of longer duration. Nevertheless, even in these, the advantages granted also differ according to the credits at the disposal of the State and the different estimates of the probable traffic receipts.

We cannot, therefore, as yet speak of any system in the granting of subsidies. As regards the method of calculating direct subsidies, however, we can group together certain administrative methods. In the early days of flying, subsidies were calculated according to the number of kilometers flown by the machines of the enterprise. The wish to take account of the real returns from transport led to an improvement in this method of calculation. In some countries—for example, in England—account was taken both of miles covered and of engine power (in order to encourage the building and use of larger and safer aeroplanes). Or again, the basis taken for calculating the subsidy (in France and The Netherlands, for examples) was the transport capacity offered (angebotene Transportleistung) expressed in ton-kilometres. Another system is based on the principle that the subsidy should correspond to transport actually effected. Thus some countries pay subsidies for units of weight carried with a certain regularity over given lines or distances. When these disbursements by the State on behalf of air transport are balanced by savings or revenue derived, for example, from air mail charges, we can no longer speak of a subsidy in the strict sense.

The public frequently compares with one another the direct subsidies granted by States and draws certain conclusions as to the real advantages accorded to the undertaking in the form of subsidies. This method is bound to give rise to erroreous conceptions. The various methods of granting subsidies referred to above are sufficient to show that the costs of enterprises which determine the subsidy must be very different. This difference, which gives to the subsidy a very variable value, is greatly accentuated by the differences in the charges which the subsidy contracts impose upon the undertaking. In most cases, aviation companies are not allowed to choose lines which seem to promise the best economic return. They are often compelled to operate a line prescribed by political rather than purely economic considerations, or a line which takes account of local interests to an extent incompatible with profitable working. Generally, too, the companies are not free in the choice of their material. They are required to give preferential treatment to national products and sometimes to take into consideration purely military interests.

Accordingly, owing to the differences in the methods of calculation and the conditions under which subsidies are granted, the absolute figures of direct subsidies do not give an accurate idea of the aid which companies really receive. Comparison between the assistance given by the State to aviation in the different countries is made much more difficult still by indirect subsidies. Here, the first thing to be considered is the advantages which civil aviation derives from military aviation. The same industry works for both. When a country gives large orders to its aviation industry for military requirements, places at the disposal of that industry large sums of money and State laboratories to enable it to create new types, and when it encourages its foreign sales by export bounties and military agreements with friendly States, it thereby ensures substantial advantages to its own commercial aviation, which, in these circumstances, is far more favourably situated from the point of view of purchasing machines and engines than the enterprises of a State which has little or no armament industry. And what applies to material is also true of the training and recruiting of qualified staff. In countries which have a military air force, the personnel is trained almost exclusively at the cost of the military administration. Very often soldiers can enter the service of national aviation companies without losing the rights and privileges of their military status. Civil aviation receives similar assistance in countries which command large resources for the development of private sporting aviation.

We can do no more than refer to the existence and importance of indirect subsidies and are far from having furnished a complete list of the forms they take. It need only be added that aviation undertakings sometimes benefit by financial assistance in other forms, for example, fiscal exemption, the granting of credits, State subscription to shares, various guarantees, participation in various financial schemes, etc., etc.

In this general study of the subsidy system, we must forbear to estimate the value of the numerical data at our disposal. This would require a special study, which, in spite of all the scientific methods of investigation, could presumably only give approximate values, for the reason that indirect subsidies cannot be expressed in figures. For the purposes of the present report, therefore, we can only say that the principles of freedom of commerce are at the present time completely disregarded in civil aviation and that, in order to form a judgment of international commercial aviation, account must be taken of the financial strength of each State, upon which the national transport undertakings are dependent.

(b) EXPLOITATION OF INTERNATIONAL COMMERCIAL AVIATION.

Commercial aviation is international when a national aviation concern carries passengers and goods for hire between two or more countries. Although the concern is a single economic unit, it is necessarily subject to the national laws of various countries. According to these national laws, however, the concern can, as a rule, not exist without a special authorisation, and accordingly, in order to enter and fly over foreign countries, the undertaking, in addition to the airworthiness certificate and certificate of competency for the crew already mentioned, must be furnished with a special concession.

I. — The forms of concessions applying to international lines differ. — Some of them are to be found in the general air navigation Conventions (see pages 119 et seq. above), but, as a rule, we find special agreements in regard to lines or flying operations concluded by the State in whose territory the foreign air transport company intends to operate either with that company or with the country to which the foreign company belongs. In the former case the concession is national and in the latter it takes the form of a bilateral convention concluded between two countries. It is difficult to say which of these two forms is preferable.

The national concession is simpler in that it can be granted by an administrative act and therefore does not encounter the same difficulties as the conclusion of international conventions. The company only has legal relations with the State which grants the concession; the operations carried out under the concession and the disputes to which it may give rise are juridically national matters. But they are also a source of danger to the foreign concessionaire. In view of the fact that the administrative procedure concerning disputes is still imperfectly developed and is not yet generally accepted by all civilised countries, a foreign company is only weakly protected against a restriction or the withdrawal of the concession. If, for example, as most concessions of this kind lay down, the authorities are made responsible for deciding whether the transport undertaking offers adequate guarantees and security, the foreign company will, as a rule, have no redress, supposing the concession is withdrawn on the grounds of insufficient security.

Special international conventions with regard to the admission of foreign air transport undertakings give the companies a better guarantee of the continuity of the concession. For, in this case, the concession is based upon a treaty concluded between States and forms an integral part thereof. In the event of disputes as to its contents, it is not so easy for the authorities to take arbitrary decisions. The concession cannot be withdrawn at the whim of the authorities but only under the conditions laid down in the treaties. According to the latter, a State, in the event of defective management by the foreign undertaking, can for the most part only complain to the authorities of the other contracting State and demand, in the case of serious fault, a change of the persons responsible or of the undertaking itself. Provision is also made for a mixed committee or arbitral tribunal to settle questions connected with the interpretation of the concession or convention. Finally, another advantage of the concession, as embodied in an agreement between States, is that this agreement allows of an interchange between the undertakings to which the concession is granted. In most cases it is stipulated that the State in its capacity of contracting party shall itself determine the transport company which is to ensure international traffic, and may if necessary replace it by another. In this way, continuity of international traffic is assured on the same legal basis, even if the original transport company cannot continue to ensure exploitation by reason of defective organisation, or owing to liquidation or amalgamation.

- Cf., for example, Germany-Czechoslovakia (Agreement of January 22nd, 1928, on the organisation and operation of regular air transport lines); Germany-Spain (Agreement of December 16th, 1927); France-Italy (Protocol to the Convention of March 10th, 1929, Article 5); Italy-Spain (Convention relating to air lines, dated October 3rd, 1928, Article 3).
- 2. Owing to the disinclination of States to bind themselves too closely in matters of aviation, it has been the custom to provide in these concessions, and treaties embodying a concession, a time-limit for denunciation so short as to be practically useless to any economic enterprise. The period of validity of these contracts is still usually one year, but has recently been extended to from two to five years. The time-limits for denunciation are also short. The Conventions concerning lines and exploitation are based upon the General Convention on Air Navigation (see above, page I19 et seq.), which was also concluded for a short period, and they expire at the same time as the General Convention. Besides this limited duration we still find in some concessions a reservation stating that the concession may be suspended at any moment as soon as the operation of a line ceases to fulfil the conditions of a regular air service or to benefit the general interests of the country. In cases where this reservation is not expressly stipulated, it is tacitly implied by the obligation imposed on the enterprise to comply with the general police regulations of the country flown over and by the reservations in the General Convention on Air Navigation (see above, pages 127).
- 3. Reciprocity and Parity. The reciprocity reservation recurs in all the Conventions. It provides that the rights which one State grants to another and to its concerns shall also be granted by the latter to the former country and to its concerns. With this is associated the idea of parity, whereby national and foreign undertakings, their aircraft and their crews, must be placed on the same footing. This equality of treatment, however, is limited. In most cases it only applies to technical operation and to assimilation as regards the use of technical organisations and installations such as aerodromes, meteorological intelligence services, assistance, etc. This assimilation, however, is open to question from the economic point of view in regard, for example, to the carrying of mails and contracts with the postal administrations. This point is sometimes settled by means of agreements. Ordinarily there is inequality in the subsidy. In the Convention of October 3rd, 1928 (Article 7), between Italy and Spain

concerning regular air-transport lines, the two countries expressly reserve to themselves the right to determine the subsidies they will grant to their own undertakings. This follows indirectly from the Treaty of March 22nd, 1928, concluded between France and Spain, in which the two States agree not to subsidise the undertaking of the other country except through contracts for the carriage of mail (Article 9, paragraph 2).

4. — Conditions concerning Nationality. — According to the Conventions, companies authorised for traffic must possess the nationality of one of the contracting States. If both countries belong to the International Air Navigation Commission the nationality of a company can be determined by reference to Cina itself (Article 7. paragraph 2) as we find in the Protocols to the Franco-Italian Convention of March 10th, 1929 (Article 5). But when this reference is lacking or is not possible, a discrepancy can easily arise between the various nationality conditions required (see above, page 102 et seq.). On this point, most of the agreements are still incomplete, although in practice no difficulties seem yet to have arisen.

The concession, however, applies as a rule only to aircraft having the nationality of the concessionary company or of the Contracting State. This provision can in some circumstances constitute an obstacle to traffic, for it prevents an undertaking at a time of heavy traffic from chartering aircraft having the nationality of a third State and from placing these aircraft at the service of the international line. Equally unwelcome consequences can follow from the provision occasionally met with which requires that the crew shall be nationals of one of the two contracting States (e.g., the above-mentioned Franco-Italian and Franco-Spanish Conventions). This may, in some circumstances, prevent the speedy recruiting of adequate staff.

- 5. Special Obligations. Countries which do not possess or establish air navigation facilities conforming to current technical requirements will only grant a concession if the concessionaire undertakes to establish at his own expense aerodromes, hangars, anchoring-masts, wireless stations, etc., and to place them at the disposal of the public or of the military air force of the conceding State. Up to the present the Conventions concluded between European countries have only rarely contained obligations of this kind, for in these Conventions the Contracting States consider as a rule that it is for the State to develop air navigation facilities. They look to the Conventions rather to ensure international traffic for their own aviation undertakings and to secure for their own country the economic advantages resulting from air communications with foreign countries. For this reason the obligations laid down in the concessions assume another form. The advantages of international air communication are secured for the country by pledging the concessionaire to operate lines or by requiring it to carry mail. The State concerned increases its share in international traffic, not only by reserving to itself the right of reciprocity, but also by requiring the foreign aviation concern, through a contract, to co-operate economically and technically with its own concern (joint operating companies and agreements relating to the establishment of pools).
- 6. Compulsory Exploitation. The Conventions relating to lines often make the continuance of the concession dependent upon regular exploitation. The latter must begin at a given moment. Arrangements must be made for a weekly or daily minimum number of flights. In the case of interrupted or irregular exploitation, the concession may be withdrawn (see, for example, the German authorisation relating to the Czech line Prague-Dresden-Berlin-Hamburg of April 6th, 1928, No. 1; Italy-Spain, Convention of October 3rd, 1928, Articles 1 and 7; Switzerland, Terms of Concession of June 18th, 1929, No. 6a).

The Agreement of April 15th, 1926, between Poland and Czechoslovakia endeavours to take account of the fact that the operation of a line after the conclusion of the convention may lead to unexpected technical difficulties and interruptions to traffic. No. 2 of the Final Protocol stipulates that the concession granted to air transport lines shall not lose its validity if the other contracting State allows the interruption.

7. — Agreements dealing with the Creation of Joint-Operating Companies and Pools. — When the concession which two countries lay down for their companies in a convention covers one and the same airway, its regular operation is technically and economically almost impossible without co-operation between the undertakings concerned. We therefore find this co-operation along all international lines served simultaneously by several concerns. The only differences are in the extent and closeness of the agreements which bind them.

The minimum obligations consist of agreements concluded between enterprises with regard to tariffs, the fixing of routes and the organisation of traffic. Most of these points are already covered by State Conventions regarding air lines and constitute essential conditions for the joint exercise of the concession (e.g., Italy-Spain, Convention of October 3rd, 1928, Article 2). When we consider that for purposes of simplification enterprises place at each other's disposal the auxiliary installations in their own country, the use of which demands at regular intervals a settlement of accounts by methods jointly agreed upon, we can understand the necessity of concluding contracts similar to company contracts and which, from the legal point of view, may be regarded as contracts for the joint exploitation of companies.

A still more extended form of these joint-operating companies is the profit-sharing company. In this kind of organisation we find that, while the receipts from subsidies and even those from postal agreements remain at the free disposal of each company, receipts derived from passengers, luggage and goods carried in the course of regular flights over the association's lines are all pooled. These profits are, in principle, distributed in proportion to the kilometers flown by each company and, in certain circumstances, in proportion to the freight to be conveyed by the aircraft in use. Within their own country the parties place at each other's disposal their administrative organisation for the discharge of commercial services and their ground installations for the technical services. Another important clause is the agreement by which the companies not only place at each other's service their offices for the issue of transport documents on a commission basis, but also mutually undertake the whole representation of the company's line in their country and also bind themselves to lend each other mutual assistance in all negotiations with the authorities of their country. Publicity work for the lines common to both countries is also conducted jointly.

Up to the present, practice has shown that, in spite of many inevitable misunderstandings, international exploitation has, thanks to these joint-operating contracts, been possible. The difficulties lie less in the administration than in the establishment of these joint-operating and profit-sharing companies. For these are not created by private undertakings dependent exclusively upon their own resources and prompted by economic necessities and converging interests, but are established rather between semi-official companies under threat of the exercise of sovereign rights over the air space. Whenever the interests of two States in a joint line are not of equal importance, or when the efficiency of undertakings is unequal, the basis for the establishment of these associations is lacking and the exploitation of the intended route proves impracticable, to the loss of international commercial aviation. Even

where these associations do exist, they are not always able to satisfy the requirements of a rational air service. At the present time only a few international airways are sufficiently paying for their simultaneous operation by different enterprises to be regarded as the most rational form of exploitation.

- 8. Foreign Agencies. An aviation company operating commercially in a foreign country, in virtue of a concession, must conform with the industrial regulations and commercial laws in force in that country. It will have to found a commercial branch and establish a regular domicile. In practice, however, an effort is made to avoid the cost of these formalities by refraining from establishing an independent branch and entrusting the necessary representation to a friendly company (generally an aviation or shipping company).
- 9.— Insurance Questions in the Operation of International Air Lines. Among the questions of insurance raised by international aviation we may here disregard the insurance of passengers and goods and also "Kasko" insurances (covering all risks), which are mainly matters of private law. Civil responsibility and social insurance, however, call for certain observations.

Civil insurance responsibility is intended to cover civil responsibility for damage to the property or person of third parties and has therefore been converted by the law of most countries into a compulsory insurance (see above, page 106). The requirements imposed by States in regard to this class of compulsory insurance differ widely. Some Conventions require that the aircraft of a State, when flying over the other State, shall either have contracted a civil responsibility insurance against all damage which might be caused to third parties in foreign territory or have deposited suitable security.

Examples: Germany-Norway (Convention of January 23rd, 1929, Article 5, paragraph 3); Austria-Czechoslovakia (Convention of February 15th, 1927, Article 10, 3); Poland-Czechoslovakia (Convention of April 15th, 1926, Article V, 3).

According to other Conventions, aircraft of the contracting State is at all times subject to the regulations governing civil responsibility in force in the State flown over:

Examples: Denmark-Germany (Convention of April 25th, 1922, Article 13); Germany-Sweden (Convention of May 29th, 1925, Article 13).

A third group of Conventions does not expressly mention civil insurance responsibility. Accordingly, in conformity with the principle of territoriality, the laws of the country flown over apply also to civil insurance. This settlement of the matter is the least satisfactory. It leaves gaps, especially when the provisions relating to compulsory insurance in force in the State flown over only cover aircraft of that country entered in its registers. These disadvantages have already been felt in the air relations of a number of European countries.

Existing regulations, however, may also involve an obligation to contract a double insurance. Some States are not satisfied with the foreign insurance contracts (world policies) concluded for their territory by a foreign enterprise, and require that a policy shall be taken out in their own territory (e.g., Switzerland). Other countries like The Netherlands, do not require that the aircraft shall be insured with a national company, but reserve the right to approve the foreign company and demand that that company shall have an agency in The Netherlands.

The social insurance of flying personnel in international traffic is still less homogeneous. The question whether the insurance of personnel is compulsory or optional, the risks it covers, the payments granted and the premiums demanded. the proportion in which these premiums shall be distributed between the aviation undertaking, the insured person and the State, are all matters which are dealt with in the different countries in such different and complicated ways that it would require a special detailed study to explain them. We may be content, in the present report, to show by a few examples how unsatisfactory the situation is from the point of view of international traffic. According to the French regulations of January 26th, 1929, in execution of the law of March 30th, 1928, the payments provided in these regulations for flying personnel in the event of disablement and death, only cover persons of French nationality (Article 1), while general social insurance also includes foreigners domiciled in France (Law of April 5th, 1928, Article 1, No. 4). Nevertheless. this extension to foreigners domiciled in France is not of any practical importance from the point of view of the personnel of aviation companies, because their incomes usually exceed the maximum limit entitling persons to benefit under social insurance. Accordingly, the foreign personnel of French air-transport companies would not be covered by French State insurance. In spite, too, of being domiciled abroad, this personnel would also not be covered by foreign social insurance, if the latter, as often happens, takes account, as regards the compulsory insurance of a commercial undertaking, of the headquarters of that undertaking and reckons the activities of the French aviation undertaking abroad as part of its operations on French territory. According to the British law of November 16th, 1923, the protection afforded by social insurance can be extended to the pilots and crews of a British aircraft flying abroad (Section 27,1). This law, however, also requires that the aircraft in question shall be registered in Great Britain or Northern Ireland and that its owner shall be domiciled or have his commercial headquarters therein. Under this provision, the whole of the crew, whether Englishmen or foreigners, would lose the benefits of British insurance if the British aviation undertaking were to employ on its international lines the services of a chartered aircraft of foreign nationality. The Italian law of January 10th, 1929, concerning compulsory sickness insurance and social assistance for seamen and airmen, marks an advance towards the solution of this question. According to Article 4, all foreigners are brought under the insurance, if the laws or international Conventions of their country of origin grant the same treatment to Italians on board foreign aircraft. However, such an extension of the protection offered by social insurance is only found here and there. German social insurance in the same way covers nationals and foreigners in German territory and in practice also includes persons employed abroad, if their occupations—as is the case with transport undertakings—are in connection with the national exploitation. Nevertheless, the insurance is not complete, since compulsory insurance, if not in the case of accident insurance, at any rate for the other branches of social insurance, is dependent upon a maximum annual wage.

The national laws contain stipulations whereby the personnel on board must be insured against all accidents.

Examples: Italy (Aviation Decree of January 11th, 1925, Article 266); Switzerland (Decision by Federal Council, dated January 27th, 1920, Article 28); Spain (Decree of August 14th, 1928, Article 10); etc.

In virtue of the principle of territoriality, the foregoing also applies to foreign aircraft.

In practice, however, it does not seem that strict account is taken of the application of these provisions in international traffic. Trust is obviously placed in the insurance organisations of the aircraft's country of origin without attention being in every case paid to their limitations and omissions. The protection of flying personnel imperatively demands that this situation be remedied.

The existing treaties regarding social insurance benefits to the nationals of different States do not take enough account of aviation. The present position of personal insurance, however, also involves dangers to the aviation concerns themselves. They may very easily find themselves in an embarrassing position if a foreign State requires them to prove that they conform to the provisions governing compulsory insurance. They would then be forced, for the purposes of traffic in foreign territory, to contract special insurances on behalf of their personnel which might overlap with already existing insurances in their own countries and might, by reason of this duplication, constitute a serious additional financial burden. When, for example, Spain, in the Decree of August 11th, 1928, Article 10, stipulates that the whole of the personnel belonging to air transport lines must be compulsorily insured with the Spanish Insurance Office for Air Transport, without expressly exempting foreign undertakings from this obligation, it would seem that, as regards accident insurance, foreign undertakings might be forced to contract a double insurance.

Only a uniform international regulation of the question of compulsory insurance could remedy this situation.

10. — Wireless Apparatus and Wireless Communication. — The question whether aircraft shall carry wireless apparatus and the conditions governing its use on board are settled in very contradictory fashion. Wireless apparatus is forbidden without a special authorisation from the State flown over, partly because of the State intelligence monopoly and partly for military reasons. This prohibition appears as a rule both in national Agreements and in international Conventions. On the other hand, the law, recognising that aviation cannot dispense with wireless communication and that its safety depends largely thereon, now provides that aircraft engaged in transport must be furnished with wireless apparatus in good working order.

Examples: Chile (Decree of October 17th, 1925, Article 24); France (Decree of August 19th, 1926, Article 7); Italy (Decree of January 11th, 1925, Article 173); The Netherlands (Decree of December 6th, 1928, Article 180); Poland (Decree of March 14th, 1928, Article 37); Sweden (Decree of April 20th, 1928, Article 9); Switzerland (Decision by Federal Council, dated January 27th, 1920, Article 30); etc.

With the exception of Cina, Article 14, paragraph 2, and Ciana, Article 14, paragraph 2, the different international Conventions have hitherto imposed no uniform regulations, but have, in the main, recognised the rules of domestic law. In principle, they forbid the carrying of wireless apparatus without special authorisation, but leave it to each contracting State to stipulate in special provisions that wireless apparatus shall be carried for reasons of safety. In the last resort, therefore, domestic legislation governs both the prohibition and the obligation to carry wireless apparatus.

From the legal point of view this arrangement might lead to conflicts in international traffic According to these regulations, the radio-telegraphic installation of an aircraft engaged in international traffic might in different countries be subject to different rules, or one State might forbid and another order aircraft to

carry wireless apparatus. Italy, for example, requires the installation of wireless on every aircraft in international service, provided that it has to cover more than 160 kilometers without intermediate landing or to fly over the sea for a distance of more than 25 kilometers. Article 6, however, of the Convention between Italy and Austria, dated May 11th, 1928, stipulates that aircraft may only carry wireless apparatus with the permission of both States; the circulation of Italian aircraft in Austria, therefore, is conditional upon the Austrian regulations concerning the carrying of wireless apparatus.

Where the international legislation of a country requires that wireless shall be carried, no measures are taken to ensure that the conditions laid down by the different countries are equal or that the wireless installation on an aircraft will be approved in several countries.

In practice, however, these difficulties have not yet proved acute. Usually the administrations are content to require that wireless apparatus, its licence and the certificates of competency granted to operators shall be in conformity with the regulations of the country of origin.

On the whole, therefore, the situation is as fixed in the various aviation Conventions, which, as regards the installation and use of wireless apparatus, recognise the laws of the aircraft's country of origin:

Examples: Cina, Article 4, paragraph 1; Ciana, Article 14, paragraph 1; Havana Convention Article 10 (g); Belgium-Switzerland (Convention of June 13th, 1922, Article 8); France-Switzerland (Convention of December 9th, 1929, Article 7); Great Britain-Switzerland (Convention of November 6th, 1919, Article 7); Great Britain-Norway (Convention of July 15th, 1921, Article 6); The Netherlands-Norway (Convention of January 8th, 1925, Article 6); Norway-Switzerland (Convention of August 15th, 1928, Article 7); Sweden-Norway (Convention of May 26th, 1923, Article 15).

Nevertheless, it would be well to establish uniform international rules. It is not impossible that the requisite conditions for wireless apparatus should be attached to the conditions required for the safety of the aircraft and that, in the absence of international agreement with regard to wireless apparatus, the police might raise objections to a foreign aircraft. The provisions of Cina (see Article 14 and resolutions 265 and 471 relating thereto) might serve as a model for general regulations. Article 16 of the General Regulations in execution of the International Radiotelegraph Convention contains a compulsory international minimum as regards the conditions to be fulfilled by wireless installations on aircraft. The signatory States to this Convention expressly undertake not to impose upon wireless installations on board foreign aircraft temporarily within their territory any technical or operating conditions more severe than those contemplated in the General Regulations (see Article 15, paragraph 4).

With regard to the wireless service, most countries require that the operator shall have a special and personal certificate (certificate of competency and a licence). The International Radiotelegraph Convention (General Regulations, Article 7) prescribes similar certificates. In principle, the country authorised to issue operators' certificates is the State in whose territory the wireless apparatus operates. In recognising these certificates the international Conventions extend to international traffic the validity of national rules relating to wireless operators.

In order that radiotelegraphy may be fully effective in international traffic, its service must be assured on uniform lines, since otherwise it is impossible for aircraft and ground stations to be sure of understanding each other. According to the laws of most countries, however, all wireless service on board foreign aircraft is subject to the sovereign rights of the State in whose territory it is situated. The General Regulations of the International Radiotelegraph Convention likewise enounces this stipulation when, in paragraph 2 of Article 15, it authorises the competent authorities of the countries where a mobile station calls to inspect the licence and the radio-electric installation. As regards, however, the service regulations of mobile wireless stations, among which we must include wireless stations on board aircraft, the International Air Convention has limited the sovereign rights of States by issuing uniform regulations for this service (see, in particular, Articles 9 et seq. of the General Regulations of the International Radiotelegraph Convention). Reference is made to these provisions in the most recent Conventions on air transport as, for example, those of Switzerland and the Saar Territory. The old agreements must be ipso jure regarded as amended or supplemented by the International Radiotelegraph Convention.

At the same time, the service regulations for wireless apparatus provided by this Convention do not yet contain the detailed provisions necessary for international air traffic, but these complementary measures were established by the International Air Conference at The Hague (September 1928), which issued regulations governing international wireless air service. Up to the present, Belgium, Denmark, Germany, France, Great Britain, The Netherlands, Sweden, Switzerland and Czechoslovakia have adopted these regulations as between themselves, so that the question has been satisfactorily settled for the greater part of European air traffic. Nevertheless, on this point, too, general measures would be expedient, especially in regard to air relations with oversea countries.

11. — Meteorological Intelligence Service. — The organisation and working of a meteorological intelligence service are matters which fall to the administration in each country. As we have already mentioned, this Service is in exceptional cases only entrusted to aviation enterprises themselves. According to the terms of the big conventions between groups of States, countries are required to co-operate within their territory in organising the meteorological information service necessary to international lines and to extend its benefits to foreign aircraft on the same terms as to national aircraft (Cina, Article 36, Annex G; Ciana, Article 35; Havana Convention, Article 31). The obligation, however, is not an absolute one. It must be fulfilled "as far as possible", which to the jurist is obvious. In a particular case, however, it would be hard to determine the proper share of a State in international co-operation of this kind and, even if it were possible, it is difficult to see how a country could be forced to conform to such a legal obligation. In point of fact, the different countries co-operate in regard to meteorological information, not " as tar as possible ' but rather to the extent that their own interests are at stake, whether because they desire to secure equivalent services from other States or because they are afraid that if they neglect their duties those other States will take counter-measures against their aircraft abroad. But whenever there are no such cogent interests, the desired cooperation will be lacking, and it is not surprising that aviation undertakings frequently complain of the defects of the meteorological intelligence service on foreign routes. In practice, therefore, the International Commission for Air Navigation has achieved no more satisfactory results than countries which, in their aviation agreements, renounce the idea of any obligation to organise and run a meteorological intelligence service and simply place the existing organisations at the disposal of the air traffic of the other contracting State.

Here, too, the existence of a technical service will only be of value to international aviation if its functions are internationally standardised. Weather observations must be made by the same methods and with the same criteria, their collection and distribution require the same uniform forms and they must be telegraphically transmitted by agreed codes. In practice, these difficulties have hitherto been overcome by admirable international work, partly with the help of the Cina provisions, Annex G, and partly through the agreements of the International Air Conference (on the last occasion at Zurich in October 1929). Although there is still plenty of room for improvement in these provisions, it is doubtful whether any better results could be obtained by creating in this matter any closer legal bond than the mobile committees of the International Air Conference, which have always adapted themselves without difficulty to fresh advances in technical experimentation. The only drawback is that it has not so far been possible to extend these uniform agreements to all Europe and to other continents.

12. — Air Mails. — In consequence of the postal monopoly which exists in every country, aviation undertakings cannot ensure the conveyance of mail in their own names, but the postal administrations, which have not as yet organised their own air mail services or have given them up again, have to co-operate in the form of agreements with aviation undertakings. Further, the operation of an international air mail line presupposes an agreement with foreign postal administrations.

Conventions between the postal administration and the national aviation undertakings meet with fewer difficulties than any other form of agreement. These administrations to-day do not for the most part, or at any rate exclusively, consider immediate profits. For them air transport is still in the experimental stage and the agreements they conclude for the conveyance of mail by air are principally intended to show them by experience how aviation could become an important economic instrument in the hands of the postal services. Moreover, the postal administrations, in concluding agreements for the transport of mail by air, deliberately pursue a policy of subsidies. When, for example, they guarantee to air transport companies, for a given mail line, a daily minimum of postal matter, which minimum is in practice often far from being attained, or when they take upon themselves the cost of establishing an air mail line or even run one at their own expense , these are services out of all proportion to the actual receipts derived from air mails. Nevertheless, this does not mean that the postal administrations, by this policy of subsidies, exceed their functions and safeguard interests which are not their own, for if, with the help of postal subsidies, an air mail service is made to pay, a great part of the profit will certainly find its way into the coffers of the postal administration.

According to the laws of various countries, air transport undertakings are legally obliged to carry mail by air in return for charges apportioned, not by the agreement between the parties but by the courts or administrative authorities. Where no such provisions exist for the compulsory conveyance of mail, it will nevertheless be easy for the State to impose similar obligations upon an air transport undertaking when granting the concession.

At the Congress of London, in 1929, the Universal Postal Union issued regulations for the international conveyance of mail by air between the different national postal administrations. "The provisions for the conveyance of letters by air" cover letters, ordinary postcards and reply-paid postcards, business circulars, printed matter of all kinds, including documents printed in Braille for the blind, samples, small packets,

postal money orders, registered letters. Further, "the provisions for the transport of postal parcels by air" apply to countries which have acceded to the Parcels Post Convention. These provisions cover ordinary postal parcels and registered parcels, whether or not consigned payment on delivery. The contracting States mutually undertake the free transit of letters and parcels sent by air. The postal administrations are obliged, as regards consignments entering their sphere of jurisdiction, to deliver them in the ordinary way, to reforward them or return them to their place of origin, to tranship them and to keep them, either free of charge or in return for a fixed fee. Uniform principles have been laid down for the extra charges to be levied on air mail. Each administration retains the whole of the additional charges on these consignments. If a postal administration reforwards by air the consignments of another administration, it is entitled to a fixed fee in the case of letters, which may be exceeded, with the consent of the administrations concerned, if the lines are exceptionally expensive; in this case they must be the same for all administrations making use of this means of communication. The postal administrations notify each other duly in advance of the amount of their air mail charges, the nature of the consignments accepted with a list of the air mail lines which they use. These notifications are made through the international Bureau of the Universal Postal Union and are also frequently exchanged direct between the administrations themselves.

These regulations appear to ensure for international air mail traffic an organisation which, for the moment, meets all requirements and which can in future be adapted to any modifications resulting from the facilities for revision offered by the International Air Mail Convention.

With regard to the forwarding of newspapers, it should be noted that the postal laws of only some countries forbid the transport of newspapers by forwarding firms between two different places. Where this prohibition does not exist, publishers or their forwarding agents can make arrangements with air transport undertakings for the forwarding of newspapers regarded as a transport of ordinary goods. On the other hand, the forwarding of newspapers subject to postal charges requires the co-operation of the postal administration, unless special exceptions are provided by the postal laws. An example of such an exception is supplied by the regulations by which certain countries only apply compulsory postage to comparatively small quantities of newspapers. Other countries, like Germany, exempt from compulsory postage consignments sent "by express." In accordance with this exception, a newspaper with a worldwide circulation could be sent to a German town by special aircraft without infringing the postal monopoly. The relations of an air transport undertaking with a foreign postal administration conceal certain possible dangers to international air traffic. The postal administration is free to decide whether and with what undertakings it desires to conclude air mail agreements. In choosing between a national and a foreign enterprise, it will follow the present trend of air policy and as far as possible favour the national undertaking. But even when the foreign concern is not in competition with a national undertaking, it will still not be sure of securing the transport of mail in return for adequate payment. The practice of postal administrations in this matter is not uniform. Just as some administrations entrust their mail to the steamer ensuring the speediest transport, irrespective of flag, so some administrations in their choice of air mail lines are prompted by technical considerations only. Others attach more importance to the protection of national traffic undertakings than to speed in communications, and give preference to national air lines, even at the cost of rapid transport. In practice, these tendencies have not as yet been very pronounced in matters concerning air mail, since, in the organisation and operation of international lines, the principle of reciprocity has also extended to postal consignments. Each postal administration seeks to grant to the foreign transport undertaking as much mail

as its own undertaking receives from the other administration. This, however, only shows the extent to which, from the point of view of an air transport company, the conveyance of international mail may depend upon a possibly fortuitous balance of certain interests in the two countries.

- 13. Air Transport combined with other means of transport (boats, railways or motor transport) calls for no special comment, if we consider the administrative measures taken by States in the matter of commercial aviation. The legal problems which arise belong mostly to the sphere of private law (transport law). The questions at issue are, in particular, the responsibility of several consignors and the establishment of a uniform through bill of lading. The convenience of passengers will be facilitated if the railways, in agreement with the air transport company and at its expense, convey passengers to their destination on production of the ticket issued by the air transport company, or some similar document, in cases when it is impossible to continue the flight to the end.
- 14. Customs Legislation. Customs legislation and Customs police intervene in international commercial aviation to the extent that the Customs formalities they insist upon threaten considerably to reduce the saving of time which it is the purpose of air transport to effect. It is mainly due to the requirements of Customs police that an aircraft entering the territory of a foreign country has to make its first landing at a Customs aerodrome. What is the position, however, with regard to permission to drop mail and other goods in the course of flight, with a view to avoiding landing and to saving time and fuel? From the legal point of view, a distinction must be made between two things: The avoiding of the landing and the authorisation to throw matter out. The landing at the Customs aerodrome is for the purpose of facilitating control by the foreign police and Customs. Although, for this reason, a foreign country cannot for go its control, it can raise no objection if the landing at the prescribed Customs aerodrome is replaced by the throwing-out of parcels, provided that the aircraft lands in conformity with agreements on another aerodrome which is also furnished with a Customs office.

As regards the question of permitting parcels to be thrown out from aircraft, general police interests compete with those of the Customs police. The throwing-out of objects in the course of flight is not without danger to persons and property on the ground. If advertisements, pamphlets or political reviews are thrown out, this may also threaten public order. In view of these dangers, political considerations demand at any rate a restriction of the right to throw out, both as regards the objects thrown and the place where they are dropped. The police can therefore only authorise it in places where the necessary measures have been taken against a disturbance of public order and safety.

On the other hand, the Customs control of imports demands that other objects than ballast shall only be thrown out at places which allow of proper Customs clearance.

On condition that the necessary police and Customs guarantees are given, no objection can be raised against the regular throwing-out of goods on to Customs aerodromes, even in international traffic. If a number of international conventions make the throwing-out of articles other than ballast subject to special permission from the authorities of the State flown over, it may be supposed that this permission will be granted within the above-mentioned limits as soon as the necessary conditions governing the throwing-out of objects have become general in commercial aviation. Compare in this matter the Conventions concluded by Germany; also the Conventions between France and Spain of May 1st, 1928, (Article 14), and between Austria and Czechoslovakia of February 15th, 1927 (Article 21).

Cina, on the other hand, (Annex H, No. 15.) provides that the unloading or throwing-out of other articles than ballast may be prohibited except in the case of postal aircraft. It may be presumed that the countries belonging to the International Air Navigation Commission will make use of this right of prohibition in accordance with the principles here set forth.

Among Customs formalities the chief obstacle to international goods traffic by air is the diversity of documents—accompanying papers and declarations—required by the different countries. Even railway transport is hampered by the fact that the consignor has to procure the Customs forms of all the countries of transit and of the country of destination and has to fill them in the languages of all these countries in order to make a regular declaration. How much more cumbersome are these formalities in air traffic, when often very little time is provided for the consignment of goods. If the Customs declaration infringes, even formally, any of the Customs regulations or tariff provisions of any of the various countries of transit, the consignment risks being stopped en route. In this way, not only may the time gained by air transport be lost but even the consignment itself, if the goods are perishable.

In international railway traffic an attempt has already been made to simplify Customs formalities by creating a uniform model "international Customs office declaration" (see the Conference between the Customs and railway administrations of seven European countries which met in 1929 at Florence and Bolzano at the invitation of the Italian Government). It would be well to extend these endeavours to the international transport of goods by air, since in railway traffic between different countries they have already resulted in appreciable simplification.

The material provisions of Customs law may apply to the aircraft itself and to its fuel and other ingredients.

The Customs duty on aircraft imported by land or water is of only indirect importance to commercial aviation to the extent that it adds to the cost of acquiring aircraft.

According to most of the Customs laws in force and the Customs provisions of air navigation laws, every machine entering Customs territory is liable to pay duty. If the aircraft is only to make a short stay, the Customs duty levied may, according to some laws, be refunded on export, while other laws prescribe in such cases a deposit or security up to the amount of the Customs duty. Gradually, however, Customs authorities have adopted a practice considerably more favourable to air traffic. In the case of sporting aircraft, triptychs have been established as the result of agreements concluded by national Aero Clubs with one another and with their authorities; the use of these triptychs approximates to that of international motor triptychs and dispenses both with the payment of Customs duty and its deposit. In the case of aircraft engaged in transport, the present practice of the administration is still simpler. As soon as it is agreed to establish an international line, the undertakings name the machines which they propose to allot for regular traffic. The Customs authorities then refrain from demanding any kind of Customs duty or security. In the case, however, of commercial aircraft not engaged in regular service, some authorities, according to their attitude towards air traffic and their interpretation of Customs regulations, require the deposit of the Customs duty. This procedure varies and is a cause of friction. It would be better if, without prejudice to international interests, it were replaced by an international convention on Customs exemption for commercial aircraft.

The fuel and other ingredients which the aircraft carries with it for its own use on the journey are exempt from Customs duties according to both Cina (Annex H. No. 7) and most recent Conventions. The question of the exemption of the fuel which is to be used in the course of a flight to and over a foreign country is not everywhere uniformly regulated. Some countries exempt this fuel from the consumption tax or refund the whole or part of the tax to the air transport companies, but others continue to levy large taxes on fuel which the machine takes on board in their territory for use in the course of its journey to a foreign country. It may, however, be hoped that all financial administrations, if only to preserve the transport undertakings of their own country from reprisals abroad, will soon adopt a uniform method in regard to the taxation and Customs treatment of fuel.

15. — Taxation of Aviation Undertakings. — Businesses in the service of aviation normally enjoy special privileges, even in fiscal matters, and are either granted exemption from or reductions of taxation. What is the treatment of aviation undertakings whose commercial operations include international lines in the territory of another country? It follows beyond doubt, from the principle of territoriality, that the foreign undertaking is under the fiscal authority of the country flown over. The aviation Conventions do not contain any express clause on this matter. In many cases, however, the commercial and double taxation Conventions now in force show a desire to avoid taxation abroad and the double taxation which it involves. The Austro-Italian Air Convention of May 11th, 1928 (Article 1 of the Additional Protocol) actually refers, as regards the taxation of aviation companies, to the Convention on Double Taxation of April 6th, 1922.

According to the terms of double taxation Conventions, the receipts derived from the operation of industrial enterprises are, in principle, only taxed by the country in whose territory the head office of the enterprise is situated. This provision still applies when the enterprise's activities extend to the territory of the other contracting party without its having any established office in that country. So far as international commercial aviation is concerned, no difficulties have as yet arisen.

VII. CONCLUSIONS.

In conformity with its purpose, the present memorandum has endeavoured to indicate the measures and regulations adopted by Governments which either hamper international commercial aviation or do not take its development sufficiently into account. A critical summary of this kind cannot specify in detail the means by which a satisfactory international solution of these problems could be found. We will be content to complete this criticism of the present situation by a reference to the fundamental diversity of the existing difficulties, which can only be removed by a variety of methods.

In the first place we may group together a number of questions which have not yet found the solution necessary in the interests of commercial aviation. Foremost among these is the question of flight over the sea (see above, pp. 113 and 114) and the regulation of air traffic in times of emergency and in war (see above, pp. 114 et seq.). These questions call for the conclusion of a universal convention.

Secondly, we may draw attention to certain questions which have not as yet been settled either nationally or internationally in a manner suited to the needs of commercial aviation and for which an international agreement might also be a satisfactory solution. These questions include, for example, Customs legislation (see p. 155) radiotelegraphy (see p. 151) and assistance to aircraft in distress (see p. 131). To these we may add the immunity of aircraft from seizure and the insurance of flying personnel. At the same time it should be pointed out that these last two questions are closely linked up with private law and cannot be settled without account being taken of such matters as insurance, mortgages and liens, which are themselves questions demanding international unification.

The best way of ensuring international uniformity for the general rules of traffic is to conclude a multilateral convention comprising as many countries as possible. From this point of view it would certainly be well if such regulations as Cina could be developed into a universal convention. Nevertheless, from the practical point of view of transport, the most urgent need is not that all countries should join the International Commission for Air Navigation, but that, in all transport regulations adopted by the different countries, the essential stipulations relating to traffic should be uniform and homogeneous. Under the pressure of like technical conditions, this has so far obtained that the question of an international undertaking by which States would agree to adopt uniform rules of traffic is not for the moment important.

At the same time, the international regulations referred to cannot, under the most favourable circumstances, promote international commercial aviation without the consent of the different States affected. The very limited right to engage in international aviation conflicts with the sovereignty of the different States over the air space (see above pp. III et seq.). It would be rash, and indeed vain, to prophesy any international restriction of this sovereignty in favour of freedom of commercial aviation. And even if we were to pursue this idea, its practical realisation would meet with an obstacle in the principle of territoriality, which places the aircraft at the mercy of each country, its laws and its administration. International freedom of the air, like freedom of the seas, would only be possible if the administrations of different countries were replaced by an international administration. Even the warmest partisans of freedom in the air would hardly venture to champion such a proposal.

Accordingly, international aviation is, and will remain possible only if and in so far as it is tolerated by the different countries. It follows that it can only exist if it is not opposed to national interests but is, on the contrary, in harmony with them. The purpose of what was said above concerning the principle of territoriality (see pp. 121) was to show that, in spite of existing international agreements, commercial aviation can only prosper if in their turn the national administrations regard it with benevolence and interest. Where there is no such benevolence and interest, international commercial aviation lacks the foundations required for its steady and safe development.

For such development, therefore, international aviation must, above all things, endeavour to attract and retain the national interests. This has already been made manifest by the conclusion of bilateral treaties for the operation of international lines. The administrations of the different countries have found in these Conventions a community of interests, on the basis of which most of the administrative measures have been satisfactorily settled, even without any special legal enactments. In this way some countries have even agreed between themselves to renounce their reservation regarding cabotage.

Nevertheless, it remains a fact that this community of interests between only two countries will not suffice where the needs of commercial aviation demand the establishment of a through route entering and passing over a large number of countries. So far no satisfactory form of exploitation has been found for this case. It may however be hoped that the same common ground of agreement may be found as for the bilateral treaties already concluded. In order that the benefits of commercial aviation may, as the result of rational exploitation, be enjoyed by the different countries of at least one continent, it is essential that the interests of these different countries should be united within a multilateral convention. When once the various national air transport companies, while retaining their autonomy, have combined to form a joint-operating or profit-sharing company for the exploitation of certain trans-continental air lines, it will be comparatively easy to co-ordinate the measures of the different administrations, especially with regard to the laying down of routes and ground installations.

PRINCIPLES OF PUBLIC INTERNATIONAL LAW APPLICABLE TO AIR TRANSPORTS

Ву

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PRINCIPLES OF PUBLIC INTERNATIONAL LAW APPLICABLE TO AIR TRANSPORTS.

INTRODUCTION.

[Translation.]

Each stage passed by humanity in its onward march, each of the milestones which it leaves behind, every step it climbs, sometimes laboriously, sometimes with ease, brings it nearer to the realisation of certain ideas dimly conceived in bygone centuries—ideas which each successive civilisation has endeavoured to turn into realities.

Among these ideas of universal origin, these vague yet persistent aspirations, the hope of being able one day to soar in the air, vying with the grace of the swallow and the strength of the eagle, has always excited man's imagination. It was not until a much later epoch that these aspirations took concrete form; and when, as a result of the patient researches of scientists and the sacrifice of pioneers' lives, the solution of aerial flight was discovered, men were possibly less astonished at the novelty of the conquest than enchanted by the realisation of one of their age-long dreams.

How great are the consequences, both as regards material things and in the nobler realm of ideas, with which each new discovery is fraught! And since history, in view of the importance of the geographical and scientific discoveries at the end of the fifteenth century, selected this epoch in preference to any other as an ideal landmark for the separation of two ages, the historian of to-morrow may discover in the conquest of the air characteristics which will justify a further symbolical separation between two epochs.

However this may be, even if we confine ourselves to the facts covered by this survey, we cannot fail to recognise that the possibility of mechanical flight seems to mark a very definite division between two parts of a highly important chapter of law; namely, that dealing with the regulation of international communications and transport.

International agreements regulating these communications have, of course, been in force for many years, and whenever a new discovery makes the establishment of closer intercourse possible, the various countries endeavour to form new international ties and to frame joint regulations enabling their nationals to reap the inestimable benefits of those discoveries. Nevertheless, in the case of posts or railways, telegraphs or telephones, although international co-operation is assuredly useful and very often necessary, the absence of one country does not prevent the others from attaining, more or less completely, certain common aims.

This is not the case with commercial air navigation which, since its earliest days, has been pre-eminently international in character. From the first, the various countries were disposed to grant each other liberal treatment in the matter of communications and transit and this has now become a moral duty which every civilised nation is proud to recognise.

In the meantime, how many traditional theories have been put to the test! It is to the general interest that no country should hamper the expansion of international air navigation by unduly severe restrictions or excessive precautions: everyone agrees on this point. To what extent, however, is the recognition of this

duty compatible with the principle that each State has sovereign authority over anything affecting its territory? To what extent does it detract from this principle?

We should like to dwell for a moment on the influence which air navigation is bound to have on juridical conceptions of international co-operation. To take one of the branches in which this co-operation is perhaps most extensive, namely the postal service—by a definition which is very near the truth, the Postal Union is termed universal, and the Convention setting up this Union clearly states that "the countries between which the present Convention is concluded form, under the title of Universal Postal Union, a single postal territory for the reciprocal exchange of correspondence". This principle does not, however, imply any restriction of the right of each country to give effect to engagements entered into by it in regard to the transport of mails within its own territory, by whatever regulations and means it considers most appropriate, provided they are strictly in conformity with those engagements.

This does not apply to air navigation, in regard to which each country, if it is sincerely desirous of helping to attain the aims which it recognises as common to other countries, must necessarily frame rules which are more or less in conformity with the regulations proposed by other countries; it must bring its technical organisation, the marking-out of its territory, visual signals, ground marks, meteorological system—in short, the whole of its internal organisation—into line with theirs, so that it may meet universal needs. For this purpose, it is necessary to bear in mind not only the object in view but also the practical means of attaining that object.

The novelty of these relations is, moreover, clearly shown by the actual substance of the legal problems which arose as soon as all the possibilities of long-distance air navigation, i.e. over the frontiers of several countries which can be crossed by aircraft in a few hours, began to be foreseen. No such problems were encountered at the beginning of any other international form of communication, with the exception of wireless telegraphy.

Should the air be free? Or, on the other hand, should each country have full and absolute sovereignty over the air space above its territory? In the former case, can States be granted essential rights of protection, restricting this freedom which would otherwise be unlimited? If, on the other hand, it is decided that the State has sovereignty over the air, can this sovereignty be so absolute as to make it legitimate for that State to prevent any foreign aircraft from flying over its territory?

We have merely touched briefly on a few of the problems connected with air navigation-problems which are, moreover, universally known. A thorough examination of these problems, even from the purely historical point of view, would be out of place in this survey.

Our sole purpose in mentioning them was to indicate the point of departure, which in some cases is obscure and controversial, of the positive rules which we are about to examine.

GENERAL OUTLINE OF THE SURVEY.

A survey of the present position in regard to the principles governing international air traffic can only be based on a careful examination of the many Conventions regulating this question with a view to determining, firstly, the essential nature of each, and, secondly, to drawing attention to differences of form or substance.

This is the method adopted in this survey, the outline of which is as follows:

We shall first examine the principles laid down in the three collective Conventions relating to international air navigation, namely: the Convention relating to the Regulation of Air Navigation, dated Paris, October 13th, 1919, the Ibero-American Convention relating to Air Navigation, signed at Madrid on November 1st, 1926, and the Pan-American Convention relating to Commercial Aviation, signed at Havana on February 20th, 1928.

We shall then pass rapidly in review the numerous agreements relating to air

navigation concluded separately by various countries.

We shall complete our survey by the examination of certain special questions: the special treatment of air traffic above the City of the Vatican; Customs agreements concluded by certain countries for the purpose of facilitating international tourist traffic by air.

The concrete data which we shall give in the course of our survey will furnish us with material for the last chapter, in which we shall endeavour to summarise the present position of public law in regard to international air navigation, which is the purpose

of our enquiry.

CONVENTION RELATING TO THE REGULATION OF AIR NAVIGATION, DATED PARIS, OCTOBER 13TH, 1919.

ORIGIN OF THE CONVENTION.

The Convention of October 13th, 1919, was first mooted at the Peace Conference, when the French Government suggested to the various Government delegations which had met together in Paris to draw up the Peace Treaties that they should jointly endeavour to frame a text for the purpose of ensuring a uniform legal regime for international air navigation.

The proposal was accepted, and by two resolutions, dated March 12th and 15th, 1919, the Supreme Council decided to set up a "Commission for Air Navigation"

consisting of representatives of the following twelve Powers:

The United States Brazil
British Empire Cuba
France Greece
Italy Portugal
Japan Roumania

Belgium Kingdom of the Serbs, Croats and

Slovenes.

The Commission for Air Navigation at once recognised that it would be expedient if the proposed regulations took the form of an *International Convention on Air Navigation*; it defined its future work by drawing up a list of principles and it set up three sub-committees (technical, legal and military), each of which was responsible for drawing up the part of the Convention with which it was specially concerned.

The text was examined by the Commission at a plenary meeting, was subsequently revised by the Committee of Jurists of the Peace Conference and finally adopted by the Supreme Council under the name of Convention relating to the Regulation of Air

Navigation.

The Convention, which was opened for the signature of the representatives of the Allied and Associated Powers enumerated in its preamble on October 13th, 1919, was signed between that date and May 22nd, 1922, by twenty-nine countries mentioned below:

United States Greece Belgium Guatemala Bolivia Italy Brazil Japan Liberia Great Britain Canada Nicaragua Australia Panama Union of South Africa Peru New Zealand Poland India Portugal China Roumania

Cuba Kingdom of the Serbs, Croats and

Czechoslovakia Slovenes Ecuador Siam France Uruguay

The only Governments enumerated in the preamble of the Convention which failed to sign were those of Haïti, the Hedjaz and Honduras.

ENTRY INTO FORCE OF THE CONVENTION.

Between June 1st, 1922, by which date fourteen of the signatory States had deposited their instruments of ratification and October 19th, 1929, several other States ratified the Convention, to which other non-signatory States, such as the Irish Free State (as soon as it was constituted), Bulgaria, Denmark, the Netherlands and Sweden, have subsequently adhered. On the other hand, Bolivia denounced the Convention in 1924. At the present time (December 1929) the total number of States parties to the Convention is twenty-seven, as follows:

Belgium
Great Britain and Northern Ireland
Canada
Australia
Union of South Africa
New Zealand
Irish Free State
India
Bulgaria
Czechoslovakia
Chile
Denmark
France
Greece

Italy
Japan
Netherlands
Panama
Persia
Poland
Portugal
Roumania
Saar Territory
Siam
Sweden
Uruguay
Yugoslavia

REVISION OF THE CONVENTION.

The efforts of the authors of the Convention of October 13th, 1919, to make its provisions acceptable even to those States which took no part in its preparation are clearly shown by the official documents of the Air Navigation Commission of the Peace Conference. It is not surprising, however, that the text of the Convention which was drawn up at a time when no country had had any practical experience of the actual necessities of international air traffic, should have given rise to a certain amount of adverse criticism during the following years. It is not necessary to go fully into the nature of these criticisms—we need only say that all the States parties to the Convention have at all times displayed a readiness to consider any proposal for the amendment of the Paris Convention which might lead to an increase in the number of adhering States. Attempts in this direction were made on four different occasions:

- (a) By a Protocol dated May 1st, 1920, followed by another dated October 27th, 1922, the object of both being to meet the objections which certain States might have to adhering to the Paris Convention, on account of the provisions of Article 5.
- (b) By a Protocol dated June 30th, 1923, amending Article 34 of the Convention and granting equal voting rights to all States represented on the International Commission for Air Navigation.

(c) By a Protocol signed at Paris on June 15th, 1929, as the outcome of events

which may be briefly recapitulated.

After the adoption of the Protocols mentioned under (a) and (b), no further criticism was officially formulated against the Paris Convention until October 1928, when Dr. Alfred Wegerdt, Ministerial Councillor of the German Reichsverkehrsministerium, published a remarkable article entitled "Germany and the Paris

Convention on Air Navigation of October 13th, 1929", containing definite proposals which were subsequently approved by the German Government.¹ One of these proposals was to the effect that the International Commission for Air Navigation should convene an extraordinary session, inviting all the Governments of States not parties to the Convention, for the joint examination of amendments to be made to the Convention with a view to facilitating the accession of all States to this agreement. The International Commission for Air Navigation agreed to this proposal and convened a universal conference in Paris in June 1929; the results, which are contained in the Protocol of June 15th, will be mentioned as occasion arises.

(d) Finally, by a more recent Protocol dated December 11th, 1929, granting a separate vote to each of the different parts of the British Empire.

Examination of the Principles of the Convention.

Since, from the chronological point of view, the Paris Convention constitutes the first of the international texts under examination, we think it advisable to study its principles in detail, as this will enable us to be more concise when we pass on to the examination of the other Conventions; in many cases we shall only need to refer to the Paris Convention.

Our examination will be based on the text of the Convention as at present in force, but we shall not omit to mention the effect of amendments to various Articles introduced by the two Protocols of June 15th, 1929, and December 11th, 1929.

The chapters of the Convention proper lay down the principles summarised below:

Ad Chapter 1. — General Principles.

The four Articles of this chapter lay down the three fundamental principles on which the whole Convention is based, namely:

- (a) Sovereignty of each State over the air space above its territory (Article I): It is explained that the territory of the State includes the territory of the mother country and colonies and also the adjacent territorial waters;
- (b) Freedom of innocent passage to the aircraft of a contracting State flying over the territory of another State (Article 2), provided that the conditions laid down in the Convention are observed: the regulations made by a contracting State as to the admission over its territory of the aircraft of the other contracting States shall be applied without distinction of nationality (consequently, this clause provides for complete equality of treatment);
- (c) Prohibition to fly over certain areas (Article 3): Each contracting State is entitled, for military reasons or in the interest of public safety, to prohibit the aircraft of the other contracting parties, under the penalties provided by its legislation and subject to no distinction being made in this respect between its private aircraft and those of the other contracting States, from flying over certain areas of its territory. The locality and extent of the prohibited areas must be published and notified beforehand to the other contracting States.

This article was supplemented by the Protocol of June 15th, 1929, which provides that, as an exceptional measure and in the interest of public safety, each contracting

¹ It should be noted that, prior to the German proposals, the question of the revision of the Paris Convention had been definitely raised by His Excellency M. Amedeo Giannini at the Fourth International Congress on Air Navigation (Rome, October 1927). M. Giannin's proposals are mentioned several times by M. Wegerdt in his article.

State may authorise flight over the prohibited areas by its national aircraft. The exceptional authorisations issued must be published and notified in the same way as information concerning the position and extent of the prohibited areas. This Protocol also stipulates that each contracting State has the right in exceptional circumstances in time of peace, and with immediate effect, temporarily to prohibit flight over its territory, on condition that such restriction or prohibition shall be applicable without distinction of nationality to the aircraft of all the other States. Such decisions must also be brought to the notice of the other contracting States.

Ad Chapter II. - Nationality of Aircraft.

- (a) Conditions governing the Nationality of Aircraft. Each aircraft possesses the nationality of the State on the register of which it is entered (Article 6) and cannot be validly registered in more than one State (Article 8). Aircraft cannot be entered on the register of one of the contracting States unless it belongs wholly to nationals of that State. Should the aircraft belong to a company, the latter cannot be registered as the owner unless it possesses the nationality of the State in which the aircraft is to be registered, unless the president or chairman of the company and at least two-thirds of the directors possess such nationality, and unless the company fulfils all other conditions which may be prescribed by the laws of the said State (Article 7). These are the provisions at present in force; they were, however, radically modified by the Protocol of June 15th, 1929, which lays down the principle that "the registration of aircraft shall be made in accordance with the laws and special provisions of each contracting State".
- (b) Notification of Registrations. Each contracting State must notify every month to the other States through Cina (Commission Internationale de Navigation Aérienne—International Commission for Air Navigation) copies of registrations and of cancellations of registration which have been entered on its official registers during the preceding month (Article 9).
- (c) The Marking of Aircraft. All aircraft engaged in international navigation must bear a "nationality mark" and "registration mark" as well as the name and address of the owner (Article 10). The provisions giving effect to this article are contained in Annex A to the Convention.
- (d) Effects of the Principle of Nationality as regards the Flight of Aircraft over the Territory of the various Contracting States. In principle no contracting State shall, except by a special and temporary authorisation, permit the flight above its territory of an aircraft which does not possess the nationality of another contracting State. This restriction does not hold good if the said State has concluded a special convention with the State in which the aircraft in question is registered, provided that the stipulations of that convention do not infringe the rights of the State parties to the General Convention and conform to the regulations laid down in the latter and its annexes. Each of the special conventions thus concluded must be forwarded to Cina, which will communicate it to all other States parties to the 1919 Convention.

These are the principles laid down in Article 5, which has proved to be one of the most controversial articles in the whole Convention. It was substantially modified by the Protocol of June 15th, 1929, which provides that each State is entitled to conclude special conventions with any other non-contracting State, provided that such conventions do not infringe the rights of States parties to the 1919 Convention;

such special conventions, in so far as may be consistent with their objects, must not be contradictory to the general principles of the 1919 Convention. In its amended form, Article 5 will no longer be included in Chapter II of the Convention, but will be inserted as the last article of Chapter I — General Principles, which will be a better arrangement from the point of view of classification of subject-matter.

Ad Chapter III. — Certificates of Airworthiness and Competency.

- (a) Technical Documents for Aircraft. Every aircraft engaged in international air navigation must be provided with a certificate of airworthiness issued or rendered valid by the State whose nationality it possesses (Article 11). The conditions governing the issue of certificates of airworthiness are given in Annex B to the Convention, which is supplemented by special regulations drawn up by Cina.
- (b) Certificates of Competency for Members of the Operating Crew. The commanding officer, pilots, engineers and other members of the operating crew of every aircraft must be provided with certificates of competency and licences issued or rendered valid by the State whose nationality the aircraft possesses (Article 12). The conditions governing the issue of these certificates are specified in Annex E to the Convention.
- (c) Principle of the Recognition of the Above-mentioned Documents by any Contracting State. Certificates of airworthiness and competency and licences issued by the State whose nationality the aircraft possesses, in accordance with the regulations established by the Convention (Annexes B and E), shall be recognised as valid by the other States; nevertheless each State has the right to refuse to recognise, for the purpose of flights above its own territory, certificates of competency and licences granted to one of its nationals by another contracting State (Article 13).
- (d) Wireless Communications. Article 14 of the Paris Convention establishes the principle that every aircraft used in public transport and capable of carrying ten or more persons shall be equipped with sending and receiving wireless apparatus; the methods of employing such apparatus were subsequently determined by Cina, in accordance with the powers conferred upon it by this same article. Article 14 also stipulates that no wireless apparatus may be carried by aircraft without a special licence issued by the State whose nationality the aircraft possesses and that such apparatus may not be used except by members of the crew provided with a special licence for the purpose.

Ad Chapter IV. — Admission to Air Navigation above Foreign Territory.

(a) Right of Transit and Obligation to Land. — The stipulations of Article 2 are to some extent supplemented by Article 15, first paragraph, which provides that every aircraft of one of the contracting States has the right to cross the air space of another State without landing; it must, however, follow the route fixed by the State over which the flight takes place. It will also be obliged to land if ordered to do so by means of the usual signals. As regards the obligation to land, the second paragraph of the same Article stipulates that every aircraft which passes from one State into another must, if the regulations of the latter State require it, land in one of the aerodromes fixed by the latter (Customs aerodromes), a list of which must be given to all the Contracting States by Cina.

- (b) Establishment of International Airways. As at present drafted, the last paragraph of Article 15 provides that "the establishment of international airways shall be subject to the consent of the States flown over". There has been a great deal of discussion among the States adhering to the Convention of October 13th, 1919, as to the precise value of this clause, in regard to which there were considerable differences of opinion, mainly owing to the fact that this paragraph is expressed differently in the three official languages of the Convention: French, English and Italian. The French expression "voies de navigation aérienne" and the English term "airways" (which might mean "a route indicated by successive ground marks") appears in the Italian text as "linee areree", which can only mean one thing—i.e., "air lines"—the operation of air traffic. After lengthy discussion the official interpretation of the paragraph in question given by Cina coincided with the Italian text. We would add that the question was definitely settled when the Protocol of June 15th, 1929, was drawn up; the last paragraph of Article 15 was then amended as follows:
 - "Every contracting State may make conditional on its prior authorisation the establishment of international airways and the creation and operation of regular international air navigation lines, with or without landing, on its territory."
- (c) Flight of Aircraft without a Pilot. For obvious chronological reasons, the 1919 Convention, as originally drafted, did not include the question of the admission to a foreign territory of aircraft capable of being flown without a pilot. The question was, however, examined at the session of Cina in June 1929, when it was decided that "no aircraft of a contracting State capable of being flown without a pilot shall, except by special authorisation, fly without a pilot over the territory of another contracting State". This paragraph was inserted as a new paragraph of Article 15 of the Convention in the Protocol of June 15th, 1929.
- (d) Carriage of Persons and Goods for Hire. Articles 16 and 17 of the Paris Convention deal with the reservations and restrictions which each contracting State may establish in favour of its national aircraft in connection with the carriage of persons and goods for hire between two points on its territory. Any decision in regard to restrictions of this kind must be notified to all the contracting States through Cina. Full reciprocity is provided for by the Convention, which also stipulates that each State may apply the same reservations and restrictions to any aircraft belonging to a State which has established restrictions of this kind, even if it grants more liberal treatment to other foreign aircraft.
- (e) Protection of Industrial Property. Article 18 contains important clauses concerning the safeguarding of industrial property, which is protected by the International Convention of March 20th, 1883. According to this Article "every aircraft passing through the territory of a contracting State, including landing and stoppages reasonably necessary for the purpose of such transit, shall be exempt from any seizure on the ground of infringement of patent, design or model, subject to the deposit of security, the amount of which, in default of amicable agreement, shall be fixed with the least possible delay by the competent authority of the place of seizure". The practical nature of this stipulation should be noted; its obvious purpose is to avoid any unnecessary interference with the international flight of aircraft, such as might possibly be attempted for reasons of commercial competition and on the pretext of claiming an industrial property right.

Ad Chapter V. — Rules to be observed on Departure, when under Way, and on Landing.

(a) Documents which Aircraft are compelled to carry. — Article 19 enumerates the documents which all aircraft engaged in international flight are compelled to carry. These are as follows:

A certificate of registration;
A certificate of airworthiness;
Certificates and licences of the commanding officer, pilots and crew;
If it carries freight bills of lading and manifest;
Log books;
If equipped with wireless, the special licence prescribed by Article 14.

Further particulars in regard to the list given in Article 19 are to be found in various Annexes to the Convention dealing respectively with the certificate of registration (Annex A), the certificate of airworthiness (Annex B), log books (Annex C), certificates and licences (Annex E) and the Customs service (Annex H); Cina has also issued several special texts supplementing the regulations laid down in these Annexes. In short, Article 19 and its subsidiary texts regulate in a uniform manner for all contracting States the question of documents to be carried, which is not merely a formal matter, since it enables *inter alia* any aviator belonging to a contracting State to fly over the territory of any other State which he knows will recognise the validity of the documents carried by him and his aircraft.

Article 20 also deals with log books and stipulates that these books must be kept for two years after the last entry.

- (b) Right to visit Aircraft. Article 21 provides that the authorities of the country shall have, in all cases, the right to visit the aircraft upon its departure or landing and to verify all the documents with which it must be provided.
- (c) Principle of Equality of Treatment as regards Measures of Assistance and the Use of Certain Aerodromes. Article 22 lays down the important principle that aircraft of the contracting States shall be entitled to the same measures of assistance for landing, particularly in case of distress, as national aircraft. Moreover, Article 24 stipulates that every aerodrome in a contracting State which, upon payment of charges, is open to public use by its national aircraft, shall likewise be open to the aircraft of all the other contracting States. These two principles, which are very closely connected, regulate the delicate question of the treatment of aircraft in foreign territory on the basis of complete uniformity.
- (d) Salvage regulations. In accordance with Article 23, the principles of maritime law will apply to the salvage of aircraft wrecked at sea, in the absence of any agreement to the contrary. This provision, which is extremely elastic, shows the desire of the authors of the 1919 Convention to avoid framing, in a question so closely related to the principles of maritime law, regulations diverging from those principles—which might easily have been the case if an attempt had been made to draw up special rules of air law. Another, and still more important, consideration is that, by virtue of its general character, this clause makes it possible to adapt, as it were automatically, to the question of the salvage of aircraft at sea any improvement in the rules of maritime law which may be effected as a result of the efforts of all States interested

in maritime navigation. When Article 23 was drawn up, it could only refer to the Brussels Convention of September 23rd, 1910 (signed at London in 1914 and known as the "Titanic Convention", which was ratified by a small number of States only). However, a new Convention for the safety of human life at sea has recently been signed in London (May 31st, 1929); this Convention was very carefully drawn up and is an improvement on the Brussels Convention. There is no doubt that when this Convention has been ratified and has come into force, the application of the stipulations of Article 23 of the Paris Air Convention will be based on the London Convention.

(e) Obligation of the Contracting States as regards National Aircraft flying abroad. — The last article of Chapter V under examination (Article 25) is of great importance from the point of view of international flight. Under that article, "each Contracting State undertakes to adopt measures to ensure that every aircraft flying above the limits of its territory, and that every aircraft, wherever it may be, carrying its nationality mark, shall comply with the regulations contained in Annex D". Annex D to the Paris Convention constitutes a practically complete code of air navigation and contains detailed regulations concerning lights, signals, air navigation in general, ballast, etc. Consequently, in virtue of the engagements entered into by States under Article 25, compliance with these regulations on the part of all aircraft flying over the territory of any contracting State is fully ensured. The authors of the Paris Convention were particularly desirous of ensuring this standardisation of regulations since, in accordance with the last paragraph of Article 25, each State undertakes to ensure the prosecution and punishment of persons contravening these regulations: this special engagement exists alongside the engagements relating to the application in general of any clause of the Convention.

Ad Chapter VI. - Prohibited Transport.

This chapter, which includes Articles 26, 27 28 and 29, prohibits in the first place the carriage by aircraft of explosive, and of arms and munitions of war. It also provides that States may prohibit or regulate the carriage and use of photographic apparatus and any other objects, adding that, in this latter case, the restrictions must apply equally to national and foreign aircraft. These regulations, which are imposed for reasons of public safety, protection from espionage, etc., are quite comprehensible and need no comment.

Ad Chapter VII. - State Aircraft.

(a) Definition of Aircraft—Limits of Applicability of the Convention. — This chapter is a very important one, as a definite distinction is drawn between aircraft coming under the Convention and those to which it does not apply. Article 30 provides that the following are deemed to be State aircraft:

Military aircraft; Aircraft exclusively employed in State service, such as posts, Customs, police.

Every other aircraft is deemed to be private aircraft. The article adds that all State aircraft other than military, Customs and police aircraft shall be treated as private aircraft, and as such shall be subject to all the provisions of the Convention.

As can be seen, a very clear distinction is made: it is obvious, however, that the interpretation of this article (i.e., the application of "all the provisions of the Convention" to any particular aircraft) depends on the meaning attributed to these words and especially to the words: military aircraft.

(b) Military Aircraft. — Article 31 states that:

"Every aircraft commanded by a person in military service detailed for the purpose shall be deemed to be a military aircraft."

There has been a great deal of discussion as to the precise meaning of this article, in which the subjective factor (the person in charge) and not the objective factor (actual characteristics of the aircraft) determines whether an aircraft is a military aircraft. We have merely touched on this question with a view to indicating its importance.

Articles 32 and 33 which follow lay down the principles regulating the flight of military, Customs and police aircraft beyond the frontiers of their own country; in principle this flight is not allowed without the special authorisation of the State flown over, and military aircraft enjoys, in the absence of a special stipulation, the privileges customarily accorded to foreign ships of war.

Ad Chapter VIII. - International Commission for Air Navigation.

This chapter, which consists solely of Article 34, deals with the organisation and duties of the International Commission for Air Navigation—frequently referred to by its initials "Cina" (Commission Internationale de Navigation Aérienne).

We have already had occasion to say something about the important part played by Cina in the revision of the Paris Convention. We regret that the necessity for preserving the balance between the various parts of our survey prevents us from giving a full description of this important organisation which, in accordance with Article 24 of the Covenant, is placed under the direction of the League of Nations. We should, however, like to draw attention to the difference between the ordinary bureaux of international associations, whose administrative and executive functions are well-known, and Cina, which, in addition to those same functions, has extensive legislative, judicial and advisory powers.

The functions of Cina are set forth in Article 34 of the Paris Convention. We will endeavour to classify them as follows:

(a) Administrative functions. — These duties may be summarised as follows:

To receive proposals from or to make proposals to any of the contracting States for the modification or amendment of the provisions of the Convention (Article 34 (a));

To notify States of the changes adopted (ditto);

To carry out the duties imposed upon it by various articles of the Convention by collecting and publishing information of every kind concerning international air navigation, more especially that relating to wireless telegraphy, meteorology, maps, etc. (Article 34 (b), (d), (e) and (f)).

(b) Legislative Powers. — These powers, which are very extensive, distinguish Cina from the bureaux of other international associations, and also give rise to juridical relations for which there is no precedent in international law.

It should be noted, in the first place, that the provisions of the Convention of October 13th, 1919, fall into two separate groups: the first consists of the Articles of

the Convention proper, together with Annex H (Customs), while the second comprises the first seven Annexes to the Convention (A to G), which are technical regulations.

The powers of Cina to frame rules of law differ according to whether these rules relate to the first or second group of clauses.

As regards proposals to amend the provisions of the first group, Cina (Article 34, sixth paragraph) has the power to examine and discuss any modifications and to propose them for the acceptance of the contracting States if they have been approved by at least two-thirds of the total possible votes. Such modifications must be formally adopted by the contracting States before they become effective. As can be seen, Cina possesses in this matter powers similar to those of the revisory organs of other international Unions: it examines rules of law and embodies them in a Protocol, but these rules do not come into force until the Protocol has been ratified by the States concerned.

On the other hand, the powers of Cina as regards the second group of provisions are more extensive. Under Article 34, paragraph (c), any modification of those provisions may be made by Cina itself, when such modifications have been approved by the number of votes specified in that Article, and the modification shall become effective from the time when it shall have been notified by Cina to all the contracting States, The unique nature of the powers conferred on Cina is obvious: the Commission may, in fact, frame rules of law which become, as it were, automatically binding on the contracting States without the necessity for the latter to signify their accession by the usual procedure of ratification. The explanation of this unique system is to be found in the actual nature of the second group of provisions, which relate to technical regulations, amendments to which need to be examined and brought into force with great rapidity owing to the rapid development of air navigation. These are the reasons which justify this unusual procedure. It constitutes an important innovation from the juridical point of view, and shows an obvious desire to eliminate any obstacles io the fulfilment of the needs of international air navigation, the number of which is tncreasing almost daily by reason of its rapid expansion.

- (c) Judicial Powers. The judicial powers of Cina correspond to its legislative powers. In accordance with Article 37, it may settle any disagreement relating to technical regulations, i.e., to the second group of provisions; on the other hand, any dispute concerning the Convention proper, i.e., the first group of provisions, must be referred to the Permanent Court of International Justice (the Protocol of June 15th, 1929, provides for settlement of such cases by arbitration if one of the States concerned in the dispute has not accepted the protocols relating to the Court of International Justice).
- (d) Advisory Powers. Finally, Cina has advisory powers conferred upon it by Section (g) of Article 34, under which the Commission is also required to give its opinion on questions which the States may submit for examination. Since Cina is placed under the direction of the League of Nations, its opinion may also be requested by the League. Such requests have already been made by the League on several occasions, as will be seen later.

Having summarised the important powers conferred by the Convention of October 13th, 1919, on the permanent organ set up under that Convention, we should like to say a few words as to the more or less predominant part played by the various States in the decisions of Cina. The regulations relating to the number of votes given to each

State in Cina have been substantially modified. Article 34 of the Convention originally assigned two votes to each of the five Great Powers (United States of America, the British Empire, France, Italy and Japan), and only one vote to each of the other Powers. In the Protocol of June 30th, 1923, a step in the direction of equal voting rights was taken, each Power being allowed one vote only; it was stipulated, however, that the majority required for the adoption of resolutions should include at least three out of the five Great Powers mentioned above. This rule is at present in force; absolute equality as between all States was, however, introduced into the Protocol of June 15th, 1929, which provides that each State shall have one vote and no votes shall have greater weight than others. This equality was made still more complete by the recent Protocol of December 11th, 1929, which, as already stated, confers a separate vote on each of the different parts of the British Empire.

We should like to add a word or two with regard to the financial organisation of Cina: the expenses of this organ are at present borne by the States in varying proportions, according to their voting rights; however, this rule was modified by the Protocol of June 15th, 1929, which provides that all States shall have equal voting rights and that Cina shall itself have the right to determine the system of allocation of the Commission's expenses.

Space does not permit of a fuller examination of the nature and operation of this extremely important organ, but we hope that this brief outline of its work will serve to indicate the important part played by Cina in international co-operation for the development of air navigation and also the efforts made by the States participating in the Commission's work to avoid any cause of friction and to ensure equality of treatment for all States, so that they may achieve the object which they so greatly desire—namely, a universal air union.

Chapter IX. - Final Provisions.

- (a) Co-operation of States in regard to Air Navigation. Under Article 35 of the Convention, the contracting States undertake to co-operate as far as possible in international measures concerning the collection and dissemination of meteorological information (in accordance with the provisions of Annex G), the publication of standard aeronautical maps (in accordance with Annex F) and the use of wireless telegraphy in air navigation. Article 36, while recognising the importance of special agreements relative to Customs (Annex H to the Convention), accords to States the right to conclude special protocols in respect of Customs, air police, posts and any other matters of common interest. These two Articles merely confirm the possibility for all States parties to the Paris Convention to form closer reciprocal ties in the interest of the development of air navigation, provided that they conform to the general principles laid down in the Convention.
- (b) Settlement of Disputes relating to the Interpretation of the Convention. This matter is governed by Article 37. We have already referred to this Article in connection with the judicial powers of Cina and need not discuss it further.
- (c) Effect of a State of War on the Paris Convention. Article 38 provides that in case of war the provisions of the Convention shall not affect the freedom of action of the contracting States, either as belligerents or as neutrals. This is another principle which reveals the nature of the Paris Convention and shows that it is to apply in

time of peace alone: the authors had no desire to restrict the freedom of contracting States in the event of a conflict. The achievement of a sincere understanding between States which is so greatly desired, with a view to removing the risk of this contingency, has been left to other treaties and other international organisations: the Paris Convention regulates air navigation in peace time only and its limits are defined in Article 38.

- (d) Clauses relating to the Territorial Application of the Convention. These provisions are contained in Article 40, the first paragraph of which, in its present wording, states that the British Dominions and India are deemed to be States for the purposes of the Convention. However, this first paragraph was omitted from the Protocol of December 11th, 1929. The deletion is perfectly logical since, in the Protocol, a separate vote is granted to each part of the British Empire—which implies the recognition of each as a State. The second paragraph of Article 40 deals with the question of protectorates and territories administered by mandate in the name of the League of Nations, and provides that these territories and their nationals shall be assimilated to the territory and nationals of the protecting or mandatory States.
- (e) Conditions of Adhesion to the Convention. This question is governed by Articles 41 and 42; the former stipulates that States which did not take part in the war of 1914-1919 may adhere to the Convention by a notification addressed to the Government of the French Republic. Article 42 deals with the adhesion of States "which took part in the war of 1914-1919 but which are not signatories of the Convention"—i.e., Germany and her allies. Adhesion was permitted ipso facto if the State concerned became a Member of the League of Nations; otherwise this adhesion was subject to the consent of the States parties to the Convention. We merely mention this Article for reference purposes, as it was deleted by the Protocol of June 15th, 1929, in which the question of adhesion was settled by amending Article 41 as follows: "Any State shall be permitted to adhere to the present Convention. This adhesion shall be notified to the Government of the French delegation and by it to all the signatory or adhering States."

Ad Annexes to the Paris Convention.

We have mentioned these various Annexes in discussing the articles of the Convention and think it has been clearly shown that these Annexes form supplementary texts to the Convention. We shall therefore merely give their headings, so that the general scope of these technical regulations may be seen:

Annex A: The marking of aircraft and call signs;

Annex B: Certificates of airworthiness;

Annex C: Log books;

Annex D: Rules as to light and signals: rules of the air;

Annex E: Minimum qualifications necessary for obtaining certificates as pilots and navigators;

Annex F: International aeronautical maps and ground markings;

Annex G: Collection and dissemination of meteorological information;

Annex H: Customs.

IBERO-AMERICAN CONVENTION RELATING TO AIR NAVIGATION.

ORIGIN OF THE CONVENTION.

The Ibero-American Convention relating to Air Navigation, signed at Madrid

on November 1st, 1926, owes its origin to Spanish official initiative.

The Spanish Government did not take part in framing the Convention of October 13th, 1919, but shortly after the signature of that Convention it was present at a Conference which met at Copenhagen in December 1919, the participant States being Denmark, Finland, the Netherlands, Norway, Spain, Sweden and Switzerland. The object of this Conference was to examine very closely the Paris Convention and to formulate modifications which might enable the above countries to adhere to it. The observations of the Conference mainly related to Articles 5 and 34 of the Paris Convention which, as already stated, were subsequently amended by Cina by two Protocols dated October 27th, 1922, and June 30th, 1923, which met practically all the proposals of the Copenhagen Conference.

A second Conference of ex-neutral countries, having a similar object, met at Copenhagen in September 1922. Spain did not take part in that Conference; on the other hand, she appeared to show her desire to ignore the Paris Convention by proposing the formation of a large new Air Union of all the Ibero-American countries. For this purpose she convened a Conference at Madrid, as the outcome of which the Ibero-American Convention, the principles of which we are about to examine, was signed by the representatives of the following twenty-one Powers:

Argentine
Bolivia
Brazil
Chili
Colombia
Costa Rica
Cuba
Dominican Republic
Ecuador
Guatemala
Honduras

Mexico
Nicaragua
Panama
Paraguay
Peru
Portugal
Salvador
Spain
Uruguay
Venezuela

If our information is correct, the Ibero-American Convention has, up to the present, been ratified by the following seven countries alone:

Argentine Costa Rica Dominican Republic Mexico Salvador Paraguay Spain

Consequently, in accordance with the last paragraph of Article 42, the Convention is at present in force for each of these seven Powers only as between it and the other States which have already deposited their ratifications.

Examination of the Principles of the Convention.

The general structure of the Ibero-American Convention is identical to that of the Convention of October 13th, 1919. It consists of forty-three Articles, divided into nine chapters bearing the same heading as the chapters of the Paris Convention. The Ibero-American Convention is supplemented by technical regulations: unlike the Paris Convention, however, there are only five sets of regulations, contained in Annexes corresponding to Annexes A to E of the 1919 Convention. Consequently, the Madrid Convention does not deal with international cartography, the collection of meteorological information and the Customs régime (Annexes F to H of the Paris Convention). Article 36, however, provides that provisions relative to Customs in connection with air navigation shall be the subject of a special agreement and shall be determined temporarily by the laws and regulations in force in each country.

The commendable desire of the authors of the Madrid Convention to make only such differences between their text and that of the Paris Convention as were considered strictly indispensable is obvious, and is clearly shown by certain stipulations such as Section VIII of Annex A, which provides that the nationality mark of the contracting States shall, as far as possible, be the same as the mark assigned to it in other inter-

national conventions.

The foregoing explanation will enable us to confine our attention to the stipulations of the Madrid Convention which differ in substance from the principles of the Paris Convention. The chief stipulations are:

Ad Article 5. — In accordance with this article, the contracting States are entirely free either to authorise or to prohibit the flight over their territory of aircraft possessing the nationality of a non-contracting State. The difference between this provision and the corresponding article of the Paris Convention is obvious, even if we base our comparison on the amended formula contained in the Protocol of June 15th, 1929. The Madrid Convention leaves each contracting State entirely free to establish air relations with any other non-contracting State. It is somewhat surprising that unrestricted freedom should be granted and that the Convention does not even provide that it is the duty of each contracting State to reserve, at all events, most-favourednation treatment for the aircraft of all other contracting States. On the other hand, Article 5 of the Paris Convention, even in its new drafting, provides that air relations between contracting and non-contracting States can only be established by the conclusion of special agreements, the stipulations of which must not infringe the rights of the other States adhering to the general Convention, and their objects must not be contradictory to the principles of that Convention. Accordingly, strict conformity must be maintained between the juridical relations established by the Paris Convention and the relations which may be established by each of the States adhering to that Convention with any other State-conformity as regards form by the conclusion of special agreements, and conformity as regards substance by the fact that these agreements must be based on the general Convention and not infringe the rights of the other adhering States. This matter is not dealt with in Article 5 of the Ibero-American Convention.

Ad Article 7. — The first two paragraphs of this article reproduce word for word the text of the Paris Convention (original drafting still in force); two new paragraphs are, however, added, enabling each State to lay down regulations for the registration of its aircraft. If any Ibero-American State finds any incompatibility between the

requirements laid down in the said article for allocating the nationality to an aircarft and its own legislation, it may incorporate the necessary reservation in an additional Protocol to the Convention. Any State making such a reservation shall be free to lay down regulations for the registration of its aircraft and flight above its territory. Article 7 also endeavours to reconcile this right with the rules laid down in the first two paragraphs, by adding that the State in question may in no case grant the advantages specified in the Convention to the other adhering States except in the case of aircraft which fulfil all the requirements expressly defined in the first two paragraphs of the article.

As can be seen, the treatment of this extremely delicate question in the Madrid Convention marked a considerable improvement over the original wording of Article 7 of the Paris Convention. This is no longer the case, however, now that this article has been amended by the Protocol of June 15th, 1929, under which, as stated above, each State is free to register its aircraft in accordance with its municipal law.

Ad Article 12. — The only difference between this article and the corresponding article of the Paris Convention is that it requires "tout membre du personnel de bord" of an aircraft to be provided with certificates of competency and licences, whereas the Paris Convention refers solely to the "personnel de conduite". The difference does not appear to be a purely formal one; the term "personnel de conduite" apparently means members of the operating crew of any aircraft, whereas the term "personnel de bord", also includes members of the crew whose duties have nothing to do with the actual running of the aircraft, such as the wireless operator.

It should be noted, however, that Annex E of the Ibero-American Convention lays down the conditions for the issue of pilots' and navigators' certificates only, in accordance with Annex E of the Paris Convention, so that it is doubtful whether the formula "personnel de bord" should be interpreted as above, since, in that case, the Annex to which this article refers would be to some extent incomplete.

Ad Article 18. — A comparison of the text of this article with that of Article 18 of the Paris Convention shows that a slight addition has been made: it provides that aircraft to which this article applies shall be exempt from any seizure or sequestration (embargo). The addition was probably made with a view to adapting the stipulations of this article to the special form of seizure in force under the legislative system of certain countries which are to apply the Convention.

Ad Article 34. — Just as under Article 34 of the Paris Convention, the permanent organ of the Air Union set up by the 1919 Convention was instituted under the name of the International Commission for Air Navigation, under the corresponding article of the Ibero-American Convention an Ibero-American Commission for Air Navigation (Ciana) was constituted. As regards the constitution and operation of these two organs the following differences may be mentioned:

- (a) The Convention does not place Ciana under the direction of the League of Nations;
- (b) Each contracting State has only one representative on Ciana and only one vote; consequently this system differs from that at present in force in the case of Cina; however, once the Protocol of June 15th, 1929, comes into operation, this difference between Cina and Ciana will be eliminated.

- (c) The first meeting of Ciana will be held at Madrid and will be convened by the Spanish Government as soon as the majority of the contracting States have ratified the Convention.
- (d) The expenses of organisation and operation of Ciana will be borne by the State on whose territory it meets. This clause is somewhat vague since, according to the third paragraph of Article 34, the Ciana will be free to meet in such places as it may deem convenient. While it is understandable that the expenses connected with the organisation and running of any particular session should be borne by the State in whose territory the meeting is held, it is not clear what system will be adopted for the allocation as between the contracting States of the overhead expenses of the offices, which must be kept open even in the intervals between the various sessions.
- (e) As regards the system proposed for the amendment of the Convention, the differences between the powers of Ciana and those of Cina are purely formal: we do not think it necessary to mention them, and will merely state that these differences relate solely to the formulation of the rules referring to the majority required for the adoption of certain amendments.

Ad Article 36. — We have already touched on this article, which provides that questions relative to Customs shall be the subject of a special agreement and shall be determined temporarily by the laws and regulations in force in each country. The Paris Convention was supplemented from the outset by a special agreement of this kind which appears as Annex H: consequently, Article 36 of that Convention merely refers to this Annex.

Ad Article 37. — As we have seen, Article 37 of the Paris Convention recognises the competence of the Permanent Court of International Justice to settle any dispute relating to the interpretation of the Convention; this procedure was confirmed by the Protocol of June 15th, 1929, which also provides for settlement by arbitration in cases where one of the States concerned has not accepted the protocols relating to the Court. On the other hand, the Ibero-American Convention contains no reference to the Permanent Court of International Justice but the Convention provides explicitly for arbitration as the normal procedure for the settlement of any disagreement relating to the interpretation of the Convention. Any dispute relating to the Annexes is to be settled by Ciana, whose powers in this connection are similar to those of Cina.

Ad Article 41. — As we have seen, Articles 41 and 42 of the Paris Convention in their original drafting adopted different criteria for the adhesion of various States to the Convention, according to the part played by each in the war of 1914-1919. No discrimination of this kind exists in Article 41 of the Ibero-American Convention and, needless to say, this Convention contains no stipulations corresponding to those of Article 42 of the Paris Convention, which was, moreover, deleted by the Protocol of June 15th, 1929. The former Convention simply provides that States which are not Ibero-American shall be permitted to adhere to the Madrid Convention.

Ad Article 43. — This article which, for obvious reasons, has no counterpart in the Paris Convention, stipulates that the signature of the Ibero-American Convention does not imply the cancellation of agreements concluded on aeronautical questions

in previous Conventions by the Ibero-American contracting States. This clause, which is of great political importance, clearly shows a desire on the part of the Governments which participated in the framing of the Madrid Convention to respect engagements undertaken by each as a result of the signature of the Paris Convention or other agreements. We would point out, however, that this article refers solely to the past and does not provide in any way for the future: in other words, it does not state whether a country after signing the Madrid Convention, may adhere to other collective air conventions or conclude other separate air agreements. It is true that Article 5 provides that the contracting States shall be entirely free either to authorise or prohibit the flight over their territory of aircraft possessing the nationality of a non-contracting State, but this article does not make it clear whether this freedom includes the signature of formal acts (stipulations of new conventions) or refers solely to the occasional admission of the aircraft in question.

Ad Annexes. — As regards the Annexes, we have already stated that the Ibero-American Convention reproduces practically word for word the first five Annexes of the Paris Convention. The differences between the two texts are too small to mention, with the exception of Section VIII of Annex A, regarding the registration marks of aircraft, to which we have already referred.

To complete our comparison of the two Conventions, we would add that all the powers conferred by the 1919 Convention on the French Government as regards the deposit of the instruments of ratification, the notification of denunciations and the convening of the Commission for the first time, etc., are conferred by the Ibero-American Convention on the Spanish Government.

PAN-AMERICAN CONVENTION RELATING TO COMMERCIAL AVIATION.

ORIGIN OF THE CONVENTION.

The Pan-American Convention relating to commercial aviation is the most recent of the three collective agreements regulating air traffic between a large number of States. It forms part of the important work of juridical co-operation undertaken by all the American countries in application of the principle that all the American Powers should endeavour to regulate certain questions in common, in accordance with purely continental interests.

As is known, in application of this principle, Pan-American Conferences are held periodically. At the fifth of these Conferences, which met at Santiago de Chile in 1923, the desirability of framing a draft collective convention relating to air navigation was recognised and a special technical commission, known as the Inter-American Commission for Commercial Aviation, was set up for the purpose. The findings of this Commission which were co-ordinated at a meeting held at Washington in 1927, were used as a basis by the Council of the Pan-American Union for the drafting of a Convention which was submitted to the Sixth Pan-American Confrence held at Havana from January 10th to February 20th, 1928. This draft, which was discussed at length by the Conference, was signed, after considerable amendments had been

made, on February 20th by the representatives of the twenty-one Powers mentioned below:

Argentine
Bolivia
Brazil
Chile
Colombia
Costa Rica
Cuba
Dominican Republic
Ecuador
Guatemala

Haiti

Honduras Mexico Nicaragua Panama Paraguay Peru Salvador United States Uruguay Venezuela

If our information is correct, the Pan-American Convention has, up to the present, been ratified by the three following countries only: Mexico, Nicaragua and Panama. In accordance with Article XXXIV, the Pan-American Convention is at present in operation only as between the three Powers mentioned above.

Examination of the Principles of the Convention.

As we have seen, the Ibero-American Convention relating to air navigation, both as regards its articles and annexes, is practically a word-for-word translation of the Convention of October 13th, 1919, and only diverges from that text in cases where substantial changes were necessary. This does not apply to the Pan-American Convention which, although it also is based on the Paris Convention, differs appreciably from the latter even in drafting. From this point of view, it should be noted that:

- (a) The Pan-American Convention has only thirty-seven articles;
- (b) The arrangement of the subject-matter is different and the articles are not divided into chapters;
- (c) No technical regulations are attached to the Convention either in the form of annexes or in any other form.

The differences in substance between the Havana Convention and the two collective Conventions which preceded it are, however, still more marked, and the precise nature of these differences can only be made clear by an examination of the various Articles, which we will endeavour to make as short as possible.

Ad Article I. — This article recognises the sovereignty of each State over the air space above its territory; the fundamental principle of the Havana Convention is thus the same as that of the two Conventions which preceded it. It should be noted, however, that, in referring to national territory, the Pan-American Convention does not mention colonies, so that the application of the principle in question appears to be limited to the home country.

Ad Article II. — In accordance with this article, which has no counterpart in the Paris and the Madrid Conventions, the Pan-American Convention applies exclusively to private aircraft, i.e., any aircraft which is not deemed to be State aircraft in accordance with Article III which follows. The definition of State aircraft contained

in that article, is identical to that given in Article 30 of the Paris Convention, except as regards the formula: "military and naval aircraft" which replaces the general formula: "military aircraft".

Ad Article IV. — This article, which deals with the right of innocent passage, is identical to Article 2 of the Paris Convention.

Ad Article V. — Under this article, each State has the right to prohibit, "for reasons which it deems convenient in the public interest", flight over fixed zones of its territory. This article corresponds to Article 3 of the Paris Convention. Equality as between national and foreign aircraft, as regards this prohibition, is also provided for; it is stated, however, that this equality applies only to aircraft "employed in the service of international commercial aviation". This article also stipulates that each contracting State may prescribe the route to be followed over its territory by foreign aircraft, except in cases of force majeure, covered by Article XVIII.

Ad Article VI. — This article provides that every aircraft over a prohibited area shall be obliged to land in the nearest aerodrome "which is considered as an international airport by the subjacent State". It should be noted that Article 4 of the Paris Convention merely stipulates that the aircraft shall land "at one of the nearest aerodromes of the State unlawfully flown over".

Ad Articles VII and VIII. — These two articles deal with the nationality and registration of aircraft. The former provides that aircraft shall have the nationality of the State in which they are registered and cannot be validly registered in more than one State; consequently, it conforms to the principles of the Paris Convention. Article VIII lays down the principle that the registration of aircraft shall be made in accordance with the laws and special provisions of each contracting State: it thus differs from the present wording of Article 7 of the Paris Convention. It should be borne in mind, however, that this latter article was amended by the Protocol of June 15th, 1929, in accordance with the principle laid down by the Pan-American Convention.

Ad Article IX. — After establishing the principle that every aircraft must carry a distinctive mark of its nationality, this article authorises the various contracting States to agree upon the nature of that mark. There is thus a considerable difference between the Havana Convention and the Paris Convention, Annex A of which regulates all the technical details concerning the question.

Ad Article X. — This article corresponds to Article 19 of the Paris Convention and specifies the certificates and documents to be carried by every aircraft engaged in international navigation. We would merely add that this article, the purpose of which is to ensure uniformity in these matters, is supplemented in the 1919 Convention by Annex C, which contains full details of the particulars to be given in the log-book.

Ad Article XI. — In virtue of this article, each contracting State must file with every other State party to the Convention and with the Pan-American Union, a copy of all registrations and cancellations of registrations of aircraft "engaged in international navigation as between the several Contracting States". This clause appears to differ from Article 9 of the Paris Convention, which provides for the exchange of information in regard to all aircraft and not merely aircraft engaged in international navigation.

Ad Article XII. - This article stipulates that every aircraft engaged in international navigation must be provided with a certificate of airworthiness. This certificate issued by the competent authority of one of the contracting States is, in principle, recognised as valid by any other State. These clauses are very similar to the stipulations of Article 13 of the 1919 Convention; however, the fifth paragraph of Article XII of the Havana Convention contains a new clause of considerable importance. In virtue of this paragraph, each State reserves the right " to refuse to recognise as valid the certificate of airworthiness of any foreign aircraft where inspection by a duly authorised commission of such State shows that the aircraft is not, at the time of inspection, reasonably airworthy in accordance with the normal requirements of the laws and regulations of such State concerning the public safety' In such cases, the State concerned may refuse to permit further transit by the aircraft through its air space. As can be seen, the absolute value of any certificate of airworthiness issued by the competent authority of another State, as recognised by the Paris Convention, is in this case impaired by the fact that each State may subject any aircraft to technical inspection and may forbid further flight above its territory. It should be borne in mind, however, that, in virtue of the stipulations of Annex B and of the detailed technical regulations drawn up by Cina, States adhering to the 1919 Convention are required, when issuing certificates of airworthiness, to conform to uniform principles and rules. No regulations of this kind are in force as regards States adhering to the Havana Convention, so that the measures referred to above appear to be justified by that fact; at the same time, they may cause considerable inconvenience to aircraft.

Ad Articles XIII and XIV. — These two articles govern the question of the certificates of competency with which every member of the crew of an aircraft engaged in international navigation between the several contracting States must be provided. In principle, the stipulations of these articles do not differ from the rules formulated by the Paris Convention in Articles 12 and 13; the absence of technical regulations in the Pan-American Convention has, however, compelled its authors to amplify certain paragraphs of these articles. For instance, Article XIII stipulates that each certificate must set forth that its owner not only fulfils the requirements of the State issuing the document, but has also passed a satisfactory examination with regard to the traffic rules existing in the other contracting States over which he desires to fly. A clause of this nature would obviously be superfluous in the Paris Convention, Annex D of which lays down uniform traffic regulations for all contracting States.

Ad Article XV. — The only point which needs to be mentioned in this article, which stipulates that the carriage by aircraft of explosives, arms and munitions of war is prohibited, is that it expressly prohibits the transport of these articles by aircraft which are "simply in transit".

Ad Article XVI. — This article, which deals with the carriage and use of photographic apparatus by aircraft, corresponds exactly to Article 12 of the Paris Convention.

Ad Article XVII. — This article deals with the right of any contracting State to prohibit the transport and use of articles other than those mentioned in Articles XV and XVI. It corresponds, except as regards wording, to Articles 28 and 29 of the Paris Convention.

Ad Articles XVIII and XIX. — These two articles contain stipulations concerning the crossing of frontiers between the points previously indicated by the States concerned, the obligation to land only at Customs aerodromes, and the safeguarding

in general of the Customs interests of States. They have no exact counterpart in the articles of the Paris Convention but correspond to the general principles laid down in that Convention, and more especially in Annex H (Customs).

Ad Article XX. — On the other hand, this article corresponds to Article 21 of the Paris Convention, which deals with the right of the authorities of a contracting State to visit foreign aircraft, the documents with which it must be provided, etc.

Ad Article XXI. — This article deals with the treatment on a footing of complete reciprocity enjoyed by the aircraft of any contracting State, as regards the exercise of commercial operations in the territory of the other States. These clauses have no counterpart in the Paris and Madrid Conventions; they emphasise the eminently commercial nature which the authors of the Havana Convention desired their text to have.

Ad Article XXII. — This article grants to each State the right to establish reservations and restrictions in favour of its own national aircraft in regard to commercial transportation between two points of its territory. It corresponds to Article 16 of the Paris Convention; it should be noted, however, that the latter, in virtue of Article 17, provides that the aircraft of any State which establishes reservations may be subjected to the same reservations in any other contracting State, even though the latter State does not itself impose these reservations on other foreign aircraft; this principle of reciprocal treatment is not provided for by the Pan-American Convention.

Ad Article XXIII. — In virtue of this article, the establishment and operation of aerodromes will be regulated by the legislation in force in each country, equality of treatment being observed. It is supplemented by Article XXIV, which provides for equality of treatment for all aircraft, whether national or foreign, as regards aerodrome charges. These articles reproduce in another form the principles laid down by Article 24 of the Paris Convention.

Ad Article XXV. — According to the stipulations of this article, the commander of an aircraft, so long as a contracting State shall not have established appropriate regulations, shall have rights and duties analogous to those of the captain of a merchant steamer, according to the respective laws of each State. This clause, which establishes a connection between maritime law and air law, has no counterpart in the Paris Convention; it should be noted that, in this article, an attempt is made to regulate the question, which had hitherto remained outstanding, of the juridical status of an aircraft commander. Moreover, the clause in question introduces into a conventional text of public law principles which may have important consequences, even in the domain of private law, if the general formula "duties of the commander" is taken to mean "responsibility of the commander".

Ad Articles XXVI and XXVII. — These two articles refer respectively to Articles 22 and 23 of the Paris Convention, since they refer to the salvage of aircraft lost at sea (which matter, in the absence of any agreement to the contrary, is regulated by the principles of maritime law) and the right of any aircraft in distress to receive "all possible aid".

Ad Article XXVIII. — According to this article, which has no counterpart in the Paris Convention, reparations for damages caused to persons or property located in the subjacent territory shall be governed by the laws of each State. In this clause, the authors of the Havana Convention appear to recognise the impossibility of regulating by a uniform conventional text the delicate question of compensation to third parties. We should like to stress the importance of this conclusion, which ignores

the efforts made by various official or private international organisations for some years past to find a satisfactory solution of the problem, and to mention the important work which is being done in this connection by the Technical Committee of Legal Experts on International Air Questions. (T. C. L. E. I. A. Q.).

Ad Article XXIX. — This is an exact reproduction of the provisions of Article 38 of the Paris Convention. It provides that in case of war the stipulations of the Pan-American Convention shall not affect the freedom of action of the contracting States either as belligerents or as neutrals.

Ad Article XXX. — This article grants contracting States the right to conclude between themselves special agreements relating to international air navigation, provided that these agreements do not impair the rights of the other contracting States. It reproduces in a very different form the provisions of Article 36 of the Paris Convention. It should also be noted that the last paragraph of Article XXX provides that nothing in the Pan-American Convention shall affect the rights and obligations established by existing treaties. Consequently, the Havana Convention, like the Madrid Convention (see Article 43), is careful to state that signature of the Convention does not imply cancellation of obligations previously entered into through the adhesion to other air Conventions.

Ad Article XXXI. — Under this article, the States parties to the Pan-American Convention undertake to co-operate in inter-American measures concerning the collection and distribution of meteorological information, the publication of uniform aeronautical charts, the use of wireless telegraphy, and the establishment of the necessary wireless stations. These clauses are based on Article 35 of the Paris Convention; the latter, however, contains regulations governing this delicate and important work. Annex G to the Convention lays down the principles governing the operation of meteorological services and Annex F sets forth rules for the making of international aeronautical maps; the Convention also provides for the setting-up of a permanent organ—Cina—which seems to us to be indispensable for the collection and distribution of technical information. No provisions of this kind exist in the Havana Convention, and it is highly probable, therefore, that many practical difficulties will be encountered in regard to the co-operation contemplated in Article XXXI.

Ad Article XXXII. — All States parties to the Pan-American Convention must procure as far as possible uniformity of laws and regulations governing aerial navigation. This principle is laid down in Article XXXII, which has no counterpart in the Paris Convention. The Pan-American Union will co-operate with the Governments of the contracting States in order to attain the desired uniformity of legislation. This article also provides that each of the contracting States shall exchange with the other States copies of its air traffic rules and "requirements as to competency for members of the operating crew and the requirements for airworthiness of aircraft intended to engage in international commerce". It should be noted that the necessity for all these exchanges, which obviously involve a great deal of work, is due to the summary nature of the Havana Convention: this work would not have been required if that Convention had been supplemented by technical regulations containing uniform provisions regarding the competency of the members of the crew, or if it had entrusted to a

central organ similar to Cina and Ciana the task of framing uniform regulations for the issue of certificates of airworthiness for aircraft and any other regulations relating to technical questions of general interest.

Ad Articles XXXIII, XXXIV, XXXV. — These articles contain formal clauses concerning the deposit of ratifications of the Convention, its entry into force and possible accessions. In this respect it should be noted that any State may adhere to the Havana Convention simply by giving notice to the Cuban Government. It may be concluded that the Convention, although it has been drawn up in the special interests of American countries, is open to the accession of States of any other continent. This universal tendency is shared by the Havana Convention with the Madrid and Paris Conventions—in the latter case in the form assumed by that Convention as a result of the amendments introduced by the Protocol of June 15th, 1929, to Article 41.

Ad Article XXXVI. — The settlement of disagreements relating to the interpretation and execution of the Pan-American Convention is to be submitted to arbitration, as specified in Article XXXVI. In this respect the Havana Convention is similar to the Madrid Convention; consequently it differs considerably from the Paris Convention, which recognises the competence of the Permanent Court of International Justice and only provides for arbitration in exceptional cases, where States have not accepted the Protocols relating to the Court.

Ad Article XXXVII. — This final article refers to the denunciation of a Convention by any contracting State. It is based on Article 43 of the Paris Convention and Article 42 of the Madrid Convention, except as regards the period after which the denunciation shall take effect, which is six months instead of one year.

SEPARATE AGREEMENTS CONCLUDED BETWEEN VARIOUS COUNTRIES.

Various countries which have acceded to one or other of the collective Conventions examined above and also others which have not adhered to any of the said Conventions have concluded separate agreements of varying origin and scope relating to air navigation.

In some cases the agreements are of a general character and regulate the general juridical relations in regard to air navigation between the two contracting countries in the same way as the collective Conventions of Paris, Madrid and Havana regulate those relations as between the adhering States.

In other cases the separate agreements relate to special questions and are supplementary to the collective Conventions or separate general agreements already concluded by the States concerned.

These two classes of agreements must therefore be discussed separately.

SEPARATE AGREEMENTS OF A GENERAL CHARACTER.

The number of these agreements is comparatively large and we therefore give in Annex B a table showing the relations between various countries on this matter. A list of these agreements is given below:

List of Separate Agreements of a General Character at present in force.

| 1. Great Britain-Switzerland: Provisional Convention relating to Air Navigation | November 6th, 1919 |
|---|----------------------|
| 2. France-Switzerland: Convention relating to Air Navigation. | December 9th, 1919 |
| 3. GERMANY-SWITZERLAND: Provisional Convention regulating the Aerial Circulation between Germany and Switzerland. | September 14th, 1920 |
| 4. GREAT BRITAIN-NORWAY: Provisional agreement relating to Air Navigation. (Supplemented by an additional agreement dated February 22nd, 1923.) (See No. 10.) | July 15th, 1921 |
| 5. DENMARK-NORWAY: Convention relating to Air Navigation. | July 27th, 1921 |
| 6. GERMANY-DENMARK: Agreement relating to Air Navigation. | April 25th, 1922 |
| 7. THE ARGENTINE-URUGUAY: Convention relating to Air Navigation. | May 18th, 1922 |
| 8. Belgium-Switzerland: Provisional Convention concerning Air Navigation. | June 13th, 1922 |
| GERMANY-THE NETHERLANDS: Provisional Convention regulating Air Navigation between Germany and the Netherlands. (See No. 28.) | July 24th, 1922 |
| Agreement supplementing the Provisional Agreement relating to Air Navigation dated July 15th 1921. (See No. 4.) | February 22nd, 1923 |
| II. Sweden-Norway: Convention relating to Air Navigation. | May 26th, 1923 |
| 12. Austria-Hungary: Convention relating to Air Navigation. | August 29th, 1924 |
| 13. NORWAY-THE NETHERLANDS: Provisional Convention relating to Air Navigation | January 8th, 1925 |
| 14. THE NETHERLANDS-SWITZERLAND: Provisional Convention regulating Aerial Navigation. | May 18th, 1925 |
| 15. GERMANY-AUSTRIA: Treaty concerning Aerial Navigation. | May 19th, 1925 |
| 16. GERMANY-SWEDEN: Provisional Convention relating to Air Navigation | May 29th, 1925 |
| 17. France-Germany: Convention relating to Air Navigation. | May 22nd, 1926 |
| 18. Belgium-Germany: Convention relating to Air Navigation. | May 29th, 1926 |

| 19. | GERMANY-CZECHOSLOVAKIA: Agreement concerning Air Navigation. | January 22nd, 1927 |
|-----|--|---------------------|
| 20. | Austria-Czechoslovakia: Treaty relating to Air Navigation. | February 15th, 1927 |
| 21. | ITALY-GERMANY: Convention relating to Aerial Navigation. | May 20th, 1927 |
| 22. | GREAT BRITAIN-GERMANY: Agreement relating to Air Navigation. | June 29th, 1927 |
| 23. | ITALY-SPAIN: General Convention relating to Air Navigation. | August 15th, 1927 |
| 24. | GERMANY-SPAIN: General Convention relating to Air Navigation. | December 9th, 1927 |
| 25. | FRANCE-SPAIN: Convention regarding Air Navigation. | March 22nd, 1928 |
| 26. | ITALY-AUSTRIA: Convention relating to Air Navigation. | May 11th, 1928 |
| 27. | SWITZERLAND-SAAR TERRITORY: Provisional Convention regulating Air Navigation between Switzerland and the Saar Territory. | August 15th, 1928 |
| 28. | GERMANY-THE NETHERLANDS: Additional Protocol to the Provisional Convention dated August 24th 1922. (See No. 9.) | August 17th, 1928 |
| 29. | GERMANY-NORWAY: Convention relating to Air Navigation. | January 23rd, 1929 |
| 30. | GERMANY-SAAR TERRITORY: Convention relating to Air Navigation. | April 30th, 1929 |
| 31. | GERMANY-POLAND: Convention relating to Air Navigation. | August 28th, 1929 |
| 32. | CANADA-UNITED STATES OF AMERICA: Agreement regulating International Air Navigation. | October 22nd, 1929 |

The foregoing list consists only of agreements which are in force. It should be noted, however, that other similar agreements were concluded:

- (a) Between States both of which subsequently became parties to the Paris Convention:
- (b) Between States parties to the Paris Convention and States which, on the date of the Agreement, had not yet acceded to that Convention.

For obvious reasons, these agreements expired as soon as both the contracting States became parties to the Convention of October 13th. 1919. This was the case with the agreements concluded between Sweden and Denmark and between Denmark and the Netherlands and with various agreements concluded by Belgium, Great Britain, France and Poland with Denmark, Sweden, etc.

France and Poland with Denmark, Sweden, etc.

A list of these agreements is given below for reference purposes, and because this list supplements that of the agreements in force and shows the interest taken by the various countries in regulating international air traffic in general.

List of Separate Agreements of a General Character which have now expired.

I. GREAT BRITAIN-DENMARK: December 20th, 1920 2. GREAT BRITAIN-SWEDEN, February 16th, 1921 3. THE NETHERLANDS-BELGIUM. July 8th, 1922 4. SWEDEN-DENMARK. November 7th, 1922 5. Belgium-Denmark. June 28th, 1923 6. France-The Netherlands. July 2nd, 1923 7. GREAT BRITAIN-THE NETHERLANDS. July 11th, 1923 8. DENMARK-POLAND. December 16th, 1924 9. POLAND-SWEDEN. November 4th, 1925 10. POLAND-THE NETHERLANDS. November 4th, 1925 II. SWEDEN-THE NETHERLANDS. November 21st, 1925 12. DENMARK-THE NETHERLANDS. July 23rd, 1926

To mention only agreements now in force, we would point out that:

The form of these agreements differs from each other in some cases to a very considerable extent; some contain detailed regulations and are supplemented by technical annexes similar to those of the Paris Convention of October 13th, 1919 (see inter alia the Convention between Sweden and Norway, dated May 26th, 1927, which contains forty-two articles and annexes). The majority of these texts are, however, comparatively short, since they merely lay down the fundamental principles of air traffic between the two contracting States.

On the other hand, all the agreements mentioned above are very much alike in substance, and a detailed examination of each is therefore unnecessary.

We need only point out that the common substance of these separate agreements is to be found in the main principles formulated in the Paris Convention of October 13th, 1919, and subsequently recognised by the two other collective Conventions of Madrid and Havana.

All these agreements (frequently termed provisional agreements or provisional conventions) recognise the sovereignty of each State over the air space above its territory, and in some cases this recognition is explicitly formulated. Each of these agreements also lays down the principle that its provisions apply solely to private aircraft, the clauses being practically the same as those in the Paris Convention even as regards the reservation concerning the special regulations to be applied to State aircraft, and in particular to military aircraft.

The principle of the freedom of innocent passage in peace time is also laid down in the majority of these agreements, subject to the right of each State to establish prohibited areas (the locality and extent of which are sometimes indicated in the actual text of the agreement); to fix special routes for the crossing of its frontiers or for other purposes; to reserve inland commercial transport for national aircraft etc.

The following principles are likewise recognised by these agreements:

Every aircrast must have a nationality, that is to say, it must be entered on the register of the country to which it belongs;

Every aircraft must be provided with a technical document certifying that it is airworthy (navigation permit, certificate of airworthiness, etc.) and also with a log book;

Every member of the crew of an aircraft must be in possession of documents proving his identity and competency to undertake his duties;

No aircraft must carry wireless apparatus without special authorisation:

Every aircraft used for commercial purposes must carry a list of passengers' names and documents required by the Customs in regard to the transport of goods:

The authorities of one contracting State are entitled to visit aircraft belonging to the other State;

The principle of equality of treatment for national aircraft and aircraft belonging to the other contracting party as regards the operation of aerodromes open to public use and measures of assistance and salvage;

Both contracting States must communicate to each other periodically full particulars concerning the regulation of air navigation in general (laws regulations, decrees) or particular operations (customs, aerodromes, prohibited areas, etc.).

On the whole, the separate agreements concluded by the various countries for the regulation of their mutual air relations in general, are obviously based on common principles, which rarely deviate from the fundamental principles laid down by the important collective Conventions, and only in regard to questions which are of slight importance from the point of view of substance.

SEPARATE AGREEMENTS CONCERNING SPECIAL QUESTIONS.

In addition to separate agreements of a general nature concluded between various countries and imposing similar regulations on each of the two countries to those imposed by the collective Conventions on the adhering States, other separate agreements have been concluded dealing with special questions, such as:

The establishment and operation of regular air lines; The transport of mails by air; Customs service.

The difference between these special agreements and the separate agreements of a general nature which we have just examined, should first be noted. The latter can only be concluded by countries one of which at least is not a party to the general collective Conventions. On the other hand, separate special agreements are frequently concluded between States parties to the Convention of October 13th, 1919 (they can also be concluded by any State adhering to the Ibero-American or Pan-American Convention, although we are not aware that any such agreements have actually been concluded). As we have already seen, Article 36 of the Paris Convention provides for the conclusion of agreements of this kind and the last paragraph of Article 15 of that Convention stipulates that direct agreements shall be reached between States with regard to the establishment of regular air lines.

The table given in Annex C shows the relations existing between the various countries in regard to these special agreements, of which a list is also given below:

List of Separate Agreements relating to Special Questions.

1. GREAT BRITAIN-BELGIUM:

September 23rd, 1920

Agreement concerning the transport of mails by aeroplane, concluded between the postal administration of the United Kingdom of Great Britain and Northern Ireland and the postal administration of the Kingdom of Belgium.

October 10th, 1921

2. GREAT BRITAIN-FRANCE:

Agreement concerning the transport of mails by air between France and Great Britain.

May 5th, 1925

3. Poland-Austria:

Agreement concerning the establishment and operation of airways between Vienna and Cracow.

4. Belgium-Great Britain-France-The Netherlands: September 24th, 1925
Agreement relating to the organisation of
direction-finding services for aircraft.

5. POLAND CZECHOSLOVAKIA:

April 15th, 1926

Agreement relating to the establishment and operation of regular airways.

6. BELGIUM-GREAT BRITAIN-FRANCE:

May 5th, 1926

Customs agreement relating to air navigation concluded between the British, Belgium and French Governments.

7. GERMANY-CZECHOSLOVAKIA:

January 22nd, 1927

- (a) Convention between the Ministry of Communications of the German Reich and the Ministry of Public Works of the Czechoslovak Republic, concerning the establishment and operation of regular airways.
- (b) Agreement concerning the establishment and operation of regular airways between Germany and Czechoslovakia.

8. Austria-Czechoslovakia:

February 15th, 1927

Treaty between the Czechoslovak Republic and the Austrian Republic, relating to the establishment and operation of regular airways.

September 9th, 1927

9. ITALY-SPAIN:

Convention relating to a regular air service between Genoa and Barcelona. (N.B. — This Convention was superseded by another dated

October 3rd, 1928.)

November 23rd, 1927

10. Persia-Union of Soviet Socialist Republics:

Protocol relating to air mails, concluded between
the Persian Government and the Government
of the Union of Soviet Socialist Republics.

II. Union of Soviet Socialist Republics-Afghanistan:

November 28th, 1927

Agreement concerning the air transport service between Kabul and Tachent.

12. ITALY-GERMANY:

May 7th, 1928

(a) Protocol relating to the establishment and operation of regular airways between Italy and Germany;

(b) Agreement between the Italian Air Ministry and the German Ministry for Communications concerning the establishment and operation of regular airways.

13. ITALY-AUSTRIA:

May 11th, 1928

Agreement between the Italian Air Ministry and the Austrian Federal Ministry of Commerce and Communications, relating to the establishment and operation of regular airways.

14. ITALY-SPAIN:

October 3rd, 1928

Convention between Italy and Spain relating to the regular air service between those two countries.

15. ITALY-FRANCE:

March 10th, 1929

- (a) Convention relating to the establishment of airways;
- (b) Protocol relating to the methods of application of the said Convention.

The above list shows that a large number of countries which acceded to the Convention of October 13th, 1919, have availed themselves of the right accorded them by that Convention to conclude subsidiary agreements concerning mails (Great Britain-Belgium; Great Britain-France), Customs (Belgium-Great Britain-France) and more especially concerning the operation of regular alrways (Italy-France; Poland-Austria; Poland-Czechoslovakia). Other similar agreements have been concluded between States parties to this Convention and Powers which have not adhered to it, but which had already concluded with those States separate general agreements (Italy-Spain; Italy-Germany; Italy-Austria; Czechoslovakia-Germany; Czechoslovakia-Austria). Lastly, special agreements have been concluded between States which, if we are rightly informed, have not concluded any general agreement with each other (Union of Siovet Socialist Republics-Afghanistan; Union of Soviet Socialist Republics-Persia).

As regards the substance of these special agreements, we would point out that:

(a) So far as agreements concluded between two (or in exceptional cases three or four) States parties to the Convention of October 13th, 1919, are concerned, complete uniformity exists between the clauses of those agreements and the stipulations of that Convention and its annexes. In some cases it is provided that the agreements in question will be denounced ipso facto should either of the two contracting parties denounce the Convention (see Article 2 of the Italo-French Convention relating to the establishment of airways, dated March 10th, 1929). These separate agreements

merely serve to emphasise the spirit of co-operation which causes States already bound by the general Convention to establish closer ties, with a view to contributing by their joint efforts, to the development of international air navigation.

- (b) These remarks also apply to the special agreements between States which have acceded and States which have not acceded to the Convention of October 13th, 1919. All these agreements, from the point of view of substance, conform to the rules laid down in that Convention and its annexes, and also to the definite stipulations contained in Article 5 of the Convention (present drafting), which are binding on all States which have acceded to it.
- (c) The agreements concluded between States which have not acceded to the Paris Convention have, of course, no formal connection with it. It should be noted, however, that these agreements are extremely simple: they merely lay down special rules and do not deviate in any way from the principles of the 1919 Convention. They merely prove the desire on the part of the contracting States to co-operate with each other for the development of air services in which they are both interested.

SPECIAL REGIME GOVERNING THE CIRCULATION OF AIRCRAFT IN FORCE IN THE TERRITORY OF THE VATICAN CITY.

We must say a few words regarding the special juridical regime governing the circulation of aircraft above the Vatican City. We wish to do so, first on account of the unique nature of this regime, and secondly in view of the importance of this question for any State which is desirous of establishing even occasional air relations with the Vatican State.

We would add in passing that, although the present condition of the territory of that State and the lack of appropriate installations make the landing or departure of aircraft impossible, the possibility of laying out on that territory a ground suitable for a limited number of aircraft has been examined by technicians.

The juridical regime in question is established by the treaty known as the Lateran Treaty, which was signed at Rome on February 11th, 1929, between the Holy See and Italy. According to the last paragraph of Article 6 of this historic document,

"... agreements will be made between the Holy See and the Italian Government for the circulation in the latter's territory of the vehicles and aircraft of the Vatican City."

The second paragraph of Article 7 of that Treaty states that:

"In conformity with the regulations of international law, aircraft of any kind are prohibited from flying over the territory of the Vatican."

Consequently, the first of these clauses provides that aircraft of the Vatican State may circulate in Italian territory, the regime applicable to such aircraft to be determined later by agreement. On the other hand, Article 7 formally prohibits the circulation of Italian aircraft above the Vatican State. In accordance with this article, the whole territory of that State is to be regarded by Italian aircraft as a single prohibited area.

The unique nature of the juridical relations thus established consists in the adoption of a principle excluding all reciprocity of treatment for aircraft of the two

contracting parties. For the time being, of course, this principle merely concerns the two States parties to the Lateran Treaty; nevertheless, while we need not concern ourselves with the political grounds on which this regime was based, we considered it advisable to mention it, because it differs fundamentally from the principles underlying all other collective or separate air agreements which have so far been concluded.

SPECIAL TREATMENT FOR AIRCRAFT ENSURING COMMUNICATIONS AFFECTING THE WORKING OF THE LEAGUE OF NATIONS.

The question of measures to facilitate any kind of communications of importance to the League of Nations, particularly at times of emergency, has for some years been the subject of careful investigation by the Council, which, in 1926, requested the Advisory and Technical Committee for Communications and Transit to draw up a report on the subject. This report naturally took into consideration the important part that air navigation might play in such measures; accordingly, by a resolution dated December 8th, 1926, the Council requested the Advisory and Technical Committee to keep in touch with all the administrations and organisations concerned, in order to facilitate the application of the measures named in its report.

The international organisation concerned with air navigation being the Cina, which is placed under the authority of the League of Nations in accordance with Article 24 of the Covenant, the Advisory and Technical Committee requested the Cina to investigate "... in what manner aircraft effecting transport of importance to the League of Nations at times of emergency might be identified".

As a result of this request, the Cina, at its twelfth session (London, April 1927), adopted a resolution regarding the identification of national aircraft affecting the above-mentioned transport; it also decided to study the question of aircraft used by the League of Nations and not registered in any State. With regard to such aircraft, the thirteenth session of the Cina (Rome, October 1927) decided that ". . . should the League of Nations desire to use aircraft not registered in any country, it should request that special marks be reserved for this purpose both by the Cina and by the States parties to the Washington Radiotelegraph Convention". The marks borne by aircraft are, in point of fact, connected with their radiotelegraphic call signals.

The identification of aircraft, however, does not solve all the questions relating to the use which the League of Nations might make of aeroplanes, particularly at times of emergency; another question appears to be of even greater importance, namely, the facilities granted to such aircraft. In cases of serious emergency, measures restricting air navigation will, it may be anticipated, be taken by the States concerned, and such measures may extend to the total prohibition of flying over the territory of these States. This would endanger the freedom of transit of aircraft set apart for the use of the League of Nations (just at the moment when it would be the most useful), unless special conditions were provided for ensuring their transit.

This question was referred to the Cina, and the latter, at its thirteenth session (Rome, October 1927), expressed the view that "... the best procedure for ensuring to the aircraft of the League of Nations the possibility of flying freely, even at times of emergency, over the territory of States parties to the Convention of October 13th, 1919, consists in inserting provisions to that effect in the said Convention". The Cina accordingly declared its readiness, as soon as the League

of Nations should express the desire, to undertake the investigation of this question and the study of new provisions which, if necessary, should be inserted in the 1919 Convention.

This desire having been expressed, the Cina undertook the examination, which it concluded during its seventeenth session (December 1929), and drew up a "draft text to be inserted in the Convention on Aerial Navigation of October 13th, 1919".

The draft was communicated to the League of Nations, and underwent a first examination by the Advisory and Technical Committee for Communications and Transit at its fourteenth session (Geneva, March 1930; see document C.168.M.77.1930.VIII). The Committee did not examine in detail the proposals submitted by the Cina, as these were to be studied by the Committee on Arbitration and Security. It thought, however, that the attention of the latter should be drawn to the fact that the Cina, which was set up by the Convention of October 13th, 1919, very naturally drafted its proposals in the form of amendments to the said Convention. In the view of the Committee, if this were the only procedure contemplated, it " . . . would offer the serious inconvenience of discriminating between States which were and States which were not parties to the 1919 Convention. It would also delay the application of its provisions and the opening of the necessary negotiations between the Secretary-General of the League and the Governments until the suggested amendments to the 1919 Convention have been put into force." The Committee was therefore of '. . . that it would save time and be more satisfactory if the Assembly adopted a resolution laying down the general rules to be applied by Members of the League, with due regard to their obligations, defining the aircraft to be used for air communications of importance to the working of the League, and enunciating the principles on which negotiations could be opened immediately between the Secretary-General of the League and the Governments". Under these circumstances, it thought it should assist the Committee on Arbitration and Security by redrafting on the above lines the proposals of the Cina, while, however, making two observations of great importance, namely:

- "... that the draft resolution of the Assembly must ... be consistent both with the provisions of the 1919 Convention and with those of Conventions in force between States parties to the 1919 Convention and States not parties to that Convention.
- ".... that the adoption by the Assembly of such a draft resolution would not prevent States from subsequently codifying the provisions adopted to facilitate air transport of importance to the League, by inserting the necessary provisions in international Conventions dealing with air transport questions."

The Committee on Arbitration and Security, at its fourth session (Geneva, April-May 1930; see document A.11.1930.VII, pages 23 and 24) agreed with the view of the Advisory and Technical Committee for Communications and Transit and decided to propose the following draft resolution to the Assembly:

DRAFT RESOLUTION CONCERNING THE REGIME APPLICABLE TO AIRCRAFT.

- " The Assembly:
- "Recalling that the Members of the League of Nations are under the obligation to facilitate by all means in their power the working of the League;
- "Considering that the use of air transport may be necessary in times of emergency to enable the League to take rapid action to safeguard the peace:

- " Adopts the following resolution:
- "1. It is necessary that the Members of the League, in order to discharge this obligation, should grant to aircraft used for air communications of importance for the working of the League all facilities for navigation and passage to enable them to discharge their missions. Such aircraft should enjoy all the rights granted by existing international Conventions to Government aircraft other than military, Customs or police aircraft, and should at no time be subject to any exceptional and temporary restrictions that might be imposed on air navigation.
- "2. The conditions on which the various Governments will grant the facilities mentioned in the previous paragraph shall be laid down in advance by each of the Governments concerned after consulting the Secretary-General of the League. In particular, the rules and routes to be normally followed by aircraft and the procedure contemplated for notifying the Secretary-General without delay of any changes in such rules and routes should be fixed in advance.
- "3. Aircraft used for communications of importance to the working of the League shall enjoy all facilities in regard both to supervision and to the routes to be followed.
- "4. Aircraft used for communications of importance to the working of the League within the meaning of the present resolution are aircraft permanently or temporarily engaged in conveying League correspondence, League officials or persons entrusted by the League with a special mission, or in conveying delegations accredited to the League or their correspondence.
- "5. The Secretary-General shall keep a list of the aircraft referred to in the foregoing article; he shall communicate this list to all the States Members of the League of Nations, with any modifications which may occur in this list.
- " In urgent cases these communications would be telegraphed to the States concerned.
- "6. All detailed regulations regarding conditions of registration, communication of entries and cancellation of entries, identification marks on aircraft showing that they are on the service of the League, certificates and licences for the crew and other documents generally laid down by international Conventions, shall be laid down by the Council of the League of Nations after consulting the competent bodies. The same shall apply, in cases in which the Council recognises this to be necessary, in regard to all provisions relating to aircraft assigned to the exclusive service of the League and not registered in any State.
- "7. Should aircraft used for communications of importance to the working of the League be required to fly over a State, the Secretary-General of the League will give that State due notice by suitable means of the identification marks of the aircraft, of the route to be taken and of the composition of the crew, and, whenever possible, will communicate in advance the names of the persons on board—the crew and the passengers to be provided with documents certifying their status and mission.
- "8. In the event of the aircraft mentioned above being in difficulties, the States whose territory is crossed will assist the crew and persons on board, if possible, to complete the journey by air, and, in any case, to carry out their mission as quickly as possible.

- "9. Each State shall retain the right to prohibit the whole or part of its territory being crossed by aircraft registered in another State or manned by a crew of foreign nationality, when such prohibition appears necessary for reasons of national safety. In such cases, the State in question should do everything to ensure the transfer of the passengers as quickly as possible to an aerodrome or frontier point and the continuation of air transport under conditions to be determined by the negotiations referred to below.
- "Io. With a view to the application of the foregoing provisions, the Secretary-General of the League of Nations will immediately undertake the negotiations which may be necessary with the Governments of the States Members of the League, and will report to the next Assembly on the steps taken to ensure the execution of this resolution.
- "II. The present resolution should not be regarded as in any way prejudging the question of the advisability of the League of Nations having aircraft of its own at its disposal."

Such at the present moment (July 1930) is the position of this question, the great importance of which is self-evident—relating, as it does, to the substantial part that air navigation is called upon to play in the immediate starting of the League's mechanism for the application of the system provided for in the Covenant.

CUSTOMS FACILITIES FOR TOURING AIRCRAFT: SYSTEM OF THE "CARNET DES PASSAGES EN DOUANE".

For the purpose of completing our survey of international agreements to promote air traffic, we should like to say a few words about the special system proposed by the International Aeronautic Federation to facilitate the movement of touring aircraft from one country to another.

This is a Customs regime similar to that in force for motor-cars, which make use of a document known as a triptych. A similar document, known as a carnet des passages en douane, has been adopted for air traffic, and touring aircrast possessing this document may be temporarily imported into any State adhering to the carnet system, duty free. By agreements concluded with the Customs administrations, the National Aero Clubs have undertaken to pay the duties and charges on aircrast which are not re-exported within the period of validity of the carnet, which is fixed at one year.

The carnet des passages en douane has so far been accepted by the following countries:

Belgium
Czechoslovakia
France
Germany
Great Britain
Italy

Japan Netherlands Roumania Spain Switzerland

It is to be hoped that this extremely practical system will become more general, since it encourages the movement of touring aircraft and thus contributes to the expansion of air navigation in general.

CONCLUSION.

The foregoing survey may possibly appear too detailed and in some respects superfluous. It is true that certain principles mentioned have no direct bearing on the subject of our enquiry, which, although it deals with air navigation in general, is mainly concerned with the rights which it at present enjoys: freedom of flight and passage and the right to undertake commercial operations. Nevertheless, the only way to make a complete survey of the principles with which we are concerned was to examine in detail the conventional texts governing the matter, since the resemblances and divergencies between these texts enable us to understand those principles as a whole.

Moreover, this survey cannot be regarded as unnecessary, since it has enabled us to conclude that the principles governing international air traffic are set forth so clearly that they can be summarised in a few lines. This summary will conclude

our survey.

SOVEREIGNTY.

The principle of the sovereignty of each State over the air space above its territory is universally admitted, in some cases explicitly by a formal declaration, in others implicitly. This is a fundamental principle which cuts short any discussion and theoretical dispute and, in fact, constitutes the point of departure of any rule.

FREEDOM OF INNOCENT PASSAGE.

The principle of sovereignty in no wise excludes the possibility of the freedom of peaceful, innocent passage, which is provided for in all the texts examined. This freedom is naturally subject to compliance with any regulations issued by the State flown over for the purpose of safeguarding its essential interests and to respect for any reservations formulated by that State in regard to any other activities. The guarantees and reservations usually provided for may be summarised as follows:

GUARANTEES:

As regards existing air regulations, three classes of guarantee are generally required by States before they allow foreign aircraft to fly over their territory:

- (a) Guarantees relating to material: Every aircraft must possess a nationality and distinctive marks proving that it belongs to such and such a country, and enabling it to be identified; it must be provided with a technical document testifying to its airworthiness and with all the instruments and installations necessary for its safe flight;
- (b) Guarantees relating to personnel: Every member of the crew of an aircraft must possess a document proving his competence to carry out the duties entrusted to him: aircraft engaged in important services must have certain specialists on board (navigator, wireless operator, etc.);
- (c) Guarantees relating to air traffic: Every aircraft must respect the regulations of the State flown over. As we have seen in some of the Conventions examined, complete uniformity has been obtained by the joint adoption of regulations on this matter.

RESERVATIONS:

In addition to the guarantees required by States for the purpose of ensuring that their material interests shall not be jeopardised by foreign aircraft, reservations are made in some cases for similar purposes. These reservations may be classified in three groups:

- (a) Reservations concerning the safeguarding of military interests: Determination of "prohibited areas"; compulsory routes to be followed by foreign aircraft, more especially in crossing frontiers; regulation or prohibition of the taking of photographs from the air;
- (b) Reservations concerning the protection of public safety: Prohibition to carry arms, munitions and any other injurious objects;
- (c) Reservations concerning the protection of purely commercial interests: The principle that no commercial aircraft may fly over the territory of a State without its permission; protection of national trade by prohibiting foreign aircraft to carry persons and goods for hire in its territory.

DISCRIMINATION BETWEEN STATE AND PRIVATE AIRCRAFT.

This principle can be recognised by the fact that the liberal treatment accorded by the Conventions to the private aircraft of a foreign State does not apply to aircraft belonging to the Government of that State. Even as regards the latter, however, a distinction is generally made. State aircraft not actually employed on Government service (posts, Customs, police) are assimilated to private aircraft and, as such, enjoy the facilities granted to the latter. Special treatment is provided in all the Conventions for military aircraft whose admission to the territory of a foreign State is usually subject to the authorisation of that State and to special treatment.

EQUALITY OF TREATMENT OF AIRCRAFT.

This principle may be examined from two different aspects. In the first place, we can take the equality of treatment accorded by each State to all aircrast of any other State with which it has concluded air Conventions. This applied to the Paris Convention (Articles 2, 15, 24, etc.) and to the corresponding clauses of the other Conventions examined. The second aspect of the question concerns the equality of treatment accorded by a State to its own and to foreign aircrast in respect of certain facilities granted to air navigation: the right of landing in its aerodromes, the right to measures of assistance, etc.

FREEDOM OF ACTION OF STATES IN WAR TIME.

Nearly all the Conventions, the purpose of which is to regulate international relations in regard to commercial aviation, are careful to state that the accession of States to other Conventions does not affect the rights and duties of those States in time of war, whether as belligerents or neutrals.

RECIPROCAL TREATMENT.

Mention must also be made of the important principle which is clearly established in all Conventions dealing specifically with air navigation, of complete reciprocity of treatment enjoyed by the aircraft of the contracting States, and, in general, by air activities which give rise to mutual relations between States.

CONCRETE EXPLANATION OF AERIAL CO-OPERATION.

Finally, another important principle emerges from the texts examined—namely, that international co-operation in regard to aviation is not confined to the conclusion of treaties and the conscientious application of their provisions, but is being extended in a concrete form, thanks to the constant efforts of certain organs, the importance of which cannot escape the jurist, and to which we wish to refer before concluding our survey.

The table attached (Annex A) shows in a succinct form the large number of countries interested in air navigation which have already acceded to Conventions; it also shows the relation between each of those countries and the various conventional texts.

A careful examination of this document and of the two supplementary tables (Annexes B and C) will show that a large number of countries, already bound by collective or separate general agreements, have subsequently formed closer ties and have given effect, by means of special agreements, to all the practical possibilities afforded by the general Conventions.

But that is not all. This profitable co-operation has taken other forms at the instigation of the common organs. In the case of States parties to the Paris Convention, Cina, which is under the direction of the League of Nations, has through its powerful organisation and untiring efforts made this additional co-operation possible. In the case of States parties to the Madrid and Havana Conventions, Ciana and the Pan-American Union will be able to fulfil the same task in future, unless events—which seem to be moving in that direction—bring about a unification of effort, which is greatly to be desired.

The same applies to States which have so far held aloof from collective treaties and have preferred to conclude separate agreements: such States are tending to establish permanent and close co-operation with each other in view of the necessity for exchanging legislative texts, technical and practical information, etc.

Is it not legitimate to recognise in this close co-operation—notwithstanding the number of centres which organise it—the beginnings of a universal air union?

Rome, January 8th, 1930 (revised on July 20th, 1930).

Salvatore Cacopardo.

TABLE SHOWING STATES PARTIES TO COLLECTIVE CONVENTIONS AND SEPARATE AGREEMENTS.

| | | | onvention ber 13th, | | Ibero-Ar Conve | | Pan-An Conve | | Separate Agreements | |
|------|--|---|------------------------|--|---------------------|---|---------------------|---|-----------------------------|----------------------------|
| | Country | States which took part in its elaboration | Signatory States | States which rauted or have subsequently adhered to it | Signatory States | States which have ratified it | Signatory States | States which have suited it | General (Nee Annex B) | Special (see Annaa C |
| ı. | Afghanistan | _ | _ | _ | _ | _ | _ | | _ | yes |
| 2. | GERMANY | | - | | | _ | J — ! | | yes | yes |
| 3. | AMERICA (UNITED | | j | 1 | | | 1 1 | | ` | 1 |
| | STATES) | yes | yes | ! — | | - | yes | _ | yes | |
| 4. | THE ARGENTINE. | 1 — | — | | yes | yes | yes - | _ | yes | l |
| 5. | Austria | I — | | l — | _ | → | 1 - | _ | yes | yes |
| 6. | Belgium | yes | yes | yes | - | l — | I I | | yes | yes |
| 7. | Bolivia | yes | yes | 1 | yes | - | yes | | | - |
| 8. | BRAZIL | yes | yes | | yes | | y.cs. | - | | |
| 9. | BRITISH EMPIRE: GREAT BRITAIN AND NORTHERN | | | | | | | | ļ | |
| | IRELAND | yes | yes | yes | | _ | l — | | yes | yrs |
| 10. | CANADA | yes | yes | yes | | _ | | _ | yes | · |
| | AUSTRALIA | yes | yes | yes | - | _ |] | - | · | |
| | Union of South | 1 1 | 1 | 1 1 | 1 | | ł i | | ļ. | 1 |
| | AFRICA | yes | yes | yes | - 1 | | 1 - 1 | | I | - |
| 13. | NEW ZEALAND | yes | yes | yes | - | _ | <u> </u> | _ | | |
| | IRISH FREE STATE | ' | l ´— | yes | | _ | l — | _ | \ | |
| | INDIA | yes | yes | yes | l i | - | l — | - | | l |
| | BULGARIA | \ | I — | yes | · | - | (— · | i — | | i |
| | CHILE | l — | — | yes | yes | l — | yes | l — | | 1 - |
| ιŚ. | CHINA | yes | yes | l — | <u> </u> | | 1 — | - | · — | |
| | COLOMBIA | _ | ' | | yes | | yes | l — | | _ |
| 2Ó. | COSTA RICA | ! — | - | ! — | yes | yes | yes | - |] | |
| | CUBA | yes | yes | | yes | | yes | _ | | - |
| | DENMARK | 1 — | _ | yes | | | - | - | yes | |
| | DOMINICAN | | 1 | 1 | | İ | 1 | 1 | ľ | ľ |
| | REPUBLIC | | _ | l — | yes | yes | yes | _ | | _ |
| 24. | ECUADOR | yes | yes | 1 — . | yes | · — | yes | _ | I — | |
| | SPAIN | <u>'</u> | | I — | yes | yes | | _ | yes | yes |
| | FRANCE | yes | yes | yes | _ | | 1 - 1 | | yes | ye* |
| - | GREECE | yes | yes | yes | | _ | 1 - 1 | _ | l – | - |
| 28. | GUATEMALA | yes | yes | ! — ! | yes | | yes | _ |) | _ |
| | HAITI | yes | i — | - | - | _ | yes | | | |
| - | HEJAZ | yes | | 1 - 1 | | | | | - | |
| | HONDURAS | yes | — | - | yes | _ | yes | | | |
| | HUNGARY | — | _ | | | _ | - | _ | ye* | yes |
| | ITALY | yes | yes | yes | | _ | 1 - I | | yes | J 7" |
| 34 - | APAN | yes | yes | yes | <i>-</i> | _ | | _ | _ | |
| 35. | | yes | yes | - | | | | | I = | _ |
| 36. | | l — | I — | | yes. | yes | yes | yes yes | 1 = | _ |
| 37. | | yes | yes | J I | yes | | yes | ye. | , – | J |

The Convention which was ratified by Bolivia in 1922 was subsequently denounced by her in 1924.

| | | | convention ober 13th, | | Ibero-A | | Pan-Ar Conve | nerican ention | Separate Agreements | | |
|------------|------------------------------|---|-----------------------|--|---------------------|---|---------------------|---|-----------------------------|-----------------------------|--|
| | Country | States which took part in its elaboration | Signatory States | States which ratified or have subsequently adhered to it | Signatory States | States which have ratified it | Signatory States | States which have ratified it | General (see Annex B) | Special (see Annex C) | |
| 18. | Norway | 1 | | _ | _ | _ | | _ | ves | | |
| 39. | Panama | yes | yes | yes | yes | | yes | yes | <u>~</u> | ! | |
| 10. | PARAGUAY | ' | , <u> </u> | J , | yes | yes | yes | <u> </u> | | | |
| I. | THE NETHERLANDS | · | | yes | | · | _ | | yes | yes | |
| 12. | Peru | yes | yes | '_ | yes | _ | yes | _ | | | |
| 3. | Persia | ' | | ves | , — I | | <u>*</u> | _ | _ | yes | |
| 14. | POLAND | yes | yes | yes | | _ | | | yes | yes | |
| 15 | PORTUGAL | yes | yes | yes | yes | _ | _ | - | <u>'</u> | ´ | |
| 6. | ROUMANIA | yes | yes | yes | | _ | - | _ | _ | l — | |
| 17. | SALVADOR | i — I | <u>'</u> | 1 ~ | yes | yes | yes | _ | i — | _ | |
| 8. | SIAM | yes | yes | yes | | | I | - | <u> </u> | — | |
| 9. | SWEDEN | '— | ' | yes | | | | | yes | | |
| o. | SWITZERLAND | l — | | | | | I. — | | yes | _ | |
| jī. | CZECHOSLOVAKIA . | yes | yes | yes | | _ | · — | | yes | yes | |
| 52. | SAAR TERRITORY. | - | | yes | . — | _ | | _ | yes | _ | |
| 3 • | Union of Soviet Socialist | ; | | 1 | | | | | | ĺ | |
| | 5 | | l | | | | <u> </u> | | | T.00 | |
| | * 1 | 1700 | 7700 | 1700 | yes | | yes | | yes | yes | |
| 4. | | yes | yes | yes | yes | | | | yes _ | | |
| 55. 16. | VENEZUELA | 1705 | 1700 | 1700 | yes | | yes | _ | 1 = | _ | |
| U. | YUGOSLAVIA | yes | yes | yes | _ | _ | | | ı — | _ | |

ANNEX B.

LIST OF SEPARATE AGREEMENTS OF A GENERAL CHARACTER CONCLUDED BETWEEN THE VARIOUS COUNTRIES.

| | MANY: | | | | | | | | | • |
|-----|----------|--------|-----|---|---|---|---|---|---|------------------------|
| I. | AUSTRIA | | | | | | | | | May 19th, 1925. |
| 2. | BELGIUM | | | | | | | | | May 29th, 1926. |
| 3. | DENMARK | | | | | | | | | April 25th, 1922. |
| 4. | SPAIN | | | | | | | ٠ | | December 9th, 1927. |
| 5. | FRANCE. | | | | | | | | | May 22nd, 1926. |
| 6. | GREAT BI | RITAIN | | | | | | | | June 29th, 1927. |
| 7. | ITALY | | | | | | | | | May 20th, 1927. |
| 8. | Norway | | | | | | | | | January 23rd, 1929. |
| 9. | THE NET | HERLA | NDS | | | | | | | (a) July 24th, 1922. |
| | | | | | | | | | | (b) August 17th, 1928. |
| IO. | POLAND. | | | | | | | | | August 28th, 1929. |
| II. | SWEDEN | | | | | | | | | May 29th, 1925. |
| 12. | SWITZERL | AND . | | | | • | | | | September 14th, 1920. |
| 13. | CZECHOSL | OVAKI | Α, | | | | | | | January 22nd, 1927. |
| 14. | SAAR TEI | RRITOR | Y | • | • | • | • | • | • | April 30th, 1929. |

| — 205 — | |
|---------------------------------|---|
| II. AMERICA (UNITED STATES OF): | |
| 15. CANADA | October 22nd, 1929. |
| III. ARGENTINE: | and, ayay. |
| ć 1 7 | Warran and |
| | November 18th, 1922. |
| IV. Austria: | |
| GERMANY | May 19th, 1925 (see No. 1). |
| 17. HUNGARY | August 29th, 1924. |
| 19. CZECHOSLOVAKIA | May 11th, 1928. |
| • | February 15th, 1927. |
| V. Belgium: | |
| GERMANY | May 29th, 1926 (see No. 2). |
| 20. SWITZERLAND | June 13th, 1922. |
| VI. Canada : | |
| AMERICA (UNITED STATES OF) | October 22nd, 1929 (see No. |
| VII. DENMARK: | |
| GERMANY | April agth ross (see No. 1) |
| 21. Norway | April 25th, 1922 (see No. 3). July 27th, 1921. |
| | July 27.11, 1921. |
| VIII. Spain: | |
| GERMANY | December 9th, 1927 (see No |
| 22. FRANCE | March 22nd, 1928. August 15th, 1927. |
| 23. ITALY | August 15th, 1927. |
| IX. France: | |
| GERMANY | May 22nd, 1926 (see No. 5). |
| SPAIN | March 22nd, 1928 (see No. |
| 24. SWITZERLAND | December 9th, 1919. |
| X. Great Britain: | |
| GERMANY | June 29th, 1927 (see No. 6). |
| 25. Norway | (a) July 15th, 1921; |
| of Courage Dr AND | (b) February 22nd, 1923. November 6th, 1919. |
| 26. SWITZERLAND | Movember oth, 1919. |
| XI. Hungary: | |
| Austria | August 29th, 1924 (see No. |
| XII. ITALY: | |
| GERMANY | May 20th, 1927 (see No. 7). |
| Austria | May 11th, 1928 (see No. 18). |
| SPAIN | August 15th, 1927 (see No. |
| XIII. Norway: | |
| GERMANY | January 23rd, 1929 (see No |
| DENMARK | July 27th, 1921 (see No. 21). |
| GREAT BRITAIN | (a) July 15th, 1921; |
| - Voguna avac | (b) February 22nd, 1923 (see No. January 8th, 1925. |
| 27. NETHERLANDS | May 26th, 1923. |
| 40. JAEDEN | · y = · · · - y = y = o · |

| XIV. Netherlands: | | |
|--|--|--|
| GERMANY | | (a) July 24th, 1922; |
| | | (b) August 17th, 1928 (see No. 9) |
| Norway | | January 8th, 1925 (see No. 27) |
| 29. SWITZERLAND | • /• • • | May 18th, 1925. |
| XV. Poland: | | · |
| GERMANY | | August 28th, 1929 (see No. 10) |
| XVI. SWEDEN: | | • |
| GERMANY | | May 29th, 1925 (see No. 11). |
| Norway | | May 26th, 1923 (see No. 28). |
| XVII. SWITZERLAND: | | |
| GERMANY | | September 14th, 1920 (see No. 12) |
| Belgium | | June 13th, 1922 (see No. 20). |
| FRANCE | | December 9th, 1919 (see No. 24) |
| GREAT BRITAIN | | November 6th, 1919 (see No. 26 |
| NETHERLANDS | | May 18th, 1925 (see No. 29). |
| 30. SAAR TERRITORY | | August 15th, 1928. |
| • | | |
| XVIII. CZECHOSLOVAKIA: | | Tanuary and Took (see No. To |
| GERMANY | | January 22nd, 1927 (see No. 13 |
| AUSTRIA | | February 15th, 1927 (see No. 19 |
| XIX. SAAR TERRITORY: | | |
| GERMANY | | April 30th, 1929 (see No. 14) |
| SWITZERLAND | | August 15th, 1928 (see No. 30 |
| XX. URUGUAY: | | • |
| Argentine | • • • • | November 18th, 1922 (see No. 16) |
| | | |
| A | NNEX C. | |
| LIST OF SEPARATE AGREEMEN CONCLUDED BETWEEN | TS RELAT | |
| LIST OF SEPARATE AGREEMEN CONCLUDED BETWEEN | TS RELAT | |
| LIST OF SEPARATE AGREEMEN | TS RELAT | |
| LIST OF SEPARATE AGREEMEN CONCLUDED BETWEEN I. Afghanistan: | TS RELAT N THE VA | RIOUS COUNTRIES. |
| LIST OF SEPARATE AGREEMEN CONCLUDED BETWEEN I. Afghanistan: I. Union of Soviet Socialist Republics | TS RELAT N THE VA | |
| LIST OF SEPARATE AGREEMEN CONCLUDED BETWEEN I. AFGHANISTAN: I. UNION OF SOVIET SOCIALIST REPUBLICS II. GERMANY: | TS RELAT N THE VA November | RIOUS COUNTRIES. 28th, 1927 (Airways). |
| LIST OF SEPARATE AGREEMEN CONCLUDED BETWEEN I. AFGHANISTAN: I. UNION OF SOVIET SOCIALIST REPUBLICS II. GERMANY: 2. ITALY | TS RELAT N THE VA November May 7th, 1 | RIOUS COUNTRIES. 28th, 1927 (Airways). 1928 (Airways). |
| LIST OF SEPARATE AGREEMEN CONCLUDED BETWEEN I. AFGHANISTAN: I. UNION OF SOVIET SOCIALIST REPUBLICS II. GERMANY: 2. ITALY | TS RELAT N THE VA November May 7th, 1 | RIOUS COUNTRIES. 28th, 1927 (Airways). |
| LIST OF SEPARATE AGREEMEN CONCLUDED BETWEEN I. AFGHANISTAN: I. UNION OF SOVIET SOCIALIST REPUBLICS II. GERMANY: 2. ITALY | TS RELAT N THE VA November May 7th, 1 January 2 | RIOUS COUNTRIES. 28th, 1927 (Airways). 1928 (Airways). 2nd, 1927 (Airways). |
| LIST OF SEPARATE AGREEMENT CONCLUDED BETWEEN I. AFGHANISTAN: I. UNION OF SOVIET SOCIALIST REPUBLICS II. GERMANY: 2. ITALY | TS RELAT N THE VA November May 7th, 1 January 2 May 11th, | RIOUS COUNTRIES. 28th, 1927 (Airways). 1928 (Airways). 1928 (Airways). |
| LIST OF SEPARATE AGREEMEN CONCLUDED BETWEE I. AFGHANISTAN: I. UNION OF SOVIET SOCIALIST REPUBLICS II. GERMANY: 2. ITALY | November May 7th, 1 January 2 May 11th, May 5th, | RIOUS COUNTRIES. 28th, 1927 (Airways). 1928 (Airways). 1928 (Airways). 1925 (Airways). |
| LIST OF SEPARATE AGREEMENT CONCLUDED BETWEEN I. AFGHANISTAN: I. UNION OF SOVIET SOCIALIST REPUBLICS II. GERMANY: 2. ITALY | November May 7th, 1 January 2 May 11th, May 5th, | RIOUS COUNTRIES. 28th, 1927 (Airways). 1928 (Airways). 1928 (Airways). |
| LIST OF SEPARATE AGREEMEN CONCLUDED BETWEEN I. AFGHANISTAN: I. UNION OF SOVIET SOCIALIST REPUBLICS II. GERMANY: 2. ITALY | November May 7th, 1 January 2 May 11th, May 5th, | RIOUS COUNTRIES. 28th, 1927 (Airways). 1928 (Airways). 1928 (Airways). 1925 (Airways). |
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| v. | Spain: | |
|-------|--|---|
| | IO. ITALY | September 9th, 1927 (Airways) (superseded by the following): |
| | II. ITALY | October 3rd, 1928 (Airways). |
| VI. | France: | |
| | Belgium and Great Britain Belgium-Great Britain- | May 5th, 1925 (Customs) (see No. 7). |
| | NETHERLANDS | September 24th, 1925 (Direction-finding) (see No. 8). |
| . • | 12. GREAT BRITAIN | October 10th, 1921 (Mails). March 10th, 1929 (Airways). |
| VII. | GREAT BRITAIN: | • |
| | Belgium Belgium-France- | September 23rd, 1920 (Mails) (see No. 8). |
| | NETHERLANDS | September 24th, 1925 (Direction-finding) (see No. 8). |
| | Belgium and France. France | May 5th, 1926 (Customs) (see No. 7). October 10th, 1921 (Mails) (see No. 12). |
| VIII. | ITALY: | |
| | GERMANY | May 7th, 1928 (Airways) (see No. 2). May 11th, 1928 (Airways) (see No. 4). September 9th, 1927 (Airways) (see No. 10). October 3rd, 1928 (Airways) (see No. 11). March 10th, 1929 (Airways) (see No. 13). |
| IX. | NETHERLANDS: | 257. |
| | Belgium-France-Great Britain | September 24th, 1925 (Direction-finding) (see No. 8). |
| X. | Persia: | |
| | 14. Union of Soviet Socialist Republics | November 23rd, 1927 (Mails). |
| XI. | POLAND: | • |
| | AUSTRIA | May 5th, 1925 (Airways) (see No. 5). April 15th, 1926 (Airways). |
| XII. | CZECHOSLOVAKIA: | I |
| | GERMANY | January 22nd, 1927 (Airways) (see No. 3). February 15th, 1927 (Airways) (see No. 6). April 15th, 1926 (Airways) (see No. 15). |
| XIII. | Union of Soviet Socialist Republics: | |
| | Afghanistan Persia | November 28th, 1927 (Airways) (see No. 1). November 23rd, 1927 (Mails) (see No. 14). |

Geneva, July 25th, 1930.

LEAGUE OF NATIONS

ADVISORY AND TECHNICAL COMMITTEE FOR COMMUNICATIONS AND TRANSIT

PERMANENT COMMITTEE ON ROAD TRAFFIC

REPORT ON THE SEVENTH SESSION OF THE COMMITTEE

Held at The Hague from May 23rd to May 31st, 1930.

[C.C.T./C.R./62.]

Present: All the members of the Committee, with the exception of M. Chaix and M. Crespi, who were unable to attend.

The following Customs experts also took part in the work of the Committee:

M. J. G. Crispiels, Inspector-General of Belgian Customs, replacing M. Janssen. M. S. HÄUSERMANN, Inspector of Swiss Customs. M. E. LÉCUYER, Administrator of Customs, French Ministry of Finance. Dr. E. Siegert, Ministerial Councillor in the German Ministry of Finance.

The following were also present:

General BATH, replacing M. Chaix and representing M. Auscher, Chairman of the Union Nationale des Associations de Tourisme, Paris.

For the International Chamber of Commerce:

M. C. Blum, Member of the Road Transport Committee of the International Chamber of Commerce, assisted by M. Posthuma.

For the International Association of Recognised Automobile Clubs:

M. J. HANSEZ, Chairman of the International Traffic and Customs Committee of the Association.

Colonel G. Péron, Secretary-General of the Association.

For the Alliance Internationale de Tourisme:

M. C. DUVIVIER, Engineer, Member of the Permanent Committee of the Touring Association and Head of the Motor Traffic Department of the Touring Club of Belgium.

For the International Transport Workers Federation:

Mr. A. Henderson, assisted by M. C. G. T. Sormani.

For the International Federation of Christian Factory and Transport Workers' Unions:

M. ZWAGA.

For the International Commercial Motor Transport Federation:

M. A. BEERS, Vice-Chairman.

The Netherlands Minister of Public Works (Waterstaat), His Excellency M. REYMER, welcomed the members of the Committee and conveyed to them the best wishes of the Netherlands Government for the success of the work of the seventh session of the Committee.

The Committee thereupon examined the various questions on the agenda.

I. TAXATION OF MOTOR VEHICLES.

The Committee examined the text of the draft Convention prepared by the Mixed Committee set up by the Fiscal Committee and the Permanent Committee for Road Traffic and approved its principles. It examined in particular, as requested, the articles relating to the documents with which vehicles must be provided in order to allow the fiscal authorities to exercise the necessary control and to guarantee them against fraud. It also made certain drafting changes in the text occasioned by the system adopted by it in respect of the documents required, and by its desire to occasioned by the system adopted by it in respect of the documents required, and by its desire to mention the vehicles only and to make no reference to owners, holders, etc. It adopted the text given in Annex I, to which is appended a note explaining the practical methods which the administrations concerned may, in the opinion of the Committee, adopt to ensure the necessary control when issuing the proposed fiscal permit. The Committee did not deem it expedient to insert an article laying down the method of collecting the taxes due after the expiration of the exemption period, the vehicles being subject at that time to the ordinary law. The Committee added that it had decided in favour of introducing a fiscal permit instead of using other existing decuments, such as the international automobile certificate provided for in the 1026 Convention documents, such as the international automobile certificate provided for in the 1926 Convention, because it was not possible to forbid the issuing of more than one of these certificates during a period of twelve months, especially in cases where such certificates were lost, whereas such a measure of prohibition in the case of a fiscal permit would not entail such serious consequences for those concerned and could therefore be enforced. It was for each country to decide as to the authority competent to issue the fiscal permit and the conditions of its issue. The note explains how effective measures can be taken with or without central control. Article 3 states that the fiscal permits are to be endorsed at the frontier Customs offices. That does not mean that the officials entrusted with this duty must necessarily be Customs officials; but it seemed desirable that motorists, who must in any case stop at Customs offices, should not have to comply with other formalities elsewhere before being allowed to move freely in the territory of the country visited. The Committee noted the special case of Great Britain, where vehicles arrived by sea and the automobile clubs and touring clubs are granted special powers to issue permits in places other than Customs offices. The Committee found that, in that particular case, the system did not give rise to any practical objections and it might be expressly retained by inserting a stipulation in the Final Protocol of the Conference adopting the Convention.

The Permanent Committee therefore submits the text which it adopted to the Fiscal Committee or to a delegation of the Fiscal Committee for its approval. Should a joint investigation still seem necessary, it authorises its representatives on the Mixed Committee to draw up, in agreement with the representatives of the Fiscal Committee, the final text of the draft to be submitted to a conference. The Committee proposes that, as soon as this text has been prepared, its examination, with a view to the conclusion of a Convention between European countries, should be placed on the agenda of a European Road Traffic Conference, to which it also proposes to refer the examination of a draft Convention on road signalling and one on commercial motor transport (see 2 and 7 below).

2. ROAD SIGNALLING.

After examining the observations submitted by certain organisations and the information received on steps taken by the competent administrations in the different countries, the Committee decided to maintain its previous recommendations. It provided, however, for an alternative to the signal indicating the maximum weight authorised on certain roads, and it adopted an additional signal to indicate, on secondary roads, the proximity of a main road where vehicles in the latter have priority over those coming from the secondary road (see Figures 1 and 2 herewith).

Figure 1.

al prohibiting the

Signal prohibiting the passage of vehicles exceeding a certain weight.

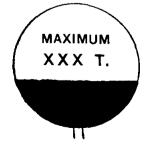


Figure 2.

Signal of right-of-way.



The Committee also found that, although the great majority of replies received from the various Governments showed real sympathy with the Committee's work and a fairly general approval of its proposals, it would not apparently be possible to obtain the desired uniformity by means of a mere recommendation. In some countries, the central authorities are not in a position, if this method were adopted, to impose a uniform system of signalling on the local or communal authorities. Further, certain organisations wished to submit to the competent authorities, for their examination, amendments and alternatives to the proposals made. The Committee considers that, if uniformity is not to be rendered impossible by the definite establishment of signals which are becoming more and more diverse, it is absolutely indispensable to take, at the earliest possible date, final decisions which would be accepted as international obligations by the Governments and thus also become compulsory for the subordinate administrations. The Committee proposes to incorporate its amended suggestions as regards road signalling in a draft Convention between European countries to be submitted to the Conference on road transport mentioned above. This Conference should meet during the first quarter of 1931, if the absence of international regulations is not to have unfortunate consequences which will be difficult to get rid of later. The Committee is confident that all the authorities concerned with the settlement of this question in the various countries will help to make the Conference a success and will realise that it is less important to obtain the adoption of some particular signal—which may, in theory, be more technically perfect or consistent than another—than to arrive at a uniform system which will enable foreign drivers on European roads immediately and easily to understand signals which are identical in all countries.

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.

3. Communications of Importance to the League of Nations at Times of Emergency.

On the basis of the proposals made by M. Pflug (see Annex 2) and the information furnished by the Secretary-General of the Transit Committee, the Committee adopted the following proposals for submission to the Transit Committee:

- "I. Motor vehicles effecting transport of importance to the League of Nations at 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."

4. THE ESTABLISHMENT OF FIRST-AID STATIONS ON ROADS.

The Committee took note of a report by General Bath on the progress made with the organisation of first-aid stations on roads in France. It appears from the statements of various members of the Committee that a more or less similar organisation is working or is about to work in several other countries. Furthermore, private companies have organised in certain countries a system of telephone boxes along the roads, all connected with a telephone exchange, so that in case of accident the necessary medical and material assistance may be procured without delay.

case of accident the necessary medical and material assistance may be procured without delay.

The Committee thinks it expedient to follow up the development of first-aid stations on roads, a question of great importance owing to the considerable increase in road traffic. The members of the Committee are consequently requested to communicate to the Secretariat any information they possess on the subject.

5. FRONTIER VISAS ON INTERNATIONAL TRAFFIC DOCUMENTS.

The Committee took note of the replies of the Governments to the questionnaire drawn up by the Committee of Customs Experts (see Annex 3), and was 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. The Committee has consequently decided to request the Governments concerned to accord those facilities which they have stated their willingness to grant.

6. TRIPTYCH SYSTEM.

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

After examining the replies of the various Governments to the questionnaire concerning triptychs (see Annex 4), the Committee thought that the following rules might well reconcile the various opinions expressed on this question:

"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."

The Committee proposes to communicate this opinion to all the Governments concerned, and to ask them to say whether they are prepared to apply the rules indicated therein relating to the triptych system.

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

The Committee noted with pleasure the Finnish Government's reply to the question put to it concerning the period of validity of triptychs in Finland, which has happily dispelled an apparent misunderstanding (see Annex 5).

(c) Application by the Touring Club of Germany.

The Committee examined the request submitted by the Touring Club of Germany in a letter to the Advisory and Technical Committee for Communications and Transit (see Annex 6). It was stated that cases might occur in which a triptych was lost or had not received a final or provisional exit visa through no fault of the owner of the car. The Committee considers 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. In these circumstances, the Committee hopes that the Governments will see whether some such arrangement could not be made between their respective Customs authorities.

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

The Committee examined the note by the Secretariat and the provisional draft Convention on the international regulation of commercial motor transport (see Annex 7) and provisionally adopted Article 1. As regards the questions dealt with in Articles 2 and 10, it accepted as a basis for discussion at a conference the principles set forth in the attached note (see Annex 8). It decided to omit Articles 3 and 4 and, as regards the questions dealt with in Articles 5 and 6, adopted the following provisions:

"Article 3 (former Article 5).

"The length of stay authorised under Article 2 shall be fixed by the Customs officials of the office of entry on the basis of the distance to be covered within the country and on the strength of the particulars supplied by the driver of the vehicle. This length of stay shall not be less than 24 hours per 50 kilometres, and mention shall be made thereof by the Customs officials on the paper (triptych, acquit-à-caution, passavant, etc.). It shall, if necessary, be extended by the officials of the office of exit, in the event of the vehicle being unavoidably

held up, when this has been duly verified, or of a change of route being made for reasons

" Article 4 (former Article 6).

"The driver of any vehicle who has remained in the territory in question for longer than the period provided for under Article 3, or who has undertaken transport within the country of a kind prohibited under paragraph ... of Article ... shall be liable to the penalties provided

These provisions are much less rigid than those contained in the preliminary draft Convention, inasmuch as the suggested text, unlike the preliminary draft, excludes transport within a country from the operations that may be effected under the terms of the Convention by commercial motor vehicles registered abroad. The last sentence of Article 7 reads as follows:

"Such charge, which must be calculated per 24 hours, shall be fixed at a rate in proportion to the amount of similar charges levied on commercial motor vehicles registered in the territory of the High Contracting Party, regard being had, however, to the necessity, in the case of commercial motor vehicles registered abroad, of a particularly simple basis of taxation such as will allow of the rapid collection of the duties.

"Fractions of 24 hours shall count as 24 hours."

It was agreed that the last sentence of Article 8 should be so amended as to be identical with the text of the Barcelona Convention on Freedom of Transit, and that Article 9 should not refer to the Paris Convention, but generally to all international Conventions in force. Articles II and following do not give rise to any observation. The Committee desires, however, to point out to the Transit Committee that the words "the organ set up at the time" might perhaps, now that the Transit Committee has been in existence for ten years, be altered with advantage.

It was agreed that an article should be drafted stipulating that the freedom of traffic for commercial motor vehicles provided for in the Convention should not be taken to imply, as regards those vehicles, exemption from any legal provisions entailing an obligation in respect of "civil responsibility" insurance.

The Committee considered that the preliminary draft Convention thus amended might serve as a useful basis of discussion for the conclusion of a Convention between European countries. The question of the conclusion of this Convention might be placed on the agenda of the European Conference on Road Traffic mentioned above.

The Chairman of the Committee was requested to make, in agreement with the Chairman of the Advisory and Technical Committee, any necessary arrangements for the drafting, subject to the above conditions, of the text of the draft Convention to be submitted to the Conference. Certain members of the Committee were of opinion that the Convention would stand a better chance of being adopted by a large number of countries if the public passenger transit services were placed on the same footing as other passenger transport services, instead of providing, as is done in the note (Annex 7), a regime of free circulation for those services. The Committee was, however, of opinion that, owing to the consequences which such a precedent might create for other methods of transport and to the fact that such a ruling would constitute an exception to the principle of freedom of transit, it could not assume responsibility for such a restriction. The Conference would have to consider whether motor transport was sufficiently different in character from other methods of transport for it to be possible to say that the system of freedom enjoyed, for instance, by passenger transit services on inland waterways should not be applied to motor transport of passengers in transit.

During the discussions, the Committee received, for its consideration, a note submitted by M. Blum, representative of the International Chamber of Commerce (see Annex 9).

8. RIGHT OF WAY.

The Committee examined the regulations in force in the various countries with regard to right of way, and found that they were based on widely differing conceptions. In the Netherlands, for instance, traffic coming from the right enjoys absolute priority. In France, a similar general rule applies with one exception: traffic moving on other roads is required to give precedence to traffic moving on "national" roads. In Germany, on the other hand, the principle is that traffic on the main road enjoys right of way, though no definition has been given of main roads and secondary roads. In the case of roads of equal importance, traffic approaching on the right has priority. In Great Britain, there is no rule of priority established by law.

The Committee considered that a rule of absolute priority for vehicles coming from the right is liable sometimes to hinder traffic seriously, inasmuch as it took no account of the density of the traffic, and that consequently it might be necessary, in certain cases, to make a rule giving priority to the road with heavy traffic. Nevertheless, the Committee did not think it possible to lay down a sufficiently accurate criterion which could be used internationally for distinguishing between main roads and secondary roads. But it decided that it was necessary in the interests of safety that,

in cases where traffic on the main road enjoyed right of way, the proximity of a main road should be indicated in the secondary road by a special sign to show that traffic on the secondary road must give way to traffic on the main road. It found that some such special sign might perhaps be useful even where there was no legal provision or regulation giving main road traffic right of way. It should be pointed out that a road which joins another road, but does not cross it, must always be regarded as a secondary road, so that no special sign is necessary in this case.

As a conclusion from the foregoing considerations, the Committee adopted the following rule:

"A driver is bound, at fork-roads and cross-roads, to give way to a driver approaching on the road on his right. Nevertheless, if on approaching the cross-road, a driver sees the special sign indicating that the road into which he is about to turn is a main road, he must take special precautions and give way to vehicles moving on that road."

The Committee also discussed trams on roads which, according to the laws in force in certain countries, are treated like railways, and thus have an absolute right of way. The Committee was of opinion that the information needed for the examination of this extremely complicated question was inadequate, and therefore held the question over for discussion at a subsequent meeting.

9. Coming into Force of the 1926 Convention.

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.

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.

10. DEMANDS OF MOTOR DRIVERS.

The Committee has decided to communicate to the Transit Committee the memorandum submitted by the Transport Workers Federation (document C.C.T./C.R./47). Certain questions raised in this memorandum appear to the Committee to affect the laws and regulations relating to labour, while others refer to questions connected with motor traffic, and the Committee therefore requests the Transit Committee to consider what procedure should be followed in examining the questions raised in the memorandum, and, in particular, to decide which of them should be regarded as coming within the competence of the Permanent Committee on Road Traffic.

11. RESOLUTIONS ADOPTED BY THE FIFTH CONGRESS OF THE INTERNATIONAL CHAMBER OF COMMERCE, HELD AT AMSTERDAM IN JULY 1929.

The Committee took note of the resolutions adopted by the Fifth Congress of the International Chamber of Commerce.

12. LEVEL-CROSSINGS.

The Committee took note of the decision of the International Railway Union concerning the unification of the warning sign to be placed on roads in the neighbourhood of unguarded level-crossings (see Annex 10).

crossings (see Annex 10).

The Committee discussed the general question of level-crossings and adopted the attached resolution (see Annex 11).

13. SAFETY OF PEDESTRIANS.

The Committee took note of the information collected by the Secretariat, at the request of Mr. Franklin, with regard to the measures adopted in various countries to secure the safety of pedestrians at heavily trafficked cross-roads. It expressed the opinion that this problem was of considerable importance and that the competent authorities of a country might find it extremely useful to have detailed information on the measures adopted in large important centres in other

countries. It instructed the Secretariat to collect information on the principal large towns for which such information was not yet available and to prepare a systematic report for submission to a subsequent meeting of the Committee.

Annex 1

DRAFT INTERNATIONAL CONVENTION ON THE TAXATION OF MOTOR VEHICLES.

(The present text will be submitted to the Mixed Committee set up by the Fiscal Committee and the Permanent Committee for Road Traffic, which will meet at The Hague on August 18th and 19th, 1930. The amended text, as adopted by the Mixed Committee, will appear as a separate publication.)

(List of Heads of States.)

Being desirous of facilitating international motor traffic,

Considering that an exemption as wide as possible of foreign motor vehicles from taxation is of essential importance for this purpose,

Have appointed as their Plenipotentiaries the following:

(List of Plenipotentiaries.)

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

Article 1 (New Text).

The High Contracting Parties agree that, when a motor vehicle, properly registered in the territory of one of the parties circulates merely temporarily in the territory of another, under the conditions laid down in the following articles, it shall be exempted from the taxes and charges

on circulation levied on motor vehicles in the whole or part of the countries visited.

The present Convention shall not, however, apply to vehicles used for the public conveyance

of passengers for payment or for the transport of goods.

Article 2.

The exemption laid down in Article I shall be granted in each country for one or more periods

totalling not more than ninety days passed in that country, and expiring one year at the latest after the date of issue of the fiscal permit provided for in Article 3.

In computing taxes and charges payable for the part of a sojourn in excess of the period of exemption, the treatment applied to the vehicle shall not be less favourable than that accorded to vehicles registered in the country visited.

Article 3.

In order to claim in the territory of any of the High Contracting Parties the benefit of exemption, the vehicle must be provided with a fiscal permit issued by the authority of the country of registration and drawn up on the model given in the annex to the present Convention.

This fiscal permit shall be present for endorsement on arrival and departure at the frontier Customs offices of each country visited.

Article 4.

The fiscal permit shall be valid for one year from the date of its issue. The High Contracting Parties undertake not to issue a new permit for the same vehicle (not even as a duplicate copy) before the expiration of this period.

Article 5.

The exemption provided by Article I shall not apply to tolls levied at special points on the public road or to other similar charges payable on the spot and leviable both upon vehicles registered in the country and those registered abroad.

Articles 6, 7, etc.

(Formal clauses.)

For the purposes of the present Convention, "all vehicles provided with the means of mechanical propulsion, which circulate on the public roads but do not run on rails, and are used for the conveyance of passengers and goods' shall, in accordance with the provisions of the 1926 Convention on Motor Traffic, be deemed to be motor vehicles.

OPTIONAL PROTOCOL.

Article 1.

The High Parties signatories of the present Protocol reciprocally undertake to extend to one year the period of exemption provided for in Article 2 of the Convention of to-day's date in respect of motor vehicles properly registered in their respective territories.

Article 2, etc.

(Formal clauses.)

TEXT TO BE INSERTED IN THE GENERAL PROTOCOL OF THE CONFERENCE.

As the High Contracting Parties accord each other the benefits provided by the Convention, subject to reciprocity, such benefits may not be claimed from any of the High Contracting Parties in application of the most-favoured-nation clause by any State not participating in the present Convention, unless such State is prepared to grant to the said High Contracting Party benefits equivalent to those provided for under the Convention.

The same shall be the case with regard to the Optional Protocol.

Appendix.

Note on Methods of Control.

The only compulsory document provided for in Articles 3 and 4 is a fiscal permit. In order to facilitate control, it is laid down that only one fiscal permit per year may be issued for each vehicle, and it was not considered necessary to incorporate in the text of the Convention itself any provisions governing the conditions of control, which may be left to the discretion of the Governments concerned.

It has, however, been thought desirable to point out to these Governments that the system provided by the Convention leaves them free to exercise any control they think desirable, and it is therefore proposed to insert the following suggestions in the Protocol of the Conference:

As regards countries where the control of registered national motor vehicles is centralised, it will not be difficult to stipulate that no fiscal permit may be issued unless the central authority has certified that no fiscal permit has been issued in the course of the last twelve months.

As regards the countries which have no such centralised system of control and do not adopt such a system, the following procedure may be suggested:

The authority issuing the fiscal permit shall stamp the applicant's national registration certificate. This stamp shall indicate the date of issue of the fiscal permit. No fiscal permit shall be issued unless the national registration certificate is produced. If the authority issuing the fiscal permit and applying the stamp is other than the authority which issued the national registration certificate, the former shall inform the latter that a fiscal permit has been issued and mention the date of its issue.

Annex 2.

MOTOR SERVICE FOR DELEGATES OF THE LEAGUE OF NATIONS AT TIMES OF EMERGENCY.

NOTE BY M. PFLUG.

Since the German Government has already agreed to support all measures necessary for the conveyance of delegates of the League of Nations, it will, as a matter of course, be prepared to grant facilities for the organisation of a motor service for those delegates at times of emergency.

The possibility might be considered of identifying motor-cars used for this service by means of a particular flag or by their being painted a special colour. Should the League of Nations prefer to furnish them with a special flag, the various Governments should be allowed an opportunity of ascertaining whether the flag recommended is not already used for other purposes in their own countries. Personally, M. Pflug does not see much advantage in the special allocation of motor-cars; mistakes will always be inevitable, as the Governments, even if all possible measures are taken to bring the matter to the knowledge of their competent authorities, will not succeed in bearing it in the minds of those authorities if no motor-car using the flag makes its appearance for keeping it in the minds of those authorities if no motor-car using the flag makes its appearance for ten years or more.

M. Pflug, however, considers it desirable that an identity-card should be adopted, made out in the names of the delegates of the League of Nations. This card would permit of the necessary supervision and would indicate the place where the frontier would be crossed and the place of destination. The motor-car would also have to bear the signs prescribed by the Convention on International Motor Traffic, and the driver should carry an international licence.

In order to ensure the rapid and reliable transit of the car, the League of Nations would presumably have to telegraph to the Government of the country to be passed through, stating at what point the frontier would be crossed and the destination. By this means, the Government

of that country would be able to have the car accompanied by a representative of the country, who would act as pilot and would undertake to provide facilities for the journey and, if necessary, accepted, it will not be difficult to induce all the Governments, to agree that these cars, which would only rarely be used, should be exempt from Customs charges and duties.

Annex 3.

REPLIES FROM GOVERNMENTS TO CIRCULAR LETTER 74 OF APRIL 22ND, 1929, FORWARDING A QUESTIONNAIRE RELATING TO FRONTIER VISAS ON CUSTOMS AND POLICE DOCUMENTS USED IN INTERNATIONAL MOTOR TRAFFIC.

[See Official Journal, December 1929, page 1898, and April 1930, page 324.]

Annex 4.

REPLIES FROM GOVERNMENTS TO CIRCULAR LETTER 74 OF APRIL 22ND, 1929, FORWARDING A QUESTIONNAIRE RELATING TO THE TRIPTYCH SYSTEM AT PRESENT IN FORCE IN THE VARIOUS COUNTRIES.

[See Official Journal, December 1929, page 1898, and April 1930, page 324.]

Annex 5.

CORRESPONDENCE EXCHANGED BETWEEN THE SECRETARIAT AND THE MINISTRY FOR FOREIGN AFFAIRS OF FINLAND CONCERNING THE QUESTION OF THE DURATION OF VALIDITY OF THE TRIPTYCH.

[C.C.T./C.R./57.]

LETTER FROM THE SECRETARY-GENERAL TO THE MINISTER FOR FOREIGN AFFAIRS OF FINLAND.

[Translation.]

Geneva, December 23rd, 1929.

With reference to your letter No. 7692 of July 5th, 1929, and Circular No. 18/1929 of August 7th, 1929, issued by the Finnish Customs Administration, the text of which has been communicated to the Secretariat by a letter dated August 21st, 1929, from the Finnish Permanent Delegation accredited to the League of Nations, I have the honour, at the request of the Chairman of the Advisory and Technical Committee for Communications and Transit, to submit the following remarks for your consideration.

In your letter you informed me, in reply to the questionnaire sent with Circular Letter 74.1929. VIII, dated April 22nd last, that the Finnish Government was of opinion that the triptych regime could be applied to foreign motorists having a temporary residence in Finland on condition

that they did not stay more than six months a year in the country.

On the other hand, the circular states that "the time-limit within which the motor-car must leave the country has been reduced to six months". Should this provision be intended to apply to all foreign motorists entering Finland, and not merely to those among them who have a temporary residence in that country, it would be equivalent to reducing the duration of validity

of the triptych to six months.

The Chairman of the Transit Committee wonders whether there has not been a misunderstanding with regard to this matter. The Transit Committee, of course, had no idea of reducing the duration of validity of the triptych, which is generally one year. On the contrary, the constant desire of that Committee has been that the application of the triptych system, valid for one year from the date of issue, should become general, since any reduction in the duration of validity of the triptych would certainly have serious consequences from the point of view of interretional tensity troffic international tourist traffic.

The Chairman of the Advisory and Technical Committee for Communications and Transit

would therefore be much obliged if you could inform him whether, in view of these circumstances, the Finnish Government could agree that the duration of validity of the triptych should not be affected by the fact that motorists having a temporary residence in Finland are only allowed to stay six months and whether your Government would think it possible to maintain the duration of validity of the triptych at one year as her played bithests.

of validity of the triptych at one year, as has been allowed hitherto.

(Signed) J. AVENOL.

LETTER FROM THE MINISTER FOR FOREIGN AFFAIRS FOR FINLAND TO THE SECRETARY-GENERAL.

[Translation.]

Helsingfors, February 24th, 1930.

In reply to your letter No. 9F/13197/7858, dated December 23rd, 1929, dealing with the duration of the validity of the triptych, I have the honour to bring the following facts to your

Under Article II, paragraph I, of the Law of November 29th, 1924, concerning the application of the Customs tariff, means of transport and vehicles are exempt from duty when used in Finland for the purpose of a specific journey. The Cabinet, by its resolution of September 20th, 1929 (Legal Bulletin of Finland, No. 302, 1929), has given detailed instructions concerning the application of this exemption to imported motor-cars. According to these instructions, the import duty should, as a general rule, be levied on any motor-cars imported into Finland for the purpose of a specific journey, but the duty levied is repaid should the vehicle be re-exported from the country within three months from the date of Customs clearance on condition that the owner does not reside in Finland. As an exception to this general rule, the Cabinet resolution laws does not reside in Finland. As an exception to this general rule, the Cabinet resolution lays down that a traveller bringing a motor vehicle with him and in possession of a triptych or Customs pass-book (carnet de passage en douanes) is authorised to take possession of the motor-car without paying the import duty and to use it in Finland duty free, subject to certain conditions. One of these conditions is that the traveller does not reside in Finland, but is only there temporarily for not more than six consecutive months. A second condition is that within six months from the date of import, or sooner if the validity of the triptych or Customs pass-book expires before that time and has not been extended, the motor-car must be re-exported before the expire of the period in question. The Customs Administration is authorised in exceptional cases to extend the validity of a Customs pass-book for not more than one year when it expires during the time the motor-car in question is in Finland.

As will be seen, the re-export of the motor-car is the main condition for exemption from Customs, and the duration of validity of the triptych or of the Customs pass-book only influences the exemption if it expires before the period of six months prescribed for re-export. It also follows from these provisions that exemption is only granted to owners of vehicles who have not their permanent residence in Finland and spend not more than six consecutive months in that country. These provisions do not fundamentally affect the duration of validity of the triptychs unless they are only valid for a single journey. On the other hand, the Customs pass-books and triptychs of the type used, for instance, in Sweden may be employed during all their validity for travel in Finland, on condition that the motor-car does not remain in Finland for more than six months on the accession of each journey. The duration of realidity more area has a triptych of the contract. the occasion of each journey. The duration of validity may even be extended by the Customs Administration when it expires during the time in which the motor-car remains in Finland.

In reply to the question whether the Finnish Government is prepared to maintain one year as

the period of validity for triptychs, I would state that there has been no objection so far as regards the period during which the triptych can be used to obtain exemption, but the motor-car cannot remain exempt from duty during more than six consecutive months and can only be used during the period of validity of the triptych or Customs pass-book. If, on the other hand, it is intended that the period for the re-export of the motor-car should be fixed in such a manner as to be identical with the period of validity of the triptych or of the Customs pass-book, the Finnish Customs Administration is of opinion that this would not be in accordance with the Customs legislation of Finland, which only grants exemption to motor-cars if they are used for a specific journey, and that free use of a vehicle in Finland during a whole year could hardly be regarded as a single journey.

(Signed) J. PROCOPÉ.

Annex 6.

LETTER FROM THE GERMAN TOURING CLUB TO THE COMMITTEE FOR COMMUNICATIONS AND TRANSIT.

[C.C.T./C.R./52.]

CANCELLATION OF UNDISCHARGED OR LOST TRIPTYCHS.

[Translation.]

Munich, March 17th, 1930.

Whereas in certain countries, for example, in Austria and Switzerland, certification of the re-entry of a vehicle by the Customs authority is sufficient for the discharge of triptychs which have either been lost or which have not been furnished with a final or provisional exit visa, in Germany the Customs Administration demands in such cases a consular certificate. In view of complaints made by the Austrian Touring Club and the Touring Club of Switzerland, the German Touring Club approached the German Minister of Finance with a request that, in the above-mentioned cases, Germany too should recognize as adequate the certification of foreign Customs authorities Germany, too, should recognise as adequate the certification of foreign Customs authorities.

In his reply to this request of the German Touring Club, the Minister of Finance referred to his Decree of January 18th, 1926, II, Bz. 20159 (Customs Bulletin, page 19), in virtue of which proof of a certificate issued by an official German representative abroad. There was, therefore, no question of legalising the certificates of foreign authorities. He added that it was impossible to contemplate any alteration of this Decree because various neighbouring countries, such as Holland, Belgium, concerning the whereabouts of vehicles as sufficient evidence. If Germany were to offer facilities in this respect to any other country, these would also be claimed by other States granting reciprocal facilities; there were, therefore, no prospects of this Decree being changed, by means of a collective treaty.

We wish to bring the present position to the notice of the Communications and Transit Committee of the League of Nations, and would earnestly request it to take steps to ensure that the procedure already in force in Austria and Switzerland may be applied by all States interested in such traffic when dealing with undischarged triptychs.

We shall also submit this matter to the Conseil Central du Tourisme and the Alliance Internationale de Tourisme.

Annex 7.

COMMERCIAL MOTOR TRANSPORT.

Note by the Secretariat.

[C.C.T./C.R./53.]

April 16th, 1930.

The Secretary-General of the Advisory and Technical Committee for Communications and Transit has the honour to submit to the members of the Permanent Committee on Road Traffic a preliminary draft Convention (Appendix) on international commercial motor transport, drafted in accordance with the decisions reached by the Committee at its last meeting.

It seems desirable that, before their next meeting, the members of the Committee should obtain the view of their Administrations on the text and should be in a position to communicate to the Committee, and, if possible, to the Secretariat before the meeting of the Committee, any information they consider relevant to the questions dealt with in the draft Convention, and in particular the text of any existing agreements relating to commercial motor transport between their countries and neighbouring countries. If there are any special laws or regulations in their countries in regard to commercial motor transport, especially in regard to the definition of public services carried on in virtue of a special authorisation or concession, information thereon would also be welcomed.

At its last meeting, the Committee had decided that the draft Convention should not apply to internal transport. On the other hand, as regards international transport, no restrictions were contemplated: it was considered, after examination, that the Committee's aim would be more effectively attained if the Convention did not contain any prohibition of national transport and if international transport in general were subjected to very strict conditions.

The periods laid down in the draft Convention for the length of stay allowed in a country have been so calculated as to enable foreign commercial vehicles to engage in international transport while rendering it extremely difficult for motor transport concerns to organise services confined to a foreign country.

Appendix.

· DRAFT CONVENTION ON INTERNATIONAL COMMERCIAL MOTOR TRANSPORT.

Article 1.

Commercial motor vehicles within the meaning of the present Convention are motor vehicles used permanently or temporarily for the transport of goods and those used permanently or temporarily for the conveyance of passengers for payment.

Article 2.

The High Contracting Parties undertake to accord freedom to travel and to transport passengers or goods in their territory to commercial motor vehicles registered in the territory of one of the other High Contracting Parties.

The length of stay which commercial motor vehicles are allowed for this purpose in the territories of the High Contracting Parties may not, however, exceed the periods laid down in Article 5 of the present Convention. For the period of such stay, these vehicles shall benefit by the system of temporary Customs exemption subject to furnishing a surety entitling the persons in question to an acquit-à-caution or a triptych, at the discretion of the Customs Administration concerned.

Article 3.

Any commercial motor vehicle entering the territory of one of the High Contracting Parties, other than the Party on whose territory it was registered, shall be required to carry a road certificate (entry). If the vehicle entering the territory is conveying passengers or transporting goods, this road certificate shall specify the number of passengers or the quantity and nature of the goods. Mention shall also be made of the points where passengers are set down or goods unloaded within

the territory, and also of the destination of passengers or goods in transit.

Any commercial motor vehicle leaving the territory of one of the High Contracting Parties, other than the Party on whose territory it was registered, must produce its road certificate (entry) and also be in possession of a road certificate (exit). If such vehicle, when leaving the territory, is conveying passengers or transporting goods, mention shall be made in this road certificate of the number of passengers conveyed or the quantity and nature of the goods transported, and also of the point or points from which the passengers started or the goods were loaded within the territory.

Article 4.

The road certificate (entry) shall be endorsed by the Customs authority on entry into the territory. On the request of the driver of the vehicle, it shall also be endorsed by the competent authority at any point mentioned thereon where passengers are set down or goods unloaded. The driver must ask for this endorsement at least at one point mentioned on the certificate where passengers are set down or goods unloaded.

The road certificate (exit) shall be endorsed by the Customs authority when the vehicle leaves the territory. On the request of the driver of the vehicle, it shall also be endorsed by the competent authority at any point mentioned thereon where passengers are picked up or goods loaded. The driver must ask for this endorsement at least at one of these points.

Article 5.

The length of stay authorised under Article 2 shall be calculated as follows:

The route followed by the motor vehicle shall be deemed to be the shortest route connecting

the various points at which endorsements have been made on the road certificates.

The length of stay allowed shall be 24 hours per 100 kilometres of the route, fractions of 100 kilometres being reckoned at proportionate fractions of 24 hours. This length of stay shall, however, be increased: by 24 hours if one of the road certificates bears an arrival, unloading, departure or leading and recomments have 18 hours if each of the road arrival unloading, departure or loading endorsement; by 48 hours if each of the road certificates bears such endorsement; further, every additional arrival, unloading, departure or loading endorsement shall give a right to an additional period of 12 hours.

Periods during which vehicles are unavoidably held up shall not be reckoned when calculating

the length of stay, when this has been duly verified by the competent authority.

Article 6.

The driver of any vehicle who has remained in the territory in question for longer than the period provided for under Article 5 may be fined in virtue of regulations issued by the competent authorities. In cases deemed by these authorities to be of exceptional gravity, the vehicle may be treated as if it had ceased to benefit by the system of temporary exemption from Customs dues.

Article 7.

In cases where the High Contracting Parties make a road traffic charge on commercial motor vehicles registered in their own territory, they may also levy a similar charge on commercial motor vehicles circulating in their territory and registered in the territory of one of the other High Contracting Parties. Such charge shall not exceed, per 24 hours or part of such period, 1/360th of the annual charge levied on vehicles of the same category registered in the territory of the High Contracting Party in question.

Article 8.

The High Contracting Parties shall grant freedom of transit to passengers and goods conveyed in commercial motor vehicles. No charge in respect of transit may be levied on these passengers or goods.

Article 9.

The present Convention does not lay down the technical conditions with which the commercial motor vehicles or their drivers must comply before permission is granted to travel in the territory of the High Contracting Parties, as these conditions are determined in the manner provided in the Paris Convention of April 24th, 1926, in the case of the parties to that Convention, and by the national legislations in the case of States which are not parties thereto.

Article 10.

The present Convention shall not apply to commercial motor vehicles used for the public conveyance of passengers or goods. Public transport services within the meaning of the present article are services open to the public over a fixed route on a regular time-table.

Article 11.

The provisions of the present Convention may be abrogated in exceptional circumstances and for as short a period as possible by particular or general measures which any of the High Contracting Parties may be obliged to take in the event of serious occurrences affecting the safety or vital interests of the country, on the understanding that the principles of the present Convention must be observed as far as possible.

Article 12.

None of the High Contracting Parties shall be bound by this Convention to ensure the transit of passengers whose admission into its territories is forbidden or of goods of a kind of which the importation is prohibited either on grounds of public health or security or as a precaution against diseases of animals or plants. As regards traffic other than traffic in transit, none of the High Contracting Parties shall be bound by this Convention to ensure the transport of passengers whose admission to its territory is prohibited or of goods of which the import or export is prohibited by its national laws. its national laws

Each High Contracting Party shall be entitled to take the necessary precautionary measures in respect of the transport of dangerous goods or goods of a similar character, it being understood that such measures must not result in any discrimination contrary to the principles of the present Convention, and also to enforce general police measures, including police measures in connection with emigration traffic.

Nothing in this Convention shall affect the measures which one of the High Contracting Parties is or may feel called upon to take in pursuance of general international Conventions to which it is a party or which may be concluded hereafter, particularly Conventions concluded under the auspices of the League of Nations relating to the transit, export or import of particular kinds of articles such as opium or other dangerous drugs, arms, or the produce of fisheries, or in pursuance of general Conventions intended to prevent any infringement of industrial, literary or artistic property, or relating to false marks, false indications of origin or other method of unfair competition.

Article 13.

The present Convention does not prescribe the rights and duties of belligerents and neutrals in time of war. The Convention shall, however, continue in force in time of war so far as such rights and duties permit.

Article 14.

The present Convention does not entail in any way the withdrawal of facilities which are greater than those provided for in the Convention and which have been granted in commercial motor traffic under conditions consistent with its principles. This Convention also entails no. prohibition of such grant of greater facilities in the future.

Article 15.

Any dispute which may arise as to the interpretation or application of this Convention which is not settled directly between the High Contracting Parties themselves shall be brought before the Permanent Court of International Justice, unless, under a special agreement or a general arbitration provision, steps are taken for the settlement of the dispute by arbitration or some other

Proceedings are opened in the manner laid down in Article 40 of the Statute of the Permanent

Court of International Justice.

In order to settle such disputes, however, in a friendly way as far as possible, the High Contracting Parties undertake, before resorting to any judicial proceedings and without prejudice to the powers and right of action of the Council and of the Assembly, to submit such disputes for an opinion to any body established by the League of Nations as the advisory and technical organisation of the Members of the League in matters of communications and transit.

In urgent cases, a preliminary opinion may recommend temporary measures intended in particular to restore to commercial motor traffic the facilities which existed before the act or occurrence which gave rise to the dispute.

Article 16.

| Nothing in the preceding articles is to be construed as affecting in any way the rights or of any High Contracting Party as a Member of the League of Nations. | duties |
|--|--------|
| • | • • • |
| [Here follow the formal articles (signatures, ratifications, entry into force, accesdenunciation, revision).] | ssions |

Annex 8.

PRINCIPLES TO BE EMBODIED IN THE ARTICLES WHICH ARE TO BE SUBSTITUTED FOR ARTICLES 2 AND 10 OF THE PRELIMINARY DRAFT CONVENTION ON INTERNATIONAL COMMERCIAL ROAD TRANSPORT IN THE APPENDIX TO ANNEX 7.

1. Vehicles in Transit without Load.

Always authorised unconditionally.

2. Vehicles in Transit conveying Passengers or Goods in Transit only.

Always authorised unconditionally.

3. Conveyance of Passengers or Goods from one Point of the Territory to Another.

In all cases excluded from the application of the Convention.

- 4. Vehicles "importing" or "exporting" Passengers, or proceeding Empty to take up Passengers in the Country visited, or returning Empty after having set down Passengers in the Country.
- (a) Public Services. The circulation of vehicles used for a public service is not authorised unconditionally. Every Government can render the organisation of a passenger transport service which, according to its laws, constitutes a public service subject to the conditions of authorisation or concession laid down in those laws; but no distinction may be made, in applying the laws or in granting authorisations or concessions, between enterprises using vehicles registered in the country itself and those using vehicles registered in a foreign country which is a contracting party to the Convention. Vehicles authorised for traffic are subject to the provisions of the Convention as regards their entry into, departure from or stay in the country.
 - (b) Vehicles not engaged in a Public Service. Always authorised unconditionally.
- 5. Vehicles importing or exporting Goods, or proceeding Empty to load Goods in the Country visited, or returning Empty after unloading Goods in that Country.
- (a) Regular Routes. Every country may render the operation of regular goods motor transport routes subject to the conditions of authorisation or concession laid down in its laws. Motor transport shall be deemed to be effected by regular routes if it is open to the public and is carried on between fixed points under the terms of a published tariff and in accordance with a time-table or at dates publicly announced in advance. No distinction may be made in applying the laws or in granting authorisations or concessions between enterprises using vehicles registered in the country itself and those using vehicles registered in a foreign country which is a contracting party to the Convention. Vehicles authorised for traffic are subject to the provisions of the Convention as regards their entry into, departure from and stay in the country.
 - (b) Vehicles not carrying on Transport on Regular Routes. Authorised unconditionally.

Annex 9.

NOTE REGARDING INTERNATIONAL COMMERCIAL MOTOR TRAFFIC, SUBMITTED BY M. C. BLUM, REPRESENTATIVE OF THE INTERNATIONAL CHAMBER OF COMMERCE.

[Translation.]

The preliminary draft Convention on International Commercial Motor Transport constitutes an advance on the present position, as it takes into account certain observations previously made by various international representatives of the users.

While reporting favourably on this draft, we think that the entire question should be investigated in order that a definite programme may be drawn up.

Freedom of international traffic for commercial vehicles is restricted by the desire of the various Governments to collect the charges which are generally levied on these vehicles.

These charges are as follows:

1. Duty on the value of the vehicles;

2. Road traffic charge;

3. Various taxes on the materials used, such as petrol and, sometimes, tyres.

It must be borne in mind that in almost all countries heavy motor vehicles pay most of the cost of upkeep of the roads; every country, therefore, tries to keep off its roads non-paying traffic and the traffic of vehicles registered abroad but near its frontiers, in order to avoid paying Customs duty or road traffic tax. Many countries also have special regulations preventing the wear of roads and regulating their use. On this question, unity of principle is still far from having been attained. Some countries prohibit entirely the use of solid tyres; others discourage them to such an extent as virtually to prohibit them; others, again, tolerate them provided the vehicles do not exceed certain speeds. Some countries regulate the width of vehicles by the width of the roads, while others simply prescribe maximum widths; same have regulations regarding weight per axle, length and overhang; others supervise the weight per axle of vehicles in use.

If the motoring laws of the various countries in respect of commercial vehicles were fully studied and compared, it would be seen that frequent conferences would be necessary in order to ascertain what unification would be of the greatest value to users and constructors.

In some countries, again, traffic questions are regulated locally, so that facilities for international commercial motor traffic have always been very restricted, and the draft submitted to us is much more restrictive than the draft regarding private motor traffic. Yet numerous questions arise daily calling for far greater facilities for international commercial motor traffic.

As regards particular regulations, the purchaser of a commercial motor vehicle intended for international use can choose a type which complies with the various national and local requirements of the countries which he intends it to pass through. He must choose a vehicle which fulfils these regulations, but, having done so, he must, in considering the possibility of undertaking international traffic, take into account the charges imposed in each country in respect of Customs, road traffic and material used.

For occasional or even regular long-distance transport, the conditions governing the use of vehicles determine the country selected for registration; but for frontier and short-distance traffic, if facilities are provided for international traffic, the owner of the vehicle will certainly choose the country which is most advantageous from the taxation point of view.

In most countries, the extent to which fraud is practised in frontier traffic is undoubtedly very small indeed in comparison with the sums received in respect of motor traffic. But fiscal administrations are very alike in all countries; they are more afraid of adopting a provision whereby they will lose a solitary franc than they are willing to agree to provisions which will bring in 1,000 francs. Before making proposals which will render this international traffic possible, we must make due allowance for the anxiety of the fiscal administrations in all countries not to lose any duty whatever, even though in most cases the sums involved are insignificant.

Naturally, every country, in view of the taxes levied on its nationals, prevents foreigners who do not pay the same taxes from competing too easily. Therefore, any proposal on the lines we are considering should tend to place international traffic on an equal footing, whatever the country with which it is connected.

In respect of the facilities to be granted to the various classes of traffic, three cases may be investigated:

I. Occasional Transport. — Here the triptych system devised for private motors can and indeed must be applied to heavy vehicles intended for the carriage of goods and passengers.

We see no a priori difficulty here, except possibly the small attention hitherto paid to users of transport in common, to whom the facilities granted to private motors have been systematically refused.

2. Regular Long-distance Transport. — This transport, particularly in the case of goods, is being organised to an increasing extent. The railway companies, under the influence of this competition, may possibly improve their services and arrange time-tables and tariffs with which motor traffic cannot compete.

For long distances, the railway must undoubtedly beat the motor-lorry by means of its tariffs. After a number of peaceful years, the railway companies are now faced with a new means of transport superior to their own in speed and in facility of delivery.

Their first move was to use the motor-lorry; the second, which will certainly prove a better way, will be to re-organise their traffic so as to give more rapid services, and this they can do very easily; it will make for the quick return of their rolling-stock and will consequently improve their co-efficient of operation.

Nevertheless, although we do not believe that this long-distance motor traffic can be developed indefinitely, for the very reason that the railways can and must compete with it on more favourable terms, it must continue to exist, in order to maintain constant competition by showing that goods can always be transported better and more quickly. It is essential, however, that the vehicles used for this transport should be able to cross frontiers without difficulty.

3. Frontier Traffic. — There is a large volume of traffic, both passenger and goods, between the populations of frontier districts. The duty levied on goods frequently impedes their transport, but there is a great deal of passenger transport in frontier districts, and the use of motors should be facilitated in order to make such journeys less tiring and more practicable.

As stated above, if frontier traffic were free, the differences in Customs duties on the vehicle itself and the road charges might lead users to register the vehicle in the country with the more favourable system from this twofold point of view.

An ideal solution would be the abolition of Customs duties on heavy motor vehicles and the international unification of road traffic charges. Unfortunately, this is too much to expect.

Heavy motor vehicles, however, are nowhere manufactured in very large numbers, and if, for example, commercial treaties allowed them to be exported duty free from one European country to another, the users would be able to buy them at much lower prices.

The unification of road traffic charges, too, does not appear to be impossible.

These, however, are matters for the future, and we must investigate and solve the question under the existing conditions of Customs and fiscal legislation.

It is now that the users are suffering and that immediate requirements remain unsatisfied for lack of a practical procedure to govern international and frontier traffic.

We have tried to devise a method which, while reserving the triptych for the first of the above cases, i.e., occasional transport, would make it possible in practice to organise the other two kinds of motor transport.

As the basis of this plan, international conventions would be concluded by each Government with the Governments of neighbouring countries, whereby, after taking into consideration the Customs dues and road traffic charges in use in each of these countries, a daily charge at a flat rate would be established for each country in respect of traffic with certain specified types of vehicles.

For instance, the position as regards a vehicle of 20 h.p., with a tare weight of 3,000 kg., travelling between Belgium and the Netherlands, might be as follows:

The vehicle would pay 900 gold francs Customs duty to enter the Netherlands and 2,000 gold francs to enter Belgium.

Further, it would pay 360 gold francs per year in road traffic charges in the Netherlands and 150 gold francs in Belgium. If we assume that the Customs duty must be paid off in two years, or 600 working days, the Customs charge on such a vehicle would amount to 1.50 gold franc per day in the Netherlands and 3.30 gold francs per day in Belgium, while the daily traffic tax would be 1.20 gold franc per day in the Netherlands, and 0.50 gold franc in Belgium.

The amount of these charges is therefore 2.70 gold francs per day in the Netherlands and 3.80 gold francs per day in Belgium.

The Convention would provide that, for a heavy vehicle registered either in Belgium or in the Netherlands and travelling between those countries, the corresponding charge would be 2.70 gold francs per day in the Netherlands and 3.80 gold francs per day in Belgium.

A vehicle registered in Holland and passing into Belgium would therefore have to pay to the Belgian Government the supplementary charge of 1.10 gold franc per day.

In every country, an association authorised by the contracting State or, for all countries combined, an international group of these national associations, would introduce three-monthly booklets which would allow of these dues being settled by their members at the end of each quarter. A balance would be arrived at by collecting from the State where the vehicle is registered a constant daily charge fixed by international convention, collecting from the user the supplementary charges for journeys in the countries with higher taxes, and paying to the Government of the territory which has been occasionally used the sums due for such use.

For instance, the International Federation for Commercial Motor Transport, which includes unions of users in all the principal European countries, might be entrusted with this organisation

concurrently with existing institutions. There would be less possibility of fraud than in the case of private motors, as any fraud giving the guilty party a traffic advantage over others would be immediately reported by his competitors. This would apply not to the personal use of a private car, but to commercial traffic, where the favourable treatment of one is injurious to the trade of the others. There is, therefore, much less scope for abuse than in the case of the triptych.

As regards materials used, import and export booklets would have to be introduced for petrol, the principal material in question. These booklets would record the payment on entering each country of a duty per litre fixed by the same international convention, which would indicate the

In view of the short time at our disposal, the above procedure has not been submitted to the various organisations of the International Chamber of Commerce, and is therefore as yet rather in the nature of a personal suggestion.

However, as it can and indeed should satisfy all the requirements of the fiscal laws, we think that it should be investigated, criticised and revised, and that, as a result of these discussions, some way should be found of facilitating international commercial motor traffic, for which up to the present hardly anything has been done.

Annex 10.

DECISION OF THE MANAGING COMMITTEE OF THE INTERNATIONAL RAILWAY UNION WITH REGARD TO THE UNIFICATION OF DANGER SIGNS TO BE PLACED ON ROADS NEAR UNGUARDED LEVEL-CROSSINGS.

COMPULSORY PROVISIONS, 1

[Translation.]

- 1. If the guarding of a level-crossing is abolished, the crossing must be notified to users of the road by a "danger sign" placed in its immediate vicinity.
- 2. The danger sign shall be a St. Andrew's cross, the arms of which are equally inclined to the horizontal plane. The cross shall be of sufficient size and placed at such a height that it can be seen from as great a distance as possible.
- 3. A single danger sign for both directions of the road may be employed in cases where the locality permits of its being fixed so that it can be clearly seen from both directions. Otherwise, a danger sign must be installed on each side of the level-crossing at the place where vehicles and animals usually stop.
- 4. The arms of the danger signs shall be painted in the same colours in all countries. These colours shall be those adopted for painting railway-crossing barriers. *
- 5. If the danger sign in the form of a cross also has a permanent luminous sign (fixed or flashing) of an unchanging colour, the colour of the luminous sign must be orange.
- 6. If danger signs are placed at level-crossings which were previously unguarded or guarded intermittently and are not yet furnished with signs, the above provisions shall be applicable.
- If there are placed in the immediate neighbourhood of guarded level-crossings provided with barriers appliances intended to notify the existence of the crossing to those using the road, such appliances may in no case consist of the complete St. Andrew's cross. 3

RECOMMENDATIONS.

8. If there are several railway lines at a level-crossing, it is recommended that the lower arms of the St. Andrew's cross be doubled.

g. Should danger signs in the form of crosses be accompanied by other signs indicating either "warning" (road clear) or "danger" (train approaching), it is recommended that these signs should be so arranged that, even if out of order, they cannot cause confusion either by day or night.

10. As regards level-crossings at present not guarded or only intermittently guarded, and provided with danger signs of other types than those defined in paragraphs 2 and 5 above, it is recommended that signs of these types should be substituted.

Recommendations for Japanese, Korean and South Manchurian railways.
 This provision is not compulsory for Spain, Sweden and the U.S.S.R. For other countries, it must be observed the next time the danger signals are re-painted.
 This provision is not compulsory for Norway and Sweden.

VŒUX.

II. When an advance sign is placed by the road service at a distance of about 250 metres before a level-crossing, whether guarded or not, it is desirable that this sign, which must consist of the triangular plate prescribed by the International Convention relating to Motor Traffic, should be painted the same colour as the railway-crossing barriers and the cross of the danger signs.

12. The International Railway Union recommends that the Governments should request the administrations of local railways not members of the Union to conform to the above provisions

regarding signs at level-crossings.

Annex 11.

LEVEL-CROSSINGS.

The Permanent Committee on Road Traffic,

Considering that level-crossings of whatever kind, and however arranged, cause numerous and sometimes very serious accidents;

Considering that the dangers resulting from this situation are common to the railway and to

the road;

That the only absolutely effective and safe remedy would be to abolish the level-crossing and replace it by a road passing above or below it; that this solution no doubt involves considerable capital expenditure, but that the preservation of human life is of paramount importance; that, further, even apart from the reduction in operation costs effected by the abolition of a level-crossing, accidents may involve the management of the railway in heavy charges;

Recommends that a serious attempt should be made to study the question and bring about the gradual abolition of level-crossings, beginning with the most dangerous;

And requests the Advisory and Technical Committee for Communications and Transit to take all steps which it thinks fit in this respect.

[C.C.T./A.C./15(1).]

Geneva, July 22nd, 1930.

LEAGUE OF NATIONS

COMMUNICATIONS AND TRANSIT ORGANISATION

AIR TRANSPORT CO-OPERATION COMMITTEE

REPORT ON THE FIRST SESSION

Held at Geneva from July 8th to 12th, 1930.

The Air Transport Co-operation Committee met from July 8th to 12th, 1930, convened by the Chairman of the Advisory and Technical Committee for Communications and Transit, in accordance with the following resolution of the latter Committee:

"The Committee considers it desirable to entrust to a special committee of enquiry the question of the action to be taken on the resolution of the last Assembly concerning economic co-operation between air navigation undertakings, in conformity with the recommendation unanimously adopted by the Committee of Experts on Civil Aviation of the Preparatory Commission for the Disarmament Conference.

"The composition of this committee will be fixed by the Chairman of the Advisory and Technical Committee, who is empowered to take all the nece sary steps to promote

co-operation between the Governments concerned.

"The committee of enquiry thus constituted will also have to study the questions of international organisation in air navigation raised at the Third General Conference on Communications and Transit and to make any suggestions to promote their settlement, if it considers it possible and desirable to do so."

The Committee was composed as follows:

Professor L. DE BROUCKÈRE, Senator of the Kingdom of Belgium (Chairman).

M. Fisch, Geheimer Regierungsrat at the German Ministry of Communications.
M. Emile Allard, Director of the Belgian Technical Air Service; Professor at Brussels and Liége Universities.

M. Ricardo Ruiz Ferry, Vice-President of the International Aeronautical Federation; Representative of the Press Association in the Spanish Central Air Board.

M. Emmanuel Chaumié, Director of Mercantile Aviation at the French Air Ministry. M. Louis Hirschauer, Chief Engineer in the French Air Service.

Sir W. Sefton Brancker, Director of Civil Aviation at the Air Ministry of Great Britain. M. Manlio Molfese, Chief of Civil Aviation at the Air Ministry of the Kingdom of Italy. General Atsushi KABA, Japanese Delegate on the International Commission for Air Navigation.

M. Shimao Iwai, Secretary at the Japanese Ministry of Communications. M. Emile Th. DE VEER, Director of the Netherlands Air Service.

Colonel Janusz DE BEAURAIN, Chief of the Institute of Aeronautical Studies of the Polish General Staff.

Lieut.-Colonel C. Filipowicz, Chief of the Civil Aeronautics Section of the Polish Ministry of Communications.

M. Tord Knutsson Angström, Civil Engineer; Member of the Swedish Central Air Department.

Colonel Arnold ISLER, Director of the Swiss Federal Air Office.

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.

Mr. James W. Riddleberger, Vice-Consul of the United States of America, as an

observer.

The following attended in an advisory capacity:

M. A. ROPER, Secretary-General of the International Commission for Air Navigation.

The following Rapporteurs also attended the meetings in an advisory capacity:

M. Henri Bouché, Director of Aéronautique.

M. Salvatore Cacopardo, Chief of Section at the Air Ministry of the Kingdom of Italy. Dr. Hans Oppikofer, Professor of the Faculty of Law; Director of the Institute of Aerial Law at Königsberg.

Secretariat:

M. R. HAAS, Secretary-General of the Communications and Transit Organisation.

M. J. ROMEIN
M. J. METTERNICH Members of the Communications and Transit Section. Mr. L. C. Tombs

The Committee took cognisance of the enquiries into the economic, administrative and legal situation of international air navigation carried out at the request of the Chairman of the Advisory and Technical Committee for Communications and Transit (see document C.339.M.139.1930.VIII).

It proceeded to an exchange of views on the questions raised in these various enquiries. It considered that, owing to the complexity of the problems before it, its main task at this first session should be to draw up a definite programme of study, in order to be able to reach the greatest possible number of practical conclusions at a later session.

The Committee feels called upon, at the outset of the present report, to record its view that the present situation of civil aviation, despite the progress achieved, is not as satisfactory as the state of technical development should permit, and that it is only by means of increasingly close international co-operation that this situation can be improved.

I. RELATIONS BETWEEN CIVIL AND MILITARY AERONAUTICS.

The Committee did not feel called upon to discuss the relations between civil and military aeronautics, a question within the province of the Disarmament Commission and the Disarmament Conference. The Committee considered that its duty lay solely in an investigation of the measures to be taken and the progress to be expected from a fuller international co-operation as a result of which civil air transport would be in a position to render to the community the economic services of which it is capable, and thus be freed as far as possible from all other preoccupations.

II. Unification of Public International Law on Air Navigation.

The Committee regards as particularly desirable the application of common rules of public international law in regard to air navigation in every country, or at least in the greatest possible number of countries. It noted the negotiations in progress between the contracting parties to the 1919 Convention and the States not parties to this Convention. It considers that, until it should be possible to judge of the results of these negotiations—which will probably not be known for another year—it would be preferable for it to refrain from taking any action in this connection.

III. Co-ordination between Organisations dealing with Air Navigation.

After reviewing the organisations dealing with air navigation, the Committee considers that some means of ensuring better co-ordination between the work of these various organisations should be devised; it requests its Secretariat to submit a report to it on this subject at its next session.

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

The Committee notes 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 of passengers or freight 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-aggredromes. territorial waters and the utilisation of hydro-aerodromes.

The Committee accordingly adopts the following resolution:

The Committee considers it desirable:

"I. 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.
- V. PROGRESS OF INTERNATIONAL CO-OPERATION IN THE OPERATION OF AIR LINES.

The Committee adopted the following resolution:

"Considering that the existing 'pools' system of co-operation between international aviation undertakings has developed satisfactorily,

" The Committee:

- "I. 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."
- VI. Possibility of studying a Special Statute applicable to Certain International AIR CONNECTIONS OF GENERAL INTEREST.

The 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 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 statute."

VII. STUDY OF CERTAIN LEGAL AND ADMINISTRATIVE QUESTIONS AFFECTING THE DEVELOPMENT OF INTERNATIONAL CO-OPERATION IN AIR TRANSPORT.

The Committee decided to select for examination, in the first place, out of the possible legal problems that may arise, those the solution of which might facilitate international co-operation in air transport. Under existing laws, for instance, it would be impossible, in most cases, for air companies to possess aircraft registered in different countries.

The Committee adopted the following resolution:

- The Committee requests the Secretariat to submit to it, at its next session, preliminary reports on the following subjects:
 - *I. The regulations for the registration of aircraft, the administrative formalities to be complied with and the conditions laid down regarding the nationality of aircraft crews, with a view to ascertaining what alterations in existing law would be likely to lead to better international co-operation in air transport.

 "2. The social insurance of staff employed by air companies on the

international lines.

"3. Air insurance: Could a better and simpler system be applied on an effective international basis?

4. The simplification of Customs and statistical formalities in connection with air traffic, particularly as regards the documents and affidavits required by the various national authorities.

5. Special police rules for super-maritime air traffic and assistance in case

of distress.

"The reports on these questions should be prepared, if necessary, with the assistance of experts appointed by the Chairman of the Committee. As regards the report on the social insurance of staff, however, the International Labour Office shall be invited to collaborate or take such other steps as it may deem necessary.

VIII. PRACTICAL IMPROVEMENTS IN THE WORKING CONDITIONS OF AIR LINES.

A. Extensive and Systematic Employment of Combined Transport.

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 Secretariat of the Committee is requested, after making all necessary enquiries, to submit to the next session of the Committee a report on the possibility of publishing a general time-table

of rapid transport, every form of transport included.

B. The Constitution and Operation of the Main Network of Permanent Air Routes.

The Committee is of opinion that, in view of the international nature of air transport and of the precarious results hitherto obtained, a definite programme of co-operation should be prepared, at any rate in the European area, until such time as technical conditions allow of its extension. It decides to study the following questions:

1. The choice of permanent air routes to form the main system.

2. An international programme for the equipment of these routes so as to permit of uninterrupted day and night flying.

3. The manner in which this network should be operated, namely:

(a) The selection by inter-governmental agreement of qualified enterprises and the specification of traffic conditions;

(b) The granting to all undertakings, engaged in the traffic over this system, of the widest possible facilities for choosing their equipment, from the sole standpoint of efficiency, provided this equipment complies with the international requirements regarding navigability.

A special Sub-Committee appointed by the Chairman of the Committee, to include, if necessary, persons who are not members of the Committee, was instructed to submit a report on this subject to the next meeting of the Committee, after consulting the competent authorities in the various countries concerned. This Sub-Committee will also consider such problems of international financing as the execution of the above programme may involve, including, if necessary, the constitution of a common fund and the administration of this fund by an appropriate banking institution.

C. Postal Air Transport.

The Committee considers that the study of the question of European postal air transport should be undertaken immediately, to be extended to other regions when economic and technical conditions allow. The Sub-Committee mentioned in paragraph B is instructed:

1. To prepare a map of the air lines to be established between the capitals of the European countries and the points of importance to postal traffic in these countries. For this purpose, it will get into touch with the competent authorities in the different countries.

To indicate the necessary conditions for marking out air routes by night.

- To propose suitable means for increasing the equipment required for ensuring traffic in foggy weather.

 4. To draw up specifications of the performance and special qualities required of one or
- more types of aircraft to be utilised on these lines, taking into account the estimated freight and local topographical and meteorological conditions.

- To study the question of the surtax.

 To discuss with the postal services concerned the best methods for handing over mail to aircraft, the distribution of mail, etc.
- 7. To consider the form which international co-operation should take in the operation of the postal air service, and to study, if necessary, with the competent authorities of the different countries concerned, the sections which might be operated by each.

D. Periodical Study of the Economic Development of Air Transport.

The Committee thinks it would be useful from time to time to supply the authorities concerned in the various countries (and even the general public) with information, which would be as accurate as possible and grouped systematically, regarding the economic development of air transport. The Secretariat of the Committee is requested to submit a report on this subject to the Committee at its next session.

Geneva, September 5th, 1930.

LEAGUE OF NATIONS

Questions raised by the Council

in connection with Freedom of Communications and Transit when considering the relations between Poland and Lithuania.

REPORT OF THE ADVISORY AND TECHNICAL COMMITTEE FOR COMMUNICATIONS AND TRANSIT.

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| The Council adopted on December 14th, 1928, the following resolution: | |
| "The Council, | |
| "Considering that the Covenant of the League of Nations lays down that: "Subject to and in accordance with the provisions of international convergence." | 70H . |
| tions existing or hereafter to be agreed upon, the Members of the League will m provision to secure and maintain freedom of communications and of transit equitable treatment for the commerce of all Members of the League'; | ake |
| "Noting, on the other hand, that the documents before the Council ment obstacles in the way of freedom of communications and of transit; "Considering that, by the Assembly's resolution of December 9th, 1920, | the |
| Advisory and Technical Committee for Communications and Transit was charged consider and propose measures calculated to ensure freedom of communications transit at all times: | and |

"Decides 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, or to lessen its international repercussions;

"Instructs the Secretary-General to communicate the present resolution and all the previous documents to the Advisory and Technical Committee for Communications and Transit.'

The Committee believed that the Council did not intend it to undertake a legal examination of all the international obligations of the States concerned with regard to communications, but merely to see what practical steps could be taken and whether any such steps that were considered necessary and advisable were covered by international agreements in force.

To prepare the report asked for by the Council, the Committee constituted a Sub-

Committee composed of:

M. DE VASCONCELLOS, Vice-Chairman of the Advisory and Technical Committee

(Chairman);
Sir John Baldwin, former Chairman of the Advisory and Technical Committee;
M. Djouritchitch, Vice-Chairman of the Advisory and Technical Committee;
M. Silvain Dreyfus, Chairman of the Permanent Committee for Inland

Navigation;
M. GUERRERO, Vice-Chairman of the Permanent Legal Committee;
M. HEROLD, Chairman of the Permanent Committee for Transport by Rail;

M. SEELIGER, Chairman of the Advisory and Technical Committee; M. SINIGALIA, former Chairman of the Advisory and Technical Committee.

This Sub-Committee appointed a small Committee under the chairmanship of M. Herold, consisting of:

General R. DE CANDOLLE, former Managing Director of the Great Southern Railway Co., Buenos-Ayres, Member of the Permanent Committee for Transport by Rail;

M. A. G. Kröller, Member of the Economic Council of the Netherlands Ministry for Foreign Affairs, Member of the Permanent Committee for Ports and Maritime Navigation;

to collect any information that might help to show the obstacles to freedom of communications and transit referred to by the Council and to study their economic consequences and international effects. It also appointed a Committee of Jurists, under the chairmanship of M. Guerrero, composed of the following members of the Permanent Legal Committee:

Mr. W. E. BECKETT, Assistant Legal Adviser to the British Foreign Office; Jonkheer W. J. M. VAN EYSINGA, Professor at the University of Leyden; M. G. Königs, Head of Department at the German Ministry for Communications; M. René MAYER, Maître des requêtes honoraire au Conseil d'Etat de France; M. M. Pilotti, Counsellor at the Court of Cassation, Rome;

to examine the international agreements in force and their bearing on obstacles to freedom of communications and transit.

Acting on the proposal of the Sub-Committee and relying entirely on the unanimous statements and expressions of opinion of the other two Committees, the Advisory and Technical Committee has arrived at the following conclusions:

The Committee considers that certain definite obstacles to freedom of goods transit do exist and that these affect international trade to so serious an extent that their speedy removal is highly desirable.

These obstacles consist in the stoppage of the floating of timber in transit, on the Niemen and the waterways connected therewith, moving from the districts of Grodno, Vilna or neighbouring places, and from the hinterland of these districts in the Union of Soviet Socialist Republics to Tilsit, Königsberg or Memel, and more especially in the stoppage on both sides of the Polish-Lithuanian administrative line of the Landwardw-Kaisiadorys on both sides of the Polish-Lithuanian administrative line, of the Landwarów-Kaisiadorys railway section, in so far as this affects the transit of goods coming from or going to the Grodno or Vilna districts and neighbouring places, and their hinterland in the Union of Soviet Socialist Republics, and going to or coming from Königsberg and beyond; lalso to or from Mamel Liber or Rice. to or from Memel, Libau or Riga.

As regards the floating of timber in transit, the Committee considers that these obstacles are mainly due to the fact that Poland will not allow the floating in transit of timber coming from places situated in the Union of Soviet Socialist Republics. As regards railway communications, the obstacles are due to the fact that Lithuania has not consented to traffic being resumed on the Landwarów-Kaisiadorys line.

The Committee regards the resumption of these two forms of transit traffic as necessary in the general interest, even apart from the question of international obligations.

On the other hand, it seemed to the Committee that the re-establishment of direct communications for goods traffic between Poland and Lithuania, other than transit communications, however desirable it might be in pursuance of the objects of the Council's resolution of December 10th, 1927, and in view of Article 23 (e) of the Covenant, could, nevertheless, in the light of the Council's resolution of December 14th, 1928, be left to private negotiations between the two Governments, as this traffic can be carried on indirectly without any serious difficulty.

In view of the practical difficulties which occur, especially for police supervision, by the distinction between passengers in transit and passengers entering or leaving the territory, and in view of the relative unimportance from an international point of view of passenger traffic that might be carried on the line running through Landwarów-Kaisiadorys, the Committee, although regarding the re-establishment of both passenger and goods transit on this line as desirable, does not think at present advisable (having regard to the Council's resolution of December 14th, 1928) any direct action for the resumption of passenger traffic.

The postal and telegraph questions to be dealt with seem to be easy to solve, provided that the principle of the re-establishment of river transit of goods and rail transit of goods on the Landwarów-Kaisiadorys line is admitted.

It seems, moreover, easy to settle, by setting up special agencies or through the good offices of third Powers, those administrative or consular questions which must be solved before goods transit can be resumed without raising the much more difficult question of direct consular relations between the two countries.

For these reasons, the Advisory and Technical Committee merely desires to say that it considers essential the resumption of these two categories of transit traffic; goods transit on the Niemen and the waterways connected therewith, and goods transit on the railway passing through Landwarów-Kaisiadorys.

Polish economic life to some extent, and Lithuanian economic life to a far greater extent, are suffering from the present interruption of these two classes of transit traffic. But the effect on international trade is even more serious for the relations between Germany and the Union of Soviet Socialist Republics and between the ports of Königsberg, Memel, Libau, Riga and their hinterland; the development of these ports is more or less seriously impeded.

The measures recommended by the Committee would not, however, result in the establishment of a normal state of affairs in Polish-Lithuanian communications, but would merely restore the necessary facilities for trade of international concern. These steps would not do away with the present exceptional situation, but would, according to the Council resolution, lessen its international effect.

The Committee is aware that the present position is due to a difference of opinion between the Lithuanian and Polish Governments as to the status of certain areas: but political differences between neighbouring countries ought not to disturb communications affecting other countries.

It is this aspect of the present situation that is really serious. The Committee has so far mentioned its direct international effects; but the effects on the traffic of certain areas and certain ports are indoubtedly less important than what may be regarded as the indirect effects of the precedent created by this situation in the relations between States, and especially between States which are Members of the League. It is scarcely necessary to point out that, if it were admitted that political disagreements between two countries could, for any length of time, legitimately interfere with the regime of international communications affecting a larger number of countries, certain countries might be cut off from all communications by land with other countries as a result of disputes between neighbouring countries on questions which have nothing to do with communications.

According to Article 23 (e) of the Covenant:

| "Subject to and in accordance v | with the | provisions | of inte | ernati | onal | conve | entions |
|---|------------|-------------|---------|--------|------|-------|---------|
| existing or hereafter to be agreed upon | ı, the Mei | mbers of th | e Leag | gue : | | | |
| | | | | | | | |

"(e) Will make provision to secure and maintain freedom of communications and of transit and equitable treatment for the commerce of all Members of the League. In this connection, the special necessities of the regions devastated during the war of 1914-1918 shall be borne in mind;"

and consequently the Members of the League have certainly the right to request any Members at least to refrain from acting in opposition to the objects of this article.

The practical steps to be taken by the two countries to re-establish goods transit on the Niemen and the waterways connected therewith and on the Landwarów-Kaisiadorys railway would not be difficult to apply, as is shown in the present report, and do not, moreover, in any way directly or indirectly—and the Committee thinks it should stress this point—affect the other problems which may arise between the two countries.

By taking such steps, Lithuania and Poland would only be applying measures arising out of their international engagements, under the conditions and to the extent indicated in Chapter III of the present report. As far as Poland is concerned, having regard to the Barcelona Convention on Freedom of Transit ratified by her, and as far as Lithuania is concerned, to the Convention concerning the Territory of Memel ratified by her, the Committee considers that, in the circumstances and to the extent indicated in Chapter III of the present report: (1) these obstacles to freedom of transit are not compatible with the international engagements contracted by the above-mentioned States, and (2) the measures contemplated to do away with these obstacles may be regarded as based on the duties or obligations of these States. For these reasons, which will be set forth in detail in Chapters II and III, the Advisory and Technical Committee is of opinion that, having regard to the international undertakings in force, the following measures should be adopted by the two above-mentioned States:

- 1. They should remove these obstacles to freedom of transit, in order to put an end to a situation which seems contrary to the objects of Article 23 (e) of the Covenant of the League of Nations and incompatible with the international engagements to which they have subscribed.
 - 2. They should with this object proceed more especially:
 - (a) To draw up regulations on timber-floating on the Niemen, in conformity with the provisions of Articles 332 to 337 of the Treaty of Versailles;
 - (b) To conclude administrative and technical agreements essential for reestablishing, on the railway through Landwarów-Kaisiadorys, a continuous service which shall meet the requirements of international transit.

Chapter II.

EXAMINATION OF THE OBSTACLES TO FREEDOM OF COMMUNICATIONS AND TRANSIT AND OF STEPS TO LESSEN THEIR INTERNATIONAL EFFECT.

The Committee, when examining the questions dealt with in the present chapter, first considered the material already in the hands of the Council; but, finding this not sufficiently complete for its purpose, it obtained further written information and arranged for enquiries on the spot, so far as this lay in its power.

The attached letters (Annex 1), containing requests for a certain amount of detailed information, were sent to the Lithuanian and Polish Governments and to the German and Latvian members of the Transit Committee. Most of the information requested has been received from the competent German, Latvian and Polish authorities. The Lithuanian Government did not supply any written information. A copy of the correspondence between the Lithuanian Minister for Foreign Affairs and the Chairman of the special Sub-

Committee appointed by the Committee is attached (Annex 2).

The Committee has thus received a large amount of definite information which covers most of the important questions dealt with in its report, and which served as a basis for the work of the small Committee under the chairmanship of M. Herold, on whose proposals the Advisory Committee drafted the present chapter of its report. Further, before a meeting held by the small Committee in Berlin at the end of June 1929, its members made some personal investigations in the various districts concerned. In addition, the Committee officially visited Riga, Libau, Vilna and Warsaw on the invitation of the Latvian and Polish Governments, and saw officials of the technical Ministries and business men. As a result of these visits, which enabled it to supplement the information furnished by the various Governments, the Committee received additional information from the Stock Exchange Committee at Libau and from the Chamber of Commerce at Vilna. At its meeting in Berlin, the Committee invited M. Widding, the member of the Memel Harbour Board appointed by the Chairman of the Advisory and Technical Committee, to attend, and received from him information on the situation in the port of Memel.

On the invitation of the Lithuanian Government, the Chairman of the special Sub-Committee, M. de Vasconcellos, had an interview at Kovno with the Lithuanian Minister for Foreign Affairs and with other high officials concerned. On the invitation of the Polish Government, he also had an interview at Warsaw with the Polish Minister for Foreign Affairs and with other high Polish officials.

SECTION I. - OBSTACLES TO FREEDOM OF TRANSIT.

As the Council, in the resolution reproduced above, requested the Advisory and Technical Committee to report to it on the practical steps which might be adopted, account being taken of the international agreements in force, in order to remedy the present situation or to lessen its international repercussions, the Committee decided to deal separately with the questions of transit communications through the territories under Lithuanian or Polish administration and then, in another section of its report, to consider questions relating to communications other than transit communications. It is scarcely necessary to say that transport is deemed to be in transit (in the strict sense of the word) across territory placed under the sovereignty or authority of a State when the passage across such territory is only a portion of a complete journey, beginning and terminating beyond the frontier of the State across whose territory the transit takes place.\(^1\) It is clear that such transport affects a larger number of States than transport effected merely from one territory to a neighbouring territory, and is likely to have a far greater international effect.

A. Goods Transit.

1. Transport by River.

The only river transport of commercial importance, which is at present interrupted owing to the state of relations between Poland and Lithuania, is the transport of timber from the districts of Vilna and Grodno and neighbouring places and from certain territories in the Union of Soviet Socialist Republics to Tilsit, Memel, or Königsberg, by floating on the Niemen and the waterways connected therewith. An attached map (see Map I)

shows the principal river areas affected by this timber-floating.

Before the war, all timber imported into Germany by way of the Niemen was stopped at Tilsit, where a timber measuring office dealt with timber for Tilsit and Ragnit, and also with that for Memel and Königsberg. Beyond Tilsit, the rafts going downstream were towed by steamers either via Russ and the Wilhelm Canal to Memel, or via the Gilge, Deime and Pregel to Königsberg. Also, it was at Tilsit that the exporters, sawmills and factories of the coastal districts made their principal purchases; these purchases covered about 80 per cent of the timber floated, the remaining 20 per cent having already been purchased on the spot within the Russian Empire for account of German industrial concerns.

Owing to the interruption of timber traffic, which would otherwise have passed over the administrative line (either by direct floating or by floating with transhipment to barges en route, or by barges from the place of origin to the place of destination, or by rail for transhipment to barges at Kovno), the total traffic on the Niemen is at present very

small, being confined to Lithuanian production only.

The easiest way of estimating the effects of the interruption of transit on the Polish part of the Niemen on timber-floating on that river would be to compare the quantities of timber transported on the Niemen at the point where it passes the German frontier at Smalininkai during the pre-war and the post-war periods. Indeed, the pre-war German statistics do supply us with figures for the purpose. For the post-war period, however, Smalininkai is not the point where the Niemen enters German territory (except in so far as the left bank is concerned), this river now forming from that point to its mouth the frontier between Germany and Lithuania (Memel Territory). It follows that the German post-war statistics only relate to quantities of timber transported on the Niemen for Germany, and do not include the timber which is to continue on its way to Memel. The statistics contained in the official Lithuanian publications, on the other hand (which have been available for the Committee), do not contain these data, and as no additional information has been received from the Lithuanian Government on this question, it has not been possible to procure it; this has made it impossible to establish a direct comparison between the quantities of timber transported on the Niemen before and since the war.

Nevertheless, it seems possible, in part at least, to estimate the effect of the present

situation on the traffic on the Niemen as follows.

¹ Transport from or to the Memel Territory, although not coming under this definition, is nevertheless assimilated to transit transport, having regard to the following provisions of Article 3 of Annex III to the Convention concerning Memel:

[&]quot;The Lithuanian Government shall ensure the freedom of transit by sea, by water and by rail, of traffic coming from or destined for the Memel Territory or in transit through the said Territory and shall conform in this respect with the rules laid down by the Statute and Convention on the Freedom of Transit adopted by the Barcelona Conference on April 14th and 20th, 1921, respectively, and, in particular, with the provisions of Article 13 of the said Statute indicating the summary procedure to be followed in the event of the interruption of traffic.

[&]quot;The same freedom of transit shall also be ensured in respect of postal consignments and postal and telegraphic communications."

Naturally, this assimilation of traffic from or to the Memel Territory, which is under Lithuanian sovereignty, to traffic in transit has no bearing save in connection with the question of the traffic dealt with in the Convention on Freedom of Transit. There is no limitation of the liberty of the Lithuanian Government to decide as it thinks fit what Customs regime shall apply to goods imported into the Territory of Memel or exported from that territory, subject to the provisions of Articles 2 and 13 of Annex II relating to the port of Memel regarded as a port of international concern.

Before the war, the total quantities of timber transported on the Niemen which passed the German frontier at Smalininkai were as follows for the years 1910 to 1913:

Timber Traffic Downstream crossing the German Frontier at Smalininkai (in Tons).

| Year Total transported by w | rater Of which floated |
|--|-------------------------------|
| 1910 1,044,240 1911 955,560 1912 1,082,420 | 654,720 706,140 737,970 |
| 1913 | 694,110 |

A considerable proportion of this timber was transported to Memel; most of it was floated, but some of it was transported in barges. The German statistics give the following figures for the amount of timber received at Memel by water for the years under review:

Timber received at Memel 1 by River 2 (in Tons).

| Year | · Total | Of which floated |
|------|---------|------------------|
| 1910 | 420,770 | 270,065 |
| | 400,940 | 256,520 |
| 1912 | 460,090 | 307,180 |
| 1913 | 395,700 | 274,120 |

The remainder of the timber imported via Smalininkai — the greater part — was destined for Tilsit, Ragnit and Königsberg, i.e., for districts now forming part of East Prussia. The quantities were as follows for the years under review:

Quantities of Timber received in East Prussia via the Niemen (in Tons).

| Year | | | | Total | Floated |
|------|--|--|--|---------|---------|
| 1910 | | | | 623,470 | 384,655 |
| 1911 | | | | 554,620 | 449,620 |
| 1912 | | | | 622,330 | 430,790 |
| 1913 | | | | 705,240 | 419,990 |

The post-war German statistics allow of a comparison with these last figures, as they only comprise quantities of timber passing through Smalininkai on their way to East Prussia, excluding Memel. The corresponding figures for the years 1925-1927 are as follows:

Quantities of Timber received in East Prussia via the Niemen^a (in Tons).

| Year | Floated | |
|------|---------|--------|
| 1925 | 83,560 | 18,970 |
| 1926 | | 7,750 |
| 1927 | 64.720 | 28,600 |

This is an enormous reduction in the respective quantities. One might, however, be inclined to think that, as a result of the new territorial situation which has been created in the port of Memel, a larger quantity of the timber now goes on to Memel instead of stopping in Germany. The absence of post-war statistics on timber received at Memel by water makes it impossible to effect any comparison with the corresponding figures for the pre-war period quoted above. However, a comparison between the figures for exports of timber and cellulose from the port of Memel by sea (the statistics for which are in the possession of the Committee) shows that there can be no question of an increase in the quantities of timber received at Memel, but that the latter, on the contrary, must also have

^{*} During this period, the following quantities of timber left Germany for Memel and must therefore be deducted from the figures shown in this table:

| Year | | | | | | | | Tons |
|------|--|--|--|--|--|--|---|-------|
| 1925 | | | | | | | | 606 |
| 1926 | | | | | | | ì | 2.631 |
| 1927 | | | | | | | - | 7 663 |

¹ It may be well, by way of comparison, to point out that during this period river traffic in timber received at Königsberg was as follows:

^{1912: 497,910} tons, 125,000 tons of which were floated. 1913: 390,390 tons, 91,020 tons of which were floated.

² A small percentage of this timber — quite insufficient to affect the comparisons made in the text — comes from the Minija and not from the Niemen.

been considerably reduced since the war. The following are the figures for the exports of timber and cellulose from Memel by sea for the periods 1910 - 1913 and 1925 - 1928:

Timber despatched from Memel by Sea before the War (in Tons).

| Year | Timber | Cellulose | Total for all categories of goods |
|------|--------------------|--------------------------------------|--|
| 1910 | 357,716 377,901 | 18,110 26,482 28,859 28,832 | 395,816 406,748 419,461 327,682 |

Timber despatched from Memel by Sea after the War (in Tons).

| Year | Timber | Cellulose | Total for all categories of goods |
|----------------|--|--|--|
| 1926 . 1927 | . 45,685 . 23,062 41,488 . 57,468 | 61,736 (of which in transit 17,000) 91,469 (of which in transit 49,137) 76,943 (of which in transit 32,353) 68,314 (of which in transit 20,841) | 165,417 (of which in transit 72,015) 145,148 (of which in transit 32,353) |

This effect on the trade of Memel of the interruption of the traffic in timber coming from the basin of the Upper Niemen is particularly striking and is of especial importance in view of the fact that this port is regarded, according to the Convention relating to the Statute of the Territory, as of international concern.

The Lithuanian authorities appear to be favourable to the idea of resuming river traffic and have indeed drawn up regulations for timber-floating (see Annex 3) which would, in their opinion, render possible the revival of this traffic. The Polish authorities, however, have not shown themselves disposed to authorise consignments of timber from the districts of Vilna and Grodno and neighbouring places by floating on the Niemen or its tributaries beyond the Polish-Lithuanian administrative line, as they regard the facilities provided by the Lithuanian regulations for timber-floating as inadequate and the resumption of negotiations between the two countries as only feasible for all means of communication and not for water communications only; nor have the Polish authorities thought fit to authorise river transit, and, in particular, floating on the Niemen or the waterways connected therewith for the export of timber from the Union of Soviet Socialist Republics, which must pass through Polish territory before reaching Lithuanian territory.

There is no doubt that Memel, as the only maritime outlet of an independent State,

There is no doubt that Memel, as the only maritime outlet of an independent State, will, when the Kretinga-Telsiai Railway has been completed, find resources which should give it certain compensations, especially with regard to imports. But, owing to the interruption of the international timber traffic, the importance of this port is tending to become merely local or national, with the sole exception of the precarious transit to and from East Prussia. The average figures for this transit traffic during the years 1925 - 1928 were 98,000 tons and 41,000 tons for imports and exports respectively. \(^1\)

Nor is there any doubt that the quantities of timber floated to Memel, Tilsit and

Nor is there any doubt that the quantities of timber floated to Memel, Tilsit and Königsberg will not, when the traffic has been resumed, reach figures comparable with the pre-war figures. During the last few years, the tendency to saw and work up timber in the producing areas themselves has become more and more marked. Naturally, only timber in the rough can be floated. It may be added that the consumption of timber in the hinterland of these three ports has considerably increased. Large industrial concerns for the working up or utilisation of timber (and in particular sawmills) have been established in the districts of Grodno and Vilna and neighbouring areas. Consequently, the greater part of the timber for export coming from these districts will be composed more and more of sawn timber, which will have to be transported by rail. We shall return to this point when we examine the railway questions. All are agreed, however, that, if the international timber-floating traffic were resumed, a certain quantity of timber (though probably a good deal less than the quantity coming from these districts before the war, which is difficult to estimate) would be floated on the Niemen and the waterways connected therewith, to Tilsit, Memel and Königsberg. Memel merchants could also obtain supplies of timber from the districts situated in the Union of Soviet Socialist Republics, where Lithuania already has a concession (Article 12 of the Treaty of Moscow of July 12th, 1920, between Lithuania and the Russian Socialist Federal Soviet Republic).

The Committee considers that, for these reasons and quite apart from any question of international engagements, the interruption of river transit and in particular of timber-floating between the districts of Grodno and Vilna and neighbouring places and their hinterland in the Union of Socialist Soviet Republics, on the one hand, and Tilsit, Königsberg and Memel on the other hand, has the effect of stopping a real traffic which otherwise

¹ It may be pointed out that, during these years, fairly large quantities of timber were imported into Germany from waterways situated in the Territory of Memel (though it has not been possible to ascertain the origin of this timber):

| Year | - | | | , - | | | | | | | 1 | ot | al | tı | ransported by water | Of which floated |
|------|---|---|---|-----|---|---|---|---|---|--|---|----|----|----|---------------------|------------------|
| 20 | | | | | | | | | | | | | | | In tons | In tons |
| 1995 | | | | | | _ | _ | _ | _ | | | | | | 65,279 | 3,329 |
| 1926 | • | • | : | : | • | • | : | • | | | | | | | 104,928 | 1,350 |
| 1927 | | | | | | | | | | | | | | | . 60,373 | 760 |

would be carried on to-day (although under quite different conditions from those prevailing before the war), and thus constitutes an obstacle to freedom of transit.

If the other questions mentioned in this report were solved in the way which the Committee will indicate, it does not appear that the settlement of the question of timber-floating should present any great difficulty. From a purely technical point of view, the timber-floating regulations issued by the Lithuanian Government perhaps constitute an adequate basis. It would be necessary, however, to take up again in particular the question of the changing of the raftsmen at Uciecha, near the Polish-Lithuanian administrative line, which is compulsory under the regulations. It appears from information received that, before the war, the raftsmen were changed near Kovno on technical grounds, and there is no technical reason why this should be done further upstream.

Moreover, while admitting that different qualifications may be required of boatmen on different sectors of a navigable waterway, it does not, for the reasons given in Chapter III, appear admissible that, on an international river, part of the personnel necessary for navigation or floating should be prevented by the application of a general regulation from proceeding to their destination.

The annexes to the Agreement concluded between Latvia and Estonia concerning timber-floating on waterways constituting the frontier of the two States (see Annex 4), and the Convention of June 30th, 1925, between Latvia and Lithuania (see Annex 5),—these texts being mentioned merely as examples—show the method and the spirit in which the various questions of detail (including non-technical questions) might be settled.

2. Transport by Rail.

Railway communications crossing the Polish-Lithuanian administrative line include:

The line passing through Utena;

The Landwarów-Kaisiadorys section;

The branch line through Orany

The branch line through Suvalki.

The Utena line is a narrow-gauge line and may therefore be disregarded.

The Orany branch would, if it were again used for traffic, have to cross the great Alytus bridge over the Niemen, which was destroyed by the Russians. This branch is, however, so situated that it could only be used for local traffic.

As for the Suvalki branch, the rails have been taken up in Lithuania between the administrative line and Sestakavas. This line could only be used if the rails were re-laid, and could only be of international service if considerable alterations were made and if costly extensions and branch lines were constructed. In the present circumstances, the re-opening of this branch, which might perhaps be of some service for certain Polish-Lithuanian trade and for conveying raftsmen back to the district of Kovno (though as it is the distance is so short, no serious practical difficulty arises), would not be of the slightest importance from a general international point of view.

The only line of any considerable commercial importance is that which passes through Landwarów-Kaisiadorys. At the junction of Landwarów, the lines coming from Dvinsk, Polotzk, Minsk and Polesia (all via Vilna) and the lines from Bialystok (via Grodno) converge, and, at the junction of Kaisiadorys, the lines from Libau, Memel or Riga (via Siauliai) and from Königsberg (via Kovno) converge.

The traffic on this railway stops on either side of the Polish-Lithuanian administrative line. In Lithuania, traffic ceases at five kilometres from the administrative line (Vievis) and on the other side it ceases two kilometres from the line (Zawiasy). The resumption of the interrupted traffic does not present any material difficulty, and it would be possible at very slight cost to restore the track to its former condition.

This line was of the first importance before the war. Indeed, it was part of the main line of communication between Russia and Central and Western Europe, and also of the Libau-Romny line, which connected most of the districts of White Russia and the Northern Ukraine and those of the Governments of Grodno and Vilna with the Russian port of Libau (see attached railway map — Map II).

Under present circumstances, which differ from those before the war, the interruption of the services on this line has the following economic consequences:

(a) Traffic to and from Libau. — Before the war, the port of Libau, which was constructed at heavy cost and is free from ice, had an average traffic during the years 1910-1913 of 695,000 tons of exports and 520,000 tons of imports, whereas the average figures for 1924—1926 were only 105,000 and 185,000 respectively (see Annex 6). The Committee, under the chairmanship of M. Herold, which visited Libau, had the impression that it was an extremely well-organised and well-equipped port. Before the war (average for 1909-1913), the port of Libau received 934,000 tons by rail and dispatched 301,000 tons also by rail. About 40 per cent of this traffic passed over the line which is at present interrupted — especially consignments from and to districts served by the Libau-Romny line.

There are a great many reasons for the losses suffered by Libau: changes in the economic situation of Russia; disappearance of the traffic of the naval port; establishment of frontiers where before the war the whole territory formed part of one empire; loss of the advantage which Libau enjoyed from being able to organise traffic with Russia (including Poland), as it then was without transhipment from Russian gauge to standard gauge, etc.

There seems to be no doubt, however, that the interruption of the Landwarów-Kaisiadorys line has increased Libau's losses, and that the re-establishment of international traffic on this line would restore to Libau part of its traffic, though it is difficult to estimate exactly how much.

The traffic to Libau on the Libau-Romny line consisted mainly of timber, wood products and grain (especially oats), most of which came from the districts beyond the Landwarów-Kaisiadorys section, and traffic from Libau consisted mainly of herrings, fertilisers, agricultural machinery and chemical products.

The altered conditions of production in the Union of Soviet Socialist Republies are such that no resumption of the traffic in grain on any considerable scale is likely at the present time. On the other hand, it is extremely probable that, if transport were reestablished on the Landwarów-Kaisiadorys line, the traffic in timber with the districts of Vilna and Grodno and neighbouring places would be resumed, at least partially.

Other exports from the districts of Grodno and Vilna or neighbouring places and their hinterland in the Union of Soviet Socialist Republics could also very likely be effected via Libau if the interruption of traffic were to cease, nor is there any reason to think that there would not be at least a partial resumption of the import traffic which used to be effected via Libau to the districts of Grodno, Vilna and neighbouring places and their hinterland. Libau would perhaps suffer more from the competition of Memel and Königsberg—especially the latter—as it has, with regard to these ports, lost the advantage which it formerly possessed of not being separated from its hinterland by any frontier. But since, owing to the change in economic and political conditions, Libau has now lost many of the commercial advantages it enjoyed before the war, it is all the more important to show, in addition to the inevitable causes of dwindling trade in the port, those causes which are of artificial origin and could therefore be removed. People in Libau seem to realise the impossibility of Libau regaining the whole of its pre-war traffic at this juncture, and only ask to be enabled to recover that part of their traffic likely to come to them in the normal course under conditions of fair competition.

(b) Traffic to and from Königsberg. — If distance from the sea were the only consideration, Königsberg would be more favourably situated than Memel or Libau to serve as the port of the districts of Vilna and Grodno and neighbouring places and their hinterland in the Union of Soviet Socialist Republics (see Annex 7). Moreover, the arrangements concluded between Germany and Lithuania do in fact secure for goods coming from and going to Königsberg particularly favourable railway rates. Finally, the port of Königsberg has recently been greatly developed. It seems likely that under these circumstances Königsberg would, in the event of traffic being resumed on the Landwarów-Kaisiadorys line, take over part of the traffic which was formerly reserved for Libau.

Again, Königsberg is at present one of the principal centres of trade between Germany and the Union of Soviet Socialist Republics. The normal line on which such trade ought to be carried is that used before the war: that is to say, the line passing through Eydtkuhnen-Kaisiadorys-Landwarów-Vilna. At the present time, the traffic, which, according to information received, amounts to some 300,000 to 400,000 tons a year, is carried over a longer and less economical route through Lithuania and Latvia, which is a disadvantage for Königsberg, and this disadvantage will become more marked when the work now in progress for linking up Libau with the Russo-Latvian frontier by a through line (Russian gauge) has been completed: that is to say, probably in 1931.

Transit traffic from and to Königsberg may thus be regarded as suffering from the present situation at least as much as transit traffic from or to Libau.

— at least as regards that part of Memel. — The relations between Memel and its hinterland — at least as regards that part of Memel's traffic which is of international importance — have always been mainly secured by river communications. Nevertheless, a certain quantity of timber exported by Memel used to arrive by rail (timber for papermaking, stave-wood, ply-wood, etc.). If timber-floating were resumed, Memel would — partly at any rate — regain its former position as a port for the export of timber, and in these circumstances, in the event of the interrupted railway traffic being re-established, certain kinds of timber from the districts of Vilna, Grodno and neighbouring places would no doubt be transported to Memel by rail as formerly, either as far as Kovno (for transhipment to barges there) or direct to Memel. It is even probable that, owing to the development of the sawmills in the timber-producing areas and to the greater importance of rail transport of sawn timber as compared with the transport of floated timber, this traffic would now assume larger proportions. It may be added that, in the event of the Memel-Kretinga-Telsiai railway junction being completed, Memel would be infinitely better off than at present as regards railway traffic with the districts of Vilna and Grodno.

(d) Traffic to and from Riga. — The interruption of the traffic on the Landwarów-Kaisiadorys section has the effect of stopping another more immediate transit traffic, though one of less general importance, i.e., that which would have followed naturally from the construction during the war of the important standard-gauge line connecting Siauliai with Riga, which is at present used by the through trains from Paris to Riga via Kovno. As will be seen from Annex No. 7, the line from Landwarów to Riga via Siauliai is some 30 kilometres shorter than that from Landwarów to Memel (via Telsiai) and from Landwarów to Riga via Dvinsk, which further necessitates transhipment from the standard gauge to the Russian gauge. Owing to the ice conditions, it is scarcely likely that Riga will compete with Königsberg, Memel or Libau for oversea transit. On the other hand, this good standard-gauge line from Landwarów to Riga might have received a certain amount of Polish-Latvian goods traffic, and would be adapted in particular to traffic for which transhipment is a serious handicap; for instance, that of coal, and also petroleum and petroleum products transported in tank wagons. It is pretty certain, therefore, that at least extra transit traffic to Riga would be carried to better advantage via Landwarów-Kaisiadorys.

* *

In short, the interruption of traffic on the Landwarów-Kaisiadorys line has the effect of stopping a certain amount of railway traffic between the districts of Vilna, Grodno and neighbouring places and their hinterland in the Union of Soviet Socialist Republics on the one hand, and Libau (and to some extent Riga), Memel and Königsberg (and beyond) on the other hand. But for this interruption, various important kinds of traffic would go to and from these ports. The interruption of transport on the Landwarów-Kaisiadorys line thus constitutes a definite obstacle to freedom of transit from and to Königsberg, Memel and Libau (and to a certain extent Riga). In spite of the difference between present conditions and pre-war conditions, this situation must be considered fundamentally abnormal and pernicious from the economic point of view; at the same time, it produces serious international economic effects.

3. Principal Economic Effects.

The principal effects of these obstacles to freedom of transit may be summed up as follows:

Apart from the general traffic between Germany and the Union of Soviet Socialist Republics, the ports of Königsberg, Memel and Libau are all suffering from the effects of this situation. Libau is perhaps suffering more than any, because its geographical position and the present economic conditions of its hinterland make it difficult for it to obtain other traffic in compensation. But Memel and Königsberg are also hampered in their normal development.

Polish trade is also suffering from this situation, though relatively slightly. As a result of the very low railway rates accorded by the Polish and the Latvian railways, exports and imports from the districts of Grodno and Vilna, which would normally pass via Libau, Memel or Königsberg, now go by indirect routes — mainly, via Riga, Danzig and Gdynia. Railway transport of timber is a particularly striking instance. The following table shows the increases during the last few years in Danzig's exports of timber:

| | | | | | | | | | Tons |
|------|---|---|---|---|---|---|---|---|-----------|
| 1912 | | | | | | | | | 118,000 |
| 1923 | | | | | | | | • | 676,000 |
| 1924 | • | • | | • | • | • | | | 974,000 |
| 1925 | | | • | • | • | • | • | | 865,000 |
| 1926 | • | • | • | • | • | • | • | ٠ | 1,348,000 |
| 1927 | • | • | • | • | • | • | ٠ | • | 1,672,000 |
| 1928 | ٠ | • | • | • | | | | | 914,000 |

It is true that the Polish railway rates for exports of timber are particularly low (see Annex 9) and will shortly be raised; but even a slight increase in railway rates will not alter the present position sufficiently to disturb the trade of the districts of Grodno and Vilna to any appreciable extent.

On the other hand, it is certain that, in view of the considerable disadvantage resulting from the distance of the ports of Riga, Danzig and Gdynia (see Annex 7), Polish trade would have no incentive to continue to use indirect routes to the same extent, whether these are costly or whether they bring little profit to the Polish railways. Moreover, it must be a disadvantage for the districts of Vilna and Grodno, too, only to be able to export to a limited market and by indirect routes. The resumption of transit would therefore present certain advantages for Poland, while there is no reason to fear that the utilisation by Poland of Königsberg, Memel or Libau would cause any serious loss to the ports of Danzig and Gdynia, whose normal utilisation and progress are ensured by the development of Polish general traffic. 1

¹ The question of the best possible utilisation of the Bialystok-Königsberg line for Polish exports and imports was not examined by the Committee, as this question is not directly connected with the interruption of transit.

To the west of the administrative line, however, Lithuania's losses are much greater. In fact, the development of her own outlet at Memel and of the natural industry of the country (agriculture) is hindered by the artificial scarcity of transport facilities. Not only does the Lithuanian railway service suffer in quality owing to the absence of the important remunerative traffic which would be provided by transit transport from and to Königsberg and Libau, and also Memel, but the consequent financial weakness of the railways has made it necessary to postpone the construction of the first section required for directly linking up the Lithuanian railway system with the port of Memel. This section, as also another branch already planned, which would furnish an additional approach to Memel by a different route, would, if constructed, enable cereals to be grown in districts where this is almost impossible to-day, owing to the long distances over which they have to be carried.

4. Practical Steps.

The administrative and technical measures which the two Governments should take to re-establish goods transit by river and rail do not present any difficulty. As regards river transit, it has already been pointed out that certain existing regulations or arrangements may, even at present, furnish the basis of an agreement. As for railway transit, once the principle of the re-establishment of transit traffic on the Landwarów-Kaisiadorys line is admitted, it would be sufficient for the Governments concerned to conclude an agreement for the issue of through waybills, which is, incidentally, provided for in the proposals submitted by the Lithuanian Government to the Königsberg Conference. Nor can the resumption of transit present any Customs difficulty, as the Customs authorities would be able to supervise this traffic on each side of the Polish-Lithuanian administrative line, just as well as they now supervise frontier traffic and, further, each country would retain the usual right to seal wagons in transit. An agreement would no doubt have to be concluded to regulate contact between the railway services of the two countries. But it is clear (as shown by numerous arrangements between neighbouring countries) that the points of contact between railway services have no political significance whatever, as these are hardly ever situated on the exact line of demarcation between the two spheres of authority. It would seem to be an advantage from the technical point of view, and having regard to the branch lines concerned, that this contact should be effected at Landwarów, and that the Lithuanian railways should consequently be responsible for the services of trains to and from that station.

B. Transport of Passengers by Rail.

The interruption of passenger traffic on the Landwarów-Kaisiadorys line between the districts of Grodno, Vilna and neighbouring places, on the one hand, and Königsberg, Memel and Libau, on the other hand, seems to be much less important from the economic point of view than the interruption of goods transit. It would certainly be desirable that transit traffic, both for passengers and goods, should be resumed on this line. But, while the interruption of goods transit has the effect of completely stopping certain forms of transport which cannot use these ports, owing to the heavy cost of sending the goods by a roundabout route, the interruption of passenger transit merely means that passengers take a longer time on the journey and pay more. These drawbacks, however, while more or less hampering business relations between the ports and their hinterland, in no way constitute an absolute hindrance. Accordingly, in view of all the circumstances in the particular case submitted to the Committee, and of the special objections in the eyes of the people of the countries concerned to the opening of through passenger traffic across the Polish-Lithuanian administrative line, without corresponding commercial advantages of any great general importance, the Transit Committee does not consider it advisable to make any special recommendation regarding the re-establishment of passenger transit.

The Committee thinks it ought to add that, apart from the communications between the districts of Grodno, Vilna and neighbouring places and the ports which serve these districts, the interruption of the Landwarów-Kaisiadorys line would, at first sight, seem to entail grave disadvantages from the point of view of the general transit of passengers between Central and Eastern Europe. Before the war, it was by this route (Eydtkuhnen-Vilna) that the important passenger traffic between Central and Western Europe on the one hand and Russia on the other was carried. But St. Petersburg has now lost some of its importance, and Moscow, Warsaw and Riga have become capitals. The normal line of communication between Germany and Moscow now passes through Warsaw, whose communications with Berlin have, moreover, been shortened by the construction of the new line via Kutno. As regards the communications with Leningrad, the present line via Kovno and Riga does not involve any considerable detour, and it even seems probable that, in the event of the re-establishment of the Landwarów-Kaisiadorys line, the communications with Leningrad would still pass through Riga.

C. Postal and Telegraph Transit.

It seems scarcely necessary to submit a special report on postal or telegraph questions in connection with the freedom of transit. Indeed, as regards the transit of mails or postal parcels between the districts of Grodno, Vilna or neighbouring places, and their hinterland in the Union of Soviet Socialist Republics, on the one hand, and Germany or Latvia, on the other hand, through Lithuania, it is clear that, if general transit traffic were resumed on the

Landwarów-Kaisiadorys line, the transit of mail bags would be handled in the same way as other goods; no special difficulty is foreseen in this matter. If goods transit were resumed from or to Memel, no particular difficulty would be likely to arise in connection with postal traffic with Memel on this line, since the principle of the resumption of postal relations with Poland has been admitted in the proposals made by the Lithuanian Government at the Königsberg Conference, and this question of postal relations with Poland is the only one which differs specifically from the question of goods transit.

As regards telegraph transit, it is of little importance in practice whether this is effected by a direct Polish-Lithuanian line or by an indirect route through the territory of another country. It is sufficient if an agreement is concluded between the countries concerned, whereby the rates shall not be higher than those which would be charged if the connection were established by a direct Polish-Lithuanian line. The question of the choice between a direct or an indirect line does not, of course, arise in the case of wireless communications. Finally, as regards telephone communications, in so far as this question is a practical issue, there should be no more difficulty in arranging for indirect telephone communications than for indirect telegraph communications.

SECTION II. — COMMUNICATIONS OTHER THAN COMMUNICATIONS IN TRANSIT.

The Committee, while attaching great importance to the interruption of goods transit on the Landwarów-Kaisiadorys line, does not consider that, as regards communications only affecting trade between Poland and Lithuania, the present situation involves disadvantages of sufficiently general interest to justify it, on the basis of the resolution of the Council of the League of December 14th, 1928, a recommendation to the Council on this point.

As is known, the Polish Government desires that trade between Poland and Lithuania should be carried on not only by an indirect route crossing Latvia or Germany, but also direct across the Polish-Lithuanian administrative line. The Lithuanian Government only agrees to the indirect route. It should be pointed out that this trade, except for coal, is small in volume and that the absence of direct communications between the two countries has not hitherto had the effect of stopping it. This trade consists almost exclusively of imports into Lithuania of Polish products from parts of Poland situated far from the districts of Vilna and Grodno. The Committee has been informed of imports of Polish coal in transit through Latvia and of petroleum in transit through East Prussia, and also of imports of Polish coal via Danzig and Memel. Before the Lithuanian Customs tariff was increased, for countries which had not concluded a commercial treaty with Lithuania, the latter also received Polish sugar, benzine, textiles and cement in transit through Germany; as a result of the purely commercial obstacle created by this increase in tariffs, the last-named imports seem to have ceased for the time being; but coal, petroleum and iron continue to be imported — possibly under existing contracts (see Annex 8).

In these circumstances, the Committee does not think it advisable to propose to the Council measures to promote the resumption of direct communications between Poland and Lithuania; any progress in this sense should be made through direct negotiations between the two countries — negotiations which, as stated in the Council resolution of December 14th, 1928, are being carried on for the conclusion of a commercial agreement.

SECTION III. - CONSULAR AND SIMILAR QUESTIONS.

It is obvious that, if transit trade in goods were resumed, it would be necessary for the countries concerned also to allow the conveyance in transit through their territory of persons going to Königsberg, Memel or Libau or from these ports to their hinterland on business (the question of the route taken by these persons is dealt with in Section I, C), but as regards Königsberg and Libau, it is sufficient if these persons are in possession of a transit visa, and the Polish and Lithuanian authorities do not even now appear to refuse transit visas to nationals of the other country. As regards the relations between Polish nationals and Memel in the matter of timber traffic, there is no doubt that this traffic could only be satisfactorily resumed — whether by floating or by rail — if reasonable facilities were given to the merchants concerned or their representatives. It seems, however, that these facilities could quite well be accorded without raising the general question of establishing direct consular relations between Lithuania and Poland. The cases apparently are not so frequent as to prevent some arrangement being easily put into effect without much difficulty either by setting up special agencies other than consular authorities or by making use of the good offices of third Powers. This special arrangement might contain provisions concerning identity papers similar to those in the Convention of June 30th, 1925, between Latvia and Lithuania (see Annex 5).

Chapter IIL

EXAMINATION OF INTERNATIONAL AGREEMENTS IN FORCE.

For the questions dealt with in this chapter, the Transit Committee based its opinion entirely on the views expressed by the Committee presided over by M. Guerrero. It held that it should merely examine those legal questions whose solution appeared absolutely indispensable, if the questions put by the Council were to be answered. The Transit Committee has arrived at the following conclusions:

Transit on the Niemen and Waterways connected with the Niemen.

As regards transit of timber from Soviet territory through territory under Polish authority, it should be pointed out that Poland is a contracting party to the Barcelona Convention on Freedom of Transit. Neither the Union of Soviet Socialist Republics nor Lithuania are at present contracting parties to that Convention, but other States interested are contracting

Article 6 of the Statute annexed to the Convention on Freedom of Transit reads as follows:

"This Statute does not of itself impose on any of the Contracting States a fresh obligation to grant freedom of transit1 to the nationals and their baggage, or to the flag of a non-Contracting State, nor to the goods, nor to coaching and goods stock or other means of transport coming or entering from or leaving by or destined for a non-Contracting State, except when a valid reason is shown for such transit by one of the other Contracting States concerned . . ."

Under this clause, Poland would be obliged to permit transit of timber of Soviet origin should valid reasons be shown for such transit by any one of the other contracting States concerned, and Chapter II of the present report clearly indicates that such valid reasons might be shown. Furthermore, the Council's resolution of December 14th, 1928, aiming at putting an end to obstacles in the way of freedom of communications and of transit which might have effects of an international character may be regarded at least in the spirit of the Convention on Freedom of Transit, as equivalent to such a step.

As regards transit of timber through Lithuanian territory, Lithuania, under Articles 3 and 16 of the Convention concerning the Territory of Memel, is bound both by Article 1 of Annex II to that Convention and by Article 3 of Annex III.

These texts read as follows:

Annex II, Article 1:

"The Lithuanian Government shall conform, in respect of the whole of the Lithuanian territory, including the Memel Territory, to the provisions of Articles 331 to 345 of the Treaty of Versailles of June 28th, 1919, concerning the Niemen."

Annex III, Article 3:

"The Lithuanian Government shall ensure the freedom of transit by sea, by water and by rail, of traffic coming from or destined for the Memel Territory or in transit through the said Territory and shall conform in this respect with the rules laid down by the Statute and Convention on the Freedom of Transit adopted by the Barcelona Conference on April 14th and 20th, 1921, repectively, and, in particular with the provisions of Article 13 of the said Statute, indicating the summary procedure to be followed in the event of interruption of transit.

"The same freedom of transit shall also be ensured in respect of postal consignments and postal and telegraphic communications.

"Recognising the international character of the river Niemen and traffic thereon, and the general economic benefits to be derived from the exploitation of the forests in the Lithuanian and other districts in the basin of the Niemen, for which Memel is the natural outlet, the Lithuanian Government undertakes forthwith to permit and to grant all facilities for the traffic on the river to, from or in the port of Memel and not to apply, in respect of such traffic on the ground of the present political relations between Lithuania and Poland, the stipulations of Articles 7 and 8 of the Statute of Barcelona on the Freedom of Transit and Article 13 of the Barcelona Recommendations relative to Ports placed under an International Regime.'

Under Article 1 of Annex II to the Memel Convention, Lithuania must conform in respect of the international system of the Niemen to the provisions of Articles 331 to 345

¹ The Committe draws attention to the fact that, under Article 1 of the Statute annexed to the Convention on Freedom of Transit, "Persons, baggage and goods, and also vessels, coaching and goods stock, and other means of transport, shall be deemed to be in transit across territory, under the sovereignty or authority of one of the Contracting States, when the passage across such territory, with or without transhipment, warehousing, breaking bulk or change in the mode of transport, is only a portion of a complete journey, beginning and terminating beyond the frontier of the State across whose territory the transit takes place". For the meaning of the words "sovereignty" and "authority", cf. the report of the Commission of Enquiry on Freedom of Communications and Transit — verbatim reports and texts relating to the Convention on Freedom of Transit, page 284, ad Preamble. It is clear also that the word "frontier" must be taken, for the purposes of the application of the Convention on Freedom of Transit, as meaning the limit of the territory in which sovereignty or authority is exercised.

of the Treaty of Versailles, which stipulate freedom of navigation and equality of treatment for nationals, property and flags of all Powers.

In these texts, the expression "navigation" should be regarded as including floating

— in any case, the floating of timber in rafts.

In Chapter II mention is made of regulations for timber-floating which have already been issued by the Lithuanian Government. Without prejudice to any administrative measures that may be taken internationally, particularly in execution of Article 342 of the Treaty of Versailles, it is certain that any regulations applicable to the Niemen must be in accordance with the rules laid down in Articles 332 to 337. The Committee did not think that it should examine the regulations issued by the Lithuanian Government from a legal point of view and will therefore confine itself to drawing attention (see the observations made in Chapter II) to the fact that Article 7 of these Regulations providing for a compulsory change of raftsmen and their replacement by raftsmen of Lithuanian nationality would appear to be contrary to Articles 332 to 337 of the Treaty of Versailles.

Transit by Rail of Goods passing over the Landwarów-Kaisiadorys Section.

(a) Lithuania, as is said above, is not a contracting party to the Convention on Freedom of Transit, but under Article 3 of Annex III to the Convention concerning the Territory of Memel already quoted the Lithuanian Government is obliged to ensure the free passage by rail of traffic coming from or destined for the Memel Territory or in transit through that Territory and shall conform in this respect to the rules laid down in the Barcelona Statute and Convention on Freedom of Transit.

Under Article 2 of the Statute annexed to the Convention on Freedom of Transit and subject to the other provisions of this statute, "the measures taken by Contracting States for regulating and forwarding traffic across territory under their sovereignty or authority shall facilitate free transit by rail or waterway on routes in use convenient for international

transit".1

As has been explained in detail in Chapter III, free transit on a line of great international importance is at present interrupted. The line in question, unlike other lines which the Committee has not considered in its enquiry, should be regarded as essentially convenient for international transit, so far as the traffic in question is concerned, especially a certain amount of traffic coming from or destined for Memel.

The question arises as to whether the text of the statute obliges Lithuania to re-establish transit over a line on which traffic is at present interrupted — the line is even torn up over a short distance — since the Statute only obliges the contracting States to facilitate transit over lines which are "in use". The Commission, therefore, had to consider the meaning

of this last expression.

If a State, merely by placing material obstacles to prevent the working of a line in the district in which its railways connect with the railways of another country, could free itself from the obligation to facilitate free transit, the Convention on Freedom of Transit would cease to give any guarantees whatsoever, and Article 2, thus interpreted, would make Articles 7 and 8, which allow exceptions to freedom of transit — but only in certain cases and under certain conditions - altogether superfluous.

It is true that Article 2 should not be interpreted as compelling a State to maintain "in use" every line which, at a given moment, was "convenient" for international transit when that State has been obliged to contemplate total or partial interruption of operation on part of its railway system for economic or technical reasons connected with railway working. In this particular case, however, it is clear that the interruption of transit is not the result of normal measures of railway operation; on the contrary, for reasons which have been often stated and which the Committee is not called on to discuss, the intention to interrupt transit is the cause of the line's remaining out of use up till the present date.

For these reasons, the Committee is of opinion that Lithuania cannot claim that the line has ceased to be "in use", within the meaning of Article 2 of the Statute, in order to refuse the positive obligation incumbent on her to take the necessary steps, so far as she is concerned, for the re-establishment of transit traffic coming from or destined for Memel

over the Landwarów-Kaisiadorys line.

It remains to be seen whether other articles of the same Statute could abrogate or

modify this obligation.

The only articles which should be taken into account are Articles 7 and 8, which read as follows:

Article 7:

"The measures of a general or particular character which a Contracting State is obliged to take in case of an emergency affecting the safety of the State or the vital interests of the country may, in exceptional cases, and for as short a period as possible, involve a deviation from the provisions of the above articles; it being understood that the principle of freedom of transit must be observed to the utmost possible extent.

It should be noted that this clause does not mention the points of origin or destination of the goods, it applies wherever these points may be unless they are situated in the territory of a non-contracting State and that, in such case, no valid reason for such transit has been shown by any contracting State concerned (Article 6, already quoted).

Article 8:

"This Statute does not prescribe the rights and duties of belligerents and neutrals in time of war. The Statute shall, however, continue in force in time of war so far as such rights and duties permit."

Since the Council, in its resolution of December 10th, 1927, took note "of the solemn declarations made by the Lithuanian representative that Lithuania does not consider herself in a state of war with Poland and that, in consequence, peace exists between the two countries", there is no reason to contemplate the application of Article 8 of the Statute.

As regards Article 7, the Committee has a prima facie impression that it does not apply in this case either. Transit has already been interrupted for almost ten years. Should that interruption have once been justified under the terms of Article 7 or Article 8, it would be difficult at the present time to regard it either as a measure taken under the provisions of Article 7 "for as short a period as possible", or as a measure which the State concerned is obliged to take to guarantee "the safety of the State or the vital interests of the country", particularly in respect of transit of goods, which alone is dealt with in the present report. Nevertheless, since Article 7 allows States to deviate from the provisions of the Statute by unilateral measures, the Committee draws attention to the fact that, should the Lithuanian Government continue to regard itself as entitled to make such a deviation under this article, the Members of the Council who are parties to the Memel Convention may resort, with a view to the settlement of the question, to the procedure provided in Article 13 of the Statute on Freedom of Transit, in accordance with Article 3 of Annex III to the Convention concerning the Territory of Memel.

The above considerations refer exclusively to transit traffic coming from or destined for Memel. But should steps be taken in conformity with these obligations to put an end to the interruption of such transit traffic, it would be anomalous not to take the same measures in respect of transit traffic coming from or destined for Germany (Königsberg) or Latvia (Libau or Riga). Furthermore, in the case of transit traffic coming from or destined for Königsberg, the provisions of the Commercial Treaty of October 30th, 1928, which is in force between Lithuania and Germany, would make it impossible for such transit traffic to be treated less favourably than that coming from or destined for Memel.

- (b) Poland is not bound by the above-mentioned article of the Memel Convention; it would, however, appear from the documents before the Committee that Poland which has also ratified the Berne Convention of October 23rd, 1924, and the Convention of December 9th, 1923, on the International Regime of Railways is actually prepared to take the measures incumbent on her to re-establish transit traffic on the Landwarów-Kaisiadorys line. Furthermore, from the legal point of view, Poland is bound by the Convention on Freedom of Transit. In accordance with the Statute annexed to that Convention, an interpretation of which has been given above, she would be bound to take these measures should valid reasons be shown for the re-establishment of such transit by any one of the other contracting States concerned (Article 6, already quoted, of the Statute annexed to the Convention on the Freedom of Transit).
- (c) Lastly, the Commission would point out that the re-establishment of communications by rail on the Landwarów-Kaisiadorys line would not be sufficient to re-establish international transit on that line. The two States, which would be bound under the conditions indicated above to re-establish transit on that line, are thereby obliged to promote or conclude the necessary technical agreements for the establishment on the line of a permanent service meeting the requirements of international transit.

For the Advisory and Technical Committee for Communications and Transit:

(Signed) HEROLD,

Chairman.

Geneva, September 4th, 1930.

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ANNEX 1...

LETTER FROM THE SECRETARY-GENERAL OF THE ADVISORY AND TECHNICAL COMMITTEE FOR COMMUNICATIONS AND TRANSIT TO THE PRESIDENT OF THE COUNCIL AND LITHUANIAN MINISTER FOR FOREIGN AFFAIRS.

[Translation.]

Geneva, May 15th, 1929.

At its last session, held at Geneva from March 15th to 23rd, 1929, the Advisory and Technical Committee for Communications and Transit had under consideration certain questions regarding communications and transit which had been referred to it by the Council. These questions arose out of an item which stood on the Council's agenda under the heading "Present state of negotiations between Lithuania and Poland". The Council had noted that the documents submitted to it mentioned obstacles which were said to hinder the freedom of communications and transit, and it accordingly invited the Advisory and Technical Committee to present a report "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, or to lessen its international repercussions".

The Advisory and Technical Committee adopted the following resolution in regard to

this matter:

"The Advisory and Technical Committee for Communications and Transit decides to set up a Sub-Committee with instructions to submit to it all necessary proposals for the preparation of the report asked for by the Council in its resolution of December 14th, 1928. This Sub-Committee shall be provided with all the means of information and facilities of procedure at the disposal of the Advisory and Technical Committee.

"It will consist of the Chairman and Vice-Chairmen of the Committee, of the Chairman of the Permanent Committee on Transport by Rail, the Chairman of the Permanent Committee on Inland Navigation, the Vice-Chairman of the Permanent Legal Committee and the two ex-Chairmen of the Advisory Committee who are now members of that Committee.

"The Advisory and Technical Committee."

"The Advisory and Technical Committee will be called upon to settle the final report to be forwarded to the Council as soon as possible after the Sub-Committee's proposals have been received."

At a meeting on March 23rd, 1929, under the Chairmanship of M. de Vasconcellos, Vice-Chairman of the Transit Committee, the Sub-Committee, constituted as above, considered what steps should be taken to collect information, and decided to form two special committees for the purpose.

One Committee was instructed to collect information which might throw light on the obstacles to freedom of communications and transit referred to in the Council's resolution

and to study their economic consequences. This Committee is composed of:

M. Herold, Member of the Sub-Committee, Chairman; Chairman of the Permanent Committee for Transport by Rail of the Communications and Transit Organisation; Director of the Federal Railways at Zurich;

General DE CANDOLLE, Member of the Permanent Committee for Transport by Rail of the Communications and Transit Organisation; former Managing Director of the Great Southern Railway Company, Buenos Ayres;

M. Kröller, Member of the Permanent Committee for Ports and Maritime Navigation of the Communications and Transit Organisation; Member of the Economic Council of the Netherlands Ministry for Foreign Affairs.

The other Committee was instructed to find out what were the international agreements in force to which the Council's resolution applied, and what their effects would be on the obstacles to freedom of communications and transit. This Committee is composed of:

M. GUERRERO, Member of the Sub-Committee, Chairman; Vice-Chairman of the Permanent Legal Committee of the Communications and Transit Organisation;

and the following members of the Legal Committee nominated by him:

Mr. BECKETT, Assistant Legal Adviser to the British Foreign Office;

M. VAN EYSINGA, Professor at the University of Leyden;
M. KÖNIGS, Head of Department at the German Ministry for Communications;
M. René Mayer, Maître des requêtes honoraire au Conseil d'Etat de France;

M. PILOTTI, Counsellor at the Court of Cassation, Rome.

It was further decided at a later meeting between the Chairman of the Sub-Committee . and the Chairmen of the two special Committees to convene, as soon as possible, the Committee presided over by M. Herold, and to convene that presided over by M. Guerrero afterwards, as soon as the work of collecting information was sufficiently advanced to

show what legal problems M. Guerrero's Committee would have to study.

I now have the honour to inform you, on behalf of the Chairman of the Sub-Committee, that the Committee presided over by M. Herold has since entered on a preliminary study of the papers, and considers it very desirable to obtain, in regard to the items mentioned in the attached note, any information or publications which may be at the disposal of the technical authorities and those specially concerned in Lithuania. The Committee would be very much obliged if the information could reach the Secretary-General of the Committee before June 15th next.

I have the honour, further, to inform you that the Committee presided over by M. Herold proposes to undertake, during the latter half of June next, a preliminary study of the information collected on the actual situation. The Committee will probably meet at Königsberg, and would be very glad if one or more persons appointed by the Lithuanian Government could supplement the information received, give any verbal explanations required, or say what further information might be of value. At the same time, if the Lithuanian Government prefers it, the Committee would be quite prepared itself to go to Lithuanian Government considered could assist Lithuania and meet any persons who the Lithuanian Government considered could assist the Committee in its work.

(Signed) Robert HAAS.

INFORMATION REQUIRED.

1. Questions relating to the Memel Timber Trade.

(a) Information relating to the timber traffic to Memel between 1910 and 1913. — Particulars of the various kinds of timber brought into Memel from the hinterland. — Places from which the timber comes. — Routes followed, and means of transport employed

from sources of supply to Memel.

Commercial conditions ruling in the timber trade. — Did the timber remain the property of the producers as far as Memel or did it belong during transit to limited companies or other firms at Memel? — Did middlemen act between the producers and the firms at Memel? — Were the timber producers represented at Memel by agents, and, if so, of what nationality? — Technical conditions of timber-floating. — Did the raftsmen have, for technical reasons, to be changed at any point on the route, and, if so, where ?

- (b) Have there been any changes in the administration, or in the condition of the Niemen or of its tributaries, or of the canals connected with the Niemen system, since 1914 ?
- (c) Which are the present centres of supply that can export timber via Memel?— What is the present estimated cost of floating timber via the Niemen from the sources of supply to Memel?— Approximate estimate, if possible, of exportable quantities.— Are there at present any timber-supplying centres which export via Königsberg or Danzig, and, if so, what is the cost of transport from the sources of supply to Königsberg or Danzig, and what are the quantities exported?— Distinguish where necessary between or Danzig, and what are the quantities exported ! — Distinguish, where necessary, between the various classes of timber.

2. Railway Questions.

Russian railway maps of 1914 of present Lithuanian territory (broad-gauge and narrow-gauge lines should be differentiated as well as commercial and strategic lines). — Information in regard to lines built or modified between 1914 and 1919. — Information in regard to lines built or modified since 1919.

When did rail traffic direct between Vilna and Kovno cease? — When did direct traffic cease on the other lines joining Lithuania and the Vilna and Grodno districts

Particulars of any cases in which the permanent way has been removed or railway buildings destroyed in the area bordering on the Polish-Lithuanian administrative line and the dates on which such removal of the permanent way or destruction of buildings are supposed to have taken place.

Maps of the present Lithuanian railway systems (marking, if possible, lines in course of construction). — Information regarding railheads lying close to the Polish-Lithuanian administrative line.

Table of distances in kilometers between the principal stations on the Lithuanian

Normal tariff rates at present in force in Lithuania. — Special transit, import or export system. tariff rates.

Miscellaneous.

Information regarding roads in Lithuania fit to carry motor transport. Normal period during which the Niemen is ice-bound at Memel.

B.

LETTER FROM THE SECRETARY-GENERAL OF THE ADVISORY AND TECHNICAL COMMITTEE FOR COMMUNICATIONS AND TRANSIT TO THE DELEGATE OF THE POLISH REPUBLIC ACCREDITED TO THE LEAGUE.

[Translation.]

Geneva, May 15th, 1929.

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(Signed) Robert HAAS.

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Commercial conditions ruling in the timber trade. — Did the timber remain the property of the producers as far as Memel or did it belong during transit to the associations or business companies at Memel? — Did middlemen act between the producers and the firms at Memel? — Were the timber producers represented at Memel by agents, and, if so, of what nationality? — Technical conditions of timber-floating. — Did the raftsmen, have, for technical reasons, to be changed at any point on the route, and, if so, where?

- (b) Have there been any changes in the administration, or in the condition of the Niemen, or of its tributaries, or of the canals connected with the Niemen system, since 1914?
- (c) Which are the present centres of supply that can export timber via Memel?—What is the present estimated cost of floating timber via the Niemen from the sources of supply to Memel?—Approximate estimate, if possible, of exportable quantities.—Are there at present any timber-supplying centres which export via Königsberg or Danzig, and, if so, what is the cost of transport from the sources of supply to Königsberg or Danzig, and what are the quantities exported?—Distinguish, where necessary, between the various classes of timber.

2. Railway Questions.

Russian railway maps of 1914 of the former Governments of Vilna and Grodno (broad-gauge and narrow-gauge lines should be differentiated as well as commercial and strategic lines). — Information in regard to lines built or modified between 1914 and 1919. — Information in regard to lines built or modified since 1919.

When did through traffic cease between Vilna and Kaunas? — When did through traffic cease on the other lines joining Lithuania and the Vilna and Grodno districts?

Particulars of any cases in which the permanent way has been removed or railway buildings have been destroyed in the area bordering on the Polish-Lithuanian administrative line and the dates on which such removal of the permanent way or destruction of buildings are supposed to have taken place.

Maps of the present Polish railway system (marking, if possible, lines in course of construction). — Information regarding railheads lying close to the Polish-Lithuanian administrative line.

Table of distances in kilometers between the principal stations on the Polish system north of the Warsaw-Brzesc line.

Normal tariff rates at present in force in Poland. — Special transit, import or export tariff rates.

3. General Traffic Questions.

Statistics for the period 1923-1927 of goods passing through Poland, north of the Warsaw-Brzesc line, from or to Russia, with any information as may be forthcoming as to the source and destination of such goods.

Miscellaneous.

Particulars of roads in the Vilna and Grodno districts fit to carry motor transport. Normal dates between which the Niemen is ice-bound.

C.

LETTER FROM THE SECRETARY-GENERAL OF THE ADVISORY AND TECHNICAL COMMITTEE FOR COMMUNICATIONS AND TRANSIT TO THE MEMBER OF THE COMMITTEE NOMINATED BY THE LATVIAN GOVERNMENT.

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[Translation.]

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Geneva, May 15th, 1929.

At its last session, held at Geneva from March 15th to 23rd, 1929, the Advisory and Technical Committee for Communications and Transit had under consideration certain questions regarding communications and transit which had been referred to it by the Council. These questions arose out of an item which stood on the Council's agenda under the heading "Present state of negotiations between Lithuania and Poland". The Council had noted that the documents submitted to it mentioned obstacles which were said to hinder the freedom of communications and transit, and it accordingly invited the Advisory and Technical Committee to present a report "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, or to lessen its international repercussions".

The Advisory and Technical Committee adopted the following resolution in regard to

this matter:

"The Advisory and Technical Committee for Communications and Transit decides to set up a Sub-Committee with instructions to submit to it all necessary proposals for the preparations of the report asked for by the Council in its resolution of December 14th, 1928. This Sub-Committee shall be provided with all the means of information and facilities of procedure at the disposal of the Advisory and Technical Committee.

"It will consist of the Chairman and Vice-Chairmen of the Committee, of the Chairman of the Permanent Committee on Transport by Rail, the Chairman of the Permanent Committee on Inland Navigation, the Vice-Chairman of the Permanent Legal Committee and the two ex-Chairmen of the Advisory Committee who are now members of that Committee.

"The Advisory and Technical Committee will be called upon to settle the final report to be forwarded to the Council as soon as possible after the Sub-Committee's proposals have been received."

At a meeting on March 23rd, 1929, under the Chairmanship of M. de Vasconcellos, Vice-Chairman of the Transit Committee, the Sub-Committee, constituted as above, considered what steps should be taken to collect information, and decided to form two special committees for the purpose.

One Committee was instructed to collect information which might throw light on the obstacles to freedom of communications and transit referred to in the Council's resolution

and to study their economic consequences. This Committee is composed of:

M. Herold, Member of the Sub-Committee, Chairman; Chairman of the Permanent Committee for Transport by Rail of the Communications and Transit Organisation; Director of the Federal Railways at Zurich;

General DE CANDOLLE, Member of the Permanent Committee for Transport by Rail of the Communications and Transit Organisation; former Managing Director of the Great Southern Railway Co., Buenos Ayres;

M. KRÖLLER, Member of the Permanent Committee for Ports and Maritime Navigation of the Communications and Transit Organisation; Member of the Economic Council of the Netherlands Ministry for Foreign Affairs.

The other Committee was instructed to find out what were the international agreements in force to which the Council's resolution applied, and what their effects would be on the obstacles to freedom of communications and transit. This Committee is composed of:

M. GUERRERO, Member of the Sub-Committee, Chairman; Vice-Chairman of the Permanent Legal Committee of the Communications and Transit Organisation;

and the following members of the Legal Committee nominated by him:

Mr. BECKETT, Assistant Legal Adviser to the British Foreign Office;

M. VAN EYSINGA, Professor at the University of Leyden;
M. Königs, Head of Department at the German Ministry for Communications;

M. René MAYER, Maître des requêtes honoraire au Conseil d'Etat de France: M. Pilotti, Counsellor at the Court of Cassation, Rome.

It was further decided at a later meeting between the Chairman of the Sub-Committee and the Chairmen of the two special Committees to convene, as soon as possible, the Committee presided over by M. Herold, and to convene that presided over by M. Guerrero afterwards, as soon as the work of collecting information was sufficiently advanced to show what legal problems M. Guerrero's committee that have to study.

I now have the honour to inform you, on behalf of the Chairman of the Sub-Committee, that the Committee presided over by M. Herold has since entered on a preliminary study of the papers, and considers it very desirable to obtain, in regard to the items mentioned in the attached note, any information or publications which may be at the disposal of the Latvian technical authorities and those specially concerned. The Committee would be very much obliged if the information could reach the Secretary-General of the Committee before June 15th next.

I have the honour, further, to inform you that the Committee presided over by M. Herold proposes to undertake, during the latter half of June next, a preliminary study of the information collected on the actual situation. The Committee will probably meet at Königsberg, and would be very glad if one or more persons appointed by the Latvian Government could supplement the information received, give any verbal explanations required, or say what further information might be of value. At the same time, if the Latvian Government prefers it, the Committee would be quite prepared itself to go to Latvia and meet any persons who the Latvian Government considered could assist the Committee in its work.

(Signed) Robert HAAS.

Information REQUIRED.

1. Railway Questions.

Russian railway maps of 1914 of present Latvian territory (broad-gauge and narrow-gauge lines should be differentiated as well as commercial and strategic lines). — Information with regard to lines built or modified between 1914 and 1919. — Information with regard to lines built or modified since 1919.

Table of distances in kilometers between the principal stations on the Latvian system.

Railway tariffs in force between 1910 and 1913 for goods imported or exported via Libau. — Tariffs ruling during the same period in respect of goods imported or exported via Riga.

Normal tariff rates now in force in Latvia. - Special transit, import or export tariff

General Traffic Questions.

Statistics for the period 1910-1913 of goods (giving the kinds of goods separately) imported or exported through Libau and through Riga, with such information that may be forthcoming as to their source and destination. The same information for the period 1923-1927.

Miscellaneous.

Normal period during which Libau-Windau-Riga are ice-bound.

D.

LETTER FROM THE SECRETARY-GENERAL OF THE ADVISORY AND TECHNICAL COMMITTEE FOR COMMUNICATIONS AND TRANSIT TO THE MEMBER OF THE COMMITTEE NOMINATED BY THE GERMAN GOVERNMENT.

[Translation.]

Geneva, May 15th, 1929.

M. Herold's Committee, which includes General de Candolle and M. Kröller, and which, with reference to the questions raised by the Council in examining Polish-Lithuanian which, with reference to the questions raised by the Council in examining I obsiliated and relations, has been instructed to collect information which might throw light on the obstacles to the freedom of communications and transit referred to by the Council and to study their economic consequences, proposes to make a preliminary investigation during the second fortnight of June. The Committee may possibly wish to meet at Königsberg. In that case, I will send you more precise information.

The note attached hereto gives a list of the items of information which the Committee,

after preliminary examination, has considered it necessary to collect. Information that can after preliminary examination, has considered it necessary to collect. Information that can be furnished by the States more directly concerned has been asked for from them; but I take the liberty of sending you the complete statement of items and would ask you to be good enough to favour me, if possible before June 15th, with any information as to facts that may be in the possession of the German Government or of technical authorities in Germany, or in the possession of persons engaged in business. A certain amount of the information, namely, that relating to the position of the Memel timber traffic before 1914 and to the traffic via Königsberg, can probably be obtained direct from German sources.

(Signed) Robert HAAS.

INFORMATION REQUIRED.

1. Questions relating to the Memel Timber Trade.

(a) Information relating to the timber traffic to Memel between 1910 and 1913. -Particulars of the various kinds of timber brought into Memel from the hinterland. -Places from which the timber comes. — Routes followed, and means of transport employed

from sources of supply to Memel.

Commercial conditions ruling in the timber trade. — Did the timber remain the property of the producers as far as Memel or did it belong during transit to limited companies or other firms at Memel? — Did middlemen act between the producers and the firms at Memel? — Were the timber producers represented at Memel by agents, and, if so, of what nationality? — Technical conditions of timber-floating. — Did the raftsmen have, for technical reasons, to be changed at any point on the route, and, if so, where ?

- (b) Have there been any changes in the administration, or in the condition of the Niemen or of its tributaries, or of the canals connected with the Niemen system, since 1914
- (c) Which are the present centres of supply that can export timber via Memel? What is the present estimated cost of floating timber via the Niemen from the sources of supply to Memel? — Approximate estimate, if possible, of exportable quantities. — Are there at present any timber-supplying centres which export via Königsberg or Danzig, and, if so, what is the cost of transport from the sources of supply to Königsberg or Danzig, and what are the quantities exported ! - Distinguish, where necessary, between the various classes of timber.

Railway Questions.

Russian railway maps of 1914 of present Lithuanian territory (broad-gauge and narrowgauge lines should be differentiated as well as commercial and strategic lines). — Information in regard to lines built or modified between 1914 and 1919. — Information in regard to lines built or modified since 1919.

When did rail trafffic direct between Vilna and Kovno cease. — When did direct traffic cease on the other lines joining Lithuania and the Vilna and Grodno districts?

Particulars of any cases in which the permanent way has been removed or railway buildings destroyed in the area bordering on the Polish-Lithuanian administrative line and the dates on which such removal of the permanent way or destruction of buildings are supposed to have taken place.

Maps of the present Lithuanian railway systems (marking, if possible, lines in course of construction). — Information regarding railheads lying close to the Polish-Lithuanian administrative line.

Table of distances in kilometers between the principal stations on the Lithuanian

Normal tariff rates at present in force in Lithuania. — Special transit, import or export tariff rates.

Miscellaneous.

Information regarding roads in Lithuania fit to carry motor transport. Normal period during which the Niemen is ice-bound at Memel.

ANNEX 2.

A.

LETTER FROM THE SECRETARY-GENERAL OF THE LITHUANIAN MINISTRY FOR FOREIGN AFFAIRS TO THE SECRETARY-GENERAL OF THE ADVISORY AND TECHNICAL COMMITTEE FOR COMMUNICATIONS AND TRANSIT.

[Translation.]

Kaunas, May 26th, 1929.

I have the honour to acknowledge receipt of your letter of May 15th, in which you informed me of the composition of the Sub-Committee and Committees appointed to examine the question referred to the Advisory Committee by the Council of the League of Nations under the terms of the resolution of December 15th, 1928.

According to your information, the Advisory and Technical Committee has set up the following bodies:

- 1. A Sub-Committee with instructions to submit all necessary proposals for the preparation of the report asked for by the Council;
- 2. Two special Committees formed by the said Sub-Committee, the first being instructed to collect all relevant information and the second to examine the international agreements in force to which the Council resolution applies.

It is a matter for congratulation that the alleged obstacles to international communication should be studied by so many competent bodies, which will certainly succeed in clearing up the whole question. I cannot, however, refrain from expressing my astonishment at the method of study adopted.

The material data are public property. Poland having violated her undertakings towards Lithuania and saized Vilne Lithuania refuses to many relations with Delayer.

towards Lithuania and seized Vilna, Lithuania refuses to resume relations with Poland until Vilna has been restored. As each successive Lithuanian Government since 1920 has declared, the resumption of relations with Poland is impossible until such restitution has taken place. Since the violation of the Treaty of Suwalki of 1920, the only Convention concluded between the two countries is the agreement concerning the administrative boundary signed at the Königsberg Conference and recently put into force after

Considering how well known these facts are, it is difficult to understand what purpose there could be in holding an enquiry into data which no one questions. The whole problem is purely legal. Poland accused Lithuania of having failed in her international undertakings by refusing to establish railway, postal and other communications through the occupied area, and the Lithuanian Government accordingly asked the Council of the League of Nations to have the allegations in question examined by the competent bodies, being convinced that such an examination could not fail to prove the justice of the Lithuanian Government's action. In the circumstances, it would seem that this study should first comprise the international engagements of Lithuania and of Poland. If in the course of the study it were found necessary to establish or verify certain material data, then, but not before, a Committee might be appointed for the purpose.

The method adopted by the Sub-Committee presents one serious drawback in the

Lithuanian Government's view, in that, if the study extends to questions in no way connected with the problem submitted by the League Council, there is the risk of losing

sight of and obscuring the main issue, which is, I repeat, purely legal.

I very much regret, accordingly, that I am unable, in view of the above considerations,

to comply with the requests contained in your letter.

(Signed) Dr. ZAUNIUS.

B.

LETTER FROM THE CHAIRMAN OF THE SPECIAL SUB-COMMITTEE APPOINTED BY THE ADVISORY AND TECHNICAL COMMITTEE FOR COMMUNICATIONS AND TRANSIT TO THE LITHUANIAN PRESIDENT OF THE COUNCIL AND MINISTER FOR FOREIGN AFFAIRS.

[Translation.]

Lisbon, June 13th, 1929.

The Secretary-General of the Advisory and Technical Committee for Communications and Transit has communicated to me the letter, dated May 26th, which he received from His Excellency Dr. Zaunius, Secretary-General of the Lithuanian Ministry for Foreign Affairs, in reply to the letter of May 15th informing the Lithuanian Government on my behalf of the measures taken by the Advisory and Technical Committee for the study of the question referred to the Committee by the Council resolution of December 14th, 1928. That letter indicated the information which the Lithuanian Government was asked to That letter indicated the information which the Lithuanian Government was asked to furnish to the Special Committee appointed to collect all information which might throw light on the obstacles to freedom of communications and transit referred to in the Council resolution, and to study their economic effects.

I was, I must confess, somewhat surprised at the statement in Dr. Zaunius's letter that the method adopted was open to the grave objection that it would extend the study to questions in no way connected with the problem submitted by the League Council and would tend to obscure the main issue, which was purely legal; further, that the Lithuanian Government was accordingly unable to comply with the requests contained in the letter from the Scoretown General of the Advisory and Tachnical General of the Advisory an

from the Secretary-General of the Advisory and Technical Committee.

In its resolution of December 14th last, the Council, noting that the documents before it mentioned obstacles in the way of freedom of communications and of transit, and considering that the Advisory and Technical Committee was charged to consider and

propose measures calculated to ensure freedom of communications and transit at all times, decided to request the Committee "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, or to lessen its international reporcussions"

repercussions

The Committee will, naturally, find it difficult to carry out the mission entrusted to it by the Council - namely, to propose measures calculated to ensure freedom of communications and transit and to present a report on the practical steps which might be adopted in order to remedy the situation, or to lessen its international repercussions - without obtaining accurate information on the situation and equipping itself with data which would enable it to judge of its effects.

It would seem equally clear that the Committee could not comply with the instructions laid down in the Council resolution to take into account the international agreements in force, without making a legal examination — which is just as essential — of those agreements

and their effects.

I most earnestly hope that the Lithuanian Government, realising more fully the intentions of the Advisory and Technical Committee and the method which its special Sub-Committee unanimously chose for carrying out the mission so carefully defined in the Council resolution, will be good enough to communicate the information requested. The Lithuanian Government, moreover, will have noted that this information concerns facts which are in no sense confidential, and that the Advisory and Technical Committee could itself have obtained that information by the means already at its disposal, had it not been anxious to stress in every possible way its desire to obtain the friendly co-operation of the Governments which could assist it in its work.

(Signed) A. DE VASCONCELLOS.

ANNEX 3.

REGULATIONS REGARDING TIMBER-FLOATING ON THE NIEMEN.

(Published in No. 214 of the Official Journal of the Lithuanian Republic, January 27th, 1926.)

[Translation from the German.]

§ 1.

In application of Annex 3 (Section 3, Paragraph 3) of the Convention regarding the Memel territory concluded between Lithuania of the one part and the British Empire, France, Italy and Japan of the other part, the Lithuanian Government hereby allows the free transit of timber floated on the Niemen under the conditions laid down in the present regulations.

Timber may be conveyed in transit on the Niemen in the form of trains of rafts or by the help of vessels without engine-power (barges).

§ 3.

The Lithuanian Government shall not levy any duty or tax on timber floated in transit on the Niemen, except the river tax, which shall not be higher than that applicable to the floating of Lithuanian timber. Floating timber shall also be subject to the general regulations regarding floating.

§ 4.

The owners of floating timber, their agents, the representatives of forwarding agencies and raftsmen in charge of, or persons convoying, such timber shall be entitled to enter the zone of control which has been established near Uciecha.

Before entering this zone, such persons must present their identification papers and show in what capacity they are accompanying the floating timber.

Owners of timber or their agents must present at the station for the control of timber-floating a transport certificate and the following documents;

Two copies of the bill of lading for each raft or barge;

2. A list of the crew attached to the convoy (convoyers and barge crews);

An inventory of the barge;

The tonnage certificate of the barge.

These documents may be worded in any European language, but must also contain a translation in Lithuanian.

§ 6.

- 1. Every convoy of floating timber on the Niemen must carry a transport certificate indicating:
 - The surname, christian names and address of the consigner;

2. The surname and christian names of the consignee;

3. The total number of rafts or barges, the individual numbers of the rafts and barges or the names of the barges;

4. The surname and christian names of the raftsmen in charge;

- The surname and christian names of the person authorised to carry out all formalities required for the floating of the timber.
- II. Every raft or barge must be provided with a bill of lading indicating:
 - The name of the convoy to which the faft or barge belongs;
 The number of each raft or barge or the name of the barge;

- 3. The surname, christian names and address of the consigner; The surname, christian names and address of the consignee;
- The kind of timber floated, the number of units and the volume.

There must be attached to every bill of lading a detailed specification of the cubic content of the timber.

§ 7.

When the persons convoying the timber arrive in the control zone, they must be replaced by Lithuanian nationals holding passports issued by the Lithuanian Republic. Persons specially responsible for the floating of the timber shall be allowed to accompany the train of rafts along the whole course of the Niemen as far as the port of Memel, one person only being allowed for each train.

The crews necessary for the navigation of the barges need not be replaced, but may

accompany the barges as far as the port of Memel.

§ 8.

Persons in charge of trains of rafts and the crews of barges accompanying floating timber must carry identification papers containing a photograph of the holder, and issued by the undertaking to which he belongs. These papers must state the holder's surname, christian names, age and place of domicile and the name of the convoy or barge which he is accompanying (transport certificate). These identification papers shall be valid for a whole floating season.

§ 9.

Timber floaters and barge crews who are obliged to land on business on the banks of the Niemen between Varviškiai and Uciecha require, in order to be allowed to land, an authorisation from the Chief of Police at Varviškiai.

§ 10.

In case of damage or of the necessity of putting floating timber in safety during transit, crews of convoys may land on the river-bank, but in such cases they must report themselves to the nearest police authority and inform such authority of the accident which has occurred.

§ 11.

All persons using the Niemen for the floating of timber shall be subject to the Lithuanian laws and shall comply fully with all the regulations and provisions in force relating to timber-floating and the river service.

§ 12.

On arrival at the port of Memel, timber in transit, whatever its origin, shall be accorded in every respect the same treatment as Lithuanian timber.

Persons convoying rafts and the crews of barges, on arrival at the port of Memel with their timber, shall at once deliver their convoys to the consignees and leave Lithuania. For the latter purpose, they must apply to the Passport Service of the Governor of Memel Territory, indicating the station through which they desire to leave the country. They shall be supplied with visas and exit permits free of charge.

§ 14.

Visas allowing entry into Lithuania for purposes of the timber-floating traffic shall be issued by Lithuanian consuls or representatives in accordance with the general regulations. The owners of timber floated on the Niemen, or their representatives, may also, if they are nationals of a country with which Lithuania has no diplomatic or consular relations, obtain authorisation to enter Lithuania from the Lithuanian consuls or representatives, if they produce satisfactory evidence showing that they are proceeding to Lithuania on business connected with the floating of timber on the Niemen.

§ 15.

All postal or telegraphic correspondence sent from or to a country with which Lithuania has no postal or telegraphic relations and referring to the floating of timber on the Niemen shall be accepted by Lithuanian post or telegraph offices and shall be forwarded by such means as are already in existence.

§ 16.

The Regulations No. 1305, regarding the floating of timber in transit (Official Journal No. 192), are hereby cancelled.

(Signed) Dr. L. BISTRAS, Dr. DAILIDÉ,
Prime Minister. "Chef de Cabinet"
of Prime Minister.

ANNEX 4.

[Translation.]

AGREEMENT¹ BETWEEN LATVIA AND ESTONIA REGULATING TIMBER-FLOATING ON THE FRONTIER RIVERS OF THE TWO STATES, SIGNED AT REVAL (TALLINN), FEBRUARY 5th, 1926.²

The Governments of the Latvian Republic and of the Estonian Republic, desiring in the interests of the two countries to settle the question of timber-floating in the sectors of the rivers forming part of the frontier between the two Contracting States, have deemed it necessary to conclude a special Agreement on the subject, and for this purpose have appointed as their Plenipotentiaries:

The Government of Latvia:

M. Jānis Seskis, Envoy Extraordinary and Minister Plenipotentiary of Latvia at Tallinn; and

The Government of Estonia:

M. Ants PHP, Minister for Foreign Affairs;

Who, having met at Tallinn and communicated their full powers found in good and due form, have agreed as follows:

Article 1.

With regard to timber-floating and operations connected therewith on the rivers forming part of the boundary between Latvia and Estonia, namely, the Rivers Vaidva (Vaidava), Peetrijôgi (Peteroupé), Mustjôgi (Melnoupé), Koiva (Gauja), the nationals of one Contracting Party shall be entitled to utilise, within the territory of the other Party, the beds of the foregoing rivers, as well as the tow-paths, subject to compliance with the laws in force in each country relating to timber-floating and to the use of the tow-path (Statute of Ways and Communications and Civil Law Code of the Baltic Governments), the regulations and statutes published in this respect by the Government of the country on whose territory the timber is floated, as well as the special conditions laid down in the present Agreement.

The present Agreement shall also apply to timber-floating in transit, provided that this right of passage does not prejudicially affect the floating of timber prepared on Estonian territory, due account being taken of the circumstances peculiar to each year. The final settlement of this question shall come within the competence of the meeting provided for in Article 5 of the present Agreement.

Note. — According to the present Agreement, the width of the tow-path shall be fixed at ten metres for the River Koiva (Gauja) and at four metres for the Rivers Vaidva (Vaidava) Peetri (Peteroupé) and Mustjôgi (Melnoupé). (Law Code, Volume XII, page 1, Statute of Ways and Communications.)

³ Translation from the French official text communicated by the Estonian Minister for Foreign Affairs.

³ The exchange of ratifications took place at iteval (Tallinn), July 15th, 1927.

Article 2.

On the tributaries of the River Mustjôgi (Melnoupé) which rise in Latvian territory—that is to say, the Rivers Vaidva (Vaidava) and Peetri (Peteroupe)—timber from Latvia must be floated, as far as possible, on "floats" or separately up to the mouth of the said rivers and there wait to be floated down the River Mustjôgi (Melnoupé). Floating on the River Mustjôgi (Melnoupé) must not begin later than the date when the deepest floods have retreated from the mondows round the mouth of the River Peetri (Péteroupé) and when the retreated from the meadows round the mouth of the River Peetri (Péteroupé) and when the River Mustjôgi has returned to its bed at the place in question.

This term shall be fixed by agreement between the representative of the Estonian

Government directing the floating operations and the representatives of the timber-floating supervisors appointed by the meeting.

As from that date, timber from Latvia must pass the River Mustjôgi (Melnoupé) within seven days and arrive at the place where this river flows into the River Koiva (Gauja). This seven-day period may be prolonged or shortened by a majority vote of the meeting provided for in Article 5 of the present Agreement. After the passage of timber from Latvia, the floating of Estonian timber shall begin.

Article 3.

Timber-floating on the River Mustjôgi (Melnoupé) must be carried out on "floats", if this can be done within the second period mentioned above. Should it be impossible to form "floats" in time, timber from Latvia may be floated separately.

Article 4.

Owners having timber prepared for floating on one of the tributaries of the River Koiva (Gauja) must submit each year, not later than February 15th, to the Estonian Central Department for Navigation at Tallinn (Mereasjanduse Paevalitsus), a declaration containing the following information: (1) The probable quantity of timber for floating; (2) its division into kinds; (3) the marks adopted by the timber-dealer and the description of the trade stamp (timber mark); (4) the name of the river on which the owner intends to effect the floating, with the designation of the points of departure and arrival of the timber floated.

Article 5.

Should such declarations be submitted by one or more persons, there shall be convened yearly at Walk, in Estonia, between March 1st and 10th, a meeting at which, in addition to persons interested in timber-floating, a representative of the Latvian Government and a representative of the Estonian Government shall be present. These meetings shall be convened by the Governments of the two Contracting Parties. The summoning of the said meetings, the date of which shall be fixed by agreement between the two Governments, shall be effected on behalf of the Estonian Central Department for Navigation by publication in the Riigi Teataja and in at least two newspapers published on Estonian territory. The text of the publication shall be communicated to the Latvian Legation at Tallinn, which shall insert it in the Valdîbas Vestnesis and in at least two newspapers issued on Latvian territory. Such publication must be made at least eight days before the meeting. At the said meeting there shall take part, with power to vote, a representative of the Governments of each of the two Contracting Parties and, on terms of equality, two representatives at most, for each Party, of the timber-dealers concerned; and, without power to vote, (a) other floaters or their agents, (b) the representatives of riparian landowners, (c) the representatives of communal and district administrations.

At these meetings, the chair shall be taken alternately by the representative of the Latvian Government and the representative of the Estonian Government.

Decisions on the questions raised at the meeting shall be taken by a majority vote; should the votes be equally divided, the President shall have a casting vote.

Note. — The meeting held during the first year after the conclusion of the present Agreement shall be presided over by the representative of the Estonian Government.

Article 6.

The aim of the said meeting shall be to examine and establish, within the limits of the conditions mentioned in the present Agreement, timber-floating regulations which shall be binding during the next floating season upon all the persons concerned and which deal with the following questions: (a) The determination of the quantity of wood which each person concerned reckons to float; (b) the detailed determination of the order of floating in conformity with Article 2 of the present Agreement; (c) the alteration of the seven-day period provided for by Article 2 of the present Agreement; (d) the settlement of stopping-places for "floats" and construction of dams; (e) the determination of the number of workmen which each person concerned is obliged to employ for the manipulation of his timber; (f) the election of one or more timber-floating supervisors and their substitutes; (g) the determination of the amount of money which must be placed at the disposal of the timber-floating supervisor for the payment of expenses, guarantees, and other similar costs

of timber-floating; (h) the discussion of any alterations which it may be found desirable to make in the provisions of the present Agreement.

As regards the decisions adopted by the said meeting of floaters, Minutes shall be drawn up in Latvian and Estonian, accompanied by a translation legalised by the representatives of the two Governments and made in a language to be chosen by agreement between the representatives of the two Governments. One copy of the Minutes shall be kept by the Latvian Government and another by the Estonian Government. Persons concerned shall be entitled to a copy of the Minutes.

Timber-floating supervisors or their substitutes shall be obliged to be present at all floating operations and to have with them a list of the workmen taking part therein, in order to be able to present it immediately on request to the police or frontier-guard agents

supervising navigation and floating.

The proceedings of the meeting shall be recognised as valid if, in addition to the President, either the representative of the Government of the other Contracting Party or floaters who have declared at least ten per cent of the total quantity of timber to be floated have been present.

Floaters who have not sent representatives to the meeting shall be obliged to submit

to the conditions established by the meeting of floaters.

Article 7.

If, during floating operations, timber becomes jammed, the obstruction must be removed as soon as possible within the time-limits fixed by the timber-floating supervisors according to local conditions. Timber-floating workmen must not leave the tow-path.

Article 8.

Floating in transit by "floats" or by separate logs must, under the present Agreement, be carried out in conformity with the Customs regulations in force in the two Contracting States, the facilities provided under Articles 9 to 15 of the present Agreement being, however, observed.

Article 9.

With respect to timber-floating in transit (Article 1 of the present Agreement), the Governments of Latvia and Estonia undertake to recognise reciprocally the certificates and documents relating to floating which are issued by the Customs or frontier-guard services of the two Contracting Parties.

Article 10.

The Customs and frontier-guard officials of one of the Contracting Parties shall issue to the owner of the timber a permit made out in two copies in their own language, which shall be submitted to the corresponding Customs or frontier inspectors of the other Party at the place where the timber to be floated is collected on "floats". In addition to the customary indications, the permit must give a detailed description of the timber for floating according to kind and quantity as well as the commercial marks and description of the stamp with which the timber is marked.

The Customs or frontier-guard services of the latter Contracting Party, having verified the timber for floating, shall make on the two copies of the permit corresponding entries in their own language and shall deliver a copy to the owner to the presented to the corresponding frontier or Customs inspectors of the first Contracting Party.

Article 11.

If, during floating in transit, the timber of one of the Contracting Parties remains in the territory of the other Party, owing to unavoidable circumstances or to sandbanks, the remainder of the timber may be floated or transported outside the frontiers of the latter Party by any other way, without hindrance and free of Customs duties, as far as possible during the current navigation season and, in any case, not later than the end of the next year's navigation season, reckoned from the date when the permit was issued by the Customs or frontier inspectors.

In these cases, an accurate description according to kind and quantity of the timber damaged in transit shall be drawn up by the Customs or frontier inspectors of the Contracting Party on whose territory the damage occurred.

Article 12.

If, in the total entered upon the way-bills relating to the description of the timber belonging to the same owner and being conveyed in transit in the same consignment, a difference is discovered in the acutal quantity of the timber being floated in transit, the deficiency or surplus of the said timber, according to its trade description by kind, shall be admitted in the following proportions: beams, mast wood, battens (thin planks) and other heavy timber, one per cent at most, and planking (for factories), deal and other light timber, three per cent at most, of each description and kind of timber, provided, however, that there is no question of intent to defraud.

Article 13.

The timber of one Contracting Party which, in conformity with the terms of the present Agreement, is floated in transit through the territory of the other Party shall be exempt from Customs charges such as duties, additional taxes, administrative fees, statistical duties, which are levied by each of the Contracting Parties on the importation, exportation and transit of timber.

Article 14.

Cases of damage in which the timber of one Contracting Party is carried down the river into the territory of the other Party shall not be considered by either Party as acts of contraband unless, however, circumstances point to fraudulent intent.

Article 15.

The Customs and frontier-guard agents of the two Contracting Parties, together with officials and workmen engaged in timber-floating in transit, shall, while floating operations are in progress, mutually benefit, as regards crossing the frontier for purposes of floating, by all the facilities granted to the inhabitants of the frontier zone of Latvia and Estonia in virtue of the Agreement of January 10th, 1924, concerning the crossing of the Latvian-Estonian frontier by the inhabitants of the frontier zone.

Article 16.

Floaters infringing the provisions of the present Agreement shall be prosecuted and required to repair any damage and losses which they may have caused under the laws of the State on whose territory the floating is being carried out.

Article 17.

The present Agreement shall be ratified and the instruments of ratification shall be exchanged at Tallinn as soon as possible.

Article 18.

The present Agreement shall come into force on the day following the exchange of the instruments of ratification and shall remain valid for the whole civil year during which it comes into force. It shall be considered to be automatically prolonged for the following civil year if, during the previous year, neither Contracting Party has signified its intention of denouncing it.

The Contracting Parties have agreed that the present Agreement shall come into force,

subject to ratification, on the day following the date of signature.

In faith whereof, the Plenipotentiaries of the two Parties have signed the present Agreement and have thereto affixed their seals.

The original has been drawn up in French in two copies at Tallinn on February the fifth, one thousand nine hundred and twenty-six.

(Signed) A. PIIP. J. SESKIS.

ANNEX 5.

[Translation from the German.]

CONVENTION REGARDING NAVIGATION AND FLOATING OF TIMBER ON THE FRONTIER RIVERS OF LATVIA AND LITHUANIA, CONCLUDED IN 1925.

The Governments of Latvia and of Lithuania, desiring to settle the question of the common use of their frontier waterways, have started negotiations regarding shipping and the floating of timber on the frontier rivers, and for this purpose have appointed as their Plenipotentiaries:

The Government of Latvia:

M. Siegfried MEYEROWITSCH, Minister for Foreign Affairs;

The Government of Lithuania:

M. Waldemar TSCHARNETZKY, Minister for Foreign Affairs;

Who, having communicated their full powers found in good and due form, have concluded the following Convention:

Article 1.

The two Contracting Parties mutually agree not to obstruct the free navigation of vessels, rafting and the floating of separate logs on the inland waterways of both States, and on their common frontier waterways mentioned below in the note to this article.

For the purposes of timber-floating mentioned above, the nationals of either Contracting Party shall be entitled to use both the waterways themselves and also, for a fixed width, the tow-paths (Bitschewnik) in the territory of the other Party, and to avail themselves of all

legal protection enjoyed by the nationals of the latter State.

In the floating of timber on the waterways in the territory of the other Party, owners, employees and workmen, except when expressly provided otherwise in the present Convention, must comply with all the legal provisions, arrangements and obligatory floating regulations of the State in whose territory the floating is carried out; further, the local floating usages must, as far as possible, be observed, and must conform to the special conditions of each river.

Note. — The provisions of the present Convention shall apply to the following larger rivers: the Dvina, Niemen, Apscha Muhsa, Aa (of Courland), Windau, Wadakat and Bartau. If occasion should arise in the future to float wood on rivers not mentioned in this Convention, the two Governments shall come to a special agreement in the matter.

Article 2.

The width of the tow-path in the Niemen frontier district (Bitschewnik—tow-path) shall be fixed at ten metres. For the remaining river banks the width shall be fixed according to the laws in existence and the provisions decreed by the Governments of each State.

Article 3.

Timber in transit from one State through the territory of the other State shall not have to pay any exceptional taxes or dues, but shall not be exempt from the taxes and dues which the citizens of the State through whose territory the timber is being floated have to pay for such floating.

Note. — For shipping and the floating of timber on the sectors of the frontier rivers common to both States, every person landing on the territory of the other shall pay only half the corresponding tax, which must not be higher than that fixed for other inland rivers.

Article 4.

Shipping and the floating of timber, both by rafts and as loose logs, from Latvia to Lithuania and from Lithuania to Latvia must proceed according to the relevant Customs regulations and provisions of the Contracting Parties, subject, however, to the exemptions laid down in the present Convention.

Article 5.

While travelling on the common frontier waterways of Latvia and Lithuania, all ships, boats and timber rafts, including their passengers, crew, baggage and cargoes, shall be exempt from all Customs formalities unless during their journey they moor on the bank belonging to the other State.

Article 6.

Ships, boats and timber rafts of one Contracting Party shall be allowed, on the common parts of the frontier rivers, to moor on the bank belonging to the other State and to handle the cargoes and luggage they are carrying. They shall also be allowed to embark and disembark passengers, but only at those places where there is a Customs office of the country in question. Stops may only be made at other places in exceptional cases and by previous arrangement with the nearest Customs official of the State in question.

Note. — Ships, boats or timber rafts may stop at any place they choose and may also repair damages, in the case of sudden accident or injury, when it is impossible to continue the journey. However, in such cases, the masters of the ships, boats or timber rafts must immediately inform the nearest frontier or Customs office and must, if called upon to do so, produce the documents relating to the crew of the ships, boats or timber rafts and to the

Article 7.

The crews of the ships, boats and timber rafts must always carry with them their identity documents in order.

Article 8.

While on the inland waterways of the other State or on the common frontier waterways of both States, ships, boats or timber rafts must, during the day, fly the national flag of their State, which must not be smaller than 0.40 by 0.60 metre.

Article 9.

During the night, from dusk until dawn, the traffic of ships, boats and timber rafts is prohibited on the frontier sectors. During this time they must moor on the bank or anchor on the territory of the State to which they belong.

The floating of loose logs can be continued during the night.

Article 10.

In virtue of the present Convention, the floating of timber in transit — both in regard to timber rafts and loose logs — shall be carried on according to the existing laws and regulations of the two Contracting Parties, under the following conditions:

- (a) Each Contracting Party agrees to recognise the acts and certificates drawn up by the Customs authorities of the other State with regard to floating timber in transit:
- (b) The documents mentioned must state accurately the place and time at which the floating timber reached the frontier river of the issuing State, the nature of the timber, its commercial description according to kind and quantity and also the timber stamps of the merchant and of the Government.

Without the documents mentioned, floating timber cannot be accepted as goods in transit.

Article 11.

Cases of damage in which the timber is carried down the river from Latvian territory to Lithuania or from Lithuania to Latvia shall not be considered as contraband if the Customs authorities or local police authorities of the State concerned certify that the damage did not occur by fraudulent intent. In such cases the timber can only be regarded as goods in transit if the provisions of Article 10 of the present Convention have been fulfilled.

Article 12.

Customs, waterways, and frontier officials of both the Contracting States, as well as employees and workers engaged in shipping and timber-floating, shall have the right to cross over the frontier in accordance with the relevant regulations in regard to crossing the frontier. Masters of ships and boats and raftsmen shall, in addition, be granted the following privileges:

- (a) Persons employed in shipping and in timber-floating shall cross the frontier in virtue of a special voucher or certificate in which the christian name and surname, place of residence and number of the identity card of each person and its place and time of issue must be declared;
- (b) The voucher or certificate must be made out in two copies and must be attested by a frontier official of the State concerned;
- (c) When crossing the frontier, one copy of the voucher or certificate, with the stamp of the frontier official, must be handed to the foreman of the workmen's party and the second copy left with the frontier official;
- (d) Such voucher or certificate registered by the frontier guard shall be valid as identity cards to cross the frontier and to return by railway or by road by way of the other frontier crossing-places, and no dues shall be paid for this. The persons specified in the voucher or certificate must have with them their inland passport or an identity card attested by the frontier guard or local police authorities;
- (e) Lumbermen must leave the territory of the other State within a week at the latest after having delivered the timber on the bank. The frontier-crossing certificates

and vouchers mentioned in (a) of this article and the identity cards mentioned in (d) shall be drawn up according to the models which the Contracting Parties may exchange every year and which shall be in the form shown in the Annex.

Article 13.

Persons committing offences against the laws relating to ships and the floating of timber shall be amenable to the laws of the State in whose territory the offence was committed.

Article 14.

The present Convention is concluded for one year. After that period it shall remain valid until one of the Contracting States gives two months' notice of its intention to withdraw.

Article 15.

The present Convention, drawn up in original Latvian and Lithuanian texts, shall be ratified as soon as possible by the competent authorities of the two Contracting States. and shall come into force after the exchange of the instruments of ratification.

The exchange of the instruments of ratification shall take place at Riga.

Done at Kovno, the thirtieth day of June, one thousand nine hundred and twenty-five.

(Signed) Z. A. MEYEROWITSCH. W. TSCHARNETZKY.

FINAL PROTOCOL.

The Contracting Parties declare, in signing to-day the Convention regarding shipping and the floating of timber on the rivers of Latvia and Lithuania, that they are ready to put immediately into force all the provisions of the said Convention without waiting until it has been ratified by both parties.

In confirmation of this, the plenipotentiaries of both Contracting States have signed his final Protocol drawn up in two authentic copies in Latvian and Lithuanian.

Done at Kovno, the thirtieth day of June, one thousand nine hundred and twenty-five.

(Signed) Z. A. MEYEROWITSCH W. TSCHARNETZKY.

I.

VOUCHER.

| ousiness to frontier st | or Lithuania on the (river) ation) by means of o | | . (shi | via p. boat or tin | ber raft | | |
|----------------------------|--|-----------------------|---------------|-----------------------|----------|--|--|
| Serial | Surname and christian name | Place of residence | Identity card | | | | |
| number | Darname and Christian name | - I face of Testuence | No. | Place of issue | Date | | |
| | | | • | | | | |
| Ì | | | | ļ. | | | |
| | | | | • | | | |

| The persons whose names appear in this vouc | ther are allowed to cross the State frontier |
|---|--|
| by the frontier station ofstation laid down by the regulations. | and to return via any frontier |

| (Stamp.) | |
|----------------------------|-----------|
| No | |
| | Signature |
| | |
| (Date and place of issue.) | |

, II.

CERTIFICATE FOR CROSSING THE FRONTIER.

| Valid |
|--|
| Surname. Christian name. Place of residence Destination For what purpose To what place, town or port. In which way (ship, boat or timber raft). Owner of the ship, boat or timber raft. Documents of identity (passport or identity card). Issued by. Place of issue Date of issue This certificate has been issued in the name of the person mentioned to allow him to cross the frontier via the frontier station of. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1 |
| No |
| ••••• |
| *************************************** |
| (Place and date of issue.) |
| (Signature and Stamp.) |
| III. |
| IDENTITY CARD. |
| Valid |
| у жиш |
| The holder of this document, whose photograph appears here, is a Latvian citizen |
| Surname |
| His inland passport was issued to him under No |
| This identity card has been issued to the person mentioned here for thejourney to Lithuania for business purposes (shipping or floating of timber). |
| (Photograph.) (Stamp.) |
| No |
| (Place and date of issue.) (Signature.) |
| |

ANNEX 6.

TABLE OF THE MARITIME TRAFFIC OF LIBAU.

1910-1913.

Despatches by sea from Libau (in tons).

| Year | Oats | Other cereals | Timber | Oil-cakes | Total for all categories of goods |
|------|---------|---------------|---|-----------|---|
| 1910 | 413,274 | 15,424 | $224,731 \\ 205,120 \\ +181,000 \\ 227,753$ | 43,646 | 755,595 |
| 1911 | 424,684 | 13,343 | | 42,863 | 774,535 |
| 1912 | 318,427 | 20,176 | | 55,417 | 705,407 |
| 1913 | 175,010 | 4,168 | | 47,040 | 537,021 |

Arrivals by sea in Libau (in tons).

| Year | Coal | Herrings | Fertilisers | Agricultural machinery | Chemical products | Total for all categories of goods |
|------|---------|----------|-------------|---------------------------|-------------------|---|
| 1910 | 111,561 | 84,393 | 49,415 | 4,964 | 1,251 | 370,313 |
| 1911 | 130,928 | 86,010 | 70,537 | 10,619 | 954 | 432,498 |
| 1912 | 168,419 | 85,673 | 105,197 | 7,430 | 1,035 | 503,707 |
| 1913 | 459,500 | 72,293 | 88,437 | 4,776 | 1,516 | 781,298 |

1924-1926.

Despatches by sea from Libau (in tons).

| Year | Cereals | Timber | Oil-cakes | Total for all categories of goods |
|------|---------|--------|-----------|-----------------------------------|
| 1924 | 12,911 | 89,406 | 342 | 135,185 |
| 1925 | 5,798 | 56,094 | 1,596 | 87,153 |
| 1926 | 1,972 | 49,241 | 1,813 | 86,636 |

Arrivals by sea in Libau (in tons).

| Year | Coal | Herrings | Fertilisers | Cereals | Agricultural machinery | Total for all categories of goods |
|------|---------|----------|-------------|---------|---------------------------|-----------------------------------|
| 1924 | 103,758 | 11,710 | 9,563 | 32,150 | 423 | 207,317 |
| 1925 | 64,637 | 13,438 | 16,069 | 32,914 | 273 | 179,049 |
| 1926 | 58,589 | 13,479 | 17,977 | 18,553 | 870 | 168,467 |

ANNEX 7.

A.

COMPARATIVE TABLE OF RAILWAY COMMUNICATIONS WITH VILNA, VIA KAISIADORYS-LANDWARÓW.

| Port | | | | | Access | by floating | Kilometers to Vilna | Frontiers to pass |
|-------------|---|---|---|--|--------|-------------|---------------------|-------------------|
| Memel | | | | | | Yes | 376 | One |
| Libau | | | | | | No | 379 | \mathbf{Two} |
| Königsberg. | • | • | • | | • | Yes | 344 | \mathbf{Two} |

In the case of Memel, the distance to Vilna is reckoned along the railway in construction via Telsiai. Two other routes planned would reduce this distance without bringing it down to that of Königsberg.

TABLE OF DISTANCES BETWEEN RIGA, KÖNIGSBERG, LIBAU, MEMEL AND DANZIG ON THE ONE HAND AND CERTAIN IMPORTANT RAILWAY JUNCTIONS ON THE OTHER.

Numbers of kilometers in parentheses signify that a transhipment is or will be necessary between normal gauge and Russian gauge.

Numbers of kilometers underlined indicate the routes that can be used to-day (see notes below).

| Ports and routes | Kilometers to the junctions of: | | | | | | | |
|---------------------------|---------------------------------|-------|----------------|-------|--------------------|--|--|--|
| | Grodno | Lida | Landwarów | Minsk | Smolensk | | | |
| Riga (a) | (551) | (489) | (413) | _ | 617 | | | |
| Riga (b) | . 466 | 440 | 328 | (531) | | | | |
| Königsberg (c) | 368 | 484 | 506 | (639) | (972) | | | |
| Königsberg (d) | | | | | (927) | | | |
| Königsberg (e) | | | - ' | | $\overline{(986)}$ | | | |
| Königsberg (f) | _ | 438 | 326 | (529) | (862) | | | |
| Libau (b) | 499 | 473 | 361 | (564) | (897) | | | |
| Libau (g) and (a) | | | | | 809 | | | |
| Libau (h) | · ` | · — | _ | | (797) | | | |
| Memel (i) and (h) | | _ | ′ | | $(\overline{794})$ | | | |
| Memel (i) and (b) \dots | 496 | 470 | 358 | (561) | (894) | | | |
| Danzig | 662 | 778 | 800 | | — | | | |

DEFINITION OF ROUTES.

- (a) Via Krustpils and Dvinsk.(b) Via Siauliai and Kaisiadory Via Siauliai and Kaisiadorys-Landwarów.
- Via Grajevo and Bialystok.
- Via Pagegiai, Siauliai and Dvinsk (secondary branch line over 150 kilometers). Via Kovno, Radviliskis and Dvinsk.
- (e)
- Via Kovno and Kaisiadorys-Landwarów.
- (g) By the Russian-gauge line under construction and reconstruction, via Jelgava and Krustpils.
- (h) Via Siauliai and Dvinsk.
 (i) By the line under construction from Kretinga to Telsiai.

Notes. — The distances for Riga (b) and Königsberg (f) and Libau (b) should only be taken into account in the case of the line Kaisiadorys-Landwarów being re-opened.

The distance for Libau (g) and (a) should only be taken into account when the construction and reconstruction via Jelgava and Krustpils are finished.

The distance for Memel (i) and (h) should only be taken into account when the line Kretinga-Telsiai has been constructed.

The distances for Memel (i) and (b) should only be taken into account when the line Kretinga-Telsiai has been constructed and when the line Kaisiadorys-Landwarów has been re-opened.

The junctions of Grodno and Smolensk already command the shortest possible routes to the sea, and do not require transhipment; but Smolensk is less well situated, owing to ice. On the other hand, the route to the sea from Lida, Landwarów (and consequently Vilna) and Minsk are hampered by the fact that the line Kaisiadorys-Landwarów is not working.

Grodno junction alone provides to-day the best possible liaison with the oriental Prussian railways and the lines beyond. The re-opening of this one line Kaisiadorys-Landwarów would at once give the best possible correspondence with all the other junctions.

ANNEX 8.

TABLE OF COMMERCIAL EXCHANGES BETWEEN LITHUANIA AND POLAND.

Polish statistics on this subject furnish the following data:

EXPORTS FROM POLAND TO LITHUANIA.

| | 1925 | 1926 | 1928 | | | |
|--------------------|----------|----------|-----------|-------------|------------|--|
| | | Tons | | Tons | Zloty | |
| Total | 39,745.5 | 97,846.8 | 133,223.9 | 1,813,398.0 | 20,618,000 | |
| Of which: | | | | | | |
| Cereals and shell | | | | | | |
| vegetables | 244.9 | 853.5 | 46.6 | 283.0 | 124,000 | |
| Sugar | 3,887.4 | 9,404.9 | 8,216.5 | 8,430.9 | 5,451,000 | |
| Cement | 45.5 | 555.2 | 15,495.7 | 16,960.9 | 1,362,000 | |
| Coal, briquettes, | | 4 | • | · | | |
| coke | 32,490.7 | 75,205.2 | 103,161.0 | 150,471.0 | 4,261,000 | |
| Refined petrol | 22.7 | 1,496.9 | 278.6 | 536.8 | 139,000 | |
| Motor oils | 325.0 | 1,759.9 | 1,714.7 | 781.8 | 123,000 | |
| Benzine | 33.1 | 26.6 | 17.4 | 28.3 | 55,000 | |
| Lubricating oils . | 57.8 | 709.6 | 240.4 | 501.8 | 99,000 | |
| Paraffin and | | | | ł | | |
| vaseline | 69.8 | 394.6 | 193.0 | 76.6 | 65,000 | |
| Chemical products. | 454.9 | 257.9 | 697.4 | 535.6 | 164,000 | |
| Iron and steel | | 33.0 | 411.5 | 1,255.5 | 328,000 | |
| Iron and steel | ì | | | <u>'</u> | | |
| sheets and plates | | 104.7 | 120.8 | 645.8 | 505,000 | |
| Cotton textiles . | 356.4 | 339.6 | 689.5 | 555.8 | 5,593,000 | |
| Woollen textiles . | 121.5 | 75.9 | 95.3 | 68.6 | 1,211,000 | |

IMPORTS FROM LITHUANIA TO POLAND.

| | 1925 1926 1927 | | 1928 | | |
|----------------------|----------------|---|----------------|--|------------------|
| }- | | Tons | | Tons | Zloty |
| Total | 75.4 | 365.4 | 8,023.8 | 1,884.8 | 451,000 |
| Of which: | | | | | |
| Raw hides | | | 42.0 | 14.0 | 52,000 |
| Oil-seeds Fresh fish | 6.7 | $\begin{array}{c c} 213.9 \\ 0.4 \end{array}$ | $832.3 \\ 1.4$ | $\begin{array}{c c} 162.1 \\ 12.5 \end{array}$ | 92,000 24,000 |
| Ores | | | 2,393.1 | 1,057.5 | 36,000 |

In Lithuania the following figures have been published relating to the trade of Lithuania with Poland :

VALUE OF POLISH PRODUCTS IMPORTED INTO LITHUANIA.

| | | | | | | Lits |
|------|---|--|--|--|---|------------|
| 1925 | | | | | | 5,094,700 |
| 1926 | | | | | | 15,295,800 |
| 1927 | | | | | • | 20,682,100 |
| 1928 | • | | | | | 25,172,300 |

As concerns the principal categories of goods, the following comparison is furnished for the years 1927 and 1928.

VALUE OF POLISH PRODUCTS IMPORTED INTO LITHUANIA IN LITS.

| Description of goods | 1927 | 1928 |
|-----------------------------|-----------|-----------|
| Sugar | 5,470,700 | 7,691,800 |
| Cement | 992,800 | 1,652,800 |
| Coal (coke, briquettes) | 5,333,200 | 5,755,300 |
| Raw petrol | 893,500 | 891,000 |
| Refined petrol | 539,500 | 671,400 |
| Benzine and mineral greases | 441,800 | 544,500 |
| Paraffin | 307,900 | 122,200 |
| Iron and tinned iron | 1,551,100 | 1,601,200 |
| Articles of tinned iron | 195,700 | 269,300 |
| Cotton textiles | 2,550,800 | 3,274,800 |
| Woollen textiles | 872,600 | 635,700 |

The following table shows the effect on the exchanges by the introduction of the new Customs tariff (October 1st, 1928):

In thousands of lits

| Description of goods | August 1928 | September 1928 | October 1928 | November 1928 | December 1928 | January 1929 | Februar 1929 |
|----------------------|----------------|-------------------|-----------------|------------------|------------------|-----------------|-----------------|
| Sugar | 62.1 | 44.4 | 30.2 27.4 | 17.1 | 8.75 | 3.6 | 0.0 |
| Coal | 57.3 | 63.1 | 86.1 | 51.7 | 77.0 | 55.6 | 60.0 |
| Raw petrol | | 21.8 | 64.0 | 57.7 | 47.7 | 46.3 | 14.2 |
| Refined petrol | 9.2 39.8 | 23.2 18.3 | 26.9 — | 14.6 | 18.0 | 11.3 | 16.8 |
| Mineral oils | 53.4 | 38.3 | 19.1 | 14.7 | 16.9 | _ | |
| Iron | 11.7 | 23.8 | 10.4 | 3.1 | 22.5 | 18.0 | 21.7 |
| Tinned iron | 12.2 | 37.8 | 7.0 | 25.1 | 53.0 | 23.4 | 04 |
| Cotton textiles | 18.9 | 31.8 | 2.8 | 1.0 | 5.8 | 2.1 | 2.1 |
| Woollen textiles | 8.8 | 13.1 | 9.1 | 0.1 | 4.4 | 3.4 | 2.2 |

ANNEX 9.

NOTE ON THE COST OF TRANSPORT IN POLAND FOR ROUGH TIMBER, BY FLOATING AND RAIL.

According to information, the pre-war cost of transport of timber by floating averaged about 20 per cent of the cost of transport by rail.

At present, the cost of floating (including river dues, rafting and rafters' wages) is assessed, according to information supplied by the Polish Government, at approximately 0.015 zloty per cubic metre per kilometer, though the figure for river floating in general is probably lower.

According to special tariff E, which is generally applicable to timber exports from Poland, the cost of railway transport per ton of timber (+1.4 cubic m.) is as follows:

| Distance in kilometers | | Cost of transport in zloty |
|---------------------------|---|----------------------------|
| 100 | • | 6.50 |
| 200 | | 9.50 |
| 300 | | 11.30 |
| 400 | | 13.10 |
| 500 | | 14.20 |
| 600 | | 15.40 |
| 700 | | 16.50 |
| 800 | | 17.70 |
| 900 | | 18.80 |
| 1,000 | | 20.00 |

The average cost of floating on three routes in the Basin of the Vistula, between different collecting posts and Danzig, averaging 894 kilometers, is at present not less than 78 per cent of the cost of transport by rail for an average distance of 724 kilometers, apart from the costs represented by the long time required for floating.

From a comparison of the costs for the two methods of transport, the Polish railway rates for rough timber would appear to be unusually low. Information has been received, moreover, to the effect that a revision of the Polish railway tariffs is under consideration.

Official No.: **C. 386. Fd. 170.** 1930.VIII. [C.C.T./R.P.L./4 (1).]

Errata

Geneva, November 24th, 1930.

LEAGUE OF NATIONS

Questions raised by the Council
in Connection with Freedom of Communications and Transit
when considering
the Relations between Poland and Lithuania.

REPORT OF THE ADVISORY AND TECHNICAL COMMITTEE FOR COMMUNICATIONS AND TRANSIT

ERRATA

Owing to clerical errors in the second and fifth paragraphs of page 13, these paragraphs should be amended to read as follows:

(2nd paragraph):

As regards transit of timber from Soviet territory through territory controlled by the Polish authorities, it should be pointed out that Poland is a contracting party to the Barcelona Convention on Freedom of Transit. Neither the Union of Soviet Socialist Republics nor Lithuania are at present contracting parties to that Convention, but other States interested are contracting parties."

(5th paragraph):

"As regards transit of timber through territory controlled by the Lithuanian authorities, Lithuania, under Articles 3 and 16 of the Convention concerning the Territory of Memel, is bound both by Article 1 of Annex II to that Convention and by Article 3 of Annex III."

[Communiqué au Conseil et aux Membres de la Société.]

Nº officiel: C.386. M. 170. 1930. VIII.

[C.C.T./R.P.L./4 (1).]

Errata

Genève, le 24 novembre 1930.

SOCIETE DES NATIONS

Questions soulevées par le Conseil en ce qui concerne la liberté des communications et du transit à l'occasion de l'examen par le Conseil de l'État des relations entre la Pologne et la Lithuanie.

RAPPORT DE LA COMMISSION CONSULTATIVE ET TECHNIQUE DES COMMUNICATIONS ET DU TRANSIT

ERRATA

En raison d'erreurs matérielles aux deuxième et cinquième paragraphes de la page 13, ces paragraphes doivent être corrigés et lus de la façon suivante:

(2me paragraphe):

• En ce qui concerne le transit, sur territoire relevant des autorités polonaises, des bois de provenance soviétique, il y a lieu de relever que la Pologne est partie contractante à la Convention sur la liberté du transit de Barcelone. Ni l'Union des républiques soviétistes socialistes ni la Lithuanie ne sont actuellement parties contractantes à cette Convention, mais d'autres Etats intéressés figurent parmi les parties contractantes.»

(5me paragraphe):

• En ce qui concerne le transit des bois sur territoire relevant des autorités lithuaniennes, la Lithuanie, en vertu des articles 3 et 16 de la Convention relative au Territoire de Memel, est liée, d'une part par l'article premier de l'annexe II à ladite Convention, d'autre part par l'article 3 de l'annexe III. »

Geneva, September 15th, 1930.

LEAGUE OF NATIONS.

ADVISORY AND TECHNICAL COMMITTEE FOR COMMUNICATIONS AND TRANSIT.

RESOLUTIONS

Adopted by the Committee at its Fifteenth Session held at Geneva from September 4th to 6th, 1930.

I. COMMUNICATIONS OF IMPORTANCE TO THE WORKING OF THE LEAGUE OF NATIONS AT 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 at 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 at times of emergency.

The Advisory and Technical Committee was of opinion that special measures should also be recommended in regard to Committee was of the Remark of th

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 at 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 Asiairs. 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 inter-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

nical 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

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 pro-

visional 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: 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 Trassic, 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 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 a general character affecting routes of communication. question was raised at the Third General Conference on Communications and Transit. 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." 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 not be the continued of the continued

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 Tachnical Committee to frame this report. 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 observer 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, September 29th to October 3rd, 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 at Kiel.

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 RAILWAY CONGRESSES.

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 cooperation 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

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 (cabolage), 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 hydroaerodromes.

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 Chairmen

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 CONCERNING THE FREEDOM OF COMMUNICATIONS AND TRANSIT DURING ITS EXAMINATION OF THE STATE OF NEGOTIATIONS 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 TRANSPORT.

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.

Geneva, September 24th, 1930.

LEAGUE OF NATIONS

Work of the Organisation for Communications and Transit between the Tenth and Eleventh Sessions of the Assembly.

REPORT OF THE SECOND COMMITTEE TO THE ASSEMBLY.

Rapporteur: M. INOUYE (Japan).

Between the tenth and eleventh sessions of the Assembly, the Organisation for Communications and Transit has continued its work on various problems in accordance with its usual methods.

It is hardly necessary to summarise that work, since the report submitted to the Assembly gives a full account of the problems studied and of the stage reached in each case. It might, nevertheless, be of interest to indicate the results achieved at some of the main meetings held under the auspices of the Transit Organisation during the past year, as well as the object of some of the meetings which the Transit Organisation proposes to convene in the near future.

The European Conference of the Transport of Newspapers and Periodicals was summoned in

The European Conference of the Transport of Newspapers and Periodicals was summoned in order to give effect to the recommendations of the Conference of Press Experts which met in Geneva in August 1927, under the chairmanship of Lord Burnham. Since that date, on the initiative of the Advisory and Technical Committee for Communications and Transit, a careful survey has been made by experts of the facilities which could be granted for the transport of newspapers and periodicals, in order to obtain a better and freer intercourse between public opinion in the various countries. The International Railway Union, in particular, assisted in the preparation of the agenda of the Conference. This Conference met from November 25th to 29th, 1929, and adopted a series of measures which, when completed by agreements between railways and postal administrations, will improve the present situation.

The work undertaken by the Advisory and Technical Committee with regard to the Unification of Transport Statistics has made appointed to the Proposale regarding.

The work undertaken by the Advisory and Technical Committee with regard to the Unification of Transport Statistics has made considerable progress during the last year. Proposals regarding the Unification of Statistics in Inland Navigation and in Maritime Navigation had already been drawn up by the Transit Committee, and during last year a fresh enquiry into these proposals was made, particular account being taken of the need for, and the possibility of, compiling railway statistics. It now seems probable that, in the course of 1931, the Transit Committee may be able to reach definite conclusions and present Governments with a comprehensive plan for the unification of transport statistics. This plan could be presented for the approval and adoption by a conference to be held in 1932. It is needless to say that, at the present stage of this work, the maintenance of a close liaison between the Transit Organisation and the Economic Organisation of the League becomes increasingly important, both with regard to the unification of Customs nomenclature and the unification of commercial statistics.

At the request of the Assembly and of the Third General Conference on Communications and Transit, the Transit Committee organised the Air Transport Co-operation Committee, which met from July 8th to July 12th, 1930. The duty of this Committee is to study all questions of international organisation in air navigation where some progress might be considered advisable and, in particular, to endeavour to promote better economic co-operation between air navigation undertakings in the various countries. Owing to the complexity of the problem before it, the Committee's first session was chiefly devoted to drawing up a definite programme of study with a view to reaching practical conclusions at later sessions. The Committee recorded its view that the present situation of civil aviation, despite the progress achieved, was not as satisfactory as the state of technical development permitted, and that it was only by means of increasingly close international co-operation that this situation could be improved. A Sub-Committee has been organised to study in detail, with the co-operation of the interested States, the constitution and operation of the main network of permanent air routes. A study of the question of postal air transport will also be undertaken at once by this Sub-Committee. The Committee, which

had before it a comprehensive series of enquiries into the present legal and administrative situation of air navigation drawn up by experts, and which was in a position from the outset of its work to discuss frankly the most suitable methods of ensuring better development in air navigation, may already be considered as one of the most competent bodies for the consideration of international economic problems of air navigation. Its work has already aroused great interest in the circles concerned in all countries, and the Committee, when it met under the chairmanship of M. de Brouckère, received official communications from such authorities on air navigation as General Balbo, Colonel Lindbergh and Dr. Eckener.

It was noted by the Tenth Assembly that the work of the Transit Organisation on the question of the Unification of River Law and of the Unification of Buoyage and Lighting of Coasts had reached a stage of development which would permit of the convocation of special conferences to discuss these problems and to consider the possibility of concluding international agreements on these subjects. The Conference on Buoyage and the Lighting of Coasts has been summoned for October 6th, 1930, and will meet at Lisbon, on the invitation of the Portuguese Government. It seems certain that the maritime nations most concerned, whether Members or non-Members

of the League, will be represented.

The Conference for the Unification of River Law will meet in Geneva on November 17, 1930. The next special conference, which the Transit Organisation proposes to hold in March 1931, will deal with certain international questions affecting motor transport in Europe. The agenda of the Conference will include the questions of road signalling, abolition of taxes on foreign motor vehicles, and the international regulation of commercial motor transport. Such problems are of the greatest interest both for motor tourism and for the development of an economic and efficient system of road transportation. The text of the draft agreement on road signalling and on commercial motor transport has been prepared by the Transit Committee. The draft convention on the abolition of taxes on foreign motor vehicles has been prepared jointly by the Transit Committee and the Fiscal Committee of the League.

The attention of the Members of the League might perhaps be drawn to the effort thus made by the Transit Organisation to bring commercial motor transport, which has recently acquired so great an economic importance, within the scope of international regulations which provide for freedom of communications and transit, in accordance with Article 23 (e) of the Covenant, and which, up to the present, had applied chiefly to other and older means of transport, such as railway

transport and navigation.

The Fourth General Conference on Communications and Transit will meet towards the end of 1931. At the request of the Tenth Assembly, the Conference will examine the problem of calendar simplification—i.e., the question of the stabilisation of movable festivals and the general problem of the institution of a perpetual calendar. Since last year, national committees of enquiry have been appointed in a number of fresh countries, and there is no doubt that the Conference will be in a position to state clearly the views of the interested circles in all countries and to define the attitude of the various Governments. The Transit Committee, in preparing for the deliberations on this subject at the Conference, has pointed out that the free decision of the religious authorities with regard to the religious aspects of such problems would not be interfered with by the Conference, and has expressed its conviction that, this being the case, the discussions between Governments and between experts will refer only to the social and economic aspects of the question.

The agenda of the Fourth General Conference includes also the question of grave occurrences of a general character affecting routes of communication. It is also possible that, at a later stage, other items may be included in the agenda, particularly in relation to the work entrusted to the

Transit Organisation as a result of the Conference on Concerted Economic Action.

The Assembly will no doubt note with satisfaction the progress made in the work of the Transit Organisation since the last Assembly and the prospects of future work, and I therefore have the honour to submit to the Assembly the following draft resolution:

The Assembly:

Takes notes of the work undertaken by the Organisation for Communications and Transit between the tenth and eleventh sessions of the Assembly, and of the programme of work adopted by the Transit Organisation for the year following the eleventh session of

the Assembly; and
"Expresses its confidence that the Members of the League will do their utmost to assist in the development of this work and will, in particular, do everything in their power to ensure complete success for the international conferences which will be held under the auspices of the Transit Organisation between the present and the next session of the Assembly.

Official No.: Conf./C. R./1.

[C. C. T./468]

Geneva, September 30th, 1930.

LEAGUE OF NATIONS

COMMUNICATIONS AND TRANSIT ORGANISATION

EUROPEAN CONFERENCE

ON

ROAD TRAFFIC

Preparatory Documents

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I. COMMERCIAL MOTOR TRANSPORT.

DRAFT CONVENTION ON INTERNATIONAL COMMERCIAL MOTOR TRANSPORT.

[List of Heads of States.]

desiring to facilitate international transport by commercial motor vehicles, have appointed as their Plenipotentiaries:

[List of Plenipotentiaries.]

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

Article 1.

Commercial motor vehicles within the meaning of the present Convention are motor vehicles used permanently or temporarily for the transport of goods, and those used permanently or temporarily for the conveyance of passengers for payment.

Article 2.

Each of the High Contracting Parties undertake to accord freedom to travel in their territory to commercial motor vehicles registered in the territory of one of the other High Contracting Parties. These vehicles shall be authorised unconditionally to carry passengers or goods within the territory of the High Contracting Parties, except in the cases defined in Articles 3 and 10.

Article 3.

Each of the High Contracting Parties may render the operation of all passenger transport services taking up or setting down passengers within its territory subject to the conditions of authorisation or concession laid down in its laws, where such services are regarded as public services within the meaning of the said laws. Each of the High Contracting Parties undertakes, however, not to discriminate between undertakings on the ground that the vehicles are registered in its own territory or in that of any other High Contracting Party.

Each of the High Contracting Parties may render the operation of regular motor transport routes for goods loaded or unloaded within its territory subject to the conditions of authorisation or concession laid down in its laws. Motor transport shall be deemed to be effected by regular routes if it is open to the public and is carried on between fixed points under the terms of a published tariff of charges and in accordance with a time-table or at dates announced in advance. Each of the High Contracting Parties undertakes not to discriminate between undertakings on the ground that the vehicles are registered in its own territory or in that of any other High Contracting Party.

Article 4.

The stay in the territory of each of the High Contracting Parties of commercial motor vehicles admitted to such territory in virtue of the provisions of Articles 2 and 3 may not exceed the periods laid down in Article 5 of the present Convention. These vehicles shall benefit by the system of temporary Customs exemption, subject to furnishing a surety entitling the persons in question to an acquit-à-caution, a triptych, a passavant, or any other document, according to the Customs regulations of the country concerned.

Article 5.

The authorised length of stay shall be fixed by the Customs officials of the office of entry on the basis of the distance to be covered within the country and on the strength of the particulars supplied by the driver of the vehicle. This length of stay shall not be less than twenty-four hours per fifty kilometres, and mention shall be made thereof by the Customs officials on the paper (triptych, acquit-à-caution, passavant, etc.). It shall, if necessary, be extended by the officials of the office of exit, in the event of the vehicle being unavoidably held up, when this has been duly verified or of a change of route being made for reasons recognised as necessary.

Article 6.

The driver of any vehicle who has remained in the territory in question for longer than the period provided for under Article 5, or who has undertaken within the country transport of a kind prohibited in virtue of the provisions of either Article 3 or Article 10, shall be liable to the penalties provided by the law of the country.

Article 7.

In cases where the High Contracting Parties make a road traffic charge on commercial motor vehicles registered in their own territory, they may also levy a similar charge on commercial

motor vehicles plying in their territory and registered in the territory of one of the other High Contracting Parties. Such charge, which must be calculated per indivisible period of twenty-four hours, shall be fixed at a rate in proportion to the amount of similar charges levied on commercial motor vehicles registered in the territory of the High Contracting Party, regard being had, however, to the necessity, in the case of commercial motor vehicles registered abroad, of a particularly simple basis of taxation such as will allow of the rapid collection of the duties.

Article 8.

The High Contracting Parties shall grant freedom of transit to passengers and goods conveyed in commercial motor vehicles. Nevertheless, there may be levied dues intended solely to defray expenses of supervision and administration entailed by such transit. The rate of any such dues must correspond as nearly as possible with the expenses which they are intended to cover. In applying these dues no distinction shall be made, which is based on the nationality of persons, the country of registration of the vehicle, the place of origin, departure, entry, exit or destination, or on any other circumstances relating to the ownership of the goods or vehicles.

Article 9.

The present Convention does not lay down the technical conditions with which commercial motor vehicles or their drivers must comply before permission is granted to travel in the territory of the High Contracting Parties, as these conditions are determined in the manner provided in the international Conventions in force.

Article 10.

The present Convention shall not apply to the conveyance of passengers or goods from one point in the territory of one of the High Contracting Parties to another point in the same territory.

Article II.

The provisions of the present Convention may be abrogated in exceptional circumstances, and for as short a period as possible, by any particular or general measures which any of the High Contracting Parties may be obliged to take in the event of serious occurrences affecting the safety or vital interests of the country, on the understanding that the principles of the present Convention must be observed as far as possible.

Article 12.

None of the High Contracting Parties shall be bound by this Convention to allow the transit of passengers whose admission into its territories is forbidden, or of goods of a kind of which the importation is prohibited either on grounds of public health or security or as a precaution against diseases of animals or plants. As regards traffic other than traffic in transit, none of the High Contracting Parties shall be bound by this Convention to allow the transport of passengers whose admission to its territory is prohibited or of goods of which the import or export is prohibited by its national laws.

Each High Contracting Party shall be entitled to take any necessary precautions to satisfy

itself that the passengers and goods are actually in transit.

Each High Contracting Party shall be entitled to take the necessary precautionary measures in respect of the transport of dangerous goods or goods of a similar character, it being understood that such measures must not result in any discrimination contrary to the principles of the present Convention, and also to enforce general police measures, including police measures in connection with emigration traffic.

Nothing in this Convention shall affect any measures which one of the High Contracting Parties is or may feel called upon to take in pursuance of general international Conventions to which it is a party or which may be concluded hereafter, particularly Conventions concluded under the auspices of the League of Nations relating to the transit, export or import, of particular kinds of articles, such as opium or other dangerous drugs, arms, or the produce of fisheries, or in pursuance of general Conventions intended to prevent any infringement of industrial, literary or artistic property, or relating to false marks, false indications of origin, or other methods of unfair competition.

Article 13.

The present Convention does not prescribe the rights and duties of belligerents and neutrals in time of war. The Convention shall, however, continue in force in time of war so far as such rights and duties permit.

Article 14.

The present Convention does not entail in any way the withdrawal of facilities which are greater than those provided for in the Convention and which have been granted in commercial motor traffic under conditions consistent with its principles. This Convention also entails no prohibition of such grant of greater facilities in the future.

Article 15.

Any dispute which may arise as to the interpretation or application of this Convention and which is not settled directly between the High Contracting Parties themselves, shall be brought before the Permanent Court of International Justice, unless, under a special agreement or a general arbitration provision, steps are taken for the settlement of the dispute by arbitration or some other means.

Proceedings shall be opened in the manner laid down in Article 40 of the Statute of the

Permanent Court of International Justice.

In order to settle such disputes, however, in a friendly way as far as possible, the High Contracting Parties undertake, before resorting to judicial proceedings, to submit such disputes for an opinion to the Advisory and Technical Committee for Communications and Transit of the League of Nations. In urgent cases, a preliminary opinion may recommend temporary measures intended in particular to restore to commercial motor traffic the facilities which existed before the act or occurrence which gave rise to the dispute.

Article 16.

Nothing in the preceding articles is to be construed as affecting in any way the rights or duties of any High Contracting Party as a Member of the League of Nations.

Article 17.

The present Convention, of which the English and French texts are both authentic, shall bear this day's date, and shall be open for signature by any Power desiring to become a Contracting Party thereto until.....

Article 18.

The present Convention shall be ratified. The instruments of ratification shall be transmitted to the Secretary-General of the League of Nations, who shall notify their deposit to every signatory or acceding Power.

Article 19.

The present Convention shall be open for accession as from...... Such accession may be effected by instruments communicated to the Secretary-General of the League of Nations to be deposited in the archives of the Secretariat.

In conformity with the provisions of Article 18 of the Covenant of the League of Nations, the

Secretary-General shall register the present Convention on the day of its entry into force.

Article 20.

The present Convention may be denounced by any Party thereto on the expiration of five years from the date when it came into force in respect of that Party. Denunciation shall be effected by notification in writting addressed to the Secretary-General of the League of Nations who shall forthwith transmit copies of such notification to all the other Parties, informing them of the date on which it was received.

The denunciation shall take effect one year after the date on which it was notified to the Secretary-General, and shall operate only in respect of the notifying Power.

Article 21.

A request for the revision of the present Convention may be made at any time by one-third of the High Contracting Parties.

In Faith whereof the above-named Plenipotentiaries have signed the present Convention.

Done at Geneva.... in a single copy, which shall remain deposited in the archives of the Secretariat of the League of

PROTOCOL OF SIGNATURE.

It is understood that the provisions of the present Convention, providing for freedom of traffic for commercial motor vehicles, shall not be taken to imply, as regards those vehicles, exemption from any legal provisions entailing an obligation in respect of "civil responsibility"

II. ROAD SIGNALLING.

DRAFT CONVENTION CONCERNING THE UNIFICATION OF ROAD SIGNALS.

The Governments [List of States],

desiring to increase the safety of road traffic and to facilitate international road traffic by a uniform system of road signalling, have appointed as their Plenipotentiaries:

(List of Plenipotentiaries.)

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

Article 1.

The Contracting Governments adopt the international system of road signalling described in the Annex to the present Convention and undertake to introduce, or arrange for their agents to introduce, this international system as soon as possible into their respective countries by adopting the signs therein mentioned as and when new signs are set up or those now in existence renewed. Signs which do not conform to the international system shall be completely replaced within a period not exceeding five years from the date of the coming into force of the present Convention in respect of each of the Contracting Governments.

Article 2.

The Contracting Governments undertake to replace, or arrange for their agents to replace as soon as the present Convention comes into force, signs which, although they have the distinguishing features of a sign in the international system, are used with a different meaning.

Article 3.

The signs described and illustrated in the Annex shall, as far as possible, be the only ones placed on the roads for the regulation of traffic. Should it appear necessary to introduce some other sign, this must conform to the classes mentioned in the Annex as regards its general shape and colour.

Article 4.

The present Convention, of which the French and English texts are both authentic, shall bear this day's date, and shall be open for signature by any Government desiring to become a Contracting Party thereto until

Article 5.

The Present Convention shall be ratified, and the instruments of ratification shall be transmitted to the Secretary-General of the League of Nations, who shall notify their deposit to all signatory or acceding Governments.

Article 6.

Article 7.

The present Convention shall not come into force until it has been ratified on behalf of five Governments. The date of its coming into force shall be the ninetieth day after the receipt by the Secretary-General of the League of Nations of the fifth ratification. Thereafter, the present Convention shall take effect in the case of each of the Contracting Governments ninety days after the receipt of its ratification or of the notification of its accession.

In conformity with the provisions of Article 18 of the Covenant of the League of Nations, the Secretary-General shall register the present Convention on the day of its entry into force.

Article 8.

Each Contracting Government may at any time propose the introduction, into the Annex to the present Convention, of any alterations or additions which it may consider necessary. Such proposals shall be communicated by the Secretary-General of the League of Nations to all other Contracting Governments, and if any such alteration or addition is accepted by all the Contracting Governments (including those having deposited ratifications or accessions which have not yet become operative), the Annex to the present Convention shall be amended accordingly.

Article 9.

The present Convention may be denounced by any of the Contracting Governments after the expiration of five years from the date when it came into force in respect of that Government. Denunciation shall be effected by notification in writing addressed to the Secretary-General of the League of Nations, who shall transmit copies of such notification to all the other Contracting Governments, informing them of the date on which it was received.

The denunciation shall take effect one year after the date on which it was notified to the

Secretary-General, and shall operate only in respect of the notifying Government.

Article 10.

A request for the revision of the present Convention may be made at any time by one-third of the Contracting Governments.

In faith whereof the above-named Plenipotentiaries have signed the present Convention.

Done at Geneva, in a single copy, which shall remain deposited in the archives of the Secretariat of the League of Nations.

Annex.

The international system of road-signalling includes the following classes of signs:

I. DANGER SIGNS.

Signs of this class are triangular.

Their purpose is to warn drivers of the approach of a danger-spot. They include:

(1) Signs established by the International Convention of April 24th, 1926, relating

to Road Traffic (see figures 1 to 6, Table I).

(2) A sign for right of way (see figure 7, Table I). This sign informs the driver that he should give way to vehicles moving on the road into which he is about to turn.

Signs placed in the immediate vicinity of level-crossings (St. Andrew's cross, etc.), to which the clauses of the Convention do not refer, are not included in the preceding provisions.

II. SPEED-LIMIT SIGNS.

Signs of this class are rectangular.

They denote the speed-limit allowable at certain places (see Table II).

III. SIGNS PROHIBITING PASSAGE.

Signs of this class are circular.

- "Road closed to all vehicles" is shown in red, and road closed to certain traffic " by a combination of red and white; the prohibition of waiting by vehicles is shown by a combination of red and blue.
- (a) Sign for "road closed to all vehicles". This sign denotes that traffic is prohibited for all classes of vehicle (see Figures 1 and 2, Table III).
- (b) Sign for one-way streets. This sign shows the direction in which traffic is prohibited (see Figures 3 and 4, Table III).

 (c) Signs for "road closed to certain classes of vehicles". Each of these signs shows by
- means of an appropriate illustration the class of vehicle affected by the prohibition (see Figures 5 to 12, Table III).
- (d) Sign prohibiting passage to vehicles exceeding a certain weight (see Figures 13, 14 and 15, Table III).
- (e) Sign prohibiting waiting by vehicles. This sign denotes that waiting is prohibited on the side of the road where the sign is placed (see Figure 16, Table III).

IV. INFORMATIVE SIGNS.

Signs of this class are circular. The colours used will be a combination of blue and white.

- (a) Sign indicating direction. This sign shows by means of an arrow the direction to be followed by vehicles (see Figure 1, Table IV).
- (b) Sign indicating authorised parking-place. This sign shows the places where vehicles may be parked (see Figure 2, Table IV).
 - (c) Sign for roads or tracks reserved for certain classes of vehicle (see Figure 3, Table IV).

V. LIGHT SIGNALS FOR REGULATING TRAFFIC.

When light signals are used for regulating traffic, their colours will have the following

- (a) Single-light system: the red signal will denote "Passage Prohibited", the absence of a signal will denote "Passage Open".
- (b) Two-colour system; the red signal will denote "Passage Prohibited"; the green signal "Passage Open",
- (c) Three-colour system: the red signal will denote "Passage Prohibited"; the green signal "Passage Open"; the amber signal shown after the red signal will denote "Warning, traffic about to be released"; the amber signal shown after the green signal will denote "Warning, traffic about to be stopped".

III. OPERATION OF THE TRIPTYCH SYSTEM.

AGREEMENT BETWEEN CUSTOMS AUTHORITIES IN ORDER TO FACILITATE THE PROCEDURE IN THE CASE OF UNDISCHARGED OR LOST TRIPTYCHS.

The observations made by certain bodies interested in tourist traffic have shown that, while the triptych system, as administered in most countries, renders valuable services, nevertheless it gives rise to practical difficulties which should be removed. Thus, when a triptych is lost, or when, by some chance, it has not received the proper exit visa, the authorities usually insist on the production of a consular certificate before dealing with the triptych. It would be a great boon to motorists if the authorities would accept, instead of the consular certificate, a certificate from the Customs authority of the country of registration or of the country in which the triptych was issued. The Customs authorities of certain countries already accept this procedure. At the European Conference the Governments should consider the possibility of an agreement between their respective Customs authorities to bring this simplified procedure into general use.

IV. THE TAXATION OF FOREIGN MOTOR VEHICLES.

I. DRAFT INTERNATIONAL CONVENTION ON THE TAXATION OF FOREIGN MOTOR VEHICLES.

[List of Heads of States.]

Being desirous of facilitating international motor traffic, Considering that an exemption as wide as possible of foreign motor vehicles from taxation is of essential importance for this purpose,

Have appointed as their Plenipotentiaries the following:

[List of Plenipotentiaries.]

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

Article I.

The High Contracting Parties reciprocally agree that, when a motor vehicle registered in the territory of one of the Parties circulates temporarily in the territory of another High Contracting Party, it shall be exempted, under the conditions laid down in the following articles, from the taxes and charges levied on the circulation or possession of motor vehicles in the whole or part of the country visited.

The present Convention shall not, however apply to vehicles used for the public conveyance of passengers for payment, or for the transport of goods.

Article 2.

The exemption laid down in Article 1 shall be granted in each country for one or more periods of stay totalling not more than ninety days passed in that country, and expiring exactly one year

as from the date of issue of the fiscal permit provided for in Article 3.

In computing taxes and charges payable for the part of the stay in excess of the period of exemption, the treatment shall not be less favourable than that accorded to vehicles registered in

the country visited.

Article 3.

In order to claim in the territory of any of the High Contracting Parties the benefit of exemption, the vehicle must be provided with a fiscal permit issued by the competent authority of the ountry of registration and drawn up on the model given in the Annex to the present Convention.

This fiscal permit shall be presented for endorsement at the frontier Customs offices on arrival

in and departure from each country visited.

Article 4.

The fiscal permit shall be valid for one year from the date of issue. Should the vehicle pass into the hands of a new proprietor or possessor, the necessary modifications shall be made in the permit by the competent authority.

A new permit may not be issued for the same vehicle (even as a duplicate copy) before the expiration of the period of validity indicated above.

Article 5.

As regards tolls or other similar charges payable on the spot, the vehicles referred to in the first paragraph of Article I shall not be treated less favourably than vehicles registered in the country visited.

The present Convention, of which the French and English texts are both authentic, shall bear this day's date, and shall be open for signature by any Power desiring to become a Contracting Party thereto until

Article 7.

The present Convention shall be ratified. The instruments of ratification shall be transmitted to the Secretary-General of the League of Nations, who shall notify their deposit to every signatory or acceding Power.

Article 8.

The present Convention shall be open for accession as from...... Such accession may be effected by instruments communicated to the Secretary-General of the League of Nations to be deposited in the archives of the Secretariat.

In conformity with the provisions of Article 18 of the Covenant of the League of Nations, the Secretary-General shall register the present Convention on the day of its entry into force.

Article 9.

The present Convention may be denounced by any Party thereto after the expiration of five years from the date when it came into force in respect of that Party. Denunciation shall be effected by notification in writing addressed to the Secretary-General of the League of Nations, who shall forthwith transmit copies of such notification to all other Parties, informing them of the date on which it was received.

The denunciation shall take effect one year after the date on which it was notified to the

Secretary-General, and shall operate only in respect of the notifying Party.

Article 10.

A request for the revision of the present Convention may be made at any time by one-third of the High Contracting Parties.

In faith whereof the above-named Plenipotentiaries have signed the present Convention. Done at Geneva,..... in a single copy, which shall remain deposited in the archives of the Secretariat of the League of Nations.

2. Draft Optional Protocol.

Article I.

The High Parties signatories of the present Protocol reciprocally undertake to extend to one year the period of exemption provided for in Article 2 of the Convention of to-day's date in respect of motor vehicles registered in their respective territories.

> Article 2, etc. [Formal clauses.]

¹ See permit at end of volume.

3. Explanatory Report by the Mixed Committee of the Fiscal Committee and of the PERMANENT COMMITTEE ON ROAD TRAFFIC.

The Mixed Committee of the Fiscal Committee and of the Permanent Committee on Road Traffic, in adopting the Draft International Convention on the taxation of foreign motor vehicles which it wishes to be submitted to the Governments concerned, thinks it advisable to furnish

explanations on certain points.

The Convention is based, first of all, on the idea that exemption will refer to the taxes and charges levied on the vehicle itself rather than on the person of the proprietor or possessor. It has not, however, been possible to eliminate the personal element altogether owing to the existence of taxes or charges based on the actual fact of the possession of a motor-car. Article I therefore mentions, in addition to the taxes or charges levied on the circulation of motor vehicles, those relating to their possession.

As regards the period of exemption of ninety days provided for in Article 2, the Committee

considered whether it would not be advisable to insert in the text a definition of the term "day".

The Committee thought it preferable, however, to refrain from doing this in order not to complicate frontier supervision, but at the same time it recognised that the absence of a definition would in some cases involve the risk of considerably reducing the real duration of exemption in cases in which fractions of days were counted as whole days. Moreover, the absence of any definition permits of different interpretations from country to country. For these reasons, the Committee recommends the States concerned to consider the possibility of uniformly reckoning a day from midnight to midnight, any fraction counting as a whole day, but the day of entry not counting in calculating the length of stay. Moreover, this period should not include days during which the vehicle is detained, in particular by the Customs authorities.

The Committee thought it advisable to provide for the use of a fiscal permit rather than to utilise other existing documents, such as the international certificate for motor vehicles provided for in the 1926 Convention, since it is impossible to prohibit the issue of several of these certificates for the same vehicle during a period of twelve months, particularly in the case of loss of this certificate, whereas the prohibition to issue more than one fiscal permit during this period, which is laid down so as to facilitate control, has not such serious consequences for those concerned

and is therefore genuinely practicable.

It is for each country to determine which authority is competent to issue the fiscal permit as well as the conditions of such issue.

It has not been thought necessary to introduce into the actual text of the Draft Convention any provisions concerning the details of control, as these details can be left to the decision of the Governments concerned.

It has, however, been thought desirable to point out to these Governments that the system provided by the Convention leaves them free to exercise any control they think desirable for the purpose, and it is therefore proposed to insert the following suggestions in the Protocol of the

'As regards countries where the control of registered national motor vehicles is centralised, it will not be difficult to stipulate that no fiscal permit may be issued unless the central authority has certified that no fiscal permit has been issued in the course of the last twelve months.

As regards the countries which have no such centralised system of control and do not

adopt such a system, the following procedure may be suggested:

"The authority issuing the fiscal permit shall stamp the applicant's national registration certificate. This stamp shall indicate the date of issue of the fiscal permit. No fiscal permit shall be issued unless the national registration certificate is produced. If the authority issuing the fiscal permit and applying the stamp is other than the authority which issued the national registration certificate, the former shall inform the latter that a fiscal permit has been issued and mention the date of its issue."

Article 3 says that fiscal permits will be endorsed at the frontier Customs offices. does not mean that the officials entrusted with this duty must necessarily be Customs officials; but it was thought that, as motorists must in any case stop at these offices, they should be spared the necessity of having to comply with other formalities elsewhere before being allowed to travel freely in the territory of the country visited. In this connection, the Committee noted the special case of Great Britain, where vehicles arrive by sea and where motoring licences are issued by automobile clubs and touring clubs in places other than Customs offices. The Committee thought automobile clubs and touring clubs in places other than Customs offices. that, in this particular case, the practice offered no drawbacks and might be expressly authorised in a clause figuring in the Final Protocol of the Conference adopting the Convention.

Lastly, the Committee thinks it useful to draw the attention of the Governments concerned to the advisability of inserting in the Final Protocol of the Conference a declaration concerning the effects of the Convention on the relations between Contracting States and non-Contracting States in connection with the most-favoured-nation clause. It therefore proposes

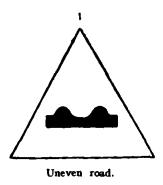
the insertion of a declaration worded as follows:

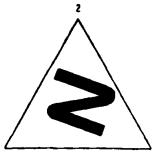
"As the High Contracting Parties accord each other the benefits provided by the Convention of to-day's date, subject to reciprocity, such benefits may not be claimed from any of the High Contrating Parties in application of the most-favoured-nation clause by any State not participating in this Convention, unless such State is prepared to grant to the said High Contracting Party benefits equivalent to those provided for under the Convention.

[&]quot;The same shall be the case with regard to the Optional Protocol."

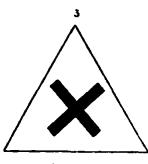
Table 1.

DANGER SIGNS.

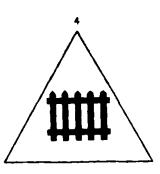




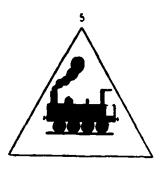
Sharp turn.



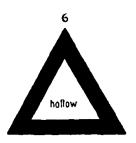
Cross-road.



Guarded level-crossing.



Unguarded level-crossing.



Alternative general danger sign.



Signal of right-of-way.

Table II.

SPEED-LIMIT SIGNS.

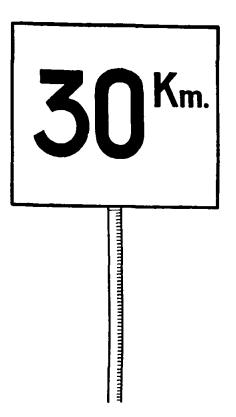


Table IV.

INFORMATIVE SIGNS.

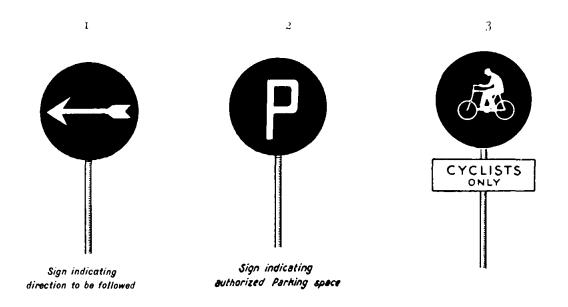
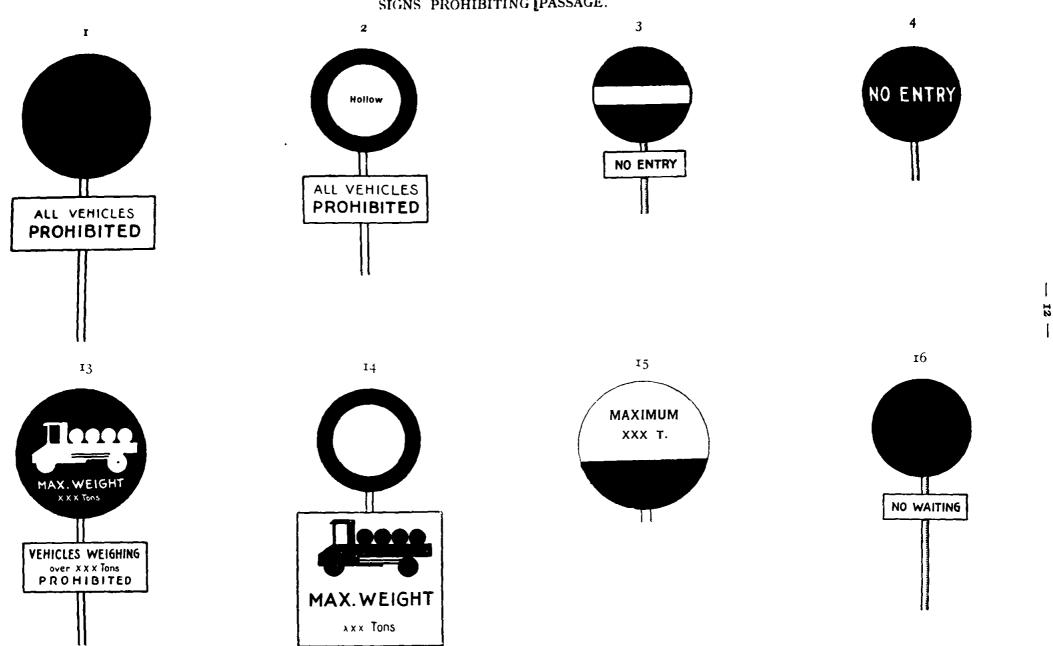
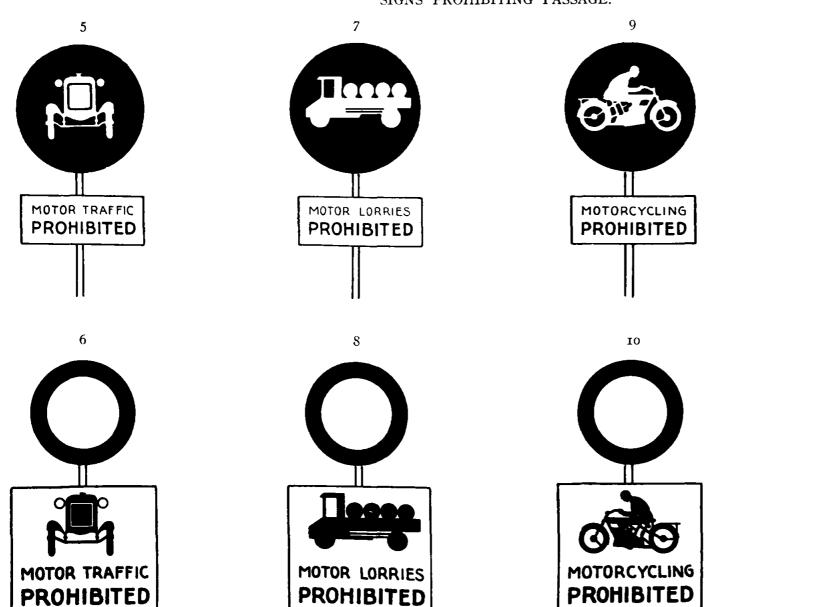


Table III.
SIGNS PROHIBITING ¡PASSAGE.



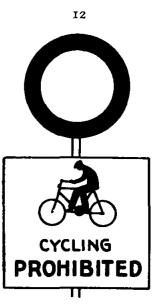
SIGNS PROHIBITING PASSAGE.



PROHIBITED

PROHIBITED





Annex to the Draft International Convention on the Taxation of Foreign Motor Vehicles.

MODEL FISCAL PERMIT.

(Page 1.)

[Name of Country.]

FISCAL PERMIT

| No | |
|---|--------------------|
| International Convention of 19 |) |
| | |
| The present permit is issued with a view to the exempt from the taxes or charges on circulation or possession gran to motor vehicles for one or more periods of stay represent a total of not more than ninety days spent in the territ of each of the States parties to the said Convention (see page This permit is only valid for one year as from the date of is | ted ting ory |
| The present fiscal permit is issued to | • |
| living at | |
| for the motor vehicle with the following description: | |
| Type of vehicle | (z) |
| Type of chassis | (2) |
| Number of chassis | (3) |
| Number of engine | |
| Identification marks on the plates of the country | |
| issuing the permit | (5) |
| Place and date of issue. | - |
| promote the state of the state | |
| [Signature of authority.] | |
| Stamp of authority | |

(Page 2.)

The present permit is valid in the territory of all the States mentioned below for one year as from the date of issue. Before the expiration of this period no fresh certificate can be issued for the same vehicle, even as a duplicate.

LIST OF STATES.

| | (Page 3.) | | | | | | |
|---|--|--|--|--|--|--|--|
| CHANGE OF OWNER OR POSSESSOR. | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| iving at | | | | | | | |
| po | sessor of the vehicle for which the pre | | | | | | |
| permit has been iss | 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 | | | | | | |
| Stamp | At) (date) | | | | | | |
| of authority | Manager 1 and 1 an | | | | | | |
| | [Signature of authority.] | | | | | | |
| | | | | | | | |
| 4 | arys as Moroup Patro vi dero del place de glace aggrega de de receso de la beda e de creates de creates de compos de receso de compos de | | | | | | |
| s entered as the $\frac{c}{po}$ | | | | | | | |
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| s entered as the popermit has been iss Stamp of authority M | Seessor of the vehicle for which the property of the vehicle for the vehicle for which the property of the vehicle for the v | | | | | | |
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| s entered as the popermit has been iss Stamp of authority Muliving at sentered as the popermit has been iss | Seessor of the vehicle for which the property used. | | | | | | |
| s entered as the popular pormit has been iss Stamp of authority Muliving at popular | Seessor of the vehicle for which the property used. | | | | | | |

(Pages 4 and following.)

ENTRANCE AND EXIT VISAS

| Entrance or exit | Date | Number of days | Total number of days spent in the country at the end of each stay | Signature of competent official or stamp of office |
|------------------------|---------------|----------------------|---|--|
| Entrance | | | | , |
| Exit | | | [| |
| Entrance | | | | |
| Exit | | | | |
| Entrance | | _ _ | | |
| Exit | | | 1 | - |
| Entrance | | | | <u>'</u> |
| Exit | | • | | - |
| Entrance | | | | |
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| Entrance | - | | | |
| Exit | | | | |
| Entrance | | | | |
| Exit | | | | |

Genève, le 8 novembre 1930.

SOCIÉTÉ DES NATIONS

CONFÉRENCE POUR L'UNIFICATION DU BALISAGE ET DE L'ÉCLAIRAGE DES CÔTES

(Lisbonne, 6 — 23 octobre 1930.)

- 1. ACCORD RELATIF AUX SIGNAUX MARITIMES.
- 2. ACCORD SUR LES BATEAUX-FEU GARDÉS SE TROUVANT HORS DE LEUR POSTE NORMAL.
- 3. RECOMMANDATIONS SUR LES CARACTÈRES DES PHARES ET SUR LES RADIOPHARES.
- 4. ACTE FINAL DE LA CONFÉRENCE.

LEAGUE OF NATIONS

CONFERENCE FOR THE UNIFICATION OF BUOYAGE AND THE LIGHTING OF COASTS

(Lisbon, October 6th - 23rd, 1930.)

- 1. AGREEMENT CONCERNING MARITIME SIGNALS.
- 2. AGREEMENT CONCERNING MANNED LIGHTSHIPS NOT ON THEIR STATIONS.
- 3. RECOMMENDATIONS ON LIGHTHOUSE CHARACTERISTICS AND RADIO-BEACONS.
- 4. FINAL ACT OF THE CONFERENCE.

Série de Publications de la Société des Nations VIII. COMMUNICATIONS ET TRANSIT 1930. VIII. 13.

ACCORD RELATIF AUX SIGNAUX MARITIMES

Les gouvernements contractants, représentés par les soussignés, ayant décidé d'unifier certaines catégories de signaux maritimes, sont convenus des dispositions suivantes :

Article premier.

Dans tous les cas où, par les soins des autorités compétentes sur les territoires des gouvernements contractants, seraient donnés aux navigateurs, au moyen de signaux s'adressant à la vue, les informations ou avertissements faisant l'objet du Règlement ci-annexé, chacun de ces gouvernements s'engage à ce que ne soient prises à cet effet, par lesdites autorités, que des mesures conformes aux dispositions dudit Règlement. Les mesures d'exécution nécessaires à cette fin devront être prises dans un délai de deux ans à compter de la mise en vigueur du présent Accord.

Article 2.

Il ne pourra être dérogé aux dispositions du Règlement ci-annexé que dans les cas où, par suite des conditions locales ou de circonstances exceptionnelles, ces dispositions ne pourraient raisonnablement être mises en application et, notamment, dans les cas où cette application risquerait de mettre en danger la navigation ou entraînerait des dépenses hors de proportion avec le trafic intéressé. Ces dérogations devront, d'ailleurs, être aussi limitées que le permettront les exigences de la situation auxquelles elles seraient destinées à faire face. Les navigateurs devront être dûment informés de ces dérogations. Toutes mesures devraient, autant que possible, être prises pour éviter dans ces cas toute confusion avec les autres signaux prévus au Règlement.

Article 3.

Le présent Accord ne doit pas être entendu comme modifiant en quoi que ce soit la situation de droit existant dans les divers pays en ce qui concerne les relations entre les usagers et les autorités chargées de la signalisation.

Article 4.

Le présent Accord, dont les textes français et anglais feront également foi, portera la date de ce jour; il pourra, jusqu'au 30 avril 1931 inclus, être signé au nom de tout gouvernement ayant été représenté à la Conférence qui a élaboré le présent Accord ou ayant été invité à s'y faire représenter.

Article 5.

L'acceptation du présent Accord de la part d'un gouvernement peut s'effectuer, par simple signature dans le cas où celle-ci est donnée sans réserve de ratification, par ratification ou par adhésion.

Les instruments de ratification seront transmis au Secrétaire général de la Société des Nations, qui en notifiera la réception aux gouvernements intéressés.

La date de l'entrée en vigueur de l'Accord sera le quatre-vingt-dixième jour qui suivra l'acceptation de l'Accord par cinq gouvernements.

Article 6.

A partir du 1er mai 1931, il pourra être adhéré au présent Accord au nom de tout gouvernement visé à l'article 4.

AGREEMENT CONCERNING MARITIME SIGNALS.

The Contracting Governments, represented by the undersigned, having decided to unify certain descriptions of maritime signals, have agreed on the following provisions:

Article I.

In all cases in which the competent authorities in the territories of the Contracting Governments communicate to navigators by means of visual signals the information or warnings dealt with in the annexed Regulations, each of these Governments undertakes that only measures in conformity with the provisions of the said Regulations will be taken by such authorities for the particular purposes in question. The necessary measures to that effect shall be taken within two years of the entry into force of the present Agreement.

Article 2.

The provisions of the annexed Regulations may be departed from only in cases where, owing to local conditions or exceptional circumstances, they cannot reasonably be carried into effect and particularly where their adoption might endanger navigation or where the expenditure involved be out of proportion to the traffic concerned. Such departures from the Regulations should, moreover, be as limited as the exigencies of the situation allow. Proper notice of them should be given to mariners. All possible steps should be taken in such cases to avoid confusion with the other signals provided for in the Regulations.

Article 3.

The present Agreement should not be considered as in any way modifying the legal situation in the different countries as regards the relations between the public and the authorities who exhibit the signals in question.

Article 4.

The present Agreement, of which the English and French texts are both authentic, shall bear to-day's date. Until and including April 30th, 1937, it shall be open for signature on behalf of any Government represented at or invited to the Conference which elaborated the present Agreement.

Article 5.

Governments may accept the present Agreement by signature only, when the latter is not made subject to ratification, by ratification or by accession.

The instruments of ratification shall be transmitted to the Secretary-General of the League

of Nations, who will notify their receipt to all the Governments concerned.

The Agreement shall enter into force on the ninetieth day following its acceptance by five Governments.

Article 6.

As from May 1st, 1931, the present Agreement shall be open to accession on behalf of any Government referred to in Article 4.

Les instruments d'adhésion seront transmis au Secrétaire général de la Société des Nations, qui en notifiera la réception aux gouvernements intéressés.

Article 7.

Chaque signature, fatification ou adhésion qui interviendra après l'entrée en vigueur de l'Accord, conformément à l'article 5, produira ses effets dès le quatre-vingt-dixième jour qui suivra la date de la signature ou de la réception, par le Secrétaire général de la Société des Nations, des instruments de ratification ou de la notification d'adhésion.

Article 8.

Le présent Accord pourra être dénoncé, au nom de tout gouvernement contractant, après l'expiration d'un délai de sept ans à partir de la date de son entrée en vigueur pour ce gouvernement, par notification écrite adressée au Secrétaire général de la Société des Nations, qui en informera tous les gouvernements visés à l'article 4. La dénonciation produira ses effets un an après la date à laquelle elle aura été reçue par le Secrétaire général de la Société des Nations; elle ne sera opérante qu'au regard du gouvernement pour lequel elle aura été effectuée.

A l'expiration de chaque période de sept ans après la mise en vigueur du présent Accord, sa revision pourra être demandée par un des gouvernements contractants. A toute autre époque, la revision du présent Accord pourra être demandée par un quart des gouvernements contractants.

Article Q.

Tout gouvernement contractant peut déclarer, au moment de la signature, de la ratification ou de l'adhésion, que, par son acceptation du présent Accord, il n'entend assumer aucune obligation en ce qui concerne toute colonie, tout protectorat ou territoire placé sous suzeraineté ou mandat; dans ce cas, le présent Accord ne sera pas applicable aux territoires faisant l'objet de pareille déclaration.

Tout gouvernement contractant pourra, à tout moment, dans la suite, notifier au Secrétaire général de la Société des Nations qu'il entend rendre le présent Accord applicable à toute partie des territoires ayant fait l'objet de la déclaration prévue à l'alinéa précédent. Dans ce cas, l'arrangement s'appliquera aux territoires visés dans la notification quatre-vingt-dix jours après la réception de cette dernière par le Secrétaire général de la Société des Nations.

Tout gouvernement contractant peut, soit à l'expiration d'un délai de sept ans après la notification prévue au précédent paragraphe, soit lors de la dénonciation prévue à l'article 8, déclarer qu'il entend voir cesser l'application du présent Accord à toute colonie, tout protectorat ou territoire placé sous suzeraineté ou mandat; dans ce cas, l'Accord cessera d'être applicable aux territoires faisant l'objet de pareille déclaration une année après la réception de cette déclaration par le Secrétaire général de la Société des Nations. A défaut de telle déclaration, la dénonciation prévue à l'article 8 ne comportera aucun effet à l'égard des territoires mentionnés au présent article.

Article 10.

Chacun des gouvernements contractants peut subordonner son acceptation du présent Accord à la participation à celui-ci d'un ou de plusieurs des gouvernements visés à l'article 4.

Article 11.

Chacun des gouvernements contractants peut déclarer, au moment de la signature, de la ratification ou de l'adhésion, que l'engagement mentionné à l'article premier doit être entendu comme n'ayant d'effet pour lui qu'en ce qui concerne les dispositions de tel ou tel chapitre nommément désigné du règlement ci-annexé. Il ne pourra, dans ce cas, se prévaloir de l'engagement souscrit par les autres gouvernements contractants qu'en ce qui concerne le ou les chapitres dont il a lui-même contracté les obligations.

Article 12.

Le présent Accord sera enregistré par le Secrétaire général de la Société des Nations à la date de son entrée en vigueur.

The instruments of accession shall be transmitted to the Secretary-General of the League of Nations, who will notify their receipt to all the Governments concerned.

Article 7.

After the coming into force of the Agreement in accordance with Article 5, each subsequent signature, ratification or accession shall take effect on the ninetieth day from the date of signature, or of the receipt by the Secretary-General of the League of Nations of the instruments of ratification or of the notification of accession.

Article 8.

The present Agreement may be denounced on behalf of any Contracting Government after a period of seven years from the date when it came into force in respect of that Government. Denunciation shall be effected by a notification in writing addressed to the Secretary-General of the League of Nations, who will inform all the Governments referred to in Article 4. Such denunciation shall take effect one year after the date of its receipt by the Secretary-General of the League of Nations, and shall operate only in respect of the Government on whose behalf it was notified.

On the expiration of each period of seven years after the coming into force of the present Agreement its revision may be demanded by any Contracting Government. At all other times revision of the present Agreement may be demanded by one-fourth of the Contracting Governments.

Article 9.

Any Contracting Government may, at the time of signature, ratification or accession, declare that, in accepting the present Agreement, it does not assume any obligations in respect of all or any colony, protectorate or territory under suzerainty or mandate; and the present Agreement shall not apply to any territories named in such declaration.

shall not apply to any territories named in such declaration.

Any Contracting Government may give notice to the Secretary-General of the League of Nations at any time subsequently that it desires that the Agreement shall apply to all or any of the territories which have been made the subject of a declaration under the preceding paragraph, and the Agreement shall apply to all the territories named in such notice ninety days after its receipt by the Secretary-General of the League of Nations.

Any Contracting Government may declare, either after a period of seven years from the date of the notification provided for in the preceding paragraph or at the time of the denunciation provided for in Article 8, that it desires that the present Agreement shall cease to apply to all or any colony, protectorate or territory under suzerainty or mandate, and the Agreement shall cease to apply to the territories named in such declaration one year after its receipt by the Secretary-General of the League of Nations. In default of such a declaration, the denunciation of the Convention under Article 8 will not affect the application of the Convention to any territories referred to in the present Article.

Article 10.

Each Contracting Government may make the acceptance of the present Agreement conditional on its acceptance by one or several of the Governments mentioned in Article 4.

Article 11.

Each of the Contracting Governments may declare, when signing, ratifying or acceding, that it only regards itself as bound by the undertaking mentioned in Article r in respect of the provisions of any specific chapter or chapters of the annexed Regulations. In that case, it may only invoke the undertakings entered into by the other Contracting Governments in respect of the chapter or chapters, the obligations of which it has itself accepted.

Article 12.

- The present Convention shall be registered by the Secretary-General of the League of Nations on the date of its coming into force.

En foi de quoi les soussignés ont apposé leur signature au présent Accord.

In faith whereof, the undersigned have affixed their signatures to the present Agreement.

FAIT à Lisbonne, le vingt-trois octobre mil neuf cent trente, en un seul exemplaire, qui restera déposé dans les archives du Secrétariat de la Société des Nations, et dont les copies certifiées conformes seront délivrées à tous les gouvernements visés à l'article 4. Done at Lisbon, the twenty-third day of October, one thousand nine hundred and thirty, in a single copy, which will remain deposited in the archives of the Secretariat of the League of Nations, and of which certified copies will be transmitted to all the Governments referred to in Article 4.

ALLEMAGNE

Gustav Meyer

GERMANY

Sous réserve de ratification 1

BELGIQUE

F. URBAIN

BELGIUM -

Sous réserve de ratification 1

CUBA

Arturo LOYNAZ DEL CASTILLO

Sous réserve de ratification 1

- CUBA

SPAIN

ESPAGNE

José Herbella Rafaël Estrada

Sous réserve de ratification 1

ESTONIE

T. GUTMAN

ESTONIA

Sous réserve de ratification 1

FINLANDE

Sakari TAINIO.

FINLAND

Sous réserve de ratification 1

FRANCE

P. H. WATIER

FRANCE

Sous réserve de ratification 1

MAROC

MOROCCO

A. DE ROUVILLE
Sous réserve de ratification 1

Translation by the Secretariat of the League of Nations:

1Subject to ratification.

TUNISIE

TUNIS

A. DE ROUVILLE

Sous réserve de ratification 1

GRÈCE

D. RASI-KOTSICAS

GREECE

Sous réserve de ratification 1

MONACO

MONACO

Comte C. J. H. DE BOBONE. Sous réserve de ratification 1

PAYS-BAS

THE NETHERLANDS

P. VAN BRAAM VAN VLOTEN.

Sous réserve de ratification 1

La présente signature n'inclut pas les Indes orientales néerlandaises, Surinam et Curação ²

LANGELER.

Reserving ratification 1

and understanding that this signature does not assume any obligations of the Netherlands Government in respect of the Netherlands Colonial Territories in the East and West Indies.²

PORTUGAL

PORTUGAL

Ernesto DE VASCONCELLOS

Manoel Norton

SUÈDE

SWEDEN

Erik HAGG

Sous réserve de ratification 1

Copie certifiée conforme.

Certified true copy.

Pour le Secrétaire général:

For the Secretary-General:

Conseiller juridique du Secrétariat.

Legal Adviser of the Secretariat.

Traduction du Secrétariat de la Société des Nations. — Translation by the Secretariat of the League of Nations:

1 Subject to ratification. — Sous réserve de ratification.

2 The present signature does not include the Netherlands East Indies, Surinam and Curação.

4 Etant entendu que cette signature n'entraîne aucune obligation pour le Gouvernement des Pays-Bas en ce qui concerne les Territoires coloniaux néerlandais dans les Indes orientales et occidentales.

RÈGLEMENT RELATIF A CERTAINES CATÉGORIES DE SIGNAUX MARITIMES

CHAPITRE PREMIER. - AVERTISSEMENT DE TEMPÊTES SUSCEPTIBLES D'AFFECTER LA LOCALITÉ.

A. Direction du vent.

On signale:

1. Un coup de vent débutant dans le quadrant N.W.:

De jour, par un cône pointe en haut; De nuit, par deux feux rouges superposés.

2. Un coup de vent débutant dans le quadrant S.W.:

De jour, par un cône pointe en bas; De nuit, par deux feux blancs superposés.

3. Un coup de vent débutant dans le quadrant N.E.:

De jour, par deux cônes pointe en haut superposés; De nuit, par un feu rouge au-dessus d'un feu blanc.

4. Un coup de vent débutant dans le quadrant S.E.:

De jour, par deux cônes pointe en bas superposés; De nuit, par un feu blanc au-dessus d'un feu rouge.

B. Mauvais temps, ouragan ou coup de vent violent probables.

On signale:

I. Le mauvais temps probable:

De jour, par une sphère noire;

De nuit, par un feu rouge hissé en tête de mât.

2. Un ouragan ou un coup de vent violent probables:

De jour, par deux sphères noires superposées;

De nuit, par deux feux rouges sur une ligne horizontale en tête de mât.

Dès que la direction probable du vent peut être prévue, on peut soit substituer le signal correspondant du paragraphe A ci-dessus au signal du paragraphe B, soit arborer simultanément ces deux signaux.

C. Changement de direction du vent.

On signale:

- 1. Un changement de vent vers la droite (dans le sens des aiguilles d'une montre), par un pavillon noir ou par un cylindre noir;
- 2. Un changement de vent vers la gauche (dans le sens inverse des aiguilles d'une montre), par deux pavillons noirs superposés, ou deux cylindres noirs superposés.

Le signal pour changement de direction de vent est hissé à côté du signal de direction du vent. La distance entre deux éléments superposés d'un signal de jour doit être au moins égale à la plus grande dimension d'un élément. La distance entre deux feux placés sur une ligne verticale doit être de deux mètres (six pieds)

au moins.

L'utilisation des signaux prescrits au présent règlement n'est pas exclusive de l'emploi d'autres signaux, lorsque ceux-ci sont nécessaires, et notamment des signaux de typhon tels que ceux qui ont été codifiés par l'observatoire de Zi-Ka-Wei, d'accord avec le Département maritime des Douanes maritimes chinoises.

Chapitre II. — Signaux de marée et de hauteur d'eau.

A. Sens de variation du niveau de la marée.

On signale:

1. La marée descendante:

De jour, par un cône très effilé, pointe en bas; De nuit, par un feu blanc au-dessus d'un feu vert.

De jour, par un cône très effilé pointe en haut; De nuit, par un feu vert au-dessus d'un feu blanc.

La hauteur du cône sera d'au moins trois fois le diamètre de sa base.

REGULATIONS CONCERNING CERTAIN DESCRIPTIONS OF MARITIME SIGNALS.

CHAPTER I. — WARNING OF GALE EXPECTED TO AFFECT THE LOCALITY.

A. Direction of the Wind.

The signals are as follows:

1. Gale commencing with wind in the N.W. quadrant:

By day: One cone, point upward; By night: Two red lights, one above the other.

Gale commencing with wind in the S.W. quadrant:

By day: One cone, point downward; By night: Two white lights, one above the other.

3. Gale commencing with wind in the N.E. quadrant:

By day: Two cones, one above the other, points upward; By night: A red light above a white light.

Gale commencing with wind in the S.E. quadrant:

By day: Two cones, one above the other, points downward;

By night: A white light above a red light.

B. Probable Bad Weather, Hurricane or Strong Gale.

The signals are as follows:

I. Probable bad weather:

By day: One black ball; By night: One red light hoisted at the mast-head.

2. Probable hurricane or strong gale:

By day: Two black balls, one above the other; By night: Two red lights in a horizontal line hoisted at the mast-head.

As soon as the probable direction of the wind can be predicted, the appropriate signal in paragraph A above may be hoisted in place of the signal in paragraph B, or both signals may be shown simultaneously.

.C. Change of Direction of Wind.

The signals are as follows:

- 1. Change of wind to the right (clockwise): A black flag, or a black cylinder.
- 2. Change of wind to the left (counter-clockwise): Two black flags, one above the other, or two black cylinders, one above the other.

The signal regarding change of direction of wind will be hoisted alongside the signal indicating the direction of the wind.

The vertical distance between two shapes constituting a day signal must be not less than the greatest dimension of one of the shapes.

Lights disposed vertically must be at least two metres (6 feet) apart.

The use of the signals prescribed in the foregoing regulations does not preclude the use of other signals which may be found necessary, and particularly of typhoon signals, such as those prepared by the Zi-Ka-Wei Observatory in consultation with the Marine Department of the Chinese Maritime Customs.

CHAPTER II. - TIDE AND DEPTH SIGNALS.

A. Vertical Movement of the Tide.

I. A falling tide is indicated:

By day: By an elongated cone, point downward; By night: By a white light above a green light.

2. A rising tide is indicated:

By day: By an elongated cone point upward; By night: By a green light above a white light.

The height of the cone shall be not less than three times the diameter of its base.

B. Hauteur d'eau.

Sauf exceptions indiquées dans les instructions nautiques, les hauteurs d'eau sont mesurées à partir du zéro hydrographique.

Les unités adoptées sont le double décimètre dans les pays utilisant le système métrique, et

le pied anglais dans les autres pays.

On signale une hauteur d'eau égale à une unité (pied ou double décimètre):

De jour, par un cône pointe en bas ou par une sphère;

De nuit, par un feu vert ou par un feu blanc.

On signale une hauteur d'eau égale à cinq unités (un mètre ou cinq pieds):

De jour, par un cylindre; De nuit, par un feu rouge.

On signale une hauteur d'eau égale à vingt-cinq unités (5 mètres ou 25 pieds):

De jour, par une sphère; De nuit, par un feu blanc.

S'il y a lieu, on signale une hauteur d'eau égale à une demi-unité (un décimètre ou un demipied):

De jour, par un cylindre; De nuit, par un feu rouge.

Les signaux sont hissés de la manière suivante:

Les cônes (ou sphères) indiquant des unités peuvent être disposés soit sur une ligne verticale, soit sur deux lignes verticales. Le cylindre indiquant la sous-division de l'unité peut être placé soit sur la même verticale et en-dessous des unités, soit à gauche de la verticale des unités.

Les cylindres indiquant chacun cinq unités sont disposés sur une ligne verticale à la droite de la

ligne ou des lignes affectées aux unités.

Les sphères indiquant chacune vingt-cinq unités sont disposées sur une ligne verticale à l'extrême droite.

La gauche et la droite s'entendent pour le navigateur venant du large. Les mêmes dispositions sont applicables en ce qui concerne les signaux de nuit.

La signalisation par sémaphore, par l'alphabet Morse optique, au moyen du Code international des Signaux, par radiotélégraphie ou radiophonie, de même que l'indication de la hauteur d'eau en chiffres, reste autorisée soit concurremment, soit aux lieu et place de la signalisation prévue au présent règlement.

CHAPITRE III. - SIGNAUX CONCERNANT LES MOUVEMENTS DE NAVIRES A L'ENTRÉE DES PORTS OU DES CHENAUX IMPORTANTS.

A. Cas d'événements graves.

On signale l'interdiction absolue d'entrée en cas d'événements graves:

De jour, par trois sphères superposées; De nuit, par trois feux rouges superposés.

B. Circonstances normales d'exploitation.

On signale:

1. L'interdiction d'entrée:

De jour, par un cône pointe en haut entre deux sphères sur une ligne verticale; De nuit, par un feu blanc entre deux feux rouges sur une ligne verticale.

2. L'interdiction d'entrée et de sortie:

De jour, par un cône pointe en haut, surmonté par un cône pointe en bas et superposé à une sphère;

De nuit, par un feu blanc surmonté d'un feu vert et superposé à un feu rouge.

3. L'interdiction de sortie:

De jour, par un cône pointe en haut entre deux cônes pointe en bas sur une ligne verticale:

De nuit, par un feu blanc entre deux feux verts sur une ligne verticale.

Les signaux doivent être hissés à une hauteur suffisante pour éviter toute confusion avec d'autres signaux de port.

La distance entre les éléments composant les différents signaux doit être suffisante pour que les signaux soient clairs à la distance à laquelle ils doivent être normalement aperçus.

B. Height of Water-Level.

Unless otherwise indicated in the Sailing Directions, the height of water-level shall be measured as from the zero of the charts.

The units adopted shall be 2 decimetres in countries using the metric system and the English foot in other countries.

A height of water-level equivalent to one unit (2 decimetres or 1 foot) shall be indicated:

By day: By a cone, point downward, or by a sphere;

By night: By a green light or by a white light.

A height of water-level equivalent to five units (x metre or 5 feet) shall be indicated:

By day: By a cylindrical shape;

By night: By a red light.

A height of water-level equivalent to twenty-five units (5 metres or 25 feet) shall be indicated:

By day: By a sphere; By night: By a white light.

If necessary, a height of water-level equivalent to half a unit (I decimetre or ½ foot) shall be indicated:

By day: By a cylinder; By night: By a red light.

These signals shall be hoisted in the following manner:

The cones or spheres indicating the units may be placed either in one vertical line or in two vertical lines. The cylindrical shape indicating the subdivision of the unit may be placed either in the same vertical line and below the units or to the left of the vertical line of the units.

The cylindrical shapes indicating five units each will be placed in a vertical line to the right

of the line or lines of the units.

The spheres indicating twenty-five units will be placed in a vertical line on the extreme right.

Left and right shall be interpreted from the point of view of the incoming navigator.

The same rules apply to night signals.

The indication of tide and depth signals by semaphore, or visually by means of the Morse Code, the International Code of Signals, or by wireless telegraphy or telephony, and the indication of the water-level by figures, are also permissible either concurrently with or in place of the system of signals prescribed in the present regulations.

Chapter III. — Signals concerning the Movements of Vessels at the Entrances TO HARBOURS OR IMPORTANT CHANNELS.

A. In Cases of Serious Emergency.

The fact that entrance is absolutely prohibited, in cases of serious emergency, is indicated:

By day: By three balls disposed vertically; By night: By three red lights disposed vertically.

B. In Normal Circumstances.

. r. "Entrance prohibited" is indicated:

By day: By a cone, point upward, between two balls disposed vertically; By night: By a white light between two red lights disposed vertically.

2. "Entrance and departure prohibited." is indicated:

By day: By a cone, point upward, having above it a cone, point downward, and below it a ball;

By night: By a white light, having above it a green light and below it a red light.

3. "Departure prohibited" is indicated:

By day: By a cone, point upward, between two cones, points downward, disposed vertically;

By night: By a white light between two green lights, disposed vertically.

These signals must be exhibited at a sufficient height to prevent any confusion with other

The distance between the shapes or lights should be sufficient for them to be clearly

distinguishable at the distance at which they are normally required to be seen.

ACCORD SUR LES BATEAUX-FEU GARDES SE TROUVANT HORS DE LEUR POSTE NORMAL

Les gouvernements contractants, représentés par les soussignés, ayant décidé d'unifier les signaux des bateaux-feu gardés se trouvant hors de leur poste normal, sont convenus des dispositions suivantes:

Article premier.

Les gouvernements contractants s'engagent à mettre en application les dispositions du règlement ci-annexé, relatives aux bateaux-feu hors de leur poste normal. Les mesures d'exécution nécessaires à cette fin devront être prises dans un délai d'un an à compter de la mise en vigueur du présent Accord.

Article 2

Le présent Accord ne doit pas être entendu comme modifiant en quoi que ce soit la situation de droit existant dans les divers pays en ce qui concerne les relations entre les usagers et les autorités chargées du service des bateaux-feu.

Article 3.

Le présent Accord, dont les textes français et anglais feront également foi, portera la date de ce jour; il pourra, jusqu'au 30 avril 1931 inclus, être signé au nom de tout gouvernement ayant été représenté à la Conférence qui a élaboré le présent Accord ou ayant été invité à s'y faire représenter.

Article 4.

L'acceptation du présent Accord de la part d'un gouvernement peut s'effectuer par simple signature, dans le cas où celle-ci est donnée sans réserve de ratification, par ratification ou par adhésion.

Les instruments de ratification seront transmis au Secrétaire général de la Société des Nations, qui en notifiera la réception aux gouvernements intéressés.

La date de l'entrée en vigueur de l'Accord sera le quatre-vingt-dixième jour qui suivra l'acceptation de l'Accord par cinq gouvernements.

Article 5.

A partir du 1er mai 1931, il pourra être adhéré au présent Accord au nom de tout gouvernement visé à l'article 3.

Les instruments d'adhésion seront transmis au Secrétaire général de la Société des Nations qui en notifiera la réception aux gouvernements intéressés.

AGREEMENT CONCERNING MANNED LIGHTSHIPS NOT ON THEIR STATIONS.

The Contracting Governments, represented by the undersigned, having decided to unify certain rules concerning manned lightships which are not on their stations, have agreed to the following provisions:

Article 1.

The Contracting Governments undertake to put into force the provisions of the Regulations annexed hereto concerning lightships which are not on their stations. The necessary measures to that effect should be taken within one year from the coming into force of the present Agreement.

Article 2.

The present Agreement should not be considered as in any way modifying the legal situation in the different countries as regards the relations between the public and the authorities responsible for the lightship services.

Article 3.

The present Agreement, of which the English and French texts are both authentic, shall bear to-day's date. Until and including April 30th, 1931, it shall be open for signature on behalf of any Government represented at or invited to the Conference which elaborated the present Agreement.

Article 4.

Governments may accept the present Agreement by signature only, when the latter is not made subject to ratification, by ratification or accession.

The instruments of ratification shall be transmitted to the Secretary-General of the League

of Nations, who will notify their receipt to all the Governments concerned.

The Agreement shall enter into force on the ninetieth day following its acceptance by five Governments.

Article 5.

As from May 1st, 1931, the present Agreement shall be open to accession on behalf of any Government referred to in Article 3.

The instruments of accession shall be transmitted to the Secretary-General of the League of

Nations, who will notify their receipt to all the Governments concerned.

Article 6.

Chaque signature, ratification ou adhésion qui interviendra après l'entrée en vigueur de l'Accord, conformément à l'article 4, produira ses effets dès le quatre-vingt-dixième jour qui suivra la date de la signature ou de la réception, par le Secrétaire-général de la Société des Nations, des instruments de ratification ou de la notification d'adhésion.

Article 7.

Le présent Accord pourra être dénoncé, au nom de tout gouvernement contractant, après l'expiration d'un délai de sept ans à partir de la date de son entrée en vigueur pour ce gouvernement, par notification écrite adressée au Secrétaire général de la Société des Nations, qui en informera tous les gouvernements visés à l'article 3. La dénonciation produira ses effets un an après la date à laquelle elle aura été reçue par le Secrétaire général de la Société des Nations; elle ne sera opérante qu'au regard du gouvernement pour lequel elle aura été effectuée.

A l'appiration de chaque période de cont any après la mise en signe de pour le gouvernement pour lequel elle aura été effectuée.

A l'expiration de chaque période de sept ans après la mise en vigueur du présent Accord, sa revision pourra être demandée par un des gouvernements contractants. A toute autre époque, la revision du présent Accord pourra être demandée par un quart des gouvernements contractants.

Article 8.

Tout gouvernement contractant peut déclarer, au moment de la signature, de la ratification ou de l'adhésion, que, par son acceptation du présent Accord, il n'entend assumer aucune obligation en ce qui concerne toute colonie, tout protectorat ou territoire placé sous suzeraineté ou mandat; dans ce cas, le présent Accord ne sera pas applicable aux territoires faisant l'objet de pareille déclaration.

Tout gouvernement contractant pourra, à tout moment dans la suite, notifier au Secrétaire général de la Société des Nations qu'il entend rendre le présent Accord applicable à toute partie

des territoires ayant fait l'objet de la déclaration prévue à l'alinéa précédent. Dans ce cas, l'arrangement s'appliquera aux territoires visés dans la notification quatre-vingt-dix jours après la réception de cette dernière par le Secrétaire général de la Société des Nations.

Tout gouvernement contractant peut, soit à l'expiration d'un délai de sept ans après la notification prévue au précédent paragraphe, soit lors de la dénonciation prévue à l'article 7, déclarer qu'il entend voir cesser l'application du présent Accord à toute colonie, tout protectorat que territoire placé sous currenté ou mondate dans ce cas l'Accord a course d'étant applicable. ou territoire placé sous suzeraineté ou mandat; dans ce cas, l'Accord cessera d'être applicable aux territoires faisant l'objet de pareille déclaration une année après la réception de cette déclaration par le Secrétaire général de la Société des Nations. A défaut de telle déclaration, la dénonciation prévue à l'article 7 ne comportera aucun effet à l'égard des territoires mentionnés au présent article.

Article 9.

Chacun des gouvernements contractants peut subordonner son acceptation du présent Accord à la participation à celui-ci d'un ou de plusieurs des gouvernements visés à l'article 3.

Article 10.

Le présent Accord sera enregistré par le Secrétaire général de la Société des Nations à la date de son entrée en vigueur.

Article 6.

After the coming into force of the Agreement in accordance with Article 4, each subsequent signature, ratification or accession shall take effect on the ninetieth day from the date of signature, or of the receipt by the Secretary-General of the League of Nations of the instruments of ratification, or of the notification of accession.

Article 7.

The present Agreement may be denounced on behalf of any Contracting Government after a period of seven years from the date when it came into force in respect of that Government. Denunciation shall be effected by a notification in writing addressed to the Secretary-General of the League of Nations, who will inform all the Governments referred to in Article 3. Such denunciation shall take effect one year after the date of its receipt by the Secretary-General of the League of Nations, and shall operate only in respect of the Government on whose behalf it was notified.

On the expiration of each period of seven years after the coming into force of the present Agreement, its revision may be demanded by any Contracting Government. At all other times, revision of the present Agreement may be demanded by one-fourth of the Contracting Governments.

Article 8.

Any Contracting Government may, at the time of signature, ratification or accession, declare that, in accepting the present Agreement, it does not assume any obligations in respect of all or any colony, protectorate or territory under suzerainty or mandate; and the present Agreement shall not apply to any territories named in such declaration.

Any Contracting Government may give notice to the Secretary-General of the League of Nations at any time subsequently that it desires that the Agreement shall apply to all or any of the territories which have been made the subject of a declaration under the preceding paragraph, and the Agreement shall apply to all the territories named in such notice ninety days after its receipt by the Secretary-General of the League of Nations.

Any Contracting Government may declare, either after a period of seven years from the date of the notification provided for in the preceding paragraph or at the time of the denunciation provided for in Article 7, that it desires that the present Agreement shall cease to apply to all or any colony, protectorate or territory under suzerainty or mandate, and the Agreement shall cease to apply to the territories named in such declaration one year after its receipt by the Secretary-General of the League of Nations. In default of such a declaration, the denunciation of the Convention under Article 7 will not affect the application of the Convention to any territories referred to in the present Article.

Article 9.

Each Contracting Government may make the acceptance of the present Agreement conditional on its acceptance by one or several of the Governments mentioned in Article 3.

Article 10.

The present Convention shall be registered by the Secretary-General of the League of Nations on the date of its coming into force.

En foi de quoi les soussignés ont apposé leur signature au présent Accord.

In FAITH WHEREOF the undersigned have affixed their signature to the present Agreement.

FAIT à Lisbonne, le vingt-trois octobre mil neuf cent trente, en un seul exemplaire, qui restera déposé dans les archives du Secrétariat de la Société des Nations, et dont les copies certifiées conformes seront délivrées à tous les gouvernements visés à l'article 3.

DONE at Lisbon, the twenty-third day of October, one thousand nine hundred and thirty, in a single copy, which will remain deposited in the archives of the Secretariat of the League of Nations, and of which certified copies will be transmitted to all the Governments referred to in Article 3.

ALLEMAGNE

GERMANY

Gustav MEYER

Sous réserve de ratification 1

BELGIQUE

BELGIUM

F. URBAIN

Sous réserve de ratification 1

GRANDE-BRETAGNE ET IRLANDE DU NORD **GREAT BRITAIN** AND NORTHERN IRELAND

ainsi que toutes parties de l'Empire britannique non membres séparés de la Société des Nations. and all parts of the British Empire which are not separate Members of the League of Nations.

I declare that my signature does not include any colonies, protectorates or territories under suzerainty or mandate. 2

John BALDWIN.

INDE

INDIA

I declare that my signature does not include any of the Indian States under British suzerainty.*

Edward HEADLAM.

CUBA

CUBA

Arturo LOYNAZ DEL CASTILLO

Sous réserve de ratification 1

ESPAGNE

SPAIN

José Herbella Rafael ESTRADA

Sous réserve de ratification 1

ESTONIE

ESTONIA

T. GUTMAN

Sous réserve de ratification 1

Traduction du Secrétarial de la Société des Nations. — Translation by the Secretarial of the League of Nations:

¹ Subject to ratification.

² Je déclare que ma signature ne comprend pas les colonies, protectorats ou territoires sous suzeraineté ou mandat. ⁸ Je déclare que ma signature ne comprend aucun des Etats de l'Inde sous la suzeraineté britannique.

FINLANDE

Sakari TAINIO.

FINLAND

Sous réserve de ratification 1

FRANCE

P. H. WATIER

FRANCE

MAROC

A. DE ROUVILLE

MOROCCO

TUNISIE

A. DE ROUVILLE

TUNIS

GRÈCE

D. RASI-KOTSICAS

GREECE

MONACO

Comte C. J. H. DE BOBONE.

MONACO

PAYS-BAS

P. VAN BRAAM VAN VLOTEN.

THE NETHERLANDS

La présente signature n'inclut pas les Indes-orientales néerlandaises, Surinam et Curação *

LANGELER.

Understanding that this signature does not assume any obligations of the Netherlands Government in respect of the Netherlands Colonial Territories in the East and West Indies.

PORTUGAL

PORTUGAL

Ernesto DE VASCONCELLOS Manoel Norton.

SUÈDE

Erik HÄGG

SWEDEN

Sous réserve de ratification 1

Copie certifiée conforme.

Certified true copy.

Pour le Secrétaire général:

For the Secretary-General:

Conseiller juridique du Secrétariat.

Legal Adviser of the Secretariat.

Traduction du Secrétariat de la Société des Nations — Translation by the Secretariat of the League of Nations:

¹ Subject to ratification.

² The present signature does not include the Netherlands East Indies, Surinam and Curação.

⁸ Etant entendu que cette signature n'entraîne aucune obligation pour le Gouvernement des Pays-Bas en ce qui concerne les Territoires coloniaux néerlandais dans les Indes orientales et occidentales.

RÈGLEMENT RELATIF AUX SIGNAUX DES BATEAUX-FEU GARDÉS SE TROUVANT HORS DE LEUR POSTE NORMAL

- 1. Quand un bateau-feu n'est pas à son poste normal, soit qu'il ait déradé, soit qu'il fasse route vers son poste ou vers un port, il n'émet pas ses signaux caractéristiques de nuit ou de brume.
 - 2. Le bateau-feu déradé hisse un signal spécial qui sera, de préférence:

De jour, deux grosses sphères noires, l'une à l'avant, l'autre à l'arrière; De nuit, deux feux rouges, l'un à l'avant, l'autre à l'arrière.

En outre, il amène ses voyants caractéristiques, si ceux-ci sont amovibles.

Lorsque les circonstances ne permettent pas l'emploi des signaux visés au premier alinéa du présent paragraphe, ou lorsque ceux-ci sont déjà employés comme caractéristiques normales du bateau-feu, on utilise des pavillons rouges au lieu de sphères noires.

- 3. En outre, comme mesure de précaution supplémentaire, le bateau-feu déradé:
 - a) De jour, arbore le signal par pavillons signifiant:

« Je ne suis pas dans ma position normale », selon les prescriptions du Code international de signaux;

b) De nuit, enflamme chaque quart d'heure au moins et simultanément deux feux de bengale, l'un rouge et l'autre blanc.

Lorsque les circonstances ne permettent pas l'emploi de feux de bengale, on montre simultanément un feu rouge et un feu blanc.

4. Enfin, le bateau-feu faisant route doit porter les feux et effectuer les appels sonores des navires en route et, s'il navigue par ses propres moyens, porter de jour le signal prévu au paragraphe 2.

REGULATIONS RELATING TO SIGNALS FOR MANNED LIGHTSHIPS NOT ON THEIR STATIONS.

- 1. When a lightship is not on its station, whether it has dragged or broken adrift from its moorings or is proceeding towards its station or towards a port, it should not show its characteristic light nor make its characteristic fog-signals.
- 2. A lightship which has dragged or broken adrift from its moorings should hoist a special signal, which preferably should be:

By day: Two large black spheres, one forward and one aft; By night: Two red lights, one forward and one aft.

It should, furthermore, strike its characteristic topmarks, if they are fitted to permit of this. When circumstances do not permit of the use of the foregoing day signals, or when these are employed as the normal characteristics of the lightship, red flags should be used instead of black spheres.

- 3. In addition, as a supplementary measure of precaution, a lightship which has dragged or broken adrift from its moorings should:
 - (a) By day, fly a flag signal signifying:

"I am not in my correct position",

as laid down in the International Code of Signals.

(b) By night, show at least every quarter of an hour and simultaneously two flares, one red and the other white.

When circumstances render it impracticable to use flares, a red and a white light shall be displayed simultaneously.

4. Lastly, a lightship under way must carry the same lights and make the same sound signals as other vessels under way and, if self-propelled, should hoist by day the signal provided for in paragraph 2.

RECOMMANDATIONS SUR LES CARACTÈRES DES PHARES ET SUR LES RADIOPHARES

A. CARACTÈRES DES PHARES.

Les présentes recommandations ont pour but de guider, dans un sens rationnel et uniforme, l'organisation d'éclairages nouveaux ou l'amélioration d'éclairages existants, en répartissant judicieusement les caractères utilisables.

Elles ne doivent pas être considérées comme tendant à édicter des prescriptions absolues dans cet ordre d'idées, ou à imposer à brève échéance des modifications des dispositions existantes, qui ne seraient pas conformes auxdites règles.

- I. L'écartement à maintenir entre les feux ou groupes de feux de même caractère sera aussi grand que le permettra la densité de l'éclairage littoral et que le commanderont, dans chaque pays, les différentes circonstances de l'espèce, notamment l'obliquité de la côte par rapport aux diverses routes d'arrivée.
- II. a) On recommande l'ordre préférentiel suivant pour les caractères des phares d'atterrissage principaux:
 - 1º Des éclats blancs groupés par deux;
 - 2º Des éclats blancs réguliers;
 - 3º Des éclats blancs groupés par trois ou par quatre;
 - 4º Des éclats blancs groupés par cinq;
 - 5º Un groupe d'éclats blancs alternant avec un éclat blanc isolé;
 - 6º Des éclats blancs groupés par six;
 - 7° Un groupe d'éclats blancs alternant avec un groupe d'éclats blancs différent du premier.
- b) Pour les phares moins importants, si l'emploi d'éclats blancs risque d'entraîner des confusions entre les dits phares et les phares d'atterrissage voisins, les caractères ci-après sont recommandés sous l'ordre préférentiel suivant:

Des éclats rouges qui peuvent être groupés selon l'une ou l'autre des combinaisons susindiquées pour les éclats blancs;

Une lumière blanche variée par des occultations, le caractère de ces dernières étant aussi simple que les circonstances le permettent.

- c) Pour les feux secondaires, il peut être avantageux de recourir au caractère scintillant, c'est-à-dire comportant au moins quarante apparitions de lumière par minute.
- d) Dans les phares visés aux paragraphes a) et b) ci-dessus, il est recommandé de ne plus recourir à l'emploi de feux fixes variés par des éclats ou de feux à éclats diversement colorés n'ayant pas sensiblement la même portée; il est désirable de procéder progressivement à la transformation de tels feux.
 - e) Dans les ports d'une certaine importance, il convient d'éviter l'emploi des feux fixes blancs.

RECOMMENDATIONS ON LIGHTHOUSE CHARACTERISTICS AND RADIO-BEACONS.

A. LIGHTHOUSE CHARACTERISTICS.

The present recommendations have been framed with the object of providing in a rational and uniform manner for the organisation of new lighthouse systems or the improvement of existing lighthouse systems, by means of a proper distribution of the available characteristics.

They must not be regarded as laying down absolute rules or as necessitating in the near future any changes in existing systems which are not in accordance with these rules.

- I. The spacing of lights or groups of lights of the same character should be kept as wide as the number of lights on the coast permits, and as is practicable having regard to the particular circumstances in any given country, and especially to the various angles at which the navigator may approach the coast.
- II. (a) The following preferential order is recommended for the characteristics of the main landfall lighthouses:
 - I. White flashes in groups of two;
 - 2. Single white flashes;
 - White flashes in groups of three or four; 3.
 - 4. White flashes in groups of five;
 - 5. A group of white flashes alternating with a single white flash;
 - 6. White flashes in groups of six;
 - A group of white flashes alternating with another group of white flashes differing from the first.
- (b) For lighthouses of secondary importance, where the adoption of white flashes might lead to confusion with the characteristics of neighbouring main landfall lighthouses, the following characteristics, in order of preference, are recommended:

Red flashes grouped in accordance with any of the combinations indicated above for A white occulting light, the occultations being as simple as circumstances permit. white flashes.

- (c) For secondary lights it may be an advantage to use quick flashing lights—i.e., lights showing at least forty flashes a minute.
- (d) It is recommended that, in the lighthouses referred to in paragraphs (a) and (b) above, fixed lights varied by flashes or lights showing flashes of different colours, having materially different ranges, should not in future be adopted; it is desirable that such characteristics should gradually be eliminated.
 - (e) In the larger ports, it is desirable to avoid the use of fixed white lights.

- /) Pour la constitution d'un alignement de feux, où une grande latitude est nécessaire, à raison, notamment, du voisinage possible d'autres feux et de la coexistence de plusieurs alignements dans les mêmes parages, il convient seulement d'éviter une combinaison de feux à apparitions de lumière trop brèves, entraînant une trop forte proportion de périodes où les deux feux ne sont pas simultanément visibles. Toutefois, l'emploi des feux scintillants est admissible.
- III. Il convient d'éviter, dans l'installation des aérophares, les interférences et les risques de confusion avec les feux de l'éclairage maritime.

B. RADIOPHARES.

- I. Il est recommandé, compte tenu des possibilités financières ou autres, d'établir des radiophares sur tous les points du monde où ils peuvent être utiles à la navigation maritime.
- II. L'équipement des radiophares installés sur les côtes et les bateaux-feu devrait répondre aux directives ci-après, consacrées par l'expérience:
 - a) Les systèmes qui permettent d'effectuer le relèvement des radiophares à partir des navires sont considérés comme les meilleurs.
 - b) Ces systèmes doivent, autant que possible, être suffisamment simples pour se prêter à une utilisation directe par le navigateur lui-même.
 - c) Une marge de 1,25 % (ou moins, quand on le jugera possible) doit être respectée par les radiophares aux limites de la gamme qui leur est attribuée, afin d'éviter toute confusion. La gamme de fréquence réservée aux radiophares, laquelle est actuellement de 285 à 315 kilocycles, doit être respectée d'ailleurs par les autres postes radioélectriques.
 - d) Les émissions des radiophares voisins doivent être faites sur des longueurs d'onde suffisamment différenciées pour éviter des interférences mutuelles et être étroitement contrôlées en ce qui concerne leurs caractéristiques, durées et horaires.
 - c) La puissance des radiophares ne doit pas excéder celle strictement nécessaire à leur rôle, qui dépend, notamment, de l'éloignement des postes voisins (situés ou non dans un même pays), compte tenu de la différence de puissance entre les émissions de temps clair et les émissions de brume.
 - /) La durée de chaque période de signalisation continue sera suffisante pour assurer une facile identification du poste (une minute au minimum).

D'un point de vue opposé, la durée de chaque période et le temps de marche global seront réglés en sorte qu'ils n'excèdent pas le minimum indispensable aux besoins de la navigation.

- III. Afin de faciliter la mise en œuvre des directives qui précèdent, on recommande des ententes régionales entre gouvernements ou autorités intéressées, afin de régler les conditions d'émission des radiophares et, notamment, leurs horaires.
- IV. Il est désirable que les services compétents des différents pays étudient les caractéristiques les mieux appropriées à l'objet particulier des radiophares et se communiquent mutuellement les résultats de leurs recherches.
- V. Bien qu'un grand nombre d'appareils de réception des navires ne puissent encore prendre de relèvements sur ondes entretenues, il paraît souhaitable que les radiophares soient, à l'avenir, équipés de manière à pouvoir émettre de telles ondes.

- (f) In the choice of characteristics of leading lights, or range lights, in which considerable latitude is necessary, particularly where there are other lights in the vicinity or where there are several lines of leading lights in the same locality, it is merely desirable to avoid a combination of flashing lights with very short flashes involving too long a period during which both lights are not simultaneously visible. The use of quick flashing lights is considered admissible.
- III. In establishing aero-lighthouses, care should be taken to avoid interference and risk of confusion with coast lights.

B. RADIO-BEACONS.

- I. It is recommended that, so far as circumstances and resources permit, radio-beacons should be established throughout the world at all points where they would be useful to maritime navigation.
- II. The equipment of radio-beacons on coasts and lightships should satisfy the following requirements, which are the result of experience:
 - (a) The system preferred is that which permits of the bearing of the radio-beacon being taken from the ship.
 - (b) The system used should, as far as possible, be sufficiently simple to enable the navigator to use it himself.
 - (c) In order to avoid confusion, a margin of 1.25 per cent (or less where found possible) should be allowed by radio-beacons at either extremity of the band assigned to them.

On the other hand, the band of radio-frequencies reserved for radio-beacons, which is at present from 285 to 315 kilocycles, should not be encroached upon by other wireless stations.

- (d) Transmissions of neighbouring radio-beacons should be made on wave-lengths sufficiently different to avoid mutual interference and should be kept under close observation in respect of their characteristics, periods and times of transmission.
- (e) The power of radio-beacons should not exceed that which is strictly necessary for their purpose and must depend, in particular, on the distance of the neighbouring stations (whether situated in the same country or not), due consideration being given to the difference of power between clear weather and fog-signal transmissions.
- (f) The duration of each period of continuous signalling must be sufficient to allow the station to be easily identified (at least one minute).

On the other hand, the duration of each period and the total time of transmission should not be longer than is essential for the requirements of navigation.

- III. In order to facilitate the application of the foregoing proposals, regional agreements might, with advantage, be made between the Governments or authorities concerned with a view to laying down the condition of transmission of radio-beacons and, in particular, their time-tables.
- IV. It is desirable that the appropriate authorities in different countries should study the characteristics best suited for the special purpose of radio-beacons, and that they should communicate to each other the results of their investigations.
- V. Although a large proportion of the receiving sets in ships are not at present adapted for taking bearings on continuous waves, it seems desirable that radio-beacons should in future be equipped so as to be able to transmit such waves.

LISBONNE, le 23 octobre 1930.

LISBON, October 23rd, 1930.

ALLEMAGNE

GERMANY

BELGIUM

Gustav Meyer

ÉTATS-UNIS D'AMÉRIQUE

UNITED STATES OF AMERICA

G. R. PUTNAM

BELGIQUE

F. URBAIN

GRANDE-BRETAGNE

ET IRLANDE DU NORD

GREAT BRITAIN AND NORTHERN IRELAND

ainsi que toutes parties de l'Empire bri-tannique non membres séparés de la Société des Nations.

and all parts of the British Empire which are not separate Members of the League of Nations.

John Baldwin.

BRÉSIL

F. Xavier DA COSTA

BRAZIL

CHINE

L. TWEEDIE-STODART

CHINA

L. R. CARREL

CUBA

Arturo LOYNAZ DEL CASTILLO

CUBA

VILLE LIBRE DE DANTZIG

Sołski

FREE CITY OF DANZIG

ESPAGNE

José Herbella Rafaël Estrada

SPAIN

ESTONIE

T. GUTMAN

ESTONIA

FINLANDE

Sakari TAINIO.

FINLAND

FRANCE

FRANCE

P. H. WATIER

A. DE ROUVILLE J. SAILLANT

GRECE

D. RASI-KOTSICAS

GREECE

INDE

I declare that my signature does not include any of the Indian States under British suzerainty. 1

INDIA

Edward HEADLAM

ITALIE

NI, Pietro ITALY

PERIANI, Pietro Dom. G. BIANCHERI Aristide LURIA Luigi SPALICE

JAPON

M. HATTORI S. CHIBA **JAPAN**

MAROC

A. DE ROUVILLE

MOROCCO

MEXIQUE

O. G. BARREDA

MEXICO

MONACO

Comte C. J. H. DE BOBONE.

MONACO

PAYS-BAS

P. van Braam van Vloten.

THE NETHERLANDS

Langeler.

POLOGNE

Sołski

POLAND

PORTUGAL

Ernesto DE VASCONCELLOS Manoel Norton **PORTUGAL**

ROUMANIE

A. M. GURANESCO

ROUMANIA

SUÈDE

Erik HAGG

SWEDEN

TUNISIE

A. DE ROUVILLE

TUNIS

Copie certifiée conforme. Pour le Secrétaire général:

Certified true copy.

For the Secretary-General:

Conseiller juridique du Secrétariat.

Legal Adviser of the Secretariat.

^{- 1} Traduction du Secrétarial de la Société des Nations:

Je déclare que ma signature ne comprend aucun des Etats de l'Inde sous la suzeraineté britannique.

ACTE FINAL DE LA CONFÉRENCE

Les Gouvernements de l'Allemagne, des Etats-Unis d'Amérique, du Commonwealth d'Australie, de la Belgique, de la Grande-Bretagne et de l'Irlande du Nord, des Etats-Unis du Brésil, du Canada, de la Chine, de Cuba, du Danemark, de la Ville libre de Dantzig, de l'Espagne, de l'Estonie, de la Finlande, de la France, ainsi que du Protectorat de la République française au Maroc, de la Régence de Tunis, Protectorat français, de la Grèce, de l'Inde, de l'Islande, de l'Italie, du Japon, de la Lettonie, des Etats-Unis du Mexique, de Monaco, de la Norvège, de la Nouvelle-Zélande, des Pays-Bas, de la Pologne, du Portugal, de la Roumanie, de la Suède, de l'Uruguay et de la Yougoslavie, ayant accepté l'invitation qui leur a été adressée en vertu de la résolution du Conseil de la Société des Nations en date du 15 janvier 1930, de participer à une Conférence pour l'unification du balisage et de l'éclairage des côtes,

Ont, en conséquence, désigné comme délégués, conseillers techniques et secrétaires :

Ont, en conséquence, désigné comme délégués, conseillers techniques et secrétaires ;

ALLEMAGNE:

M. G. MEYER, Conseiller ministériel au Ministère des Communications. Délégué:

ÉTATS-UNIS D'AMÉRIQUE:

Dr George R. PUTNAM, M.S., D.Sc., Commissaire aux Phares du Département Délégué:

du Commerce.

COMMONWEALTH D'AUSTRALIE:

Sir John G. BALDWIN, K.C.M.G., C.B. Délégué:

BELGIQUE:

M. F. L. Urbain, Directeur du Service hydrographique. Délégué:

GRANDE-BRETAGNE ET IRLANDE DU NORD, ainsi que toutes parties de l'EMPIRE BRITANNIQUE non membres séparés de la Société des Nations:

Chef de la délégation: Sir John G. BALDWIN, K.C.M.G., C.B.

M. F. E. F. ADAM, Conseiller de l'Ambassade de Sa Majesté britannique près Délégués: le Président de la République portugaise.

M. J. P. Bowen, B.Sc., M.I.C.E., Ingénieur en chef, Trinity House.

Le capitaine V. R. Brandon, C.B.E., R.N., Expert technique du « Board of Trade ».

Le capitaine K. E. L. CREIGHTON, M.V.O., R.N., de l'Amirauté.

L'Honorable L. H. CRIPPS, C.B.E., Représentant des armateurs britanniques. Le major E. G. Finch, T.D., de la « Dock and Harbour Authorities Association ». Le capitaine F. W. Mace, O.B.E., R.N.R., de la « Dock and Harbour Authorities Association ».

Le vice-amiral Sir Robert Mansell, K.C.V.O., C.B.E., « Deputy Master of Thinites Hance ».

Trinity House ».

Le capitaine A. H. RYLEY, « Elder Brother of Trinity House ». M. D. Alan STEVENSON, M.I.C.E., Représentant du Service des Phares d'Ecosse et du Service des Phares d'Irlande.

Secrétaires de la délégation: M. C. B. GLENISTER, du « Board of Trade ». M. T. H. BURLEIGH, de Trinity House.

ÉTATS-UNIS DU BRÉSIL:

Délégué:

Le Capitaine de corvette Francisco Xavier DA Costa, Attaché naval à l'Ambassade près le Président de la République française.

CANADA:

Déligué:

M. J. G. MACPHAIL, B.A., B.Sc., M.I.C.E., Commissaire aux phares au Département de la Marine.

FINAL ACT OF THE CONFERENCE.

The Governments of Germany, the United States of America, the Commonwealth of Australia, Belgium, Great Britain and Northern Ireland, the United States of Brazil, Canada, China, Cuba, Denmark, the Free City of Danzig, Spain, Estonia, Finland, France, including the Protectorate of the French Republic in Morocco and the Regency of Tunis, French Protectorate, Greece, India, Iceland, Italy, Japan, Latvia, the United States of Mexico, Monaco, Norway, New Zealand, the Netherlands, Poland, Portugal, Roumania, Sweden, Uruguay and Yugoslavia, having accepted the invitation which was addressed to them in accordance with the resolution of the Council of the League of January 15th, 1930, to take part in a Conference for the Unification of Buoyage and Lighting of Coasts,

Have accordingly appointed as delegates, technical advisers and secretaries:

GERMANY:

Delegate: M. G. MEYER, Ministerial Counsellor in the Ministry for Communications.

UNITED STATES OF AMERICA:

Delegate: Dr. George R. Putnam, M.S., D.Sc., Commissioner of Lighthouses in the Department of Commerce.

COMMONWEALTH OF AUSTRALIA:

Delegate: Sir John G. BALDWIN, K.C.M.G., C.B.

BELGIUM:

Delegate: M. F. L. URBAIN, Director of the Hydrographic Service.

GREAT BRITAIN AND NORTHERN IRELAND, and all Parts of the BRITISH EMPIRE which are not separate Members of the League of Nations:

Head of the delegation: Sir John G. BALDWIN, K.C.M.G., C.B.

Delegates: Mr. F. E. F. Adam, Counsellor to His Britannic Majesty's Embassy to the President of the Portuguese Republic.

Mr. J. P. Bowen, B.Sc., M.I.C.E., Engineer-in-Chief, Trinity House.
Captain V. R. Brandon, C.B.E., R.N., Professional Officer of the Board of Trade.
Captain K. E. L. Creighton, M.V.O., R.N., of the Admiralty.
The Honourable L. H. Cripps, C.B.E., representing British Shipowners.
Major E. G. Finch, T.D., of the Dock and Harbour Authorities Association.
Captain F. W. Mace, O.B.E., R.N.R., of the Dock and Harbour Authorities
Association.
Vice-Admiral Sir Robert Mansell, K.C.V.O., C.B.E., Deputy Master of Trinity

House.

Captain A. H. RYLEY, Elder Brother of Trinity House.

Mr. D. Alan STEVENSON, M.I.C.E., Representative of the Scottish and Irish Lighthouse Boards.

Secretaries of the delegation: Mr. C. B. GLENISTER, of the Board of Trade. Mr. T.H. Burleigh, of Trinity House.

UNITED STATES OF BRAZIL:

Delegate: Lieutenant-Commander Francisco Xavier DA Costa, Naval Attaché at the Embassy to the President of the French Republic.

CANADA:

Delegate: Mr. J. G. MACPHAIL, B.A., B.Sc., M.I.C.E., Commissioner of Lights, Department of Marine.

CHINE:

Délégués:

M. L. Tweedie-Stodart, Ingénieur en chef des douanes maritimes.

Le capitaine L. R. CARREL, Inspecteur adjoint des côtes.

CUBA:

Délégué:

M. Arturo LOYNAZ DEL CASTILLO, Consul, Attaché à la Légation près le

Président de la République portugaise.

DANEMARK:

Délégué:

M. P. E. B. SINDING, Capitaine de frégate, Directeur du Service des Phares.

VILLE LIBRE DE DANTZIG:

Chef de la délégation: Le capitaine de frégate Eugène Soisky, de la Marine polonaise.

Délégué:

M. Johannes Staben, Observateur de l'Observatoire de Dantzig.

Expert:

M. Thadée Ziołkowski, Chef du Pilotage du Conseil du Port de Dantzig.

ESPAGNE:

Délégués:

Commandant Rafael Estrada.

M. J. HERBELLA Y ZOBEL, Ingénieur en chef du Service central de la Signalisation

maritime.

ESTONIE:

Délégué:

M. T. GUTMAN, Secrétaire du Consulat général d'Estonie à Lisbonne.

FINLANDE:

Délégué:

M. Matti Sakari Tainio, Chef du Service du Pilotage et des Phares.

FRANCE:

Chef de la délégation: M. P. H. WATIER, Conseiller d'Etat, Directeur des Voies navigables

et des Ports maritimes.

Délégués: M. A. DE ROUVILLE, Directeur du Service des Phares et Balises.

Le capitaine de frégate SAILLANT, Chef de la Section des Instructions nautiques

du Service hydrographique.

Secrétaire : M. François DE PANAFIEU, Attaché d'Ambassade.

PROTECTORAT DE LA RÉPUBLIQUE FRANÇAISE AU MAROC:

M. A. DE ROUVILLE, Directeur du Service des Phares et Balises de France. Délégué:

RÉGENCE DE TUNIS, PROTECTORAT FRANÇAIS:

Délégué: M. A. DE ROUVILLE, Directeur du Service des Phares et Balises de France.

GRÈCE:

Délégué: Le capitaine de frégate, D. RASI-KOTSICAS.

INDE:

Délégués: Sir Edward J. HEADLAM, C.S.I., C.M.G., D.S.O., Capitaine de vaisseau en

retraite de la Marine royale de l'Inde. Le capitaine de frégate E. A. Constable, de la Marine royale (en retraite).

Conseillers: M. J. Oswald, B.Sc., M.Inst.C.E., du Service des Phares de l'Inde britannique.

Le capitaine de vaisseau K. Ookerjee.

ISLANDE:

Délégué: M. Th. Krabbe, Directeur du Service des Phares.

ITALIE:

Délégués: M. Aristide Luria, Colonel du génie militaire de la Marine, Chef de division des Phares et Signaux maritimes.

Le capitaine de vaisseau, Domenico Biancheri, du Ministère des Communica-

Le capitaine de vaisseau, L. SPALICE, Attaché naval à l'Ambassade près Sa Majesté le Roi d'Espagne et à la Légation près le Président de la République

portugaise.

M. Pietro Periani, Ingénieur, Inspecteur supérieur des ouvrages maritimes au Ministère des Travaux publics, Membre du Conseil supérieur des Travaux publics et du Conseil supérieur de la Marine marchande.

CHINA:

Mr. L. TWEEDIE-STODART, Engineer-in-Chief to the Maritime Customs. Delegates:

Captain L. R. CARREL, Deputy Coast Inspector.

CUBA:

M. Arturo LOYNAZ DEL CASTILLO, Consul Attaché to the Legation to the President Delegate:

of the Portuguese Republic.

DENMARK:

Commander P. E. B. SINDING, Director of the Lighthouse Service. Delegate:

FREE CITY OF DANZIG:

Head of the delegation: Commander Eugène Solski, of the Polish Navy.

M. Johannes Staben, of the Danzig Observatory.

M. Thadée Ziołkowski, Head of the Pilot Service of the Danzig Harbour Board. Expert:

SPAIN:

Delegates: Commander Rafael ESTRADA.

M. J. HERBELLA Y ZOBEL, Engineer-in-Chief of the Central Services of the Mari-

time Signals.

ESTONIA:

M. T. GUTMAN, Secretary of the Estonian Consulate-General at Lisbon. Delegate:

FINLAND:

Delegate: M. Matti Sakari Tainio, Head of the Pilotage and Lighthouse Services.

FRANCE:

Head of the delegation: M. P. H. WATIER. Councillor of State, Director of Navigable Waterways and Maritime Ports.

M. A. DE ROUVILLE, Director of the Lighthouse and Buoyage Service. Delegates:

Commander Saillant, Head of the Maritime Instructions Section at the

Hydrographic Service.

M. François DE PANAFIEU, Attaché of Embassy. Secretary:

PROTECTORATE OF THE FRENCH REPUBLIC IN MOROCCO:

Delegate: M. A. DE ROUVILLE, Director of the French Lighthouse and Buoyage Service.

REGENCY OF TUNIS, FRENCH PROTECTORATE:

M. A. DE ROUVILLE, Director of the French Lighthouse and Buoyage Service. Delegate:

GREECE:

Delegate: Commander D. RASI-KOTSICAS.

INDIA:

Captain Sir Edward J. HEADLAM, C.S.I., C.M.G., D.S.O., of the Royal Indian Delegates:

Marine (Retired).

Commander E. A. Constable, R. N. (Retired).

Mr. J. OSWALD, B.Sc., M.Inst.C.E., Lighthouse Service of British India. Advisers:

Captain K. Ookerjee.

ICELAND:

M. Th. KRABBE, Director of the Lighthouse Service. Delegate:

ITALY:

Colonel Aristide Luria, of the Naval Engineering Service, Head of Division in the Italian Lighthouse and Maritime Signals Service. Delegates:

In the Italian Lighthouse and Maritime Signals Service.

Captain Domenico Biancheri of the Ministry of Transport.

Captain L. Spalice, Naval Attaché to the Embassy to His Majesty the King of Spain and to the Legation to the President of the Portuguese Republic.

M. Pietro Periani, Engineer, Head Inspector of Maritime Works at the Ministry of Public Works, Member of the Central Board of Public Works and of the Central Merchant Marine Board.

JAPON:

M. Masato HATTORI, Ingénieur en chef du Service impérial des Phares. Délégués:

M. S. CHIBA, Secrétaire à la Légation impériale près Sa Majesté le Roi d'Espagne.

M. J. Kobayashi, Secrétaire au Ministère des Communications. Secrétaire:

LETTONIE:

M. K. Purns, Chef de la Section hydrographique du Département de la Marine. Délégué:

ÉTATS-UNIS DU MEXIQUE:

M. Octavio G. BARREDA, Consul à Lisbonne. Délégué:

MONACO:

Comte C. J. H. DE BOBONE, Consul général à Lisbonne. Délégué:

NORVÈGE:

M. Finn Koren, Chargé d'Affaires à Lisbonne. Délégué:

NOUVELLE-ZÉLANDE:

Sir John G. BALDWIN, K.C.M.G., C.B., et les autres délégués de Grande-Bretagne Délégués:

et Irlande du Nord, ainsi que toutes parties de l'Empire britannique non

membres séparés de la Société des Nations.

PAYS-BAS:

M. P. VAN BRAAM VAN VLOTEN, Ingénieur en chef, Chef du Service technique Délégués:

de l'Eclairage des Côtes.

M. J. W. LANGELER, Inspecteur, Chef de division du Service de la Navigation

aux Indes néerlandaises.

POLOGNE:

Chef de la délégation: Le capitaine de frégate Eugène SOŁSKI.

M. André MARCHWINSKI, du Ministère des Affaires étrangères. Délégué:

Expert: M. Thadée Ziołkowski, Chef du Pilotage du Conseil du Port de Dantzig.

PORTUGAL:

Délégués: Son Excellence le vice-amiral Ernesto de Vasconcellos.

M. Francisco de Calheiros, Ministre plénipotentiaire, Chef du Bureau portugais

de la Société des Nations. Commandant Manoel Norton,

Commandant Fernando DE CARVALHO, Directeur des Phares. .

Commandant A. Lopes.

Commandant J. Monteiro, de la Direction du Service des Phares.

Commandant F. PENTEADO.

ROUMANIE:

Délégué: M. Alexandre Guranesco, Envoyé extraordinaire et Ministre plénipotentiaire

près le Président de la République portugaise.

SUÈDE:

M. Erik HAGG, Directeur général de l'Administration royale du Pilotage, des Délégué:

Phares et Balises.

URUGUAY:

M. Eduardo KAYEL, Ingénieur, Chef de la Section des Phares et Balises. Délégué:

YOUGOSLAVIE:

M. Vinko Maroevic, Chef de Section au Ministère des Communications. Délégué:

JAPAN:

M. Masato HATTORI, Engineer-in-Chief of the Imperial Lighthouse Service. Delegates:

M. S. Chiba, Secretary at the Imperial Legation to His Majesty the King of

Spain.

M. J. KOBAYASHI, Secretary at the Ministry of Communications. Secretary:

LATVIA:

Delegate: M. K. Purns, Head of the Hydrographic Section of the Marine Department.

THE UNITED STATES OF MEXICO:

Delegate: M. Octavio G. BARREDA, Consul at Lisbon.

MONACO:

Count C. J. H. DE BOBONE, Consul-General at Lisbon. Delegate:

NORWAY:

Delegate: M. Finn Koren, Chargé d'Affaires at Lisbon.

NEW ZEALAND:

Sir John G. BALDWIN, K.C.M.G., C.B.; and the other delegates of Great Britain and Northern Ireland and all Parts of the British Empire which Delegates:

are not separate Members of the League of Nations.

THE NETHERLANDS:

M. P. VAN BRAAM VAN VLOTEN, Engineer-in-Chief, Head of the Technical Delegates:

Service of Lights.

M. J. W. LANGELER, Inspector, Head of Division of the Navigation Service

of the Netherlands Indies.

POLAND:

Chief of the delegation: Commander Eugène Solski.

M. André Marchwinski, of the Ministry for Foreign Affairs.

M. Thadée Ziołkowski, Head of the Pilot Service of the Danzig Harbour Board. Expert:

PORTUGAL:

His Excellency Vice-Admiral Ernesto DE VASCONCELLOS. Delegates:

M. Francisco DE CALHEIROS, Minister Plenipotentiary, Head of the Portuguese

League of Nations Bureau.

Captain Manoel NORTON.

Commander Fernando DE CARVALHO, Director of Lighthouses.

Commander A. LOPES

Commander J. Monteiro, of the Central Lighthouse Service. Commander F. Penteado.

ROUMANIA:

M. Alexandre Guranesco, Envoy Extraordinary and Minister Plenipotentiary Delegate:

to the President of the Portugese Republic.

SWEDEN:

M. Erik HAGG, Director-General, Royal Administration of Pilotage, Lighthouse Delegate:

and Buoyage.

URUGUAY:

Delegate: M. Eduardo KAYEL, Engineer, Head of the Lighthouse and Buoyage Section.

YUGOSLAVIA:

M. Vinko MAROEVIC, Head of Section in the Ministry for Communications. Delegate:

Ont également pris part à la Conférence pour:

L'ADMINISTRATION DES PHARES DE L'ANCIEN EMPIRE OTTOMAN:

M. Jean Dodier, Inspecteur de l'Administration générale des Phares.

LA COMPAGNIE UNIVERSELLE DU CANAL MARITIME DE SUEZ:

M. Pierre Blanc, Chef du Service du Transit.

Ont participé à la Conférence à titre consultatif les organisations internationales suivantes:

ASSOCIATION INTERNATIONALE DES OFFICIERS DE LA MARINE MARCHANDE:

M. C. Goslinga, Secrétaire et deuxième Président de la « Vereeniging van Nederlandsche Gezagvoerders en Stuurlieden ter Koopvaardij ».

BUREAU HYDROGRAPHIQUE INTERNATIONAL:

Le capitaine de vaisseau L. Tonta, Membre du Comité de Direction du Bureau hydrographique international.

COMITÉ MÉTÉOROLOGIQUE INTERNATIONAL:

Le commandant F. Morna, Directeur du Service météorologique de la Marine portugaise.

CONFÉRENCE INTERNATIONALE DES ARMATEURS:

M. Philip Maurice HILL, Secrétaire adjoint de la Conférence internationale des armateurs.

LIGUE DES OFFICIERS DE LA MARINE MARCHANDE PORTUGAISE:

M. Luitz Leite SPENCER.

Qui se sont réunis à Lisbonne du 6 au 23 octobre 1930, sous la présidence de Son Excellence le vice-amiral Ernesto de Vasconcellos, de la Marine portugaise, assisté de M. R. Haas, Chef de la Section du Transit du Secrétariat de la Société des Nations, comme secrétaire général de la Conférence, et de M. J. Romein, de la même Section du Secrétariat, comme secrétaire général adjoint.

Les trois questions à l'ordre du jour de la Conférence, à savoir: balisage, signaux de port et signaux côtiers, et phares, ont été soumises chacune à l'examen d'une commission. La Commission du balisage a été présidée par M. P. van Braam van Vloten (Pays-Bas), la Commission des signaux de port et signaux côtiers par M. Erik HAGG (Suède) et la Commission des phares par M. George R. PUTNAM (Etats-Unis d'Amérique).

La Conférence a adopté un accord relatif que signaux marilier de la commission des phares par des conférence a adopté un accord relatif que signaux marilier de la commission des phares par M. George R. PUTNAM (Etats-Unis d'Amérique).

La Conférence a adopté un accord relatif aux signaux maritimes, un accord sur les bateaux-feu gardés se trouvant hors de leur poste normal, ainsi que des recommandations sur les caractères des phares et sur les radiophares.

La Conférence a adopté également une résolution sur les résultats de ses délibérations et la poursuite de ses travaux relatifs au balisage. Elle a, en outre, décidé d'émettre le vœu suivant:

« La Conférence,

« Constatant que l'expérience a montré que la gamme de longueurs d'ondes attribuée aux radiophares est insuffisante, notamment pour permettre de différencier d'une manière satisfaisante les émissions des radiophares entre elles et avec les émissions des postes analogues affectés à la navigation aérienne,

« Emet le vœu que lors de la prochaine revision de la Convention radiotélégraphique de 1927, la gamme des fréquences réservée aux radiophares soit augmentée de 20 kilocycles.»

· The following delegates also took part in the Conference:

FOR THE LIGHTHOUSE ADMINISTRATION OF THE FORMER OTTOMAN EMPIRE:

M. Jean Dodier, Inspector of the General Lighthouse Administration; and

FOR THE SUEZ MARITIME CANAL UNIVERSAL COMPANY:

M. Pierre BLANC, Head of the Transit Service.

The following international organisations were represented at the Conference in an advisory capacity:

INTERNATIONAL ASSOCIATION OF MERCHANT MARINE OFFICERS:

M. C. Goslinga, Secretary and Second President of the "Vereeniging van Nederlandsche Gezagvoerders en Stuurlieden ter Koopvaardij

INTERNATIONAL HYDROGRAPHIC BUREAU:

Captain L. Tonta, Member of the Governing Board of the International Hydrographic Bureau.

INTERNATIONAL METEOROLOGICAL COMMITTEE:

Commander F. Morna, Director of the Meteorological Service of the Portuguese Navy.

INTERNATIONAL SHIPPING CONFERENCE:

Mr. Philip Maurice Hill, Assistant Secretary of the International Shipping Conference.

PORTUGUESE MERCHANT MARINE OFFICERS' ASSOCIATION:

M. Luitz Leite Spencer.

Who met at Lisbon from October 6th to 23rd, 1930, with, as President, His Excellency Vice-Admiral Ernesto DE VASCONCELLOS, of the Portuguese Marine; and as Secretary-General, M. R. HAAS, Head of the Transit Section of the Secretariat of the League of Nations; and as Deputy Secretary-General, M. J. Romein, of the same Section of the Secretariat.

The three questions on the agenda of the Conference—that is to say, Buoyage, Port Signals and Coastal Signals, and Lighthouses,—were each examined by a committee. The Committee on Buoyage was presided over by M. P. VAN BRAAM VAN VLOTEN (The Netherlands); the Committee on Port Signals and Coastal Signals by M. Erik HAGG (Sweden); and the Committee on Lighthouses by Mr. George R. PUTNAM (United States of America).

The Conference adopted an Agreement concerning maritime signals, an Agreement concerning

The Conference adopted an Agreement concerning maritime signals, an Agreement concerning manned lightships not on their stations and recommendations on lighthouse characteristics and

radio-beacons.

The Conference also adopted a resolution on the result of its discussions and the pursuit of its work with regard to buoyage. It further decided to make the following recommendation:

"Whereas experience has shown that the band of wave-lengths assigned to radio-beacons is inadequate, particularly because it does not permit of satisfactory differentiation between the transmission of different radio-beacons and between those of maritime radio-beacons and of similar stations used for air navigation;

"The Conference expresses the hope that, on the occasion of the next revision of the Radio-telegraphic Convention of 1927, the band of radio frequences assigned for radio-beacons

will be increased by twenty kilocycles. "

ALLEMAGNE GERMANY
Gustav Meyer

ÉTATS-UNIS D'AMÉRIQUE

G. R. PUTNAM

UNITED STATES OF AMERICA

AUSTRALIE

AUSTRALIA

John BALDWIN

AUSTRALIA

BELGIUM F. URBAIN

GRANDE-BRETAGNE GREAT BRITAIN

ET IRLANDE DU NORD AND NORTHERN IRELAND

ainsi que toutes parties de l'Empire britannique non membres séparés de la Société des Nations.

and all parts of the British Empire which are not separate Members of the League of Nations.

John Baldwin.

BRÉSIL

F. Xavier da Costa

CANADA

J. G. Macphail

CHINE

L. Tweedie-Stodart.

L. R. Carrel

CUBA CUBA

CUBA
Arturo Loynaz del Castillo

DANEMARK SINDING.

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ESTONIE

T. GUTMAN

ESTONIA

FINLANDE

Sakari TAINIO. FINLAND

FRANCE
P.H. WATIER
A. DE ROUVILLE
FRANCE

J. SAILLANT

| GRÈCE | D. Rasi-Kotsicas | GREECE |
|------------------|--|-----------------|
| INDE | Edward HEADLAM. | INDIA |
| ISLANDE | Th. KRABBE | ICELAND |
| ITALIE | PERIANI Pietro Dom. G. BIANCHERI; Aristide LURIA Luigi SPALICE | ITALY |
| JAPON | M. HATTORI S. CHIBA | JAPAN |
| MAROC | A. DE ROUVILLE | MOROCCO |
| MEXIQUE . | O. G. BARREDA. | MEXICO |
| MONACO | Comte C. J. H. DE BOBONE. | MONACO |
| NORVÈGE | Finn Koren | NORWAY |
| NOUVELLE-ZÉLANDE | John Baldwin. | NEW ZEALAND |
| PAYS-BAS | P. van Braam van Vloten. Langeler. | THE NETHERLANDS |
| POLOGNE . | ' Sołski | POLAND |
| PORTUGAL | Ernesto de Vasconcellos Manoel Norton | PORTUGAL |
| ROUMANIE | Alex. Guranesco | ROUMANIA |
| SUÈDE | Erik HÄGG | SWEDEN |

TUNISIE

A. DE ROUVILLE

TUNIS

YOUGOSLAVIE

MAROEVIC

YUGOSLAVIA

ASSOCIATION INTERNATIONALE DES OFFICIERS DE LA MARINE MARCHANDE INTERNATIONAL ASSOCIATION OF MERCHANT MARINE OFFICERS

. C. Goslinga

BUREAU HYDROGRAPHIQUE INTERNATIONAL

INTERNATIONAL HYDROGRAPHIC BUREAU

TONTA

CONFÉRENCE INTERNATIONALE DES ARMATEURS

INTERNATIONAL SHIPPING
CONFERENCE

P. Maurice HILL

Copie certifiée conforme.

Certified true Copy.

Pour le Secrétaire général:

For the Secretary-General:

Conseiller juridique du Secrétariat.

Legal Adviser of the Secretariat.

Official No.: C.C.T./A.C./1st Session/P.V. (Revised).

Geneva, October 20th, 1930.

LEAGUE OF NATIONS

Organisation for Communications and Transit

AIR TRANSPORT CO-OPERATION COMMITTEE

MINUTES OF THE FIRST SESSION

Held at Geneva, from July 8th to 12th, 1930.

The Committee was composed as follows:

Professor L. DE BROUCKÈRE, Senator of the Kingdom of Belgium (Chairman).

- M. Fisch, Geheimer Regierungsrat at the German Ministry of Communications.
- M. Emile Allard, Director of the Belgian Technical Air Service; Professor at Brussels and Liège Universities.
- M. Ricardo Ruiz Ferry, Vice-President of the International Aeronautical Federation; Representative of the Press Association in the Spanish Central Air Board.
- Mr. John Jay Ide, Technical Assistant in Europe, National Advisory Committee for Aeronautics, United States of America.
- M. Emmanuel Chaumié, Director of Mercantile Aviation at the French Air Ministry.
- M. Louis HIRSCHAUER, Chief Engineer in the French Air Service.
- Sir W. Sefton Brancker, Director of Civil Aviation of the Air Ministry of Great Britain.
- M. Manlio Molfese, Chief of Civil Aviation at the Air Ministry of the Kingdom of Italy.

General Atsushi Kaba, Japanese Delegate on the International Commission for Air Navigation.

- M. Shimao Iwai, Secretary at the Japanese Ministry of Communications.
- M. Emile Th. DE VEER, Director of the Netherlands Air Service.
- Colonel Janusz DE BEAURAIN, Chief of the Institute of Aeronautical Studies of the Polish General Staff.
- Lieut.-Col. C. FILIPOWICZ, Chief of the Civil Aeronautics Section of the Polish Ministry of Communications.
- M. Tord Knutsson Angström, Civil Engineer; Member of the Swedish Central Air Department.

Colonel Arnold Isler, Director of the Swiss Federal Air Office.

- 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.

Secretary:

M. R. HAAS, Secretary-General of the Communications and Transit Organisation.

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FIRST MEETING.

Held on Tuesday, July 8th, 1930, at 11 a.m.

Chairman : M. DE BROUCKÈRE.

Present: All the members of the Committee, except Mr. John Jay Ide, replaced by Mr. James W. RIDDLEBERGER, Vice-Consul of the United States of America at Geneva, as an observer.

The following attended in an advisory capacity:

- M. A. ROPER, Secretary-General of the International Commission for Air Navigation; as well as the following Rapporteurs:
 - M. Henri Bouché, Director of l'Aéronautique, Paris;
 - M. Salvatore Cacopardo, Chief of Section at the Air Ministry of the Kingdom of Italy;
 - Dr. Hans Oppikofer, Professor of the Faculty of Law; Director of the Institute of Aerial Law at Königsberg.

Secretariat: M. R. Haas (Secretary-General of the Communications and Transit Organisation, acting as Secretary of the Committee), M. J. Romein, M. J. Metternich and Mr. L. C. Tombs (Members of the Communications and Transit Section).

Chairman's Address.

The CHAIRMAN welcomed the members of the Committee and read out, in view of their importance, the communications received by the Secretary-General of the Communications and Transit Organisation from General I. Balbo, Dr. Hugo Eckener and Colonel Charles A. Lindbergh. (See document C. 339. M. 139. 1930. VIII, pages III to VIII.)

II. Communications by the Secretary.

The SECRETARY OF THE COMMITTEE said that, at the last moment, Mr. Ide had been prevented from coming to Geneva; in his absence, the United States Vice-Consul at Geneva was attending the meeting as an observer.

The Secretary of the Committee reminded the Committee that he had circulated a Note (see Annex 1) containing a summary of the events which had led up to the present meeting. In reality, its origin was twofold. In the first place, the Preparatory Committee for the Disarmament Conference, on the proposal of a Committee of Experts on civil air questions, had, in 1927, raised the problem of the conclusion of economic agreements between civil air-transport undertakings and had submitted a resolution on this subject to the Assembly. The Assembly had then asked the Council to have this question studied by the competent organs of the League. One of the Committee's chief aims must, therefore, be to examine how far closer international co-operation between civil air-transport undertakings could benefit the latter. In the second place, independently of the Assembly's resolution, the last Conference on Communications and Transit held at Geneva in 1927, had had to consider a proposal by the Swiss delegation aiming at better international organisation of aviation, particularly by co-ordination between the different organisations dealing with air navigation. The question was referred to the Communications and Transit Committee, which had thought that the Air Transport Co-operation Committee could examine the question. Since then, the situation had slightly changed. It would be for the Committee to see whether it was expedient or not to recommend certain measures likely to increase the efficiency of international organisations, or whether it thought that all that could be done in this sphere had already been done.

From the outset, a distinction must therefore be made between two points on the Committee's agenda:

First point: Examination of the present situation from the point of view of the international organisations dealing with air navigation. The Committee would have to decide whether this question should be gone into thoroughly or not.

Second point: How far could an agreement between Governments and between air-navigation

undertakings promote the economic development of this navigation?

The Secretariat had thought that it was particularly this part of the agenda which deserved careful preparation. It had, therefore, asked certain experts to submit various studies regarding the economic and administrative situation of air navigation. It had also thought it necessary to submit a table of the present legal situation of civil aviation. This table would teach the members of the Committee nothing new, but would be useful for purposes of reference.

Lastly, the Preparatory Disarmament Conference had asked for an enquiry into the relations between civil and military aviation. As regards this point, the Chairman of the Transit Committee had considered that it was not for the Committee to study the specifically military problem. It was a fact, however, that the development of civil aviation and its mode of organisation had been influenced by national considerations of a general nature which, in certain cases, might be regarded as military considerations. That was why the Transit Committee had asked for a study of the relations between civil and military aviation.

In reading these studies (document C.339.M.139.1930.VIII), the members of the Co-operation Committee would have seen that the choice of the experts to which they had been entrusted had been based on no preconceived idea. The studies were signed by their authors and had been prepared on the latters' own responsibility. The fact that on certain points there was definite disagreement between the different memoranda was a proof of the complete liberty which had

been left to the authors.

III. General Discussion.

The CHAIRMAN thought that the fact that there was as yet no international public law on air navigation showed that much still remained to be done to ensure satisfactory co-operation between civil air-transport organisations. In order that the Committee might gain a clear idea of the scope of its work, he thought it would be useful to have a statement of the situation as regards international conventions relative to air navigation. As regards the question of the relations between civil and military aviation, it only concerned the Committee in so far as the development of military aviation might assist or hamper civil aviation.

The Chairman began by opening the general discussion on the position as regards international

conventions.

M. ROPER said that he had been very glad to hear the three statements of General Balbo, Dr. Eckener and Colonel Lindbergh, which all bore witness to the necessity of international cooperation in aeronautics. This idea was certainly a familiar one to all the members of the present Committee, and one to which they attached great importance. For a long time past, it had been clear that either aviation would be international or it would cease to exist. To ensure this international development, both Governments and private individuals must come to agreements among themselves.

In response to the Chairman's desire, M. Roper then proceeded to make a statement of the

situation as regards international conventions.

As early as 1910, the Congress of Verona had pronounced in favour of an international convention. A Conference was summoned for this purpose and endeavoured to draw up a draft convention but, unfortunately, with no success. Nevertheless, bilateral conventions were soon negotiated,

notably the Franco-German Convention of June 1913.

Then the war broke out, and there was no further question of civil aviation. When the war was over, the idea of international co-operation once more came to the fore. A few weeks after the Armistice, the aeronautical experts at the Peace Conference proposed the creation of an Air Commission. This Commission was not, properly speaking, international, as it only included experts of the Allied and Associated Powers. No neutral or ex-enemy State was represented. This Commission endeavoured to work on an impartial basis and made a genuine effort to establish rules applicable to every country. The Convention which it elaborated in the course of a few months was signed on October 13th, 1919. Nevertheless, ratifications were received rather slowly, and it was not until three years later, in July 1922, that it was put into force. Fourteen ex-Allied Powers, and also Persia, were parties to the Convention.

Immediately after the signature of the Convention, the experts of the former neutral States

(Switzerland, Denmark, Netherlands, Sweden, Norway) met at Copenhagen to examine the text and proposed certain modifications. The International Commission for Air Navigation (C. I. N. A.) created in virtue of the 1919 Convention, recognised the justice of the observations submitted by the neutral States and introduced into the Convention the modifications necessary to give them satisfaction. Thereupon Sweden, Denmark, and the Netherlands acceded to the Convention. Such was the situation when the third General Conference on Communications and Transit met at

Geneva in 1927.

At this Conference, M. Herold, the delegate of Switzerland, pointed out that the international organisations dealing with air navigation were very numerous, perhaps too numerous, and he asked the League of Nations if it could not take steps to remedy this state of affairs. M. Roper thought, however, that the multiplicity of international organisations was more apparent than real; in any case, the situation had not changed much since, as could be seen by a careful examination of Government organisations, conferences of officials, and private organisations.

The Government organisations, apart from the League of Nations and the Pan-American Union, were two in number: the Conference on Aerial Private Law and the C. I. N. A., the former

dealing with private law and the second with public law in regard to air navigation.

The Conference on Aerial Private Law was founded in October 1925. When the French The Conference on Aerial Private Law was founded in October 1925. Government thought it necessary to prepare a convention on aerial private law, dealing more particularly with the responsibility of transport undertakings, it thought of applying to the C. I. N. A., for the preparation of this convention. But, at that time, the C. I. N. A. comprised only twenty-one States, and a conference held under its auspices would therefore have left out the exenemy States and a large number of neutral States. The French Government wished, however, to convene a world conference, and frankly stated its wish to the C. I. N. A. The latter replied that it regarded itself as competent in the matter, but that it understood the reasons of expediency for which it was thought preferable not to entrust it with the task of preparing a

convention on private law, and requested the French Government to summon the Conference on Private Law, placing its Secretary-General at the latter's disposal. Forty-eight States were represented at this Conference, as a result of which a Convention was concluded. This Convention was revised at a second Conference held last year at Warsaw.

It was clear from the above that there was not an excessive multiplicity of Government organs. The only simplification which could be introduced would be the amalgamation of the Conference on Private Law and the C. I. N. A., but this hardly seemed expedient in view of the fact that eight or ten States parties to the Convention on Private Law had not acceded to the Convention of 1919 on Air Navigation.

As regards conferences of officials, they were only intended to have a provisional character; the first was the Anglo-Franco-Belgian Conference held in 1919 to enable the Government officials of the three countries to settle a number of questions connected with the efficiency of the air services. When the questions within the competence of this Conference were submitted to the C. I. N. A., the members of the Commission representing non-European States said that these questions did not concern them. The meetings were therefore resumed; the Conference now included the officials of eight countries of Western and Central Europe. It had adopted important regulations, notably regarding international wireless services, and it often served as a field of experiment for the C.I.N.A.

The first Mediterranean Conference, comprising officials of Italy, France, and Spain, met at

Marseilles last month, and he need hardly emphasise its value.

Lastly, the private organisations each had a separate and definite programme. The International Air Federation was supreme as regards sporting activities, the establishment of records, etc. The International Air Traffic Association was an association of European operating companies for the purpose of examining questions of tariffs, time-tables, etc. The International Chamber of Commerce represented air-navigation undertakings and must obviously be allowed to deal with air-transport questions.

Lastly, congresses had been organised by Governments, such as the Hague Congress which to be held in September 1930. Governments had a perfect right to convene these congresses, was to be held in September 1930. which did useful work. It might, however, be possible to hold them less frequently, because if

there were too many they would be of no value.

The C. I. N. A. had been asked to revise the 1919 Convention. It was only to be expected that a Convention, concluded at a time when civil air navigation did not yet exist, should need to be revised at the end of ten years. In this comnection, it might be said that, on the whole, the authors of the Convention had foreseen very clearly the lines on which civil air navigation would develop and the regulations which would be necessary. Nevertheless, it was essential to take into account the new political situation. In 1928, Dr. Wegerdt—a high official in the Communications Ministry at Berlin—drew up a full report on the situation and the changes which were desirable. After this report had been published and approved by the German Government, the C. I. N. A. held an extraordinary session in June 1929; this actually took the form of a Conference to which all countries had been invited. Seventeen States, which were not yet parties to the 1919 Convention, had been represented at the Conference. This procedure was somewhat different from that proposed at Rome by His Excellency M. Giannini, who had advocated the convening of a diplomatic conference. The solution adopted, however, had appeared to be the best, as it had

been feared that a diplomatic conference would be a somewhat clumsy instrument.

The extraordinary session of the C. I. N. A. had been completely successful. A general Protocol had been adopted and signed by all the delegates; only the American delegation had made certain reservations on points which were inconsistent with the internal constitution of the United States of America. That Protocol had already been ratified by France, Denmark, the Saar and Portugal, and other ratifications would no doubt follow shortly. The British Empire was to ratify in a few week's time, and its ratification would probably lead to others. On signing the Protocol, Germany had added that its final assession depended on certain questions which were not within the competence of the C. I. N. A. and were at present being dealt with by the Conference of Ambassadors (aerodromes in the demilitarised zone, control of aerodromes for tourist

In addition to this general Convention there were two other Conventions; the Ibero-American Convention and the Pan-American Union Convention. The Ibero-American Convention was the outcome of a Conference convened at Madrid in 1926 by the Spanish Government and was based on the 1919 Convention. There was no substantial difference between the two, except as regards equality of treatment between States. That difference would be done away with when the questions at present outstanding before the Conference of Ambassadors had been settled.

It was not surprising that, at the Havana Conference in 1928, the Pan-American Union should have drawn up a Convention differing to some extent, but not fundamentally, from that of October 13th. M. Roper thought that this Convention, which would become a regional one through the accession of the United States of America to the 1919 Convention, might be maintained. In any

case, it would not prevent ratification of the 1919 Convention.

The CHAIRMAN said that M. Roper's explanations showed that each of the existing international organisations had its own particular work to do, and that the only change which could be effected would be to make international congresses less frequent.

As regards unification, the position was encouraging. In this connection, he would ask the members of the Committee whether they thought that important ratifications which had not yet

been obtained would be forthcoming in the near future.

The SECRETARY OF THE COMMITTEE wished to point out that, in replying to that question, the members of the Committee would not bind their respective Governments. It would, however, be helpful if members belonging to countries not parties to the 1919 Convention would, as far as possible, state their views as to the future.

M. Roper said that he had based his hopes on the declarations made at the Conference in June 1929. On reading the Minutes of that Conference, they would see that the Spanish delegate, General Sorriano, said that, if the changes proposed were finally accepted by all Governments, there would be no need to maintain two Conventions: the Ibero-American Convention and the Convention of the C. I. N. A.

M. Ruiz Ferry said that Spain had not changed its views since General Sorriano's declaration, but there were certain difficulties in the way of ratification owing to the fact that Spain had no Parliament at the moment.

He then asked M. Roper whether it was not true that certain American countries were parties both to the C. I. N. A. Convention and the Convention of the Pan-American Union.

M. Roper replied in the affirmative.

M. FISCH associated himself with the Chairman of the Committee in expressing the hope that there would soon be a common law relating to air navigation for all countries of the world, but he reminded the Committee that this was not one of the essential questions in the Committee's programme. Its primary task was to find a means of increasing international co-operation between air undertakings.

The Chairman agreed that the question of public air law was a secondary matter, but pointed out that any progress in international air law was bound to remove some of the obstacles in the path of economic co-operation between the various countries.

M. DE VEER stated that, owing to the wording of paragraph 4 of the new Article 15, serious difficulties had been raised in the Netherlands by Parliament and the parties concerned in regard to the ratification of the 1929 Protocol. That article restricted freedom of navigation. Under its terms, air-navigation companies were entirely dependent on the goodwill of the individual States, which might give one company authorisation to fly over its territory and refuse such authorisation to another. A national company or a company of an allied country could be protected. The article might prejudice the development of the great lines by requiring that the service from frontier to frontier should be effected by a national company, and even that passengers and goods should be assigned to it for conveyance by its national means of transport.

The Netherlands considered that that was an undesirable position and that such an article was not consistent with the object of the Convention, which was primarily to promote all forms of commercial air transport. In its memorandum on the draft law for the ratification of the Protocol of June 1929, the Netherlands Government had accordingly stated that the solution given in Article

15 (4) was very unsatisfactory.

At the Conference in June.1929, certain speakers had suggested complete freedom. That solution had naturally been rejected, seeing that freedom had to be restricted on logical grounds, such as the security and the public order of the individual State. As that proposal was turned down by twenty-seven votes to four, it was then suggested to allow freedom, subject to refusal of authorisation on reasonable grounds. That wording, which was too vague, had been rejected by eighteen votes to thirteen. The speaker felt that if a properly supported and very clear proposal had been put forward, the decision would have been different. He therefore suggested that the present Committee and the Committee for Communications and Transit should study the position and if they saw no difficulties in the way, should ask the C. I. N. A. to consider a more satisfactory and clearer wording.

Colonel ISLER said that Switzerland was about to accede to the 1919 Convention, and he hoped that by 1931 the Convention would have been ratified by all the States which had signed it. In view of the situation, he proposed that the Committee should wait a year before undertaking a thorough examination of the present position of public air law. He also wished to refer to a part of the proposal submitted by the Swiss delegation in 1927 and to request the Committee to see whether the international organisation of air navigation could be simplified in any way.

M. Roper had shown that the various Government or private organisations were doing good work. Each was, however, working independently of the others. It often happened that one organisation wished to know what was being done by another but could never be sure of obtaining that information. Thus, when the International Air Conference of Zurich, held in 1929, wished to deal with the question of salvage at sea, it had discovered that several organisations were concerned with that question. It had been obliged to get into touch with those organisations to find out whether they would agree to the Air Conference dealing with the matter, or with certain aspects of it, as well. That was one example out of many. Unless greater unification were effected, the progress of civil air navigation would be retarded.

M. FISCH said that M. Roper had explained the position of Germany very clearly. He need only add that his country's ratification was subject to certain conditions over which it had no control

Sir W. Sefton Brancker said that, personally, he agreed with M. de Veer, who thought that freedom of air navigation was restricted to some extent by the changes in Article 15, made in 1929. The British delegation, with the support of Sweden, the Netherlands and the United States of America, had proposed that each country should have full freedom to establish airways in its territory, but that once those routes had been determined, all signatories should be free to fly over them just as ships were free to follow their course from port to port at sea.

He was convinced that, in regard to commercial air navigation, satisfactory results could be obtained only if freedom were allowed. Unity of control was necessary for the chief lines in order to ensure punctuality andto reduce expenditure to a minimum. He added that, in Great Britain, special importance was attached to that question.

M. ROPER pointed out that the discussion had touched on several questions.

In the first place, the Chairman had asked whether it was to be expected that the Convention of October 13th, 1919, amended in June 1929, would be ratified by all countries. In regard to that question, all the hopes which they had formed in 1929 had been confirmed.

Then M. de Veer had dealt with a very important problem relating, not to the number of ratifications, but to the contents of the Convention. He had said that the alteration of Article

15 made in 1929 had restricted the scope of the Convention.

He was not of the same opinion. The old Article 15 had one great defect; it was not clear.

Moreover, it was imperative. It stated that: "The establishment of airways shall be subject ...", while the new article provided that: "Every contracting State may make conditional ...". Consequently, the new text afforded States which desired to accord a liberal regime every facility to do so. In short, the 1919 Convention, as amended, offered the contracting States definite advantages without requiring any sacrifices. It should also be noted—see Article 1 of the Convention—that no State had renounced its sovereign rights. That was doubtless due to the fact that, since the world war, Governments had had an acute sense of their responsibility in regard to national defence. The absolute freedom of the air involved much greater risks than the freedom of the seas. In Article 2, however, States had undertaken in time of peace to accord freedom of innocent passage above their territory to aircraft of all nationalities, but, frightened at what they had done, they had done, they had done at the state of the st they hedged this clause round with so many restrictions that there was practically no freedom left. He was convinced, however, that, if a diplomatic conference were summoned to revise the Convention of June 1929, that conference would maintain Article 15 by an overwhelming majority.

He also thought that Colonel Isler was right in saying that it would be better to wait a little

before undertaking a thorough investigation of the position of public air law.

M. Chaumié thought that public air law was tending to become protectionist and nationalist. There was no doubt that the amendments requested by certain countries had led to the adoption of a restrictive text and one that savoured of particularism. He was not in agreement with M. Roper on that point, and held a different view as to the scope of Article 15.

That policy was dictated by conditions of military safety and by the desire to do away with certain subsidies. At the present time, air navigation was able to exist only with the help of the taxpayers' money, and each country, by protecting its transport companies, was protecting its own budget. That state of affairs would disappear shortly; Governments would abandon this bargaining policy and a public law which could be regarded as only transitory.

The CHAIRMAN thought that it would not be possible for the Committee to reach definite conclusions on the matter until it had examined the main question on its agenda. He proposed, however, that the general discussion should be continued.

The proposal was adopted.

SECOND MEETING.

Held on Tuesday, July 8th, 1930, at 3.30 p.m.

Chairman: M. DE BROUCKÈRE.

Present: All those present at the preceding meeting.

IV. General Discussion (continued).

The SECRETARY OF THE COMMITTEE, at the request of the Chairman, gave a summary of the questions discussed during the previous meeting. The first question raised had been that of public law in regard to air navigation. The Committee seemed unanimously of opinion that it would be desirable for one single system of public law to apply in as many States as possible. The question had opinion whether an effort should be made to obtain an annual possible. The question had opinion whether an effort should be made to obtain an annual possible. tion had arisen whether an effort should be made to obtain as many accessions as possible to the revised version of the 1919 Convention. According to the statements made during the previous meeting, there was reason to hope that they could arrive at this result in spite of the difficulties mentioned. Colonel Isler had proposed that they should, for the moment, confine themselves to taking note of the declarations made, and should wait a year before studying the question of public law in regard to air navigation.

The Committee next examined an entirely different question, which arose in relation to the Swiss proposal of 1927. In his statement, M. Roper had made clear the respective characteristics and powers of the various organisations existing at the present time. Each of them had a very definite rôle. The Committee was of opinion that there was no need to call for an alteration in this state of things. M. Roper had referred to the Conference on Private Law in Air Navigation. The Secretary of the Committee drew attention to the fact that here, as in other fields—in that of maritime navigation, for instance—the same distinction existed between the organisations dealing with private law and those dealing with public law. No difficulties had arisen as a result of that situation. Nevertheless, even if it were agreed that the various existing organisations were all working in a satisfactory manner, it had been suggested as perhaps advisable to set up an office which would to some extent play the rôle of clearing-house between the various organisations.

Thirdly, as regards the revised 1919 Convention, the question of freedom of navigation for regular lines had been raised. The Committee had decided to reserve consideration of that question until after having examined the economic development of air navigation. It would be of great interest to enquire into the possibility of a statute for air lines. Such a statute might be considered not only from the point of view of air navigation itself, but also from that of liaison with other means of transport. That basic question was most important and might be taken up again after the discussions on international co-operation and economic development.

M. Molfese said that he had carefully followed the explanation of the method that the Committee was to adopt for its work. He had listened with much interest to the views of the Secretary-General of the C. I. N. A. as to the unification of some of the organisations which dealt with various aspects of air navigation. He had expected that a careful enquiry would be conducted into the important questions raised in the reports which had been circulated to the Committee, particularly the economic position and the administrative and legal situation of air navigation. He had also hoped that the relations between civil and military aviation would be discussed in detail.

He had therefore been somewhat surprised to hear M. de Veer refer once more to Article 15 of the Convention of October 13th, 1919. M. Molfese did not think that any purpose would be served by repeating the reasons by which the existence of Article 15 was justified. That article had been thoroughly discussed, in its proper place, in June 1929, and in that discussion, not only the representatives of States which had acceded to the International Convention, but also delegates of States which had not acceded had taken part. Article 15, as it stood at present, had been approved by States much more numerous than those represented on the Committee. The conditions of equality which it provided for made it possible for the civil aviation undertakings of the small Powers to develop, by enabling them to establish themselves in future on conditions of equality with those of the greatest Powers—and equality was the true basis of any real collaboration.

In order to make such collaboration possible, and to ensure that due consideration would be paid both to States not represented on the Committee and to the C. I. N. A., M. Molfese hoped that the Committee would not return to that question, since it was not competent to deal with it. Indeed, any discussion on the matter might lead to disagreement, instead of promoting the co-operation that the Committee was expected to create in regard to very important questions which did not fall within the province of the C. I. N. A.

The Chairman replied that the limits of the competence of the Committee were a little difficult to define. It was somewhat premature to decide whether the more or less extensive permission given to companies to fly over various countries did or did not promote international co-operation. The Chairman proposed that the Committee should adopt the following method of work: it might first have a general discussion on the present position of international legislation concerning aviation. It could then take up the question of the relations between civil and military aviation, and the Secretary should take note of the various suggestions on that matter which might be submitted. Lastly the Committee might examine the reports and then carefully consider M. Molfese's statement.

M. PITTARD pointed out that the Committee could not exactly define the object of its work. An exchange of ideas between its members, assisted by the expert knowledge of the Secretary of the Committee, was necessary.

Should the Committee think a discussion of the Convention of 1919 advisable, such a discussion should not be confined to Article 15. For instance, M. Pittard himself did not accept the theories of the sovereignty of the State and the nationality of aircraft; but he thought it was not necessary to undertake an examination of those questions.

There was, however, one other point with regard to which he was laying a draft resolution before the Committee. In December 1919, immediately after the conclusion of the Convention of that year, the Danish Government convened a meeting of all ex-neutral States not acceding to the Convention and having similar interests, to consider the text of the Convention. A more or less complete examination was carried out, and the C.I.N.A. had taken account of the desires expressed on that occasion. It would appear desirable to endeavour in future to obtain much closer co-ordination between the work of the various organisations dealing with questions of air navigation. Those organisations included a large number of legal committees whose decisions were not always in accord with each other. All members of the Committee desired to further the progress of air navigation by every possible means; for that reason, M. Pittard's draft resolution suggested that the creation of an organisation for co-ordination should be placed on the programme of the Committee. Perhaps the time had not yet come to take a decision on the point. M. Pittard asked that his proposal should be taken into consideration with a view to examination later.

General KABA laid stress on the importance of the question of freedom of flight over the territory of various States, a question which had already been discussed at length at various meetings of all kinds.

As regards the unification of existing organisations, General Kaba pointed out that those organisations had largely contributed to the development of world navigation and were still of use for the future. He thought, therefore, that they should be maintained and should remain autonomous, but that means for ensuring the co-ordination of their work should be investigated.

The CHAIRMAN suggested that the Committee should take up the second question, that of the relations between civil and military aviation. General Groves had drawn up a report on that question which had been circulated to the members of the Committee (second part of document , Ĉ. 339. M. 139. 1930. VIII).

M. Sondermayer drew attention to the fundamental difference between the view of General Groves, who thought that commercial aviation with a large carrying capacity was always equivalent to a weapon of war, and that of M. Oppikofer, who said that that was only true in cases in which civil aircraft were accompanied by fighting planes. M. Sondermayer thought that the Committee might go further into the question.

The CHAIRMAN said that it would be difficult for the Committee to arrive at a conclusion on that point, seeing that all its members represented civil aviation. He thought, furthermore, that certain confusion had arisen. It was not for the Committee to decide whether large aircraft might or might not have a military value. The question before the Committee was the following: Since the danger existed that civil aviation might be capable of being transformed into military aviation, to what extent could that danger be reduced?

The Chairman thought that if complete freedom were given to the development of civil aviation the differences between the types of commercial and military aircraft would certainly continue

to increase, and the difficulty of transforming material would therefore become greater.

M. FISCH thought that General Groves' report on the relations between civil and military aviation should be communicated to the Preparatory Disarmament Commission. The Committee, he thought, should leave military questions aside and confine itself to discussing the means of facilitating international air navigation and improving its economic situation.

Sir W. Sefton Brancker agreed with M. Fisch. Nevertheless, he thought the Committee must admit that, however great the differences which might develop between the types of commercial and military aircraft, a first-class civil air fleet could always be used for military purposes. An engine, for instance, must be regarded as a weapon of war. A civil aircraft could be transformed comparatively quickly into a military aircraft, but it took several years to produce a new type of engine.

Nevertheless, Sir W. Sefton Brancker agreed with M. Fisch that it was needless for the Committee to take up the study of this problem, which it was perhaps impossible to solve.

M. Sondermayer was afraid that if all delicate questions were set aside, on the pretext that the Committee was not competent to deal with them, the Committee would have nothing left to

General KABA pointed out that the relations between civil and military aviation had already been carefully studied. The Brussels Committee of Experts, set up by the Preparatory Disarmament Commission, had passed certain interesting resolutions on the subject, and the Preparatory Disarmament Commission itself, at the end of its sixth session in the previous April, had taken certain important decisions and would continue its work in December.

General Kaba wondered whether an examination of the question by the Committee would

have any results worth consideration.

M. Fisch said that the Brussels Committee of Experts had declared that the development of civil aviation ought not to be hampered for military reasons. He thought the Committee might make that decision its starting-point.

The CHAIRMAN noted that there were two currents of opinion in the Committee. Certain members thought that a discussion of the relations between civil and military aviation would be useless and even dangerous, while others held that it was the Committee's duty to undertake such a discussion.

He declared the general discussion closed, and asked the Committee to proceed to consider the best means of developing co-operation between civil air fleets.

V. Summary by M. Bouché of his Report, entitled: "Present Economic Conditions of Civil Air Navigation" (first part of document C.339.M.139.1930.VIII).

M. Bouché desired very briefly to summarise a document, submitted for discussion, which the members of the Committee had before them. He had endeavoured, at the Committees request, to show the real economic position of the world's air transport services so as to suggest practical conclusions. The last chapter of the report (Chapter IV) contained these conclusions. He did not claim them as his own; his main concern had been to give definite shape to ideas and suggestions which were, to some extent, common property. At the same time, he was anxious that it should be recognised that such ideas and suggestions would naturally be prompted by the statement of the facts presented in the first three chapters of the report.

The first chapter made clear, by means of figures which showed both absolute and relative values, the place that commercial air navigation had secured in the world. He cited a few examples.

During 1929—twenty years after Blériot's feat—over 48,000 passengers had crossed the English Channel by air, while the goods imported or exported through Le Bourget aerodrome represented Customs receipts of more than 500 million French francs, to which must be added the 3,321 millions worth of gold imported by air.

Again, in 1929, the commercial aeroplanes and seaplanes of the seven chief air Powers had covered 66 million kilometres — a distance equal to 1,650 times round the earth. Over the 200,000 kilometres of airways in the whole world, 620,000 passengers and 15,000 tons of freight were

transported in accordance with fixed time-tables.

These figures were striking. They were, however, still very small when compared with the

figures for longer established means of transport.

Aeroplanes were still an almost negligible quantity as regards the development of the world's resources. Still less had they made their influence felt, not merely in trade, but in the ordinary man's daily life. In the United States of America, there was a motor-car for every four inhabitants and an aeroplane for every 12,000; in Europe, there was less than one aeroplane for every 100,000 inhabitants.

The reason was that aeroplanes were still very far from having accomplished all that was expected of them. Neither their speed for commercial purposes, nor their regularity, safety, nor

working costs were as yet satisfactory. Chapter II sought to establish this.

Speed was clearly the aeroplane's chief asset. It was, however, only secured through the observance of such exacting technical conditions, and of technical principles of such a nature, that, when sacrifices, such as public services require, were made in the interests of safety, the speed of aeroplanes for practical commercial purposes was very different from their theoretical speed. In the case of most European airways of less than 1,800 kilometres, there was not as yet any advantage, if the time saved was the only consideration, in travelling by aeroplane over routes for which there were excellent services of express trains, running both by day and night; for, by spending a night and a day in a comfortable Pullman car, the traveller reached his destination at the same time as if he had gone by aeroplane, flying only by day. There were, of course, night air services, but their safety was usually ensured at the cost of regularity. Except in the case of a few short experimental routes, which had been opened over countries in which flying conditions were easy and economic life highly organised — and in which such routes were consequently of little value — a reasonable measure of safety in air traffic by night could not yet be guaranteed. This being so, aeroplanes lost by night the ground that they gained by day. If the journey they had to make were one of less than 800 or 1,000 kilometres, it was quite clearly better for very busy men — men whose time was precious — to spend the evening, night and early morning in travelling, the time when aeroplanes offered them unsatisfactory services or no service at all. and express goods traffic was concerned, the question was different and the Committee would deal with it later but the general principle held—namely, that from the commercial point of view speed was no consideration in itself, while the services rendered by speed were all-important.

The statistics of the regularity of air transport services were most impressive. They showed between 90 and 99 per cent, or even 100 per cent, of journeys up to time. The best managed railways could not do as much. The reason was that in France, for instance, a train was regarded as late if it arrived at the terminus more than a miute after the hour stated in the time-table, whereas an aeroplane was regarded as up to time if it reached its destination" within twice the time stated in the time-table". This definition of regularity was, moreover, the strictest; in most European countries, and also in the United States of America, a journey by air was regarded as "up to time" if the aeroplane completed a fixed stage" within the day on which it set out on the stage". Within these very generous limits, the regularity of aeroplane services was steadily improving, but it was still slight. Still less was there real punctuality or a really permanent guarantee of service, for aviation was closely dependent upon atmospheric conditions and — more

generally-upon the season.

Reasonable safety had not yet been achieved. The official particulars consulted in drawing up the report showed that passengers by air run a "risk of death" 1,060 times greater than passengers by railway, and a "general risk of accident" 160 times greater. It had also had to be recognised in the report that, in most cases, the proportionate risk in air travel remains practically stable. This was due to extended services—in respect both of distance and time—which were perhaps over-ambitious, and which involved additional risks to offset the advance that had unquestionably

been made in " technical guarantees " of safety

As to working costs, these were still very high, and there would be no question of lowering them by foregoing any particular feature of aeroplanes (which needed to the full all the advantages that they had). There might perhaps be some improvement as a result of aviation on a very big scale, through the use of much larger machines than at present, but, even so, the regularity and safety of such aeroplanes, and the services rendered by them, must be sufficiently real and patent to secure a larger number of passengers, without which very larger aeroplanes would only mean greater waste.

The conditions being still so precarious, aeroplanes competed but feebly with—and did not cause the least anxiety to—the European railways with their fast and frequent services, which, moreover, were capable of an immeasurably greater daily output.

In some countries—especially "new" countries—ill-equipped with railways, roads, etc., but not be appealed a least transported and the charged and

active — the aeroplane already rendered such services that its true price could be charged and

obtained. In Colombia, Persia and New Guinea, there were flourishing air transport undertakings. In Australia, the greater part of South America, and the Dutch East Indies, economic geographical conditions were such that aeroplanes might rapidly revolutionise traffic, and even the general conditions of life. In all these countries, consequently, owing to the special circumtances, aided by competition, air transport would very soon be definitely established—to the advantage of the communities concerned.

In Europe, however, the economic position of commercial air navigation was, it must be admitted, much less impressive. Statistics showed, no doubt, a steady increase in traffic, but the Government subsidies granted to the undertakings were, on the whole (as would be seen from the figures and graphs in the report), increasing equally steadily, and sometimes even more rapidly.

There were many reasons for this slow progress: The "watertight" character of the different

national services; the small amount of traffic on long-distance journeys; over-powerful national air navigation industries, which were unable to live within their own territory; excessive competition on the principal traffic routes between subsidised companies, who thus neutralised their efforts — which here, at least, might be successful — the cost of the struggle being borne by the tax-payers. Such, in brief, were the contents of Chapter III.

The various international organisations faced with the difficult problem of air transport had already been able to create a favourable atmosphere for co-operation. Such co-operation might first of all take the following forms, which were specified in Chapter IV.

Equipment of the areas flown over—the aim in view, in the case of Europe, being the creation of as close and complete a ground organisation for aeroplanes as in the United States of America,

which would make flying by night and by day equally practicable.

Co-operative working — on air lines of general interest ("essential" air lines); the necessary credits for equipment and experiments might be taken out of the total subsidies at present granted to the traffic.

A more rational organisation of air-mail - particularly in Europe; the working-out of a general express tariff, under which advantage would be taken of every means of transport — air or otherwise thus guaranteeing the maximum service.

A systematic use of combined transport—a sphere in which, as must be admitted, aeroplanes already do much to secure more rapid deliveries, but in which they would render still more valuable

services by not seeking (against commonsense) to render these services alone.

Creation of a "common fund" for commercial air navigation — at any rate, for Europe — by international agreement and by drawing upon the annual subsidies granted to the traffic. This

fund would be mainly employed in the carrying out of the above programme.

There were also certain other possible methods of co-operation — in the all important field of documentation (a non-commercial European service for the supply of authentic information on air navigation; the publication of an "International Time-Table of Express Transport Services"), in the technical field (adoption of "free-trade" principles in regard to air navigation, international competitions between commercial aeroplanes), in the financial field (the possible creation of a European banking organisation, entrusted with the management of the "common fund" on behalf of the air navigation companies or even of all the express transport services.

M. Bouché said that the report concluded by drawing attention to the fact that the problem, which has hitherto been examined only in its technical and economic aspects was - only too clearly - also a political one.

The CHAIRMAN said he was sure the Committee would be unanimous in congratulating M. Bouché on the very remarkable summary of the report that he had given.

VI. Summary by Dr. Oppikofer of his Report, entitled: "International Commercial Aviation and National Administration" (third part of document C.339.M.139.1930.VIII).

Dr. Oppikofer said that the object of the report that he was submitting to the Committee was to analyse the problems of administrative law which aviation raised in international systems of law.

He merely desired to lay stress on one of his conclusions. The problems which had been raised could be divided into two categories:

(1) Problems concerning the technical rules for the admission of aircraft to air traffic, wireless regulations, transmission of meteorological observations, etc., the uniform international regulation of which would be possible, and might be dealt with by a worldwide convention. But even if the various States did not succeed in concluding a general convention, the future of international commercial aviation would not be endangered, for the national systems of law might adopt — and, indeed, in practice, almost everywhere adopted — such provisions with a view to the solution of these various technical questions

(2) Problems connected with legal relations and, in a general way, questions which could not form the subject of international regulations. The meeting of the C. I. N. A. had shown that the greater the number of States acceding to a convention the greater also the number of reservations made. One single convention was undoubtedly insufficient. Countries whose interests were

similar should conclude agreements with each other.

Nevertheless, Dr. Oppikofer thought that the jurist should not come in until later, and that his rôle would consist merely in establishing regulations which had been proved useful by commercial practice.

The CHAIRMAN thanked Dr. Oppikofer for his statement.

VII. Summary by M. Cacopardo of his report entitled: "Principles of International Public Law applicable to Air Transport" (fourth part of document C.339.M.139.1930.VIII).

M. CACOPARDO began by stating that his task had been lightened by the statement made by M. Roper during the previous meeting. His memorandum had dealt with the present position as regards the principles regulating international air traffic, and was based on an examination of the Conventions regulating this matter, which were already numerous. He then gave a summary of his memorandum and drew the special attention of the Committee to the conclusion of the report (pages 198 et seq.).

The three annexes to the report showed what a considerable number of States were at the same time parties to collective conventions and signatories of separate agreements for the purpose

of establishing closer relations with each other.

M. Cacopardo pointed out that one chapter of his memorandum had dealt with the special position of aircraft which might be used by the League of Nations in time of emergency, and laid stress on the importance of aviation in the working of the machinery provided in the Covenant of the League in case of danger of war. That chapter had not been inserted in the document communicated to the Committee.

The CHAIRMAN thanked M. Cacopardo for his statement.

The Secretary of the Committee, referring to the chapter in M. Cacopardo's report which had been omitted, said that the memorandum in question had been extremely useful in the discussions which had taken place during the meetings of the Advisory Committee for Communications and Transit and of the Committee on Arbitration and Security. He explained that the chapter had not been inserted in the proofs of the report submitted to the Committee because, since the time at which it had been drawn up the position of the problem had changed and the changes would have to be recorded in a summary of the general situation.

The CHAIRMAN asked M. Cacopardo to be so good as to make the necessary alterations in the chapter under discussion, which would be published in the final edition.

M. CACOPARDo said he was prepared to carry out that work.

The CHAIRMAN observed that the Committee had heard the authors of the different reports submitted to it, and laid stress on the exceptionally great value of these reports.

THIRD MEETING

Held on Wednesday, July 9th, 1930, at 10 a.m.

Chairman: M. DE BROUCKÈRE.

Present: All those present at the preceding meeting.

VIII. General Discussion (continued).

M. Sondermayer said that, while he had listened with interest to the at times disagreeable truths contained in M. Bouche's statement, he considered that the efforts of transport companies to reduce working costs had often been carried so far as seriously to impair the safety of services. No doubt amortisation and the upkeep of aircraft were among the heaviest financial burdens of a company and could the most readily be lightened. It was usually easier to make inspections and crepairs at less frequent intervals than to reduce a large staff. It was done, however, at the sacrifice repairs at less frequent intervals than to reduce a large staff. It was done, however, at the sacrifice of safety, and M. Bouche's report made it quite clear that insecurity of transport was the real evil of air traffic. It was not immaterial to the safety of the service whether engine inspections took of air traffic. It was not immaterial to the safety of the service whether engine inspections took place once every 150, 200 or 300 hours, or whether the aircraft should be maintained and operated place once every 150, 200 or 300 hours, or whether the aircraft should be maintained and operated place once every 150, 200 or 300 hours, or whether the aircraft should be maintained and operated place once every 150, 200 or 300 hours, or whether the aircraft should be maintained and operated place once every 150, 200 or 300 hours, or whether the aircraft should be maintained and operated place once every 150, 200 or 300 hours, or whether the aircraft should be maintained and operated place once every 150, 200 or 300 hours, or whether the aircraft should be maintained and operated place once every 150, 200 or 300 hours, or whether the aircraft should be maintained and operated place once every 150, 200 or 300 hours, or whether the aircraft should be maintained and operated place once every 150, 200 or 300 hours, or whether the aircraft should be maintained and operated place once every 150, 200 or 300 hours, or whether the aircraft should be main

in view of the reluctance of the public to travel by air, the air transport companies were obliged to reduce their tariffs, and that was the principal cause of the meagre returns. It was too early as yet to regard commercial air traffic solely from the point of view of financial gain, and that was the direct cause of the decrease in safety. Moreover, as commercial aviation was international, the fundamental rules of safety could not be allowed to be interpreted and applied differently by the various companies. M. Sondermayer believed that the Committee, after hearing and discussing the report on present economic conditions in civil air traffic and after considering the problem of progress in civil aviation, should give its entire attention to increasing safety by international co-operation.

As regards increases in receipts, M. Sondermayer confidently anticipated further technical progress in the near future. Many improvements had passed from the theoretical to the practical

stage, but patience was still required.

There was, however, one method indicated by M. Bouché which should be boldly adopted—namely, night flying—the perfect organisation of which was now possible in view of technical developments in aviation and the use of night beacons. The Committee should endeavour in every way to concert practical measures which would enable such night-flying services as were essential to be organised as quickly as possible on the principal European international routes.

M. Allard wished to read out the conclusions which he had drawn from a journey made two years ago for the purpose of studying air transport in the United States of America. The success attained in that country was principally due to the following reasons:

(1) Long-distance transport;

(2) Intensive advertising;

(3) Day and night flying;
(4) Guaranteed regularity by means of a well-planned and highly developed ground

organisation;
(5) Increased safety through ground organisation, which included appliances making flight possible in all weathers;

(6) Uniform postal surcharges;

(7) No formalities required from passengers;

(8) Better adaptation of aircraft to commercial purposes through the separate organisation of postal and passenger transport.

It was inconceivable that in Europe, which was approximately of the same size as the United States of America but had a population four times as large, air mail routes could not be established on a profitable basis. A European agreement would make it possible to stop the decline in postal transport in the same manner as in the United States of America.

M. Allard dealt separately with the conditions for successful working which he had mentioned:

Long distance traffic.—In principle his proposal was to endeavour, by the establishment of air services, to link up the capitals of various European countries, and, in the case of very large countries, the important traffic centres on those services. Every country concerned would undertake the deliveries within its own territory.

Advertising.—The execution of this plan, combined with joint advertising, would certainly bring air transport before the notice not only of business men, but of the general public.

Ground organisation.—Each country should be responsible for the ground organisation in the section of the route passing over its territory. The necessary financial assistance would be given to countries too poor to undertake that work. A European committee of technical experts would have no difficulty in agreeing on the installations to be made for ensuring a regular and reliable service. The Committee would meet periodically to provide for the practical application of improvements that would shortly be required in ground organisation.

Surcharges.—A uniform surcharge — e.g., I Belgian franc per 10 grammes for the transport of letters and postal parcels would not be prohibitive, while it would be sufficient to make the operation of the proposed service quickly profitable. If the average distance for the transport of letters in Europe were assumed to be 1,000 kilometres and the transport cost were fixed at 40 Belgian francs per kilometric ton, including the company's profit, the surcharge applicable would be 0.40 franc per letter of 10 grammes. The time saved over this distance in comparison with the commercial speed of trains would be appreciable and might lead to the despatch of all postal matter by air. The important point was to ascertain whether the postal traffic was sufficient to ensure a relatively large amount of freight for the aeroplanes.

Saving of time.—According to an average established on the principal European routes, the saving of time would vary between 66 and 79 per cent. It would, however, often be relatively higher. For instance, in the case of night journeys of 1,300 kilometres there would be no loss of time, as the journey would take at least an entire day by the normal route.

Operation.—The operation might be in the hands of a single company or various companies supported by their Governments and working under a system of "pooled receipts". In either case, direct subsidies from the Governments would be abolished. During the first two or three years, however, the Governments would be obliged to assist by means of indirect subsidies.

Some countries might be afraid of a decline in their air traffic through the establishment of a single company. Operation by various companies would overcome that objection. In the case

of multiple companies, the allocation of traffic would have to be submitted to a "postal committee". In the third place, by separating postal matter from other classes of traffic, all Customs difficulties would be abolished. Finally, should any country apply a censorship, it could still continue to do so. International mail transport in Europe amounted to 5,000 tons per year, or about 13.8 tons per day. If a commercial load of 250 kilogrammes were assumed for each aeroplane, 55 aeroplanes

would be necessary for distributing the European mail.

The CHAIRMAN requested M. Allard to submit to the Committee later a draft resolution supplementary to that submitted by M. Bouché, which would be distributed (Annex 2).

M. PITTARD wished to deal more particularly with the question of insurance, which appeared to him not to have been sufficiently fully considered in the report, and which was at present a matter of great anxiety both to the companies and to the Governments. Insurance was indispensable, because no air company could run the risk of engaging in traffic not covered by insurance. Apart from material safety, insurance constitued a valuable moral guarantee for the public and tended to attract it more and more towards air traffic. At the present time, the position as regards insurance was that some countries insisted on it while others did not. In Switzerland, for instance, it was essential to have an insurance policy, or a bank guarantee or some other guarantee. A further complication arose from the laws on the nationality of insurance. In Switzerland, an insurance company must be domiciled in the country itself so that an aeroplane arriving at the Swiss frontier had to show that it was insured with some company holding a concession in Switzer-It was therefore necessary to adopt a system of international insurance, that is to say, to establish a reinsurance organisation, or an international insurance office assuming this responsibility, as was done, for instance, by automobile clubs under the triptych system. In this connection, M. Pittard pointed out the successful results obtained in Spain by mutual air insurance. In his opinion, the solution of the financial aspect of the safety question lay, not in national, but in international insurance. It was sometimes difficult to reconcile different policies, but, on the other hand, it was always easy to adjust financial policies. He proposed that the Committee should pass a resolution in favour of unifying air insurance on the lines of international reciprocity.

As regards the question of postal surcharges, he considered that the lower the charges the greater would be the use made of the air post. It was the abolition of air traffic surcharges that would make air transport profitable.

The Chairman requested M. Pittard to submit a draft resolution in the sense of those remarks.

M. Fisch, referring to M. Allard's suggestion as to the possibility of carrying all the European international mail by air, observed that the weight of the mail subject to surcharge would have to be calculated, and it should be considered whether all this mail could at present be carried by air. Would letters alone be carried, or parcels as well? How should the distinction be made between articles to be transported by rail and by air? In his opinion, the weight would be too great to transport all the mail without surcharge. That seemed to him a question for the various postal ministries, and it was difficult to discuss it without postal experts. The question of night flying also presented difficulties. Possibly such discussions might take place as a result of M. Allard's report at the meeting to be held at Brussels.

M. Bouché wished to submit some figures illustrating M. Allards' proposals regarding postal traffic in Europe. In the United States of America, after eight years of systematic effort, the daily postal freight consisting of part of the first-class mail amounted to a little less than 8 tons per day over an air system of 24,000 kilometres, on which the daily journeys amounted to 55,000 kilometres. As regards Europe, no more than one or two tons of daily traffic could be anticipated for the next

The CHAIRMAN, referring to M. Pittard's remarks regarding surcharges, observed that the fee charged on letters covered an important feature - i.e., delivery to the addressee - and this, he thought, cost more than the actual transport. Moreover, postal administrations usually worked at a loss, and if they had more letters to transport the only result would be to increase the deficit. Most of the postal administrations, therefore, should surely not undertake a more costly form of traffic unless there were a distinct saving of time; and that saving of time should be regarded from the point of view of delivery: there was no real saving if the mail arrived at 7 p.m. instead of midnight. It would be worth while to confine the enquiries to particular cases of transport which would, for instance, enable a whole night to be gained.

M. CHAUMIÉ pointed out that first-class mail included various categories. Some postal matter did not require speedy transmission, and the users would never agree to pay any surcharge whatever There was therefore a first category of freight which would go by air mail only if no surcharge had to be paid. Those members of the Committee who had to regard the matter from the point of view of their Governments and not from the theoretical point of view were not inclined to give up the freight which would bring in the greatest returns and would enable the very heavy subsidies at present granted by the Governments to be decreased. With a view to propaganda and in order to accustom the public to use this means of transport to an extent which did not yet exist, or in order to start a new air route, no surcharge might be made on the traffic for a time, but normally the classes of postal matter requiring rapid transport should be subject to a surcharge as payment for a valuable service. By successive eliminations, the mail subject to surcharge would be gradually reduced. There were other factors to be considered. It must be borne in mind that for certain distances there would be competition between mails sent by air and those sent by rail. In that case the surcharge must be calculated on the basis of the ordinary postal rate. On the other hand, for long distances, such as from London to Constantinople, if the mail were transported in one day the air traffic would compete, not with the postal, but with the telegraphic service. A service such as that suggested by M. Allard might be conceived with a series of stops, or there might be a direct mail crossing the whole of Europe and even further, and that would compete with the telegraph service.

M. FISCH agreed in general with M. Chaumié on the necessity of regarding air traffic as in competition, not only with the postal, but also with the telegraph service. That competition would only exist, however, if aeroplanes were capable of performing long journeys with the necessary speed and safety. That condition did not exist at present, and so long as the public had no absolute guarantee in that respect the aeroplane could not complete with the telegraph or even with the railway. The case was perhaps different in the United States of America, but in Europe, at any rate at present, the carriage of passengers should not be neglected, as at present they brought the greatest revenue to civil air traffic.

M. Bouché observed that they must not over-estimate the possibilities of postal traffic in Europe. Investigations made by the C. I. N. A. between France and Czechoslovakia had shown that the weight of the international mail was almost negligible, and, as far as M. Bouché remembered, was about 10 kilogrammes a day.

The Secretary of the Committee wished to draw attention to certain points in Dr. Oppikofer's report which had not yet been sufficiently emphasised. That report showed that there was a certain amount of confusion in the present state of international law as regards the conditions governing the registration of aeroplanes in the various countries. According to the original text of the Convention of 1919, the Governments were obliged to register and give their nationality only to aeroplanes belonging to their own nationals or to clearly specified national companies. Since June 1929, under the new rules, the matter was referred to the laws of the individual countries, most of which appeared to impose conditions somewhat similar to those of the original text. That was a question which should be studied, not with a view to an immediate result, but in order to ascertain how to anticipate what developments would take place. The requirements of international co-operation might possibly require closer communications between the national companies and greater freedom in the use of aeroplanes irrespective of nationality. Even if operation by an international company were conceivable, jurists could at least be asked not to impede a possibly necessary development for the sake of a legal theory laid down in a next. If Governments agreed to assist the establishment of a company with a certain international character, that ought not to be prevented by laws which had never been intended to prevent it. At the present time, air traffic could not possibly be treated in the same manner as motor traffic. It would be useful for the future to consider how the law might follow that development instead of impeding it.

Dr. Oppikofer's report also referred to the question of overseas air traffic. It might be advisable to consider whether a somewhat special statute might not be anticipated for purely "maritime" air traffic by placing it under a system somewhat similar to that of maritime navigation in the strict sense of the term.

Dr. Oppikofer's conclusions on the question of pools or profit-sharing companies should also be noted. It might be possible, among the problems to be studied, to consider how to extend gradually the system of co-operative operation.

Finally, Dr. Oppiker's report dealt with the complex question of air traffic in times of emergency and war. It was noted in the report that international law on that subject imposed more restrictions, or was more defective, than in respect of other methods of communication. That was evidently due to the circumstances in which the existing laws were drawn up, but, in their anxiety for safety, the Governments had certainly gone further than was necessary or than they themselves had intended. That was also a question to be considered, although the Secretary of the Committee did not express an opinion as to the urgency or expediency of investigation.

The CHAIRMAN requested the Secretary of the Committee to draft, jointly with Dr. Oppikofer, a text which would be discussed later.

M. Angström made the following statement:

It would be very difficult at the present time to find suitable means for establishing effective economic co-operation between the civil air traffic existing in the various countries. As regards Sweden, there is already very close co-operation, for instance, with the Dutch Company K.L.M. and the Finnish Air Traffic Company. It is hardly possible to develop this co-operation further at present.

On the other hand, it appears important to point out that the postal administrations of the northern countries have organised an experimental night air mail service between the northern capitals and London and Paris, for two months each year and for two years. The postal administrations of the northern countries, — i.e., Denmark, Finland, Norway and Sweden — are at present considering ways and means of extending this night service.

As regards the air mail service, the conditions for better international co-operation are very favourable from the postal and economic points of view. I therefore venture to propose that the

Committee decide to consider whether a European office should not be established for the night

(1) To draw up a scheme for the establishment of postal routes in Europe which shall be of practical value from the technical and economic points of view;

(2) To endeavour to bring about postal agreements with a view to the development of

the air mail service in Europe;
(3) To make technical recommendations with a view to arriving at a joint plan for extending the night air mail system;

To establish a technical construction programme for mail aeroplanes flying at night; (5) To institute a technical enquiry into the possibility of establishing a single international company to operate the European night mail service.

M. Angström apologised to M. Allard for submitting this statement, which had been drawn up before the Committee had heard the latter's remarks.

The CHAIRMAN thought that M. Angström's suggestions might be brought into line with those of M. Allard and perhaps also with those of Colonel Isler.

M. CHAUMIÉ said he would be very glad if a committee could meet to consider the European mail questions raised. The experiment just mentioned by M. Angström formed one of the best conceived plans that they had had to examine for a long time, but the problem of European air mail services seemed to M. Chaumié most difficult to solve. In small European countries with a network of express train services, the speed demanded of aeroplanes to render them really useful would have to be considerable, although it varied according to the different regions. In Europe, a commercial average of 140 kilometres was often almost a minimum. In order to obtain practical results, night flying should become general, and that would require a ground organisation such as had been referred to and a degree of technical progress in safety which had not yet been reached. The case was different for inter-continental traffic; it competed with shipping, which was relatively slow. Even now, aircraft were available which could carry mail at a considerable saving of time and at a profit. For that traffic the problem could be solved now. The Committee should lay it down that no nation in the world had the right to monopolise a form of transport which performed useful services for all countries. The solution was to be found in an international company or in operation on an international scale in the interest of all the countries of Western Europe. As regards an international company, difficulties were encountered in internal and even in international laws. Imperfect though the pool system might be, it could be improved, and, in particular, it would accustom the organisations of the various countries to carry out collective work and would create the atmosphere necessary for future achievements. As a good European, M. Chaumié did not conceive of future air connections with other continents as having any but an international form, and it was the duty of the Committee to ascertain whether, at any rate, a first step could not be taken towards this end.

The CHAIRMAN requested M. Chaumié to draw up a resolution in the sense of his remarks.

Colonel ISLER considered that in order to facilitate international co-operation in civil air traffic there were two important problems to be considered, although he did not demand that they should be solved during the present session:

(1) By what means would freedom of reciprocal commercial transit be arrived at under certain conditions of supervision, while excluding a transit monopoly?

(2) Was it possible to consider the establishment of an international plan for the ground organisation of routes?

M. Fisch thought that all were in agreement with M. Chaumié on the necessity of working in an international spirit. He added that, at the present time, the pool system had been adopted by the companies of various countries. The plan of forming an international operation company for the main European routes, as suggested by M. Allard, M. Chaumié and the Secretary of the Committee was not yet ripe, and, at present, if practical work was to be done, a study of the pool system would seem to be the best.

The Secretary of the Committee observed that he had not expressed any opinion either for or against an international company, which, at that moment, appeared to him impracticable. What he had said was that if, at some future time, the usefulness of a company with an international form or a company common to several countries were considered, it would be desirable to begin making the necessary legal preparations now.

M. PITTARD considered that the principle of the nationality of things was at present a much discussed question, and he thought that it did not constitute an insurmountable obstacle. The principle was intended to meet fiscal requirements, which were of a secondary nature, and, in particular, legal requirements as regards form and powers. It had already become a commercial practice to form companies with a number of domiciles; that was an idea which should now find expression in municipal and international law. As soon as aviation companies existed with legal domiciles in a number of countries, the international company contemplated would have come into existence. Moreover, questions of nationality should not be raised in regard to an aircraft, which was not a subject at law; the case was different for ships. An aircraft should be assimilated, not to real estate, but to other objects of personal estate; if it was required to show colours, that was

with a view to questions of responsibility; the nationality of the aeroplane was unimportant. In short, the Committee should not regard an international company as impracticable, although its establishment might prove difficult and complex.

The Secretary of the Committee, while questioning whether passenger air traffic came within the jurisdiction of the Committee, thought it was not a problem that could be ignored. The existence of registration laws appeared hardly consistent with the development of passenger air traffic. In fact, the position of passenger aeroplanes was somewhat similar to that of motor-cars, and there were a number of problems to be investigated in that connection. He drew attention to the mention made of the question in Dr. Oppikofer's report.

Dr. Oppikofer noted that, in the question of air routes, the point of view of the undertakings alone was considered, whereas, it was also necessary to study that of the users, whose interest lay in respect for the laws of free competition; if it were decided to link up various companies into an international undertaking, the advantage of the law of free competition and the incentive it would give to the activity of various companies would be lost. In the present state of affairs, he thought the time had not come to advocate a fusion of the various undertakings or the formation of an international company. In the first place, it was necessary to agree upon the meaning of these terms. It might be possible to consider a fairly loose co-operation of the companies, by means such as a system of pooled receipts, which, as had been seen, had already been applied. At present, it was impossible to follow the same course in commercial air traffic as in industrial undertakings.

M. Chaumié noted that air traffic was not on a free economic basis but was an entirely artificial traffic maintained by State finance. Competition in that field was not really commercial in character, but was rather a question of national prestige, although to some extent one country might be afraid of a foreign company robbing it of part of its possible revenue.

M. Oppikofer agreed entirely with M. Chaumie's remarks. There was, at present, no commercial competition in air traffic as in other industries, but a competition of nations, and an agreement between the nations was undoubtedly necessary in order to develop commercial air traffic. Serious difficulties might arise, however. In a small country such as Switzerland, companies might be mentioned which had a real commercial basis. There was no very evident legal means of making the necessary allocation of services or of deciding which route should be operated by which company. It was therefore necessary to wait until the companies themselves felt the need to come to an agreement and form pools; that was a commercial problem and not one for legislation.

The Chairman pointed out the paradoxical situation; companies were at present dependent on Governments, who were jealous of each other, whereas, if the companies were purely commercial in character and dependent principally on their revenue, they like all other companies, would certainly be led to form greater international combines. As the duty of the Committee was to encourage co-operation in civil air traffic, that is to say, to facilitate such formations, the first question to be considered was how to allow air traffic companies to follow more commercial methods. He asked whether the Committee thought it advisable to exchange views on this subject, taking concrete cases where operation would be possible at prices which would be at any rate comparable with working costs.

M. Chaumé considered that, in the present state of affairs, the only assumption under which it could be hoped that the companies would form a European group in order to pay their way would be the maintenance of big inter-continental connections. With such traffic, they would render services which might reasonably be expected in the fairly near future to bring in receipts for transport sufficient to cover working costs. It was on the inter-continental lines that the need for greater commercial freedom would bring about the co-operation that was essential, and the Governments that subsidised various companies, were already aware of that fact. For example, France and the Netherlands had important colonies in the Far East, but relations with the Far East were of economic importance to the whole of Western Europe, and M. Chaumié believed that the route to which he referred could, he hoped, in the near future be exploited by some form of co-operation. Such co-operation, however, would be afforded by the whole of Western Europe and not by one or two individual countries.

The Chairman was glad to hear it said that a number of air routes would shortly prove commercially profitable. The Committee should apply to those routes its efforts towards international co-operation. He asked all the members of the Committee who had made suggestions to draw them up in writing and communicate them without delay to the Bureau, so that the Committee might have a collection of documents and drafts to study and collate. The documents would be distributed at the beginning of the afternoon and would immediately be brought up for discussion.

FOURTH MEETING

Held on Wednesday, July 9th, 1930, at 3.30 p.m.

Chairman: M. DE BROUCKÈRE.

Present: All those present at the preceding meeting.

IX. Draft Resolutions.

The CHAIRMAN, opening the discussion on the draft resolutions, stated that he had before him the Rapporteurs' drafts and the amendments of other members of the Committee. He proposed amendments.

He pointed out that the discussion was in the nature of a first reading, and opened it with M. Bouché's proposals (Annex 2).

(a) Proposals by M. Bouche.

M. Bouché stated that he had been under a misapprehension as to the nature of the draft resolutions requested by the Chairman. The document he had drawn up did not contain all his conclusions. He apologised for having to read several supplementary draft resolutions, but he could not allow it to be thought that the conclusions to which he attached chief importance were included in his proposals.

The Chairman stated that all the supplementary proposals would of course be taken equally into consideration, as the final draft of the resolutions was reserved for the second reading.

M. FISCH observed that several draft resolutions might refer to the same subject. It might therefore be inconvenient to discuss all the proposals separately.

The Chairman considered that that remark was very apt. He therefore proposed the following procedure: the Committee would discuss the Rapporteurs' drafts; during the discussion, the authors of amendments could submit their remarks, which would be considered at the same time. At the end of the Committee's work, the final drafts could be suitably classified.

M. Bouché read new proposals (Annex 3) following that contained in Annex 2.

The CHAIRMAN observed that M. Bouche's proposal consisted of two parts, an introduction, and a number of practical suggestions. He asked the Committee to adopt the introduction.

- M. Bouché proposed that, in his introduction, the word "considers" should be replaced by "suggests".
 - M. Romein ventured to ask to whom, in that case, the Committee made the suggestion.
- M. Chaumié replied that the suggestion would be made to the Committee for Communications and Transit.

The CHAIRMAN stated that the Committee would then be abandoning the question altogether and such did not appear to be M. Bouché's intention, as he provided that the Committee, at its future sessions, would be responsible for the organisation. Would it not be possible to word the introduction as follows:

"The Committee considers that, in order to take due account of the international character of air transport and of its still precarious position, a programme of co-operation must be drawn up . . ."

He would like to ask M. Bouché for an explanation. He had followed the Committee's work with great interest, and he had observed that it had unanimously concluded that services rendered by air traffic would be particularly important over long distances. Why, therefore, should M. Bouché's proposal include the phrase: "at any rate, in the European area"?

M. Bouché stated that, in his view, the meaning of that phrase was: "in the area of European activities".

The introduction was adopted with the above amendment.

Paragraph 1.—Expansion and systematising of "combined transport".

M. Fisch considered that the Committee's task was to allocate the work. There were already two organisations, the International Air Traffic Association, and the International Chamber of Commerce, dealing with the question. Was it therefore advisable to introduce a third?

- M. Romein asked if "combined transport" meant the use of various methods of transport with a view to greater speed.
 - M. Bouché stated that that was his idea.
- M. Romein, in reply to M. Fisch, stated that the International Air Traffic Association investigated the question from the point of view of air traffic only, the International Railway Union from the railway point of view and the International Chamber of Commerce from that of the users, and so on. There was no organisation dealing with the entire question of combined transport under its different aspects except the Committee on Combined Transport of the Communications and Transit Organisation.
- M. Fisch recognised the soundness of M. Romein's remark, but stated that in the various organisations it was always the same persons who dealt with the same questions. It would therefore be possible to avoid having so many Committees.
- M. Romein considered that the proposal to investigate the expansion of combined transport did not imply that that investigation would be carried out by a new organisation. It was simply an item in the programme and the Committee could indicate any organisation it chose, or, if it considered a special organisation necessary for investigating the question, it could propose to create it.

The CHAIRMAN acknowledged that M. Fisch's observation was very true. During the work of the Disarmament Commission, for instance, a question of civil aviation had come before the Committee of Experts, which was unable to solve it; a second Committee of Civil Experts was appointed, and, to his great astonishment, the experts were exactly the same.

Since the International Air Traffic Association was dealing with the question from a concrete point of view, it was open to the Committee to propose the establishment of rules towards a better co-ordination of the services in the different means of transport. A Sub-Committee might be

appointed to deal with the question or to perform the preparatory work.

M. Romein pointed out that work had already been done by the Committee on Combined Transport with a view to encouraging transport by rail and air. The Committee had at first been faced with a difficulty owing to the different nature of the responsibility incumbent upon rail transport and air transport. It had proposed on that point, *inter alia*, an extension of the practice followed in Germany, where, by an agreement between the two transport undertakings, one of them was regarded as the forwarding agent of the other and each kept its own responsibility.

followed in Germany, where, by an agreement between the two transport undertakings, one of them was regarded as the forwarding agent of the other and each kept its own responsibility.

Those questions had also been investigated by the International Railway Union at its last session at Nice in March. Investigations had therefore already been begun, and it would be possible to continue in the same manner by entrusting the enquiries to the Committee on Combined Transport. Naturally, representatives of the International Air Traffic Association, the International Railway Union and the International Chamber of Commerce would take part in the discussions in an advisory capacity.

- M. Chaumié stated that the discussion which had just taken place was dominated by M. Pittard's and Colonel Isler's amendment calling for the establishment of a permanent international organisation with a view to distributing the investigation of the various questions among the various existing Committees.
- M. Roper said such an organisation could not possibly give orders to the C. I. N. A., which had been established by an international Convention ratified by numerous Governments.

The Chairman, while acknowledging that the proposed organisation would obviously have no power to give orders to the C.I.N.A., considered that it would be very useful to have an organisation for rationalisation. In conclusion, he proposed the adoption of a resolution on the lines of M. Bouche's proposal, while reserving until later the question of the title to be given to the organisation entrusted with the desired investigation.

Paragraph 2.—A single express postal tariff.

- M. Angström stated that the adoption of a special tariff might lead to difficulties in countries such as Sweden, where all the mail was sent by air without a surcharge.
- M. DE VEER said that he did not quite understand the import of the proposal. Was it intended to establish a single tariff for all express mail, or a scale of rates increasing with the speed?
- M. PITTARD observed that the question had already been examined at the Conferences of Paris and Warsaw, where it had been agreed that it was inadvisable to deal with postal Conventions in view of the existence of the Universal Postal Union, which held all rights on that subject. He agreed, however, that the Committee might make a recommendation on the subject.
- M. Fisch, in reply to M. Angström, said that, if the Swedish Postal Administration sent by air, not only the mail subject to surcharge, but all the mail, there would be no objection to its accepting M. Bouché's proposal. In reply to M. de Veer, he added that the proposal must, in his opinion, be understood as implying a single tariff.

- M. Bouché stated that that was quite correct: a single scale of tariffs would be applied not only to air transport but to all express transport; there would thus be two tariffs—ordinary and express.
- M. Molfese observed that such a tariff had already been established and declared compulsory by the Hague Conference.

The Chairman stated that since the Committee clashed with existing international Conventions it should limit itself, as M. Pittard pointed out, to a recommendation.

M. Chaumié pointed out the danger of a single tariff. If it were fixed by international Conventions, it would not be sufficiently elastic. In that connection, he gave the following example: in accordance with the London Convention, France established for the air mails between Paris and Marseilles a surcharge which was insufficient to give any profit to the operating company unless it were assisted by subsidies. A non-subsidised company offered to undertake the service in return for a higher payment which would cover its costs, but it was impossible to consider the proposal, as the Government was bound by the London Convention. In the case also of the connection between France and Indo-China, the surcharge established by the London Convention was from 7 to 8 francs per 10 grammes, which was obviously insufficient to cover the expenses without a subsidy, while a surcharge of 30 francs per 10 grammes would make the service profitable.

without a subsidy, while a surcharge of 30 francs per 10 grammes would make the service profitable.

As the London Convention made it impossible for the operating companies to obtain sufficient revenue, he requested the Committee to consider the question before proposing a single tariff.

M. DE VEER suggested omitting the word "single" in the proposal, as the difficulty seemed to lie in the creation of a single tariff.

The CHAIRMAN observed that, even if a single tariff were not established, it would still be necessary to avoid the complicated system which had existed in postal matters before the unification of postal tariffs.

M. Bouché remarked that, before continuing the discussion, the actual facts should be ascertained. An express tariff had apparently already been accepted at The Hague; perhaps the Secretariat could give some information on that point.

The Secretary of the Committee read Article 3, paragraph 5, and Article 11, paragraphs 10 and 11 of the Universal Postal Convention.

- "Article 3, paragraph 5.—The surcharge on air mail conveyed by special services (Article 11, paragraph 11) may be increased, due account being taken of the special expenditure involved by the use of those services."
- "Article II, paragraph 10.—As a temporary measure, the basic tariff to be applied for settling accounts between the head administrations of air transports is fixed at six gold centimes per 100 grammes or fractions thereof gross weight, and per 100 kilometres . . ."
- "Article II, paragraph II.—The charges for the transport specified above do not apply to long-distance transport performed by means of services the creation and maintenance of which require special expenditure."

The CHAIRMAN noted that the Convention did not establish a single tariff, as the tariff was proportional to the distance, that it fixed a minimum rate and that, in exceptional cases involving higher costs, it was possible to modify the tariff and the charges.

- M. Bouché stated that he had not intended, in submitting his second proposal, that the question of a single tariff should be exhaustively dealt with by the Committee. He therefore proposed the following wording:
 - "2. The simplification of scales of surcharges on postal freight benefiting from express transport."

The Secretary of the Committee wondered whether to ask for the simplification of scales of surcharges would not be to take up too definite a view in the matter. Would it not be better to amend the text and say: "the question of scales"?

The CHAIRMAN stated that, in his opinion, it would not be very compromising to speak of simplification. When, in international postal Conventions, the State where the stamp was affixed was allowed to keep the amounts charged, there was no doubt that that was a case of simplification. The Committee's enquiries should be pursued in that direction. It should indicate its positive wish.

In reply to a remark by M. Sondermayer, he stated that, if M. Bouche's proposals were accepted, the tariff question would be investigated in respect of rapid means of transport and not only in respect of air traffic; but, in the Committee's view, the most rapid means of transport would of course normally be the aeroplane.

Paragraph 3.—The determination of essential air routes.

Colonel ISLER proposed the addition of the following phrase to the paragraph: "intended for air service throughout the year by day and night".

M. Sondermayer observed that in order to define an "essential route" the geographical situation of the route should be added to Colonel Isler's definition.

The Chairman asked whether the object of the proposal was to define the essential routes with their characteristics, or to enumerate them.

M. Bouché stated that the routes should be enumerated and that his proposal corresponded to the map included in his report. It was a question of classifying and not of defining.

The Chairman proposed that paragraph 3 should read as follows:

"The establishment of a programme of air routes where it would be advisable to organise day and night services."

M. Bouché pointed out that, in drawing his map, he had never had any intention of imposing a programme of essential routes. Indeed, he realised that the necessary technical information was not available. For the moment, the question could not be exhaustively discussed. He had made the proposal in order to justify paragraph 4 of his draft and the creation of a common fund (paragraph 9).

The Chairman, summing up, concluded that paragraph 3, with Colonel Isler's amendment, might form the subject of a recommendation by the Committee. With the new wording of paragraph 3, paragraph 4 was obviously superfluous.

Colonel Isler asked whether paragraph 4 could not be retained by wording it as follows:

"The establishment of an international programme for the gradual equipment of these routes."

This would give it a different idea from that contained in paragraph 3.

M. Bouché agreed to Colonel Isler's proposal. The determination and the equipment of air routes were two distinct ideas. The phrase "day and night flying" would naturally be omitted from paragraph 3.

Colonel ISLER stated, in reply to the Chairman's question, whether it was desired to internationalise the programme or the construction, that he desired the internationalisation of the programme and that the Committee could determine the methods.

The Chairman remarked that, even if an agreement were arrived at regarding the programme of constructing ground organisations for air routes, some countries might, for reasons of sovereignty, refuse to conform to it. It might then be asked whether the construction of ground organisations on these routes should not be internationalised.

The Secretary of the Committee observed that the question was perhaps dealt with in paragraph 9; there was, in any case, a close connection between the two questions. If a Government refused financial co-operation in constituting a common fund, it would presumably also refuse to take part in the establishment of a programme of ground organisations.

The Chairman asked what exactly was meant by "constitution of a common fund". Would the Government grant a subsidy for creating an international system of beacons on its territory, or would a common fund be created for assisting in the establishment of those beacons in countries unable to erect them?

M. Bouché replied that both cases might occur.

The Chairman stated that, although the greatest possible freedom in flying appeared to him necessary, it would hardly be possible to internationalise the construction of ground organisations; that would be an encroachment on State sovereignty, while, on the other hand, if one country established aerodromes at great expense it would hardly agree that all the other countries should be free to use them. Although the proposal had distinct advantages, it was advisable to reflect carefully upon its consequences.

The Secretary of the Committee asked whether it would not be wiser to use more general terms in respect of financial questions, and to say, for instance :

"... the question of financing work to be carried out, including, if necessary, the execution of the proposals contained in paragraph 9 and 10."

That would keep the question within the limits of an enquiry, as it was not yet possible to see in what direction the question would develop.

Paragraph 4 was adopted in the form suggested.

Paragraph 5.—Free traffic on these routes.

M. Molfese observed that the discussion was not within the competence of the Committee. Colonel Isler proposed the following amendment:

. . . and, in particular, freedom of transit for commercial air traffic."

Article 15 of the Convention of 1919 authorised the conclusion of agreements relating to freedom of transit, but the practical application of that right was multiplied by political considerations.

M. FISCH considered that the question of free transit was an extremely complex one. It had undergone lengthy discussion in the C. I. N. A., and he thought it was difficult to find a better formula than that adopted by the C. I. N. A.

M. Molfese observed that, as many members of the Committee were also members of the C. I. N. A., it would surely be hardly possible to reach different conclusions from those already obtained.

The Secretary of the Committee observed that M. Bouche's proposal made no change in existing international law, as, according to the present interpretation of Article 15 of the Convention of 1919, governments were not prevented from allowing free transit by air. M. Molfese had pointed out in his report that certain countries had refused to allow free transit by air in order to protect newly-launched national aviation undertakings, but the situation might change, and it was to be hoped that such permission would become general. A formula might be found expressing the hope that the article would be applied in a more liberal spirit.

M. Bouché observed that paragraph 5 was governed by paragraph 3. It demanded free traffic on these routes—that is to say, routes recognised as of primary importance by the Committee or by the organisation determining them. The text of the Convention of 1919 should not be brought into the matter.

Sir W. Sefton Brancker stated that the question was by far one of the most important that had yet come before the Committee. In his opinion it was very important that free traffic should exist on air routes, and he supported the proposal.

M. DE VEER believed that the question raised had no connection with those treated by the C. I. N. A. If it was thought necessary to develop commercial air traffic it was desirable from the outset to abolish any obstacles that might impede its growth, and, in that respect, the question of freedom of traffic was of primary importance. The organisation of international routes, night flying and combined transport might be discussed at great length, but so long as any Government could prevent freedom of air communications over its territory all such discussion would be useless. In his opinion, the question of freedom was of first importance and the Committee should endeavour:

(I) To affirm the necessity for free traffic on air routes, as was done in paragraph 5; (2) to enable the Committee or other organisations to study the best way to cause Governments to modify their attitude in respect of international civil air traffic.

At the present time, since the Governments had absolute liberty to act as they chose, the technical conditions imposed by the C. I. N. A. could be of use only to passenger air traffic. They were of no importance for air routes. That was a sphere of public law in which the Committee could therefore do extremely important work. If it proved impossible to change public law, it might still be hoped that the Governments who were in favour of a certain degree of freedom for civil air traffic might come to reciprocal agreements on the application of that principle of freedom. By extending those agreements, the accession of other Governments might possibly be obtained, and the same result would be arrived at by a circuitous route.

M. FISCH pointed out that M. Bouché had suggested free traffic for the air routes, already agreed upon as essential. As a discussion would already have taken place on the establishment of those essential routes, would it be necessary to ask also for freedom of traffic on them? M. de Veer had fully stated the case, but he himself would point out that that problem had already been discussed by the C. I. N. A., and, although that Commission had not been able to arrive at a more liberal solution, it seemed difficult, he would repeat, for the present Committee to find a clearer or more acceptable formula. On the other hand, as M. Chaumié had remarked at the last meeting, an agreement must be reached on this matter; perhaps a formula could be found which would not conflict with but would supplement that of the C. I. N. A.

M. ROPER thought that a distinction must be drawn between international public law and its application. International public law, as laid down in the Convention of 1919, which was ratified by numerous Governments, enabled their aircraft under certain conditions to fly over each other's territory (Article 15). That text could not prevent the establishment of a programme of essential air routes or the free use of those routes, as the Governments might make agreements between themselves, excluding Governments which refused them the benefits of similar conditions; and thus the same result would be arrived at as was intended when drawing up Article 15.

The CHAIRMAN noted that it was possible to reach a solution on the proposal laid down in paragraph 5 (while leaving M. de Veer's amendment (Annex 4) for later discussion). It was necessary, however, to decide upon the wording to be adopted. Once the idea of international routes was accepted, freedom of traffic might be expected to result *ipso facto*, as M. Fisch had observed. But although two Governments might agree to establish a programme of air routes and to allow free circulation over their territory by their aeroplanes, they might still prevent the aeroplanes of a third State from flying over the same routes. There were two distinct ideas: general freedom of circulation of international routes and agreements between two or more Powers to establish freedom on their own routes. A wording might therefore be adopted which, while letting the present depend on international conventions, would encourage free traffic in the future on important routes.

He requested M. Bouché to give a definite form to his recommendation on those lines, and reserved M. de Veer's proposal for further discussion.

The SECRETARY OF THE COMMITTEE stated that it would perhaps be better to draw up the

text after discussing M. de Veer's proposal, since the questions were connected.

He ventured to ask M. Roper a question. Did the text of the Convention of 1919 prevent the contracting States from concluding conventions among themselves?

M. Roper stated that, on the contrary, the possibility of such agreements was definitely provided for in Articles 5 and 36. But, as regards Article 15 of the Convention of 1919, the position was much less clear, as, until the signature of the Protocol of June 1929, there had been two interpretations. Now that the Protocol had been accepted, however, there was one interpretation which had been unanimously adopted. The exact wish of the Contracting States was therefore now known.

M. DE VEER stated that it was not sufficient for a State to say: "I am a partisan of freedom" for other States to become so. It was essentially a question of reciprocity, and Article 15 left doubts on that subject.

The Secretary of the Committee made an express reservation in regard to M. Roper's statement; the text of the Protocol of June 1929 could not be considered the authentic interpretation of the Convention, as that text was not in force; and, moreover, it could not be held that a new text was an interpretation of an old text.

M. Bouché stated that paragraph 5 related only to previous paragraphs and had no connection with the general question raised by M. de Veer or with the provisions of the Convention of 1919; it was no more than a consequence of paragraphs already adopted. But he had considered it better to give expression to it, and he requested that the wording, together with Colonel Isler's amendment, should be adopted.

The CHAIRMAN observed that, in that case, the question was still connected with the general problem raised by M. de Veer.

M. Bouché considered that, on the contrary, the definition was restrictive, as, in particular, freedom of transit was demanded. He suggested, moreover, drawing up his wording with the help of Colonel Isler. It could then be discussed at a future meeting.

M. DE VEER, summarising the discussion, stated that there was a general proposal for freedom of traffic on air routes, and a proposal by M. Bouché (paragraph 5), with an amendment by Colonel Isler, on freedom of traffic and in particular of transit on routes considered essential.

It would be better to discuss the general question fully before taking up M. Bouché's proposal, as, if the principle of freedom were adopted, it would be easier to solve the second question, and, in the contrary case, any discussion on the subject would be useless.

The CHAIRMAN also considered that the text of paragraph 5 covered part of the question raised by M. de Veer. If, however, M. Bouché preferred that his wording should be discussed immediately he did not see any objection, but he would point out that the result of the discussion would in no way prejudice the decision subsequently taken on M. de Veer's amendment.

FIFTH MEETING.

Held on Thursday, July 10th, 1930, at 10.30 a.m.

Chairman: M. DE BROUCKÈRE.

Present: All those present at the preceding meeting.

X. Draft Resolutions (continued).

(a) Proposals by M. Bouché (continued).

Preamble.

General Kaba said that he wished to revert to the preamble of M. Bouche's proposal and to suggest that the words: "at any rate in the European area, where agreement is more obviously necessary", should be deleted. He had no objection to their starting with air navigation in Europe, but, from the point of view of principle, he thought it better not to make any distinction between the different areas, more especially as the proposal was to be examined by the organs of the League. As M. Chaumié had remarked, air traffic between Europe and the Far East was becoming more and more important; the same applied to the traffic between America and the Far East, so that the Far East would doubtless become in the near future a centre of world air traffic. It was for that reason that he had submitted his amendment.

The Chairman said that the Committee had already recognised the advisability of modifying to a slight extent the wording of the preamble. M. Bouché would no doubt be able to accede to General Kaba's request.

Colonel Filipowicz said that in the opinion of certain delegates the development of air navigation was hampered by the restrictions which certain countries imposed in regard to the crossing of their frontiers. Poland was in favour of the greatest possible freedom of traffic, but present circumstances did not permit of such a regime. Paragraphs 5, 6, 9 and 10 (Annexes 2 and 3) of M. Bouche's proposals involved the establishment of large international companies which would be able to cover their expenses by operating the principal air lines. In a very short time, therefore, those companies would acquire a monopoly of air traffic, and that would make it impossible for younger countries to develop their air traffic and their national industries. He did not think that the Committee wished to destroy the efforts of various countries to establish their own air transport companies and their own industries, or to prevent those countries from contributing to the advancement of air navigation. There were other methods of turning to account technical and economic improvements in international air traffic. Those new methods might be investigated, but for the moment he thought that the only possible method was the pool system. That system had been generally adopted in Europe and was the only one which allowed small countries to work for the progress of air navigation side by side with the large Powers. As M. Fisch's proposal (Annex 5) had the same object, although the methods which he suggested were different from those of M. Bouché, it might perhaps be possible to discuss M. Fisch's proposal at the same time as those of M. Bouché.

The Chairman thought that the Committee would agree that when any delegate found that M. Bouché's proposals contained some point bearing on his own suggestions, he should take advantage of the discussion to submit any amendment he thought fit to make.

Paragraph 5.—Free traffic on these routes (continued).

The CHAIRMAN said that an amendment had been submitted on that point by Colonel Isler (Annex 6), with whom he would ask M. Bouché to consult with a view to submitting a new text.

M. Bouché explained that the new text (Annex 7) contained a revised version of paragraphs 1 to 5 of his proposals.

The Chairman said that the Committee would accordingly examine the new text of paragraphs 1 to 5 at the second reading.

- Paragraph 6.—The free choice of aeronautical material for all undertakings responsible for an international air service.
- M. Fisch thought that this only applied to routes in regard to which a general agreement was reached. In that case, free choice of material would always be allowed because the agreement would cover that point also.
- M. Bouché explained that the section in question referred to the matter of subsidies, the granting of which was often dependent on the use of certain material. In the case of an international service he thought that the best possible material should be used irrespective of its origin.
- Sir W. Sefton Brancker said he entirely agreed with M. Bouché that the regime should be as liberal as possible. In England, however, companies which desired to obtain subsidies and which had an actual monopoly of lines such as those connecting the mother country with Australia and South Africa had to undertake to purchase the whole of their material (flying machines and engines) from the British aeronautical industry. He understood that a similar undertaking was required in Germany and France. In England, at all events, there was a perfectly clear written engagement stipulating that so long as the company received a subsidy it must use British material only.
- Dr. Oppikofer said that paragraph 6 was not in accordance with existing legislation, whether national or international. There was no free choice, certain minimum requirements as to airworthiness and the safety of machines being required in every case and he did not see how it was possible to reconcile M. Bouche's proposal with existing legislation.

The CHAIRMAN drew attention to the fact that there were two different questions: (1) The conditions to which material had to conform; (2) the nationality of that material.

M. Molfese fully agreed as to freedom of choice, if the proposal meant that, in view of the diversity of air routes and requirements, a company or a Government should be free to select the machines best suited to its purpose. He did not agree, however, if it meant that they had the right to select material which did not conform to the guarantees of contructions in the absence of which States had undertaken not to grant certificates of airworthiness. That view was justified, in the first place, by reasons of security, and, secondly, by the fact that, some years ago at a meeting of the C. I. N. A., all the participants had notified their intention of making, not only certificates, but permits to fly over their respective territories dependent on the fulfilment of certain minimum requirements laid down by the C. I. N. A.

- M. Bouché said that he had not had the slightest intention of ignoring the international regulations laid down by the C. I. N. A., with regard to the safety or the regulation of air transport. His proposal implied free choice for all undertakings engaged in traffic on the routes concerned. That choice should not be limited by attractions to the effect that the material must be of some That choice should not be limited by stipulations to the effect that the material must be of some particular nationality, on compliance with which the granting of subsidies frequently depended. It was clear that the material should satisfy all the conditions laid down by the C. I. N. A., and any other national regulations. For instance, if a proposal were made to-morrow to start an international air service between London and India or to open the route to international air traffic, the undertaking should not be impeded by difficulties aggregated undertaking should not be impeded by difficulties regarding choice of material owing to the fact that the British company was obliged to employ British machines, the Netherlands company Netherlands machines, etc. The choice of machines should depend solely on their efficiency.
- M. CHAUMIÉ said that the imperative provisions in British contracts were not to be found in French legislation. The French Parliament had expressly specified that aircraft built abroad might be employed, and one of the principal French companies was using machines built in the Netherlands, although it was not absolutely in accordance with the regulations of the C. I. N. A. He added that the use on the Mediterranean seaplane services of machines built in England had been, and indeed still was under consideration. In his opinion, the right policy in civil aviation was to employ the best material no matter where it was made.
- M. DE VEER agreed with M. Chaumié. The Committee's object should be to remove the obstacles which impeded the progress of civil aviation; and regulations such as those in force in Great Britain were, he thought, likely to give rise to difficulties. In the Netherlands, the most recent contracts stipulated that the machines should be built in the country itself, but the company concerned had the right to purchase abroad when it proved that foreign material was best suited to its particular purpose.
- M. ALLARD explained that the Belgian law governing the operation of the Belgian Air Navigation Company, which received a Government subsidy, explicitly laid down that machines, engines and supplies should be purchased at the lowest competitive rates, and should be of Belgian manufacture unless otherwise authorised by the Government. Other things being equal, preference was given to machines and engines of Belgian design.

Moreover, by what standards did M. Bouché propose to determine the best machine? There were several kinds of aircraft which were the best in some particular respect. Unless the best

aircraft were used, all technical progress would be hampered.

M. Fisch considered that M. Bouche's proposal was worthy of attention from an idealistic standpoint, or might possibly become so from a practical standpoint in the distant future. was, however, utopian to think that it could be put into practice at the present time. Even the example given by M. Bouché himself ran counter to the proposal under discussion, because, if a service such as that proposed by his colleague were to be established, it would not, strictly speaking, be an international one, but would be operated by a small number of countries by means of a pool. If that was what was meant by an "international service" he agreed. In Germany, it was possible to make exceptions, but the general principle was that national material should be used. To attempt to ignore those regulations would be a utopian undertaking.

M. Bouché pointed out that paragraph 6 should be read in conjunction with the previous sections. It referred, not to services at present in operation, but to services to be established on selected air routes, which would form the "main system" mentioned in the proposal.

Apart from the theoretical example given, the general principle which he wished to advocate was freedom for all undertakings engaged in the traffic on the "main system" previously established having regard solely to efficiency and subject to the fulfilment by those undertakings of the international regulations relating to security and suitability.

The SECRETARY OF THE COMMITTEE, referring to M. Fisch's observations, said that, if the Committee was going to be held up by the present state of national legislation, it was useless to have summoned it. The Committee was not called upon to declare that such and such a measure should be adopted immediately, but to study and indicate the lines on which future progress should be made. The decisions taken in the Committee did not bind Governments. The Committee was dealing with the efficiency of civil aviation from an international standpoint. If the present limitations of choice were incompatible with ethnical and technical considerations, and if they hampered the development of civil aviation, the Committee should draw attention to that state of affairs and so obtain the support of public opinion.

- M. Sondermayer thought that M. Bouche's proposal was the natural and necessary outcome of the suggestion to organise an international company. The considerations put forward by Sir W. Sefton Brancker, M. Allard and M. Fisch held good in the case of national undertakings, but if the necessity for an international company were recognised, it was obvious that all countries participating would not be able to stipulate that their national material should be employed; it would be necessary to select standard aircraft built by any country, and to allow all countries situated within the proposed system to co-operate.
- M. Molfese pointed out that the proposal to form an international company was not under discussion.

M. Fisch also thought that, as the proposal to form an international company was not under discussion, M. Bouché's suggestions could not be accepted in their present form. If it were desired to encourage international co-operation, the proposal must be considered with reference to the existing situation, and the first thing to be done was to come to some arrangement which would facilitate international co-operation at the present time. The ways and means of modifying the situation would be considered later.

M. PITTARD thought that what was wrong at present was that the question was being regarded from the point of view of aircraft constructors. That might have been necessary at first, but it was clear that too much impetus was still being given to the construction of aircraft. The necessity for each country to have its own aircraft, an air fleet, pilots and building-yards marked a stage in that country's development, but at present it was a mistake to concentrate on those things. If good material were obtainable which was not of national manufacture, why should it not be used? Frankly, if air navigation were to yield the best results, companies must be free to choose their own material. Competition in civil aviation was essential and subsidies should be granted for operation and not for construction. That was the principle applied in Switzerland, in which country the lines were open to all aircraft, provided they were suitable and subject to strict control. The result was that there was a considerable choice of aircraft in Switzerland and improvements made in no matter what country were immediately adapted to Swiss requirements. Nationalism was inappropriate in a sphere dominated by internationalism. In short, he would support M. Bouché's proposals so long as he advocated a liberal regime.

M. Bouché explained that paragraph 6 did not in any way imply that an international company should be organised and did not prejudge the method of operating the routes established. It was merely an indication showing the desirability of abandoning the present methods.

M. Sondermayer said that, in substance, he was entirely in agreement with M. Bouché.

Sir W. Sefton Brancker said that the reasons which had led England to adopt its present system were not quite so egoistical as M. Pittard thought. The country was suffering from considerable commercial depression and very extensive unemployment, and no British Parliament would agree to a subsidy being granted to a company which did not purchase the whole of its material in British territory, so as to give work to the home industry. The whole question was to decide whether it would be possible to establish an international air service in Europe. If such a service appeared to be necessary, the free choice of material would have to be allowed, but the first point to be considered was the possibility of establishing a service of that kind—the question of the free choice of material would come second.

M. Ruiz Ferry thought that the Spanish method was the ideal one. The air services in that country constituted a monopoly and their material was exclusively foreign. No subsidies were granted to the national industry, but it was possible for Spaniards to hold shares, to be members of the Boards of Directors and to participate in the profits of the operating companies.

The CHAIRMAN thought that a misunderstanding had arisen in regard to the term "international company". If he understood paragraph 6 correctly, it did not, strictly speaking, refer to an international company but to an international service. In the absence of a formal proposal the suggestion to organise an international company was not under discussion. Moreover, a definition had already been given of what was meant by the "international service" in question and there was no need to revert to it. The point to be settled was whether, supposing there were an international service operated either by a pool or by some other means, the free choice of material as proposed by M. Bouché should or should not be allowed. He had noted that all the speakers had stated that, in principle, they were in favour of the proposal, although some thought it would only be practicable in the distant future, while others had explained why a solution of that kind could not be considered in their country at present. It should be remembered that all their previous decisions had related to proposals to be carried out in the future. He would therefore ask the Committee whether it agreed in principle that it was desirable that, at some future time, material should be selected because it was the best and not because it was national and that this was a practical possibility.

M. Chaumé, unlike the Chairman, did not think that all the members of the Committee had the same conception of what was meant by the "international service" in question. He himself and certain of his colleagues visualised an extensive system which would be of public utility to Europe. They should consider how such lines could be operated in practice. Supposing there were a line: London-Brussels-Berlin-Warsaw-Moscow, an agreement would be necessary between all the Governments concerned. If that agreement were concluded and a pool consisting of five participants established, there would still be a number of non-participating countries, to which the efficient operation of the service would, however, be of interest and which would be penalised if Belgian, German or some other legislation stipulated that national material should be employed and that material did not render the service expected of it by the users. If an operating company considered its existing material inadequate, it should not be prevented by its Government from purchasing better material made in another country. That was what had happened in France, where, notwithstanding the protests of aircraft constructors, the question had been settled on those lines, and that freedom of choice had turned out to be of the greatest benefit to the French aircraft industry during the last few years, because formerly constructors who were protected by a nationalist policy had persisted in employing obsolete methods. In the interest of the progress of the aircraft industry itself, competition in material should be allowed.

M. Fisch said that the example given by M. Chaumié had made the position clearer, and, unlike the Chairman, he did not think that all the members of the Committee were in agreement. If the Committee wished to do practical work, it should not content itself with a vague declaration of agreement on principles. His French colleague had said that the importation of foreign material was beneficial to national constructors; he did not think that the provisions in force in Germany were so severe as not to allow of exceptions enabling English or French aircraft to be employed in that country. In those circumstances, they might endeavour to find a compromise, which would involve the amendment of paragraph 6 and possibly of paragraph 5 also.

M. PITTARD was not in favour of a compromise. The discussion had gone on long enough. The members of the Committee had come from different countries where widely varying views were held. They had a common purpose, however. The time had come to take a preliminary vote on the question whether the Committee considered that a liberal regime in regard to the choice of material was desirable. They would then find out how many were in favour and how many against the proposal.

The Chairman pointed out that it would be difficult to vote on a provisional text, since M. Bouché proposed to submit an amended version of paragraph 6. Moreover, the Committee's resolutions were of value only in so far as they represented the views of the whole or practically the whole Committee.

M. Molfese said he would find it difficult to vote at the moment, as the discussion had shown that there were several different conceptions of the matter. There was the most liberal conception—that of Spain and Switzerland, and the narrowest conception—that of Great Britain. The Italian conception resembled the former because, while recognising the principle that the materiel should as far as possible be of Italian construction, foreign material was not excluded.

The CHAIRMAN asked M. Bouché to be good enough to prepare a final text for paragraph 6.

Paragraph 7.—Publication of a general directory of fast services permitting of the preparation of the best time-tables.

The Chairman said that this paragraph had already been discussed, but that the Committee had asked whether it would be possible for the Secretariat to publish the directory in question.

The Secretariat might, for instance, submit definite proposals at another session, after it had obtained competent opinions. The Secretariat proposed to convene a meeting of representatives of the Time-Table Conference, the International Air Traffic Association, the Postal Union and agencies dealing with transport undertakings, as a whole, to ascertain whether the data were already available, to draw up a scheme for a publication of the kind in question and to decide whether the scheme could be carried out by some organisation. If, when Section 8 came up for discussion, the establishment of the proposed non-commercial centre, which might perhaps work in conjunction with representatives of the institutions mentioned above, were considered expedient, it might be possible for that centre to edit the publication in question, unless that could be done by private enterprise.

The CHAIRMAN thought they were all agreed that the Secretariat should undertake the proposed enquiry. The publication would be of great utility provided it were of an official nature, because semi-official publications were often compiled too hastily and could not always be relied upon.

The Secretary of the Committee added that, even if it were necessary for the publication to be of an official nature, advertisements should not be excluded, because they would cover a part of the cost.

- Paragraph 8.—The establishment of a non-commercial centre of reliable information at least for Peninsular and Mediterranean Europe and for the European services along the main currents of world trade.
- M. Molfese asked what would be the constitution and functions of this organ and why it was especially necessary for Peninsular and Mediterranean Europe.
- M. Bouché explained that, in his report, he had emphasised the fact that, as regards traffic between Europe as a whole and the United States of America, official information had been collected by the United States Department of Commerce and that was of the greatest value. If a European Commercial Department were established on similar lines, it would be able to institute a service comparable to the American service.
- M. Roper wished to point out that such a centre already existed for Europe, since in addition to its other functions the C. I. N. A. was responsible for centralising and circulating information of all kinds relating to international air navigation. As long ago as 1922, the C. I. N. A. had taken steps to apply the system decided upon and had asked all contracting States to furnish information to its Secretariat. At the present time, 350 copies of its Bulletin were printed, but the circulation could, of course, be increased. He frequently received fresh requests for the Bulletin, and, in his opinion, that publication should form the nucleus of the general service proposed.

M. Molfese also wished to stress the fact that, in the C. I. N. A., they had an information centre which might be developed.

Mr. Roper added that the *Bulletin* was not intended solely for States members of the C. I. N. A., but that it also received information from non-contracting States. The *Bulletin* was not restricted therefore to the C. I. N. A., but was of worldwide interest.

The Secretary of the Committee asked M. Bouché whether the object of the proposed centre was to collect information of an economic nature.

M. Bouché replied that it would also collect information relating to traffic, to ground organisation and, in short, to a whole series of subdivisions, some of which would coincide with the work of the C. I. N. A., while others would be of a commercial and practical nature—which did not mean that the C. I. N. A. would not be competent to carry out that part of the work.

The Secretary of the Committee asked Mr. Roper if he thought the C. I. N. A. would be in a position to furnish information of a practical nature and of commercial importance.

- M. Molfese pointed out that the information in question could be obtained at the present time from the statistics communicated to the C. I. N. A. The Italian Government had recently prepared reliable model statistics, on the basis of which it had requested other Governments to furnish replies. The statistics dealt chiefly with questions of safety, and had no propagandist aim. The various data would enable those interested to obtain all necessary information.
- M. Chaumié observed that the quarters to which the statistical data were furnished had no material possibility of applying them.
- M. Molfese replied that the C. I. N. A., for instance, might be asked to draw the appropriate conclusions from those statistics.

The Secretary of the Committee asked whether it would be the duty of the proposed information centre to furnish practical information to the public, as was done by the United States of America Department of Commerce. Would the C. I. N. A. be in a position to organise such a service? If, instead of the C. I. N. A., it were proposed that the work should be undertaken by the League, he would not hesitate to reply in the negative. As regards information furnished by Governments, the C. I. N. A. was certainly the best clearing-house, but, if a different task were proposed, he doubted whether it would be possible for the C. I. N. A. to carry it out, especially as a considerable staff would be required.

M. Sondermayer drew attention to the fact that statistics were being asked for from various quarters but that there was no uniformity in those requests nor, consequently, in the replies. If the C. I. N. A., or some other organisation, were put in charge of the work proposed, requests for information would have to be uniform and made as definite as possible. As regards the questions raised by the Secretary of the Committee, he thought that the information collected by the proposed Bureau would be of value mainly for the study and improvement of aviation, and to organisations dealing with that question; it would be of no interest to the general public.

M. Bouché thought that it might facilitate discussion if he submitted to the Committee, at another meeting, a scheme for the organisation of the centre, as he conceived it. The Committee would then be able to decide whether the information in question should be collected by the C. I. N. A., the League of Nations, or some other organisation.

M. Molfese said that he had taken the liberty of sending to all his colleagues representing countries members of the C. I. N. A. proposals for the establishment of uniform statistics which would take no account of considerations of propaganda and national amour propre and would give more detailed data than those supplied on the tables adopted by the C. I. N. A. The adoption of those proposals would made it possible to collect information for countries as a whole.

General KABA asked whether the Committee would agree to the mention of a specific area being omitted from paragraph 8.

Mr. Roper said that for some years past the question of statistics had received the attention of Governments concerned in the exchange of information. The work had been begun in 1925 by M. de Veer. The model adopted by the C. I. N. A. last year had now been brought into use, and the C. I. N. A. had received statistics from all member-States for 1929. The model mentioned by M. Molfese would probably contain further improvements. In any case, the work was progressing normally. It had been said that certain information came within the province of the C. I. N. A., while the rest did not. One of the duties of that organisation was to collect and co-ordinate information and transmit it to Governments; it had also considered it necessary to go further still and to keep those statistics up to date as regards lists of Customs aerodromes, prohibited areas, wireless telegraphy, meteorology, etc. Mr. Roper then read a summary of the contents of a number of the C. I. N. A. Bulletin.

M. Chaumé said that, according to Mr. Roper's explanations, the C. I. N. A. was an organ which collected and published documents, but did not draw any conclusions from the statistics.

In many countries there were bodies which endeavoured to derive from the various statistics which they received information which they would prefer to obtain from a single organ or bureau. At the last meeting of the C. I. N. A. it had been stated that that body could not take action which was solely within the competence of the member-States, and that its Secretary-General had not the power to apply to Governments and ask them for something new. On the other hand, the proposed information bureau should be authorised to apply direct to Governments, companies and competent persons for any information which is required. He feared that at present the C. I. N. A. was not competent to do that.

Dr. Oppikofer supported the observations of M. Chaumié. The Institute of Air Law, of which he was the head, collected all laws and judgments relating to international questions; it was in correspondence with all Governments and had ascertained how difficult it was even for Governments to make certain of the existing law. He thought, therefore, that nothing short of a worldwide organisation could obtain all the necessary information. Moreover, only a certain number of countries belonged to the C. I. N. A., and a non-member State had no right to require the publication of its laws in the Bulletin, so that the information in that publication could not be regarded as absolutely reliable and complete.

M. ROPER said that the discussions to which M. Chaumié had referred had dealt with an entirely different matter. In Rome, on the other hand, he had been definitely instructed to write to all Governments in order to obtain all the necessary information. As regards the practical application of the data, that was another question.

The CHAIRMAN thought it would be better, before continuing the discussion, to wait until the Committee was in possession of M. Bouché's statement.

Paragraph 9.—The constitution of a common fund from the national annual subsidies for the purpose of carrying out the above programme.

M. PITTARD asked M. Bouché whether he proposed to create the fund solely from subsidies or by appropriations in the budgets as well. There were companies such as the new Paris-Geneva line which did not ask for subsidies and had their own budget. As the gradual reduction of subsidies was contemplated, the common fund would progressively decrease if it were dependent on the former, whereas if it could count on appropriations in the budgets, it would increase, since the companies' revenues were expected to increase.

M. Bouché explained that paragraph 9 was based on the results of experience as well as on statistics. In carrying out the task which the Committee had asked him to undertake, he had been struck by the fact that work in regard to commercial aviation, more especially in Europe, was being done twice, three times or even four times over. If a statement were drawn up in two columns showing on one side the whole of the present material assets and on the other the kilometric and postal revenue, the results would be surprising. He had thought, therefore, that the Committee might suggest that sums should be taken from the subsidies—which amounted to a total of over 1 milliard French francs—to form the nucleus of a common fund, to be used principally for the establishment of main air routes on which there would be the best chance of international traffic being conducted in a spirit of co-operation.

The Secretary of the Committee asked M. Bouché whether at the present stage of the enquiries it would not be better to adopt a general formula, not only for paragraph 9 but also for paragraph 10, which read as follows:

Paragraph 10.—The creation of a European banking institution to manage either the common aeronautical fund or any other more general fund aiming at the acceleration of transport.

It might be sufficient to refer to the financing of the above programme and, if it were thought necessary, to mention the constitution of a common fund, but without prejudging the solution. The essential part of the programme was the financing of the scheme, and it should also be stated that that would involve international co-operation in some form or other, but it would be going rather too fast to specify only the two methods mentioned in paragraphs 9 and 10.

M. Bouché explained that he had wished to put before the Committee verbally suggestions which he could not include in the conclusions of his written report. He would agree to any other more general text, provided it contained certain definite indications.

The Chairman asked M. Bouché and the Secretary of the Committee to agree upon a new wording for paragraphs 9 and 10. He declared the examination at first reading of M. Bouché's proposals closed. He also drew attention to the necessity for making the speeches as short as possible if, as appeared to be the general desire, the Committee wished to complete its work the day after to-morrow—July 12th.

(b) Proposals by Dr. Oppikofer (Annex 8).

Dr. Oppikofer explained that the two subjects of enquiry mentioned in his proposal had been selected in a completely arbitrary manner. There were many other questions of equal importance,

and it might perhaps be better simply to decide upon the examination of any legal question likely to facilitate the international operation of civil aviation. Questions of private law were also of great importance in air navigation.

The Secretary of the Committee did not think that such a vague and wide formula would be satisfactory. It might be better to specify that the proposal referred to legal questions affecting international co-operation in civil aviation. The Committee might ask the Bureau or the experts to submit a report at another session indicating what were the legal questions the solution of which appeared to be most urgently required from that point of view, and indicating the direction to be taken by investigations and future developments. An intermediate formula between Dr. Oppikofer's present text and his general suggestion might be submitted at the second reading.

The Chairman approved this suggestion. He added that two or three definite problems with which the enquiries might begin should be indicated.

(c) PROPOSAL BY M. PITTARD (Annex 9).

M. PITTARD explained that his proposal relating to insurance was submitted as a basis of discussion and not as a text ne varietur. He would ask the Committee to adopt a resolution recommending, for application at some time in the distant future, a compulsory insurance based on the mutual or some other system; he had referred on the previous day to the successful results obtained in Spain. He pointed out that national laws relating to insurance differed widely, and with all due respect to national legislation, he thought that an international organisation of any kind should be above it. At the conclusion of its discussions, the Committee would see whether the same organ could not deal with the common fund, information, insurance, etc.

Sir W. Sefton Brancker was of opinion that insurance was an extremely complicated and essentially commercial question. He did not think that any member of the Committee was an expert in the matter and proposed that it should be referred to a competent organ of the League. He would point out that all European companies were more or less insured in England. He did not know whether it was advisable to change that system, but, even if the Committee thought the question should be examined, it was not competent to deal with the matter itself.

The Secretary of the Committee thought that M. Pittard's wishes might be met for the time being by asking the Secretariat to examine the present position and its possibilities, and to submit its findings at a later session. It would certainly be very useful to get into touch with the Economic and Financial Section and the Financial Committee, without in any way prejudging the solution. The question affected air navigation, but was essentially of a financial nature.

M. PITTARD said that he would agree to whatever the Committee decided, but pointed out that in 1925 at the International Legal Congress on Aviation held at Lyons, the jurists had discussed questions of air insurance, and had considered that they were competent to do so. As a matter of fact, the question whether insurance should be compulsory or not was a matter not for financiers but for Governments. It was a question not of examining rates but of laying down the principles of insurance. He would repeat that, from the point of view of the safety of the users of aircraft, insurance was of vital importance to commercial aviation. Moreover, the Company undertaking the risks would have to know the extent of its liability. The International Technical Committee of Legal Experts for Air Navigation had already dealt with insurance. He quite understood Six W. Sefton Brancker's apprehensions, but would point out that the discussions of the present Committee in no way bound Governments and that they were merely examining a principle. As regards the methods of application, however, it would be necessary to consult specialists.

Dr. Oppikofer wished to draw attention to the difficulties of insurance from the legal point of view. There was compulsory insurance for third party risks in nearly every country, but the system differed very widely in each. In Germany and France, for instance, it was sufficient for foreign aircraft to be insured abroad; in Switzerland every foreign aircraft had to be insured with a Swiss company or one holding a concession for Switzerland; in the Netherlands, the insurance company was obliged to have a representative in the country so that it was sometimes necessary to take out a large number of policies. The simplification of the legal problems raised by compulsory insurance might be of great advantage to commercial aviation.

The CHAIRMAN said that Dr. Oppikofer's statement met the objection raised by Sir W. Sefton Brancker; the Committee would confine itself to the legal study of the question, which was of great importance to the development of civil aviation. He proposed that an amended text of M. Pittard's proposal should be examined at second reading.

The proposal of the Chairman was adopted.

(d) Proposal by M. de Veer.

M. DE VEER said that he had supplemented his original amendment (Annex 4) by particulars of a system (Annex 10) given as an example to explain the scope of his original proposal.

- Sir W. Sefton Brancker thought that this question was much the most important of those submitted to the Committee. He would like to illustrate that point by an example, and he thought that his French and Netherlands' colleagues could give very similar examples. An aircraft leaving England for the East could cross Europe without difficulty. Trouble would begin, however, when it neared the East and was over Persia, for example. The agreement with that country was about to expire and no one knew what the future regime would be. Persia might adopt a restrictive interpretation of Article 15, and it might not be possible for the aircraft to fly over her territory. Italy had already given a restrictive interpretation to the agreement, and the route had had to be changed. Those conditions made the normal operation of air traffic impossible. It was necessary to ascertain a sufficient time in advance the conditions under which the journey would be effected, so that the necessary arrangements could be made to remove difficulties, organise a suitable air fleet, etc. For instance, if an aircraft flew from London to India, it should be free to use the Cologne-Nuremburg or Paris-Nuremburg route, and there was no likelihood of Germany or France objecting to one of those routes being used one week and the other the next; the same applied to the routes via Prague or Vienna, via Constantinople or the Mediterranean, via the Persian Gulf or overland, according to the time of year, etc. In short, an aircraft must be allowed to change its route. That was what he understood by the freedom of the air.
- M. Molfese said that Sir W. Sefton Brancker was under a misapprehension in regard to the negotiations between Italy and Great Britain. It was not true that Italy had asked for economic compensation or reciprocity, which was usual in contracts of that kind. His country had simply offered to operate the portion of the line Genoa-Alexandria (Egypt) in conjunction with Great Britain. Italy had defrayed the cost of that part of the service under the pool system which had always been recommended by the Committee. England had started to operate the service, had drawn the profits and had obtained all the desired facilities in Italy; at a certain moment, however, the British Government had declared that it had no recollection of having undertaken certain engagements and it was at that stage that Italy, considering that her co-operation was at an end, had resumed her freedom of action.
- Sir W. Sefton Brancker explained that the British interpretation of Article 15 was as follows: Once Great Britain had decided that the best route for a service from Great Britain to its colonies in Asia was over Italian territory, it should have been sufficient for it to notify that country of its decision, after which the service would begin without any need for special negotiations.
- M. FISCH, referring to M. de Veer's proposal, thought that what the Committee had to decide was whether it was advisable to study the question of a greater freedom for air lines than at present exists. Moreover, there was no need to mention the C. I. N. A. M. de Veer's proposal was to some extent similar to paragraph 5 of M. Bouché's proposals. Personally, he thought that the whole question might be settled by paragraph 5, but if M. de Veer did not agree, perhaps he would consent to modify his text as follows:
 - "The Committee recommends that the competent bodies should study the question of greater freedom than exists at present for regular air lines. In order to arrive at a more satisfactory solution, the Committee recommends the respective authorities of the various countries to treat requests for permission to operate regular air lines in as liberal a spirit as possible."
 - M. DE VEER said that he was prepared to agree to M. Fisch's suggestion.
- M. Molfese was also in favour of M. Fisch's amendment. The present Committee included a number of representatives of countries which were members of the C. I. N. A. and had given definite votes in that Commission, and it would be awkward for them if they were obliged to vote differently in another Committee.
- M. FISCH explained that each country, while displaying as liberal a spirit as possible, would have the right to reply to requests in whatever manner it thought fit, according to its own requirements, and the rights accorded under Article 15 should be reserved.
- M. Sondermayer thought it his duty to explain the desire of countries which stood in a somewhat special position in the matter. While maintaining the principle of the sovereignty of each State over its territory, Yugoslavia had never availed itself of the provisions of Article 15, and all requests from foreign companies had been favourably considered. That country had always been and would continue to be inspired by a desire for the international development of aviation. Nevertheless, present circumstances made a certain amount of distrust inevitable. There would be no difficulty if all the companies which applied to Yugoslavia were animated by the same desire, but, without mentioning any names, he knew of one foreign company which, without any economic necessity, wished the air service crossing Yugoslavia to be operated by its national aircraft. It was obvious that a claim of that kind was contrary to the spirit of international co-operation which should govern the matter.
- M. Ruiz Ferry supported, with regard to Spain, the observations of M. Sondermayer and added that he could mention not one but several cases of the same kind.
- Colonel Filipowicz agreed with M. Molfese. The Committee included several representatives of Governments members of the C. I. N. A., and it would not be possible for them to give their vote

in a sense contrary to the engagements undertaken by their Governments before the official international organisation.

M. PITTARD said he was surprised at the statements which had just been made. He was in no way antagonistic to the C. I. N. A., and had, in fact, urged his Government to become a member of that organisation. It was obvious that Governments members of the C. I. N. A. were bound by their decisions, but that organisation had been placed under the ægis of the League, and Geneva was the very place where Governments not members of the C. I. N. A. could ask for an account of what it had done. It was the object of the present Committee to promote co-operation between air transport undertakings and not to regard previously adopted texts as unalterable.

M. DE VEER thought that the apprehensions raised by his original text had been removed by M. Fisch's amendment. In speaking of the freedom of air lines, they were not thinking merely of the C. I. N. A., but of cases with which that organisation had nothing to do.

The Chairman said it was his duty to try to discover what there was in common between the different statements, and noted that there was agreement on three points:

1. All the members of the Committee, including M. Pittard, thought—possibly for different reasons—that the C. I. N. A. should not be mentioned. The Committee was not under the jurisdiction of the C. I. N. A., or *vice versa*, and it was doubtful whether the present Committee was competent to ask the C. I. N. A., on belat of the League of Nations, for an account of its work.

2. All the members agreed that greater freedom in regard to the establishment of international lines was desirable, although no exact formula had been arrived at. In that connection, the most

radical solution was that proposed by Sir W. Sefton Brancker.

3. There was agreement on a point of procedure—namely, as regards the adoption of a similar text to that of M. Fisch.

If the Committee agreed that that was an accurate summary of its views, it would only be necessary to invite the authors of the different proposals to submit a joint text at second reading.

M. Molfese said he was anxious to clear up the present misunderstanding and to remove the embarrassment of the members of the Committee who were likewise Government delegates to the C. I. N. A. He proposed the adoption of the following text:

"The Committee recommends that special agreements should be concluded between the Governments with a view to obtaining greater freedom of civil aviation."

That text would conform both in spirit and in letter to the last paragraph of Article 15, which allowed a certain freedom to Governments.

M. Sondermayer fully approved the Chairman's observations. He would like it to be added, however, either in the form of an amendment or by means of an alteration of the wording, that the liberalism recommended to countries whose territory was crossed by international lines should also be recommended to companies operating those services. The latter were often animated by a spirit which might be harmful to the spirit of international co-operation. Foreign companies whose lines crossed other countries should co-operate with the aircraft of those countries whenever co-operation was likely to increase the remunerativeness of the international line in question.

The Chairman pointed out that his colleague had raised a somewhat different question, and one which was likely to give rise to further discussion. He would ask him to submit a draft resolution for discussion at the second reading.

M. Sondermayer explained that it had not been possible for him to formulate his recommendation, which might interest other countries, until the Chairman had summarised the position of the discussion.

M. Fisch said that it had been suggested that M. Bouche's proposal might be combined with that of M. de Veer and thought that M. Sondermayer's suggestion might also be incorporated.

M. Bouché said that, in conjunction with M. Fisch, he would endeavour to draw up a text taking M. de Veer's amendment into account. It should be noted, however, that, if the part of that proposals on which agreement had been reached were incorporated in paragraph 5 of his own proposals (Annex 2), M. de Veer's text, which had been amended in a restrictive sense, would be made still more restrictive, since all the proposals which he himself had submitted referred to a certain definite system. The proposal would no longer relate to the question of freedom in general, but of freedom in regard to certain lines.

The CHAIRMAN thought that that difficulty might be remedied by dividing paragraph 5 into two paragraphs, provided that agreement were reached as to the necessity for more liberal treatment of the main services.

M. DE VEER, for reasons of principle, thought it inadvisable to combine the two proposals. The recommendation referring to greater freedom would lose its force if it were incorporated in the special programme drawn up by M. Bouché. He wished the general question which he had raised to be treated separately, and M. Bouché's programme to be maintained as a special question for study.

The CHAIRMAN said the Committee agreed that the two proposals should be kept separate.

M. ROPER was doubtful whether M. Fisch, M. Molfese and M. de Veer were actually in agreement as to the amendment of the proposal of the last-named. According to M. Fisch's draft, the "competent bodies" were to examine the question. If the Committee thought that term should be retained, what were the bodies in question? Did the term refer to the present Committee or to the C. I. N. A.?

The Secretary of the Committee thought it better to leave the question of drafting until the second reading. No one had proposed that the present Committee should examine the modification to be made in the existing law on the matter. Two proposals, differing in form only, had been made, one to the effect that the competent bodies should be asked to examine the question, and the other recommending Governments to conclude agreements. The two suggestions amounted to one and the same thing, put in different ways; they should consider which was the better one. The reason M. Roper had asked his question appeared to be because the plural, "the competent bodies" was used. The Secretary of the Committee suggested that they should propose in vague terms the study of a modification of the existing international law in the direction of greater freedom; that would be for the future. In the meantime, Governments might be requested, on the basis of the existing law, to examine, in as liberal a spirit as possible, requests for purmits made to them, or to conclude special agreements among themselves.

The CHAIRMAN thought that the best solution would be to ask M. Fisch to draw up a text after consulting the various authors of the amendment (M. Molfese, M. de Veer and M. Sondermayer).

The Chairman's suggestion was approved.

The CHAIRMAN said that the proposal by Colonel Isler (Annex 6) had been withdrawn, as its substance had been incorporated in other texts.

SIXTH MEETING

Held on Thursday, July 10th, 1930, at 3.30 p.m.

Chairman: M. DE BROUCKÈRE.

Present: All those present at the preceding meeting.

XI. Draft Resolutions (continued).

(e) PROPOSAL BY M. FISCH.

The CHAIRMAN read M. Fisch's proposal (Annex 5) and opened the discussion on that text.

Sir W. Sefton Brancker said that, in his opinion, there were two classes of air transport—national and international. National transport was that of countries such as Great Britain, the Netherlands and France, which wished to transport their mails from the mother-country to the colonies. For that purpose, they desired unrestricted freedom of passage over the countries traversed, and their claim appeared a legitimate one, as that freedom was necessary and they did not in any way interfere with local traffic. International transport was of a different kind and necessitated the formation of companies of pools, which, as M. Fisch had said, were already in existence, as, for example, between Germany, Czechoslovakia and Switzerland, and those pools were operating normally. He did not think, however, that, in future, the formation of a pool would be sufficient for the establishment of international air connections. It would be necessary to adopt a solution similar to that adopted by the Société des Wagons-Lits, but unless the League of Nations took up the matter they would have to wait, as had been necessary in the case of the Société des Wagons-Lits, until air transport companies considered that the international traffic was of interest from a commercial point of view.

M. Molfese said that M. Chaumié had made some very interesting statements regarding the question of future co-operation between air-navigation companies operating services to the Far East, and those statements had given him great pleasure, as they coincided with the views which he had himself expressed on several occasions during the last few years. He was convinced that all the members of the Committee hoped that, as civil aviation progressed and the artificial regime, under which it was supported by Government subsidies, was replaced by a purely economic regime, bolder experiments and the formation of international groups would be possible. Even in the present state of affairs, the Committee would find that, without waiting for the necessary changes in national and international legislation and the completion of the schemes for the amalgamation

of the various companies, the goodwill of Governments, and the loyal observance of equitable agreements would enable close co-operation, satisfactory to all, to be established at once. If all thoughts of a monopoly were abandoned, it would be possible even in the present state of direct agreements and of pools already established between companies under Government control to secure a satisfactory measure of collaboration between the various civil aviation undertakings. That might, of course, be made more complete in the near future, but it could be initiated even with the systems at present in force. In those cirumstances, while appreciating M. Chaumie's proposal, M. Molfese said that he supported M. Fisch's proposal.

- M. Fisch said that, in substance, he appeared to be in agreement with Sir W. Sefton Brancker if the latter thought that it would eventually be possible for pools to be adapted to the organisation which he advocated. These pools could, of course, be arranged in different ways according to economic requirements.
- M. Sondermayer thought that the question of national air transport should not be dealt with by the Committee, as the question of connections had a political side, which should not be touched on by a Committee on civil aviation; but Sir W. Sefton Brancker's observations were of interest, as national lines might possibly be utilised for international purposes.
- M. Chaumié thought that M. Fisch's proposal could best be discussed by taking the various parts separately. As regards the first paragraph of that proposal, he thought that all the members of the Committee were in agreement; the present state of affairs must not be lost sight of, and it was obvious that the pools system had proved effective; it was a necessary stage on the road to better international conditions.

However, he could not accept the second part of M. Fisch's proposal—namely, to refer the question of the establishment of an international company to the representatives of commercial aviation companies already in existence. That was a political question, which lay outside the province of those companies. He thought it would be best to draw up a text to the effect that the Committee would ask the various Governments, through the League, to investigate the question. The fact that it was of fundamental importance should be emphasised; it was as vital to-day as the questions of submarine cables and transcontinental railways had been yesterday. The examination of the question was consequently a matter for Governments, which should co-operate effectively with each other by creating an international company to control the main air lines, otherwise competition between national lines would give rise to disputes, which must be avoided at all costs.

M. FISCH agreed with M. Chaumié that the question had a political side, but the essentially commercial nature of the problem could not be ignored. In that connection, he could not help comparing the position with the state of affairs existing in maritime navigation; although the conditions were identical to those of air navigation, there was no international organisation. The healthy competition between the different companies had not hampered the development of maritime navigation.

He thought it possible to solve the problem by economic means. If shipping companies found that the establishment of an international company would enable them to increase their commercial returns, they would at once form a trust. They had not done this so far. For that reason he did not think his proposal interfered with the future development of commercial aviation.

- M. Chaumié feared that if, for instance, Great Britain or the Netherlands decided to interpret Article 15 of the Convention of 1919 in its restrictive sense, it would be absolutely impossible to arrive at an international agreement, and he thought that, in the interest of all countries, Powers should be forbidden to close their territories to international air traffic. That could only be done by a political settlement of the question.
- M. Fisch recognised the truth of M. Chautnie's observation, but thought that countries which took such action would be hoist with their own petard, as other countries would retaliate; consequently there was no danger of States acting in that way. He would repeat that the question was the same as in the case of maritime navigation, since ships, after crossing the open sea, were obliged to put into foreign ports.
- M. Molfese thought that the following solution might be adopted. Since the companies had a first-hand knowledge of the position, they could be asked to furnish the material for an enquiry, to be carried out by the competent authorities of the various Governments.

The Chairman said that the Committee was already agreed on certain points. It unanimously accepted paragraph I of M. Fisch's proposal; pools had been established and should be perfected. In this connection, he ventured to suggest to M. Fisch a possible improvement in his text. Did not the following sentence: "at this stage it seems very difficult to replace that system by a more perfected organisation", go further than he intended, since, in his second paragraph, provision was made for the possibility of improving those pools?

As regards the second paragraph of the proposal, he thought that agreement might be reached between M. Fisch and M. Chaumie, as M. Molfese had suggested.

M. Fisch, in reply to the Chairman's observation, pointed out that the sentence mentioned by the Chairman was made less categorical by the words: "at this stage".

The Chairman asked whether the following wording would not be better: "Efforts should arrily be directed towards the replacement..." It was better to have a constructive primarily be directed towards the replacement . . . " It was better to have a constructive proposal than the negative one suggested by M. Fisch. Nevertheless, if there was agreement as to substance, the final wording might be left until the second reading.

As regards the second paragraph, he would draw attention to the following proposal by

M. Chaumié:

"The Committee recommends that the League of Nations should draw the attention of Governments to the importance of establishing in the future large international lines in respect of which an international statute would be drawn up."

M. CHAUMIÉ said that his proposal might form the second part of M. Fisch's text. Personally he did not think that the Committee could examine the substance of that question, as it was a political one, but it should bring the matter to the notice of Governments. The question was not an entirely new one, since, in connection with the Suez Canal, the Straits and international waterways, the Powers had decided that the importance of those communications exceeded the interests of the riparian States. The Committee should not shirk the problem, but should have the necessary vision and point the way to the various Governments.

The CHAIRMAN said that the various views were very similar and proposed to M. Chaumié and M. Fisch that they should draw up a text the wording of which would be discussed at second reading.

M. Sondermayer pointed out that the Committee appeared to be coming back to the question raised by M. de Veer.

The CHAIRMAN said that that was true, but pointed out to M. Sondermayer that, whereas M. Chaumié had proposed a statute without specifying its nature, M. de Veer had proposed a liberal statute; the difference was obvious.

(f) Proposals by M. Allard.

The CHAIRMAN read M. Allard's proposals (Annex 11).

M. ALLARD said that the discussions which had taken place during the past three days had clearly shown the many difficulties which would have to be overcome before the bases of an international or European air transport organisation could be established. Although he did not for an instant contemplate the abandonment of the idea of an international agreement, which all the members of the Committee had at heart and which he himself thought would be possible to bring about for all air transport, he was of opinion that the most practical course for the Committee to adopt would be to simplify the problem and to begin by studying the organisation of European postal air transport. He had already mentioned the conditions which he considered essential for the logical development of that transport. M. Bouche's remarks concerning the economic returns from air transport were very true. Nevertheless, at the present time, and in view of the working cost of the transport of a ton for a kilometre by air, he thought that they were all agreed that the transport of mails alone could be regarded as a paying proposition if not immediately, at all events in the near future. It was not the Committee's business to examine the means of reducing the working cost per kilometre ton. He would, however, like to give the Committee a brief summary of the eight points mentioned by him at the third meeting (see page 14) and which, in his opinion, would have to be settled if the transport of mails were to become a paying proposition in the near future.

r. As regards long distances, like all the members of the Committee, he agreed with M. Chaumié as to the necessity for large intercontinental lines (Indo-China, Congo). The proposal should be retained, but he thought that, if they confined themselves to Europe, useful work could be done immediately, and the results of European co-operation would inevitably lead to a wider organisation as contemplated by M. Chaumié.
2. There was no need to stress the enormous propaganda which would result if European

countries all agreed to interest themselves in European postal transport.

3. He had urged that there should be a day and night mail service. He had ascertained that the members of the Committee agreed to that, and that Colonel Isler had even submitted a definite recommendation on the matter, to which effect had been given through the adoption of his

recommendation on the matter, to which enect had been given through the adoption of his proposal for the study of postal air transport.

4 and 5. Special and constant study should be given to the ground organisation necessary for night flying (beacons, ground marks, provision for flying in foggy weather). While he agreed with M. Fisch's observations to the effect that, at the present time, air transport was too irregular, he thought that European co-operation, which would lead to a study of the means of directing aircraft and provision for their landing in foggy weather, would help to facilitate the solution of the problem of irregularity.

6. The members of the Committee had realised the difficulties raised by the surtax, but had been unable to find a solution. In any case, the Universal Postal Convention provided that a maximum surtax of 0.25 gold franc could be charged. That surtax would be amply sufficient to cover the working cost, as it would represent a sum of 25 gold francs per kilometre-ton, whereas

the working cost amounted to an average of 7 gold francs.
7. The Committee had agreed to take the necessary steps to reduce the formalities for the users of air transport to a minimum.

8. He also thought they were all agreed that if mails were carried separately from other articles or from passengers, aircraft better adapted to the work would be built, and greater economy would be effected. Moreover, there would be no Customs difficulties.

For all those reasons he would like to submit to the Committee the draft resolution which had just been read by the Chairman and which, moreover, coincided with the views of M. Angström.

M. Fisch pointed out that paragraph 7 of M. Allard's proposal would be unnecessary if M. Chaumie's amendment to his proposal were adopted.

The Chairman said he agreed that if M. Chaumie's proposal were adopted, paragraph 7 and the second paragraph of the preamble would be automatically left out.

M. PITTARD said that he had taken part in an international experts' enquiry regarding international companies, and, like the rest of the jurists, he had reached the conclusion that, in the present state of legislation, the formation of an international company was not possible, but that that might not apply to the future, and, in that connection, the experts had examined the utility of an international company. There were no political or international but only legal obstacles in the way of its establishment; he thought that the organ best qualified to study the question was The Hague Institute of International Law. The Committee could propose that study to the Institute in a recommendation.

Sir W. Sefton Brancker also thought it necessary to take steps in the matter. The Committee might perhaps refer the question to the International Air Traffic Association instead of setting up a new sub-committee as proposed by M. Allard; the International Air Traffic Association would study the question and would communicate the results of that study to the various postal administrations and to all Governments. If it suggested concrete proposals, the decision would rest with the latter.

- M. ALLARD said he quite agreed that if a competent organ already in existence were willing to examine the question it should be asked to do so; the reason for which he had suggested the establishment of a special organ was that the question had been outstanding for the last two years and, as far as he was aware no one had done anything in the matter.
- M. ANGSTRÖM also thought M. Allard's suggestion a very useful one. It was very difficult, however, for the representatives of private companies to deal with such important matters as postal questions. It would be better for them to be dealt with by a more comprehensive committee, including representatives of postal administrations.

The CHAIRMAN thought that the Committee should not confine itself to a simple recommendation, but should take some definite action and prepare the ground for an examination of one or two special questions. These problems should not be passed on to other organs but should continue to be examined by the Committee itself so that definite proposals could be made later; he thought, therefore, that the appointment of a sub-committee as proposed by M. Allard was essential.

M. Chaumié said he fully agreed that action was necessary and that the competent persons

'should be requested to prepare maps as proposed by M. Allard.

He was doubtful, however, as to the advisability of entrusting to the sub-committee the examination of the other questions, which were of a highly technical nature; there were postal questions, which ought not to be discussed solely by postal experts, and technical questions relating to air transport which were of a very special nature. He thought that to allow all those points to be examined by the sub-committee would be to encroach upon the domains of other specialists.

- M. ALLARD did not think those questions too technical. To give a practical example: certain research work on flying in fog had been carried out in Belgium. It was not decisive, because the tests had had to be suspended for various administrative reasons. Was it not absolutely essential to affirm the necessity for encouraging such inventions and to entrust the matter to the subcommittee?
- M. Fisch entirely agreed with the Chairman. He also proposed that M. Allard's and M. Bouché's proposals should be combined, as they had a similar object.
- M. Ansgtröm thought, on the other hand, that the two questions should be kept separate, as night transport for mails was a very different matter from night transport for passengers and goods; while postal air transport by night was now a paying proposition, passenger traffic was not yet practicable.

Those two questions should be kept separate for the moment and the results of postal traffic and passenger traffic subsequently compared. It might perhaps be possible to come to some better

arrangement later.

- M. Bouché also thought that the two questions were quite separate (for instance, from the point of view of the route followed, postal routes were not necessarily the same as passenger routes.) They should be studied separately and the results collated later, when the progress made in one branch of air traffic might possibly be applied to the other.
- M. FISCH withdrew his proposal, but pointed out that in Germany there was a night service for passengers between Berlin and Königsberg.

M. DE VEER also thought it necessary to submit concrete proposals, and asked what would be the composition of the sub-committee to be set up to examine the problems raised by M. Allard. M. Allard's proposals related to postal questions, which could not be dealt with without the cooperation of postal experts, and there were no postal representatives on the Committee.

The Secretary of the Committee agreed with Sir W. Sefton Brancker that the proposed organ should not be too cumbersome. It might be asked to submit reports and obtain information from the representatives of the various services concerned, without, however, including them among its members; if it were in touch with the organs already in existence, it might be possible to carry its enquiries further without duplicating their work.

The CHAIRMAN said that the Committee was uninamously agreed that certain of M. Allard's conclusions should be submitted for examination to the sub-Committee, which should in any case be a very small one, and should consult experts but should not include them among its members.

The Committee would consider at the second reading which proposals necessitated exhaustive

investigation.

He opened the discussion on M. Allard's proposals, which would be examined one by one.

1. To prepare a map of the air lines to be established between the capitals of the European countries and the points of importance to postal traffic in these countries.

This would be a map of postal connections and not a map of the kind included in M. Bouché's report.

The Committee agreed to refer the question to the sub-committee.

- 2. To study the question of the surtax.
- 3. To make all the necessary arrangements with the postal services concerned, regardized proprticular the handing over of mail to the aeroplane, the distribution of mail, etc.
- 4. To indicate the technical conditions for the normal marking-out of routes by night.
- To propose suitable means for increasing the efficiency of aircraft responsible for ensuring the service in misty weather.

The Committee agreed to refer these questions to the sub-committee.

- 6. To draw up specifications of the performances and qualities required of one or more postal aeroplanes to be utilised on the lines under consideration, account being taken of the estimated freight and of local meteorological conditions.
- M. Roper pointed out that this question affected the conditions governing the issue of the certificate of air-worthiness.
- M. Allard then proposed to add "taking into account the minimum safety requirements laid down by the C. I. N: A." It was, however, important to specify the exact characteristics of postal aeroplanes.
- M. ALLARD, in reply to a question by the Chairman as to whether it was necessary to say "performances and qualities", added that, as regards an aeroplane, "performances" covered all qualities which could be measured mathematically, while "qualities" referred to characteristics which could not be determined by figures.

The Committee agreed to refer the question to the sub-committee.

7. To study the advantages and drawbacks of a single international company and of co-operation between companies.

The Chairman pointed out that if the Committee adopted M. Chaumie's proposal, the paragraph would be omitted.

M. Ansgtröm proposed that the paragraph should be retained, and that, instead of "a single international company", the words "one or more international companies" should be used, as it would be better to have several companies —for instance, one for mails in northern countries and one for southern and central countries.

The Secretary of the Committee said he thought two questions had become confused with each other, and a better wording might be devised. Reference had first been made to an international company, which it would be extremely difficult to establish and which would involve considerable changes in legislation; it had also been proposed that there should be one or more companies on the lines of the Société des Wagons-Lits. The establishment of such companies would present difficulties, not of a legal, but of a practical nature. Consequently, both those proposals would involve changes, though of a different kind. While not excluding the possibility of establishing an international company at some future time, it would be better to aim at the formation of a practical company, provided that the law would permit the aircraft of that company, which would have a single nationality, to fly over the territories of various countries without any restriction.

The Chairman said that the Committee would probably arrive at the conclusion that the formation of an international company would be very difficult. It would therefore be better

to aim at the establishment of a practical international institution such as already existed in the Bank of International Settlements, for instance. In that case, would it not be better to draft paragraph 7 as follows: "To consider the form which international co-operation should take"?

M. PITTARD asked whether the text of M. Chaumie's proposal would be added to paragraph 7

The Chairman replied that that text had a more general scope, as it related to air transport as a whole. It would therefore be incorporated in M.Fisch's draft resolution.

The Committee agreed to refer the questions to the sub-committee.

8. To study, if necessary with the competent authorities of the different countries concerned, the sections which might be operated by each.

The Committee agreed to refer this question to the sub-committee.

(g) PROPOSAL BY COLONEL ISLER AND M. PITTARD (Annex 12).

Colonel ISLER appealed to the Government representatives who were members of the Committe to establish without delay the bases of international co-operation; he was convinced that, if those questions continued to be split up among a number of different bodies, any action to co-ordinate them would be taken too late.

As regards the details of his proposal, he wished to reply to an objection raised at a previous meeting to the effect that the permanent organ proposed would have no influence as it could not issue orders. That was true in a sense, but he thought the organ he had proposed would be at the

head of all the organs already in existence and would co-ordinate their work.

Outlining the field of activity of that organ, he said he thought its object might be threefold:

(r) To examine a general programme of enquiries, questions being dealt with in the order of their urgency; (2) to guide the work of the various bodies already in existence; (3) to render services to those bodies. In carrying out that scheme, the programmes of the existing bodies might be co-ordinated and contact might then be established with them, as had been done by the Institute of Aerial Law at Könisgberg, of which Dr. Oppikofer was the head, and the difficulties encountered by those bodies in the performance of their task might be investigated; finally, all air postal organs and all Governments should have the right to apply to it for information and for material to assist them in their investigations of questions which were of special interest to them.

The organ might perform the following tasks: Distribute a programme of enquiries; furnish information to the institutions already in existence as to the urgency of the points to be examined; invite the latter to expedite the investigation of certain questions of special importance; convene

or participate in conferences.

It should also render services, as that was the only real form of co-operation, and might do so by collecting complete information, which should be kept scrupulously up to date, on all matters relating to air transport, and in short should build up the archives of international aviation.

- M. Sondermayer said that he could not visualise very clearly the composition of the organ proposed by Colonel Isler.
- M. ROPER thought that the functions which Colonel Isler proposed to attribute to that organ had already been assigned to the C. I. N. A.
- M. Molfese said that the present Committee had been summoned to reduce to a minimum the organs dealing with air navigation and to endeavour to simplify the position, which had become very complicated. Since the commencement of its discussions, however, four or five new Committees had already been set up. For that reason he could not agree to Colonel Isler's proposal.
- M. FISCH pointed out that they already had the Committee for Communications and Transit. Could it not carry out the work proposed by Colonel Isler?
- Sir W. Sefton Brancker strongly supported M. Molfese's proposal. He said that the International Air Traffic Association and the C. I. N. A. had done much more in regard to aeronautic questions than was generally realised, and the tasks suggested by Colonel Isler could be confidently entrusted to them—moreover, those Commissions were already overburdened with work and the establishment of a new organ would inevitably increase the tasks of the organs already in existence, while it would hamper general progress.

He thought the Co-operation Committee might meet from time to time to draw the attention of the International Air Traffic Association and the C. I. N. A. to tasks which it desired them to carry out, and to indicate to them the means of improving co-operation in regard to international

aviation.

Since Colonel Isler had asked for a clearing-house, he thought those functions could be performed by M. Roper, who, as Secretary-General of the C. I. N. A., attended the meetings of all organs dealing with aviation, and might communicate to each of them the result of the work of all the rest.

The SECRETARY OF THE COMMITTEE was inclined to think that the proposal of Colonel Isler and M. Pittard was too rigid. The object of the Committee was to co-ordinate the various organs dealing with aviation. It would, therefore, be somewhat paradoxical to propose a new permanent organ, and, in his opinion, it would be better to co-ordinate existing organs without adding a new

element. The Communications and Transit Organisation, which was in touch with all organs of aviation and took an interest in all those questions (as indeed was proved by the meeting of the Committee), might, he thought, discharge the functions which Colonel Isler wished to entrust to his permanent organ. The desired object could thus be achieved without the necessity for creating such a super-organ, while the necessary elasticity would be maintained.

M. PITTARD did not agree with Sir W. Sefton Brancker that the Secretary-General of the C. I. N. A. could act as a clearing-house, since the C. I. N. A. was a private organisation of which not all States, even European (Germany and Switzerland for instance), were members.

He maintained that there was a gap in the organisation of aviation, and he would be glad to see an institute established for the purpose of co-ordinating all the various activities, its work being divided into three sections—an administrative section, which would perform the functions at present entrusted to the C. I. N. A., an economic and commercial section (the subjects with which it might deal had been studied by the present Committee) and a legal section, which should be absolutely autonomous (since legal questions needed to be treated separately).

The amalgamation of all the organs might be a very difficult matter, but he thought it was nevertheless possible. The C. I. N. A., whose rôle would be extended, might form the administrative section.

He would emphasise the fact that he did not desire a new organ, as M. Molfese had thought, but the amalgamation of all the Commissions already in existence, so that they would form a single organ, to which sporting and tourist sections might be attached; he thought this concentration of effort would be extremely beneficial to air navigation.

If the Committee were definitely opposed to the establishment of such an organ, the question of placing all air navigation commissions under the C. I. N. A. might be examined.

M. Sondermayer thought that a compromise might be found between the proposal of Colonel Isler and M. Pittard and the Secretariat's proposal: without setting up a permanent organ, they might ask the Transit Committee to make a special study of the question and to undertake the work of co-ordination, which they all agreed was necessary.

M. Molfese wished to clear up a misunderstanding. M. Pittard had spoken, in the statement he had just made of "establishing" a new institute for co-ordinating the work of the existing organisations. After M. Pittard's explanations of his proposal, which aimed at a "concentration" of these organisations, M. Molfese fully approved the suggestion to amalgamate all the organs and to enlarge the functions of the C. I. N. A., so that it should embrace them all.

M. Ruiz Ferry said that the fact that the League of Nations had thought it necessary to convene the meeting of that Committee proved that the organs already in existence were inadequate He therefore supported the proposal of the Yugoslav delegate, and hoped that the Communications and Transit Committee would be entrusted with the task.

The Chairman thought that the text drawn up by Colonel Isler and M. Pittard contained three proposals: (1) That co-ordination was necessary between the organs dealing with air navigation; the Committee was unanimously in favour of co-ordination; (2) that new centres of study should be created if necessary; all the members of the Committee appeared to be in favour of that proposal also; (3) that a permanent organ should be set up to obtain those results. It was on that last point that the whole discussion turned. In the first place, he thought that if they said, as the Swiss delegates proposed, that "the only possible course was to set up a permanent organ", they would be prejudging the desired results. Moreover, there was a constitutional difficulty; the Co-operation Committee had been convened by the Communications and Transit Committee of the League. The Communications and Transit Committee had been set up under Article 23 e) of the League Covenant, which provided for the establishment of an organ to secure and maintain the freedom of communications and transit; if a new organ were created, it would disturb the organisation of the League. Moreover, he thought that the fact that the League had summoned the present meeting proved that it took an interest in air navigation, and he thought that they could confidently entrust the matter to the Communications and Transit Organisation, which proposed to take over this new task. He thought that the Committee should confine itself to affirming the necessity for co-ordination, leaving the working out of the problem to the Communications and Transit Organisation. The Committee should continue to co-operate by dealing with concrete cases, the settlement of which would gradually help to regulate the questions.

There was one other consideration which militated in favour of that solution. The Supervisory Commission would certainly be reluctant to agree to any further expenditure, which the proposed co-ordination organ would be bound to involve, whereas, if the solution proposed by M. Sondermayer were adopted, expenditure would not be increased, while the principle advocated by Colonel Isler would be safeguarded.

M. Molfese added that the Committee included heads of air navigation in Europe and the Far East, who were also members of the C. I. N. A. and other organisations; they were all perfectly acquainted with the state of all air problems; and at subsequent meetings they might suggest to the competent organs how the work should be allocated. That allocation could be effected by the Communications and Transit Committee, which was quite competent to perform the task.

The Chairman considered that the Committee had reached agreement on the three problems raised in the proposal of Colonel Isler and M. Pittard. He thought, therefore, that the Committee had now completed its work, but that the texts adopted must be properly drafted and that there should be a second reading. He proceeded to appoint a Drafting Sub-Committee, consisting of the Rapporteurs, M. Fisch, M. Chaumié, and M. de Veer. Any member of the Committee who specially desired to do so might, however, take part in the meeting of the Sub-Committee.

SEVENTH MEETING

Held on Saturday, July 12th, 1930, at 10 a.m.

Chairman: M. DE BROUCKÈRE.

Present: All those present at the preceding meeting, with the exception of Sir W. Sefton Brancker.

XII, Draft Report.

The CHAIRMAN read the draft report drawn up by the Sub-Committee (Annex 13).

Introduction.

M. Sondermayer thought that the necessity for safety was not emphasised sufficiently in the introduction; he would like that matter to be mentioned, as he thought it was an extremely important point which had been omitted.

M. Molfese thought it might perhaps be unwise to mention safety owing to the consequences in regard to insurance.

M. Sondermayer said that it was precisely on account of insurance that he wished the matter of safety to be mentioned. After stating that aviation was still somewhat dangerous, they should add that there were means of lessening the risks.

The Chairman said that reference should be made to safety, but that too much stress should not be laid on the matter. He thought the best solution would be merely to say "situation" instead of "economic situation".

M. Sondermayer said he would be satisfied with that amendment.

The text of the introduction was adopted with the modification proposed by the Chairman.

PARAGRAPH I: RELATIONS BETWEEN CIVIL AND MILITARY AERONAUTICS.

PARAGRAPH II: Unification of Public International Law on Air Navigation.

These two paragraphs were adopted with formal changes.

PARAGRAPH III: Co-ordination between Organisations dealing with Air Navigation.

General KABA proposed that the heading of this paragraph should read: "Co-ordination of the work of organs dealing...", as there was a discrepancy between the heading and the text of the paragraph.

M. Bouché replied that that was intentional; the discrepancy between the two texts was intended to allow greater freedom in the matter of co-ordination. The Secretariat's primary object would obviously be to co-ordinate the work, but it would be able to discover indirectly the best means of co-ordinating the tasks of the various organs. He therefore proposed that the discrepancy should be left or, in any case, that the wording of the heading should be retained, as it was more comprehensive.

General KABA agreed with M. Bouché.

M. Sondermayer drew the attention of the Secretariat, in this connection, to the International Conference on the Safety of Air Navigation to be held at Paris, the work of which might be of interest.

This paragraph was adopted with a few formal changes.

PARAGRAPH IV: CONDITIONS OF ADMISSION OF FOREIGN UNDERTAKINGS EFFECTING REGULAR INTERNATIONAL TRANSPORT.

PARAGRAPH V: PROGRESS OF INTERNATIONAL CO-OPERATION IN THE EXPLOITATION OF AIR-NAVIGATION LINES.

These paragraphs were adopted with some formal changes.

PARAGRAPH VI: Possibility of studying a Special Statute applicable to Certain International Air Connections of General Interest.

General KABA asked what was the nature of the special statute proposed. As he did not quite see what that statute could contain, he would reserve his opinion until later.

M. Sondermayer took the same view as General Kaba, and proposed that in order to allow greater freedom to Governments the last part of the resolution should be omitted.

The CHAIRMAN said that the resolution had been adopted on a proposal by M. Chaumié, and that, if the last part were omitted, its whole significance would be lost. He thought the last part was necessary, and pointed out to General Kaba and M. Sondermayer that the Committee had merely drawn the attention of the League of Nations to the problem without indicating how it should be solved. He did not think that the very cautious wording need cause General Kaba and M. Sondermayer any misgiving.

This paragraph was adopted without any modification.

PARAGRAPH VII; STUDY OF CERTAIN JURIDICAL AND ADMINISTRATIVE QUESTIONS WHICH AFFECT THE DEVELOPMENT OF INTERNATIONAL CO-OPERATION IN AIR TRANSPORT.

M. Romein asked Dr. Oppikofer whether the extension of social insurance to the staff employed by air companies would apply to the whole staff or to the navigating staff alone.

Dr. Oppikofer replied that he proposed that social insurance should be extended to the whole staff, as air companies sometimes sent mechanics, for instance, abroad, and after a time the latter ceased to come under the social insurance system in their own country and were not insured in the foreign country either. That was why he had asked for international insurance.

This paragraph was adopted without any modification.

PARAGRAPH VIII: PRACTICAL IMPROVEMENTS IN THE WORKING CONDITIONS OF AIR LINES.

(a) Extensive and Systematic Employment of Combined Transport.

After an exchange of views between M. Sondermayer, M. Bouché, M. Chaumié and the Secretary of the Committee, the last part of the sentence in the second paragraph of (a) was deleted.

(b) The Constitution and Operation of the Main Network of Permanent Air Routes.

The second paragraph of (b) was amended as follows:

"An international programme for the equipment of these routes so as to permit of uninterrupted day and night flying."

(c) Postal Air Transport.

At the request of M. PITTARD, and after an exchange of views between M. Sondermayer, M. PITTARD, the Secretary of the Committee, M. Romein and M. Bouché, the order of the paragraphs of (c) was changed. The fifth paragraph became the third paragraph; paragraph 4 (formerly 6) was amended and now read as follows:

"4. To draw up specifications of the performances and qualities required of one or more types of aircraft to be utilised on these lines, taking into account the estimated freight and local topographical and meteorological conditions."

The former paragraphs 3 and 4 now became paragraphs 5 and 6. Paragraphs 7 and 8 were combined.

(d) Periodical Study of the Economic Development of Air Transport.

This paragraph was adopted without discussion.

The draft report was adopted with the various alterations mentioned above (see document C.395.M.175.1930.VIII).

XIII. Closing Speeches.

M. Molfese said that he had felt in the course of the Committee's work, that the Committee had shown itself, as it were, diffident of its own statements, and that the various speakers had endeavoured, by means of carefully worded phrases, to express themselves in somewhat vague terms.

It should not be forgotten that air navigation was essentially inter-continental in character, and that any other conception would be unworthy of the greatness of this new enterprise. Several colonial Powers had already drawn up vast programmes in anticipation of the future expansion of aviation. Later, when it would be possible, as a result of technical advances and the adoption of entirely different types of commercial and military aeroplanes, to transport persons and goods profitably and swiftly, the small nations would of their own accord establish lines on the world air routes in the same spirit of emulation that they had already manifested in regard to the sea routes.

And if, one day, Europe, having abolished the rivalry between its various parts—just as individual States had abolished municipal rivalry—were to acquire that consciousness of unity which community of race and a common history of a thousand years could not but produce, then all the beliefs and hopes which the members of the Committee had expressed, would become indisputable facts.

Ît was M. Molfese's hope, that the Chairman—who had presided over the discussions on the various suggestions and proposals with such patience and tact—and all his colleagues on the Committee would assemble on some day in the not-far-distant future and declare that all they

had foreseen in July 1930 had passed into the domain of realisation.

The Chairman warmly thanked M. Molfese; throughout the Committee's discussions he had felt that he was dealing with practical men who clearly envisaged the concrete problems with which they were faced and were desirous of overcoming all obstacles. He thought that the Committee had done useful work, but, as M. Molfese had pointed out, that work had not yet been completed. Only the first stones had been laid, but, seeing that they rested on a solid foundation and that all the members of the Committee were determined to do their utmost to bring about the solution of all air problems, he was fully confident that they would succeed.

the solution of all air problems, he was fully confident that they would succeed.

The task could only be accomplished through international co-operation, which, in this, as in every other domain, was absolutely essential. The Committee would have the expert help of the Secretariat, to the members of which he expressed his warmest thanks for their efficient and constant assistance to the Committee during its discussions. He finally thanked the Rapporteurs

for the valuable work which they had done.

ANNEX 1.

NOTE BY THE SECRETARIAT ON THE MEETING OF THE COMMITTEE.

[C.C.T. /A.C. /I.]

The Committee of Experts on Civil Aviation of the Preparatory Commission for the Disarmament Conference, at its meeting held at Brussels from February 7th to 12th 1927, adopted a number of resolutions dealing with the relations between military and civil aviation, one of which was as follows:

"At the present time, civil aviation in most cases has become national in character. I It would seem desirable to encourage the conclusion of economic agreements between civil aviation undertakings in the different countries."

The Assembly of the League, at its eighth session, considered the resolutions adopted by the Preparatory Commission for the Disarmament Conference on the basis of the report of the Committe of Experts on Civil Aviation, and adopted the following resolution:

"Whereas, in certain countries, there is at present a close connection from the technical point of view and from the point of view of organisation between the requirements and developments of civil aviation and those of military aviation;

"And whereas this connection leads to difficulties in limiting air armaments without

hampering civil aviation;
"Declares that it is desirable, for this purpose, that the development of civil aviation should be directed solely towards economic ends to the exclusion of military interests;"

"Recommends all States Members of the League of Nations to act as far as possible on the recommendations made in this connection by the Preparatory Commission for the Disarmament Conference;

"And requests the Council to instruct the Advisory and Technical Committee for Communications and Transit to consider practical methods likely to facilitate the conclusion of the agreements between aviation undertakings in the various countries which are referred to in these recommendations."

Further, the Third General Conference on Communications and Transit, which sat at Geneva from August 23rd to September 2nd, 1927, referred to the Advisory and Technical Committee for Communications and Transit a declaration submitted by the Swiss delegation, calling for an enquiry into questions of international organisation in the field of air navigation.

The Advisory and Technical Committee for Communications and Transit, at its twelfth session, held at Geneva from February 27th to March 2nd, 1928, considered the Assembly's resolution and

the communications of the General Conference, and adopted the following resolution:

"The Committee considers it desirable to entrust to a special Committee of Enquiry the question of the action to be taken on the resolution of the last Assembly concerning economic co-operation between air-navigation undertakings, in conformity with the recommendation unanimously adopted by the Committee of Experts on Civil Aviation of the Preparatory Commission for the Disarmament Conference.

'The composition of this Committee will be fixed by the Chairman of the Advisory and Technical Committee, who is empowered to take all the necessary steps to promote co-operation

between the Governments concerned.

The Committee of Enquiry thus constituted will also have to study the questions of international organisation in air navigation raised at the Third General Conference on Communications and Transit, and to make any suggestions to promote their settlement, if it considers it possible and desirable to do so.

The Advisory and Technical Committee has so far delayed appointing the Committee referred to, in order to allow time for the negotiations in progress for the settlement of the relations between the International Commission for Air Navigation and certain Governments not represented thereon. At its recent sessions, however, the Committee came to the conclusion that the Committee of Enquiry should now be appointed. Its principal object is to ascertain whether and on what lines progress could be made by closer international co-operation with a view to increasing the economic efficiency of air navigation and also to developing the international law on air traffic.

The Chairman of the Advisory and Technical Committee for Communications and Transit has

decided to convene the Committee of Enquiry to meet at Geneva on July 8th next. In order to assist the Committee of Enquiry in its work, a number of experts have been asked to make preliminary investigations into the present economic conditions of civil aviation (especially in the United States of America and Europe), into the relations between Governments and civil aviation undertakings, and into the principles of the various international Conventions regulating air traffic. Furthermore, as it did not seem possible to study the question of co-operation between civil aviation undertakings without regard to the military considerations that may have influenced the development of civil aviation, a study has been made of the relations between civil and military aviation. various studies, which will shortly be published in proof and sent to the members of the Committee

of Enquiry, do not engage the responsibility of the Secretariat of the Advisory and Technical Committee. They have been respectively entrusted to M. H. BOUCHÉ, Editor-in-Chief of l'Aéronautique, Dr. Oppikofer, Professor in the Institute of Air Law at Königsberg. M. S. CACOPARDO, Chief of Section in the Italian Air Ministry, and Brigadier-General P. R. C. GROVES, C.B., C.M.G., D.S.O.

C.B., C.M.G., D.S.O.

The Committee of Enquiry will be regarded as a committee of experts and will not bind the Governments whose nationals are members. The Chairman of the Advisory and Technical Committee will appoint, as far as possible in accordance with the suggestions of the national authorities concerned, one expert from each of the following countries: Argentine, Belgium, France, Germany, Great Britain, Italy, Japan, Netherlands, Poland, Spain, Sweden, Switzerland and Yugoslavia. These experts will be subject to the usual financial conditions for League meetings of experts. Should the national authorities concerned think fit, each country may appoint a second expert, provided that no additional expense is entailed for the League. The Governments of the United States of America, Brazil and the Union of Soviet Socialist Republics, also have been, or will be, invited to appoint experts if they so desire. The United States Government has already announced its intention of appointing experts to take part in the Committee's work.

ANNEX 2.

PROPOSALS BY M. BOUCHÉ.

[C.C.T /A.C. /10.]

The Committee considers that, in order to take due account of the international character of air transport and of its still precarious position, a programme of co-operation should be drawn up, at any rate in the European area where agreement is more obviously necessary.

Preliminary studies might deal with the following points in the following order:

(1) The expansion and systematising of "combined transport";

2) A single express postal tariff;

(3) The determination of the essential air routes;

4) The gradual equipment of these routes for day and night flying;

5) Free traffic on these routes.

ANNEX 3.

PROPOSALS BY M. BOUCHÉ.

(Continued)

[C.C.T. /A.C. /10 a.]

- (6) The free choice of aeronautical material for all undertakings responsible for an international air-service.
- (7) Publication of a general directory of fast services, permitting of the preparation of the best time-tables.
- (8) The establishment of a non-commercial centre of reliable information at least for Peninsular and Mediterranean Europe and for the European services along the main currents of world trade.

(9) The constitution of a common fund from the national annual subsidies, for the purpose of carrying out the above programme.

(10) The creation of a European banking institution to manage either the common aeronautical fund or any other more general fund aiming at the acceleration of transport.

ANNEX 4.

AMENDMENT PROPOSED BY M. DE VEER TO PARAGRAPH 5 OF THE PROPOSALS BY M. BOUCHÉ.

[C.C.T. /A.C. /9.]

The Committee recommends that the competent bodies should study the question of the freedom of air lines with a view to finding a more liberal solution than that reached by the International Commission for Air Navigation at its extraordinary session of June 1929, this solution being liable to hamper seriously the development of civil aviation, and especially the operation of the main air lines.

ANNEX 5.

PROPOSAL BY M. FISCH.

[C.C.T./A.C./13.]

As the existing pool system of co-operation between international aviation undertakings has developed satisfactorily, and as, at this stage, it seems very difficult, on legal, political, financial and other grounds, to replace that system by a more perfected organisation, the Committee is of opinion that this co-operation between companies in a pool should be extended as widely as possible by lateral or multilateral agreements, with a view to obviating needless competition and placing the international air service on a sounder economic basis.

The question whether it seems possible, practical or desirable to simplify the working of the international air lines by forming a single international company or some similar organisation raises, among other problems, one which is primarily commercial. Consequently it will not be possible to go thoroughly into the matter until opinions have been obtained from the experts of the aviation companies, who have the widest practical and commercial experience of air traffic.

ANNEX 6.

AMENDMENT PROPOSED BY COLONEL ISLER TO PARAGRAPH 5 OF THE PROPOSALS BY M. BOUCHÉ.

[C.C.T./A.C./11.]

The Committee is requested to study how the following foundations for useful international co-operation could be provided:

(1) Freedom of commercial transit subject to certain conditions of control; avoidance of any monopoly with regard to the utilisation of the technical resources essential for transit:

(2) Preparation of an international plan for the infra-structure necessary for the operation of the main international system (day and night service all the year round).

ANNEX 7.

PROPOSALS BY M. BOUCHE (Second Draft).

[C.C.T./A.C./10 (1).]

The Committee considers that, in order to take due account of the international character of air transport and of its still precarious position, a programme of co-operation should be drawn up, at any rate in the European area where agreement is more obviously necessary.

Preliminary investigations should be made more particularly into the following points:

(I) The more extensive and systematic employment of "combined transport", inasmuch as air traffic is already co-operating with all forms of rapid transport;

(2) The simplification of tariffs, especially scales of postal surtax on express freight;

(3) The choice of permanent air routes to form the main system;

(4) The international programme for the equipment of those routes for eventual day and night flying:

night flying;
(5) The possibility of a liberal régime for the admission of aircraft to those routes, and the details of its operation.

ANNEX 8.

PROPOSALS BY DR. OPPIKOFER.

[C.C.T./A.C./8.]

(a) The Committee decides to study the conditions for the matriculation of aircraft and the measures of administrative control applicable thereto, with a view to ascertaining what changes in the present legislation would be likely to facilitate better international co-operation in the domain of air navigation.

(b) The Committee decides to study the regulation of the policing of air traffic at sea, of assistance in case of distress, and of the conditions under which aircraft performing purely maritime

flights might be granted a regime of free navigation similar to that of sea-going vessels.

ANNEX 9.

PROPOSAL BY M. PITTARD.

[C.C.T. /A.C. /6.]

The Committee,

Considering that air insurance constitutes an important factor of financial stability and security ;

That air insurance is daily assuming a more and more compulsory character;
That in the present state of national laws on insurance, unification in this respect can more

easily be achieved in the economic sphere:

Approves the study of this question on the basis of an international mutual insurance company to which all the air undertakings would belong.

ANNEX 10.

PROPOSALS BY M. DE VEER.

[C.C.T./A.C./12.]

Any commercial transport of passengers, goods or mail across the territory of each of the contracting States shall be subject to a special authorisation by the competent administration, and may be subject to special regulations.

This authorisation, which must be requested through the competent authorities of the State in which the air navigation undertaking has its headquarters, may only be refused in the following

cases:

(a) In the case of commercial transport between two points within the territory of the State in question;

(b) In the case of a regular commercial transport service, and if there are reasonable

grounds for such refusal.

In the event of the refusal referred to in paragraph (b) above, the competent authorities shall make further endeavours to reach an agreement. In the absence of such agreement, the party whose application has been refused may submit the dispute to the decision of an arbitral tribunal. Unless the contracting parties agree to submit the dispute to a single arbitrator, the arbitral tribunal shall consist of three arbitrators; each of the States shall appoint one arbitrator and these arbitrators shall jointly appoint an umpire. Failing the nomination of an arbitrator by one of the parties, the other party may request the President of the Permanent Court of International Justice to appoint this arbitrator. The award of the arbitral tribunal or of the arbitrator shall be final. In so far as the contracting parties have not agreed concerning the rules of procedure, the Hague Convention of 1907 concerning the pacific settlement of international disputes shall be applicable.

ANNEX 11.

PROPOSALS BY M. ALLARD.

[C.C.T./A.C./14.]

The Committee considers that it is necessary to undertake immediately the study of the

question of European postal air transport.

Without expressing an opinion on the question of the creation of a single operating company, or of co-operation between national companies, the Committee decides upon the appointment of a Sub-Committee which will be instructed:

To prepare a map of the air lines to be established between the capitals of the European countries and the points of importance to postal traffic in these countries; for this purpose, it will get into touch with the competent authorities in the different countries;

To study the question of the surtax;
To make all the necessary arrangements with the postal services concerned regarding, in particular, the handing over of mail to the aeroplane, the distribution of mail, etc.;

To indicate the technical conditions for the normal marking out of routes by night; To propose suitable means for increasing the efficiency of aircraft responsible for

ensuring the service in misty weather;

(6) To draw up specifications of the performances and qualities required of one or more postal aeroplanes to be utilised on the lines under consideration, account being taken of the estimated freight and of local meteorological conditions;

To study the advantages and drawbacks of a single international company and of

co-operation between companies.

In both cases, a complete study should be made of the system contemplated. If the Sub-Committee decides in favour of co-operation, it should fix, in agreement with the different countries concerned, the sectors to be operated by each of them.

ANNEX 12.

PROPOSAL BY COLONEL ISLER AND M. PITTARD.

[C.C.T./A.C./5.]

The Committee,

Considering that it is essential for economic organisation, operation and legislation to be kept

in constant harmony with the progress of aeronautical technique;

That, outside the sphere of activity assigned to the International Air Navigation Commission, problems will constantly arise, differing either in their special character or by reason of regional or local interests;

That, to obtain this desired harmony, it is essential to work according to a single plan, a single method, and a uniform documentation, and with the speed demanded by the solution of continually recurring questions:

Votes the following resolution:

"The Committee is invited to study the advisability of setting up a permanent organ responsible for co-ordinating the work of the different investigating bodies already in existence. and for creating any new centres of study that may be necessary.

ANNEX 13.

DRAFT REPORT.

[C.C.T. /A.C. /15.]

The Air Transport Co-operation Committee met from July 8th to 12th, 1930, on the convocation of the Chairman of the Advisory and Technical Committee for Communications and Transit, in accordance with the following resolution of the latter Committee:

"The Committee considers it desirable to entrust to a special Committee of Enquiry the question of the action to be taken on the resolution of the last Assembly concerning economic co-operation between air-navigation undertakings, in conformity with the recommendation unanimously adopted by the Committee of Experts on Civil Aviation of the Preparatory Commission for the Disarmament Conference.

"The composition of this Committee will be fixed by the Chairman of the Advisory and Technical Committee, who is empowered to take all the necessary steps to promote co-oper-

ation between the Governments concerned.

"The Committee of Enquiry thus constituted will also have to study the questions of international organisation in air navigation raised at the Third General Conference on Communications and Transit and of making any suggestions to promote their settlement, if it considers it possible and desirable to do so.

The composition of the Committee was as follows:

The Committee took cognisance of the enquiries into the economic, administrative and legal situation of international air navigation carried out at the request of the Chairman of the Advisory and Technical Committee for Communications and Transit (see document C. 339. M. 139.1930. VIII).

It proceeded to an exchange of views on the questions raised in these various enquiries. It considered that, owing to the complexity of the problems before it, its main task at this first session should be to draw up a definite programme of study, in order to be able to reach the greatest possible number of practical conclusions at a later session.

The Committee feels called upon, at the outset of the present report, to record its view that the present economic situation of civil aviation, despite the progress achieved, is not as satisfactory as the state of technical development should permit, and that it is only by means of increasingly close international co-operation that this situation can be improved.

I. RELATIONS BETWEEN CIVIL AND MILITARY AERONAUTICS.

The Committee did not feel called upon to discuss the relations between civil and military aeronautics, a question in the province of the Disarmament Commission and the Disarmament Conference. The Committee thought that its duty consisted only in investigating the measures to be taken and the progress to be anticipated from enhanced international co-operation with a view to enabling civil air transport to render the economic services to the community of which it is capable and hence freeing it as far as possible from all other preoccupations.

II. Unification of Public International Law on Air Navigation.

The Committee regards as particularly desirable the application of common rules of public international law in regard to air navigation in every country, or at least in the greatest possible number of countries. It noted the negotiations in progress between the contracting parties to the 1919 Convention and the States not parties to this Convention. It considers that, until it should be possible to judge of the results of these negotiations—which will probably not be known for another year—it would be preferable for it to refrain from taking any action in this connection.

III. Co-ordination between Organisations dealing with Air Navigation.

After reviewing the organisations dealing with air navigation, the Committee considers that some means of ensuring better co-ordination between the work of these various organisations should be devised; it requests its Secretariat to submit a report to it on this subject at its next session.

IV. CONDITIONS OF ADMISSION OF FOREIGN UNDERTAKINGS EFFECTING REGULAR INTERNATIONAL TRANSPORT.

The Committee notes 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 the shipping or unshipping of passengers or freight in the territory in question, simple transit with landing for supplies, or even transit without stoppage. Nor is any distinction made between air transport involving flights over land territory and air transport only involving flights over the open sea and territorial waters and the utilisation of hydro-aerodromes.

The Committee accordingly adopts 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 at present to regular international transport by air.
"(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.

V. Progress of International Co-operation in the exploitation of Air-Navigation Lines.

The Committee adopted the following resolution:

"Considering that the existing pool system of co-operation between international aviation undertakings has developed satisfactorily;

"The Committee,

"(1) Considers that the present state of legislation and of the economic and political conditions in which civil aeronautics are developing makes it difficult to replace this system

by a more perfected form of co-operation;

"(2) Recommends the Governments and companies to extend and improve the present system by means of bilateral or multilateral agreements aimed at avoiding unnecessary competition, increasing the economic efficiency of the international air service and developing among the different undertakings a spirit of friendliness which will prepare the ground for closer co-operations."

VI. Possibility of studying a Special Statute applicable to Certain International Air Connections of General Interest.

The 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 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 statute".

VII. STUDY OF CERTAIN JURIDICAL AND ADMINISTRATIVE QUESTIONS WHICH AFFECT THE DEVELOPMENT OF INTERNATIONAL CO-OPERATION IN AIR-TRANSPORT.

The Committee decided to select for examination, in the first place, out of the possible legal problems that may arise, those the solution of which might facilitate international co-operation in air transport. Under existing laws for instance, it would be impossible in most cases for air companies to possess aircraft registered in different countries.

The Committee adopted the following resolution:

"The Committee requests the Secretariat to submit to it, at its next session, preliminary reports on the following subjects:

The regulations for the registration of aircraft, the administrative formalities to be complied with, and the conditions laid down regarding the nationality of aircraft crews, with a view to ascertaining what alterations in existing law would be likely to lead to better international co-operation in air transport;

"(2) The social insurance of staff employed by air companies on their international

lines;
"(3) Air insurance: Could a better and simpler system be applied on an effective international basis?

"(4) The simplification of Customs and statistical formalities in connection with air traffic, particularly as regards the documents and affidavits required by the various national authorities;

"(5) Special police rules for super-maritime air traffic and assistance in case of distress.

"The reports on these questions should be prepared, if necessary, with the assistance of experts appointed by the Chairman of the Committee. As regards the report on the social insurance of staff, however, the International Labour Office shall be invited to collaborate or take such other steps as it may deem necessary".

VIII. PRACTICAL IMPROVEMENTS IN THE WORKING CONDITIONS OF AIR LINES.

A. Extensive and Systematic Employment of Combined Transport.

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 transports, air transport already co-operating with all methods of rapid transport.

The Secretariat of the Committee is requested, after making any necessary enquiry, to submit to the next session of the Committee a report on the possibility of publishing a general time-table of rapid transport (including every mode of transport) making it possible to deduce the times

taken under the best possible conditions.

B. The Constitution and Operation of the Main Network of Permanent Air Routes.

The Committee is of opinion that, in view of the international nature of air transport and of the precarious results hitherto obtained, a definite programme of co-operation should be prepared at any rate in the European area, until such time as technical conditions allow of its extension. It decides to study the following questions:

The choice of permanent air routes to form the main system;

(2) An international programme for the equipment of these routes so as to permit of uninterrupted day and night flying;
(3) The manner in which this system should be operated, namely:

The selection by inter-governmental agreement of qualified enterprises and the

specification of traffic conditions;

(b) The granting to all undertakings engaged in the traffic over this system of the widest possible facilities for choosing their equipment, from the sole standpoint of efficiency, provided this equipment complies with the international requirements regarding navigability.

A special Sub-Committee, appointed by the Chairman of the Committee, to include, if necessary, persons who are not members of the Committee, was instructed to submit a report on this subject to the next meeting of the Committee, after consulting the competent authorities in the various countries concerned. This Sub-Committee will also consider such problems of international financing as the execution of the above programme may involve, including, if necessary, the constitution of a common fund and the management of this fund by an appropriate banking institution.

C. Postal Air Transport.

The Committee is of opinion that the study of the question of European postal air transport should be undertaken immediately, to be extended to other regions when economic and technical conditions allow. The Sub-Committee mentioned in paragraph B is instructed:

(1) To prepare a map of the air lines to be established between the capitals of the European countries and the points of importance to postal traffic in these countries. For this purpose it will get into touch with the competent authorities in the different countries;

(2) To study the question of the surtax;
(3) To discuss with the postal services concerned the best methods for handing over mail to aircraft, the distribution of mail, etc.;

(4) To indicate the necessary conditions for marking out air routes by night;
 (5) To propose suitable means for hastening the acquisition of equipment required for

operating traffic in foggy weather;

(6) To draw up specifications of the performances and qualities required of one or more types of aircraft to be utilised on these lines, taking into account the estimated freight and local topographical and meteorological conditions;

(7) To consider the form which international co-operation should take in the operation

of this service;

(8) To study, in conjunction with the competent authorities of the different countries concerned, the sections which might be operated by each.

D. Periodical Study of the Economic Development of Air Transport.

The Committee thinks it would be useful from time to time to supply the authorities concerned in the various countries (and even the general public) with information which would be as accurate as possible and grouped systematically, regarding the economic development of air transport. The Secretariat of the Committee is invited to submit a report on this subject to the Committee at its next session.

Geneva, November 15th, 1930.

LEAGUE OF NATIONS

ADVISORY AND TECHNICAL COMMITTEE FOR COMMUNICATIONS AND TRANSIT

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

The Committee was composed as follows:

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- Sir John Baldwin (appointed by the Government of Great Britain), Representative of Great Britain on the International River Commissions.
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Secretariat:

M. R. HAAS, Secretary-General of the Advisory and Technical Committee; Chief of the Communications and Transit Section of the League of Nations.

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- M. GUERRERO (Chairman).
- Mr. BECKETT.
- M. VAN EYSINGA.
- M. Königs.
- M. René MAYER.
- M. PILOTTI.

(b) Committee on Economic and Technical Questions:

- M. HEROLD (Chairman).
- M. de Candolle.
- M. KROELLER.

TEMPORARY COMMITTEES

I. Technical Committee for Buoyage and Lighting of Coasts.

- M. WATIER (Chairman).
- M. P. VAN BRAAM VAN VLOTEN, Director of the Technical Lighthouse Service of the Netherlands.
- M. E. Hägg, Director-General of the Royal Administration of Pilotage Lighthouses and Buoys of Sweden.
- M. ITO.
- M. José HERBELLA Y ZOBEL, Chief Engineer of the Central Service for Maritime Signals of Spain.
- Admiral L. Langlois, former Director-General and Chief of the Chilian Naval General Staff.
- Colonel A. Luria, Military Engineer of the Italian Navy, Head of Division in the Lighthouse and Maritime Signals Service.
- M. G. MEYER, Ministerial Counsellor of the Navigable Waterways Section in the German Ministry of Communications.
- Captain M. NORTON, Director of the Portuguese Lighthouse Service.
- Captain D. RASI-KOTSICAS, Greece.
- M. A. DE ROUVILLE, Chief Engineer for Bridges and Roads and Director the French Central Lighthouse and Buoyage Service.
- Baron G. WREDE, Director-General of the Finnish Naval Administration.

For the International Hydrographic Bureau:

The President of the Directing Committee of the Bureau.

II. Technical Committee for Maritime Tonnage Measurement.

- M. A. VAN DRIEL, Advisory Naval Architect to the Netherlands Navigation Inspection Service (Chairman).
- M. L. AALL, Principal Surveyor for Tonnage in Norway.
- Mr. F. W. BICKLE, Principal Surveyor for Tonnage, Board of Trade, London.
- M. Breton.
- M. P. A. LINDBLAD, Commercial Adviser, Chief of the Shipping Inspector Service of the Central Administration of Trade and Industry in Sweden.
- M. PALANCA.
- M. Robinow.
- M. Y. SAITO, representing the Nippon Yusen Kaisha in London.
- Mr. C. Skentelbery, European Manager of the Maintenance and Repair Department of the United States Shipping Board, London.

Drafting Committee:

- M. VAN DRIEL (Chairman).
- M. AALL.
- Mr. BICKLE.
- M. Breton.
- M. J. F. RICHARD, Head of Section of the Customs Department of the French Ministry of Finance, assisting M. Breton.

III. Committee on the Unification of River Law.

- M. WINIARSKI (Chairman).
- M. E. Bonaki, First President of the Court of Appeal of Galatz.
- M. P. CHARGUÉRAUD-HARTMANN, Secretary of the International Oder Commission; Legal Adviser to the French Ministry of Marine.
- M. Hostie.
- M. E. DE JARMAY, Director of the Royal Hungarian River and Maritime Navigation Company, Ltd. (M.F.T.R.).
- M. G. NAUTA, Barrister at Rotterdam.
- M. R. RICHTER, Head of Department at the German Ministry of Justice.
- M. Rossetti
- M. F. SITENSKY, Chief Counsellor at the Ministry of Commerce of Czechoslovakia.

IV. Committee on Combined Transport,

- M. Umberto Brocca, Director-General of the Società Italiana dei Servizi Marittimi. Jonkheer van den Berch van Heemstede, General Director of the International Air Traffic Association, The Hague.
- M. LANKAS.
- M. Gaston Leverve, Secretary-General of the International Railway Union, Paris.
- M. Anton Mens, Director of Freight Service of the firm W. M. Müller & Co., Rotterdam.
- M. Henri NIEMACK, Ministerial Counsellor in the German Ministry of Communications.
- M. RIPERT, Professor at the Faculty of Law of Paris.
- Mr. Walter Leslie Runciman, of Runciman & Co., Shipowners, London, representing the International Chamber of Commerce.

V. Committee on the Unification of Transport Statistics.

(a) Maritime Navigation Section:

- M. J. H. F. CLAESSENS, Director of Commercial Statistics, The Hague (Chairman).
- Mr. A. W. Flux, Head of the Statistical Department of the Board of Trade, London.
- M. GAYON, Head of the Commercial Statistical Department of the General Directorate of French Customs.
- M. S. GIACHETTI, of the General Directorate of the Italian Mercantile Marine.
- Mr. Grening, Director for Europe of the U.S. Shipping Board Merchant Fleet Corporation, London.
- M. Hostie.
- Dr. W. TEUBERT, Ministerial Counsellor at the Prussian Ministry for National Economy.

(b) Inland Navigation Section:

- M. CLAESSENS (Chairman).
- M. P. Demetriad, Engineer; Inspector-General; Director of the Docks at Braila. General Wm. W. Harts, U. S. Army, Military Attaché, American Embassy in France. M. Hostie.
- M. H. HOUPEURT, Chief Engineer of Bridges and Roads; Director of the French National Office of Navigation.
- M. PIEKALKIEVICZ, Head of Section of the Polish Central Statistical Office.
- M. TEUBERT.
- M. F. VILFAN, Delegate of Yugoslavia to the International Danube Commission.

(c) Railways Section:

- M. C. Colson, Member of the Institut de France (Chairman).
- Mr. W. Fayette Allport, Commercial Attaché, U.S. Embassy in France.
- M. HONDL, Ministerial Counsellor at the Czechoslovak Ministry for Railways, Head of the Department for Statistics and Organisation.
- Mr. A. E. Kirkus, Director of Statistics, Ministry of Transport of Great Britain.
- M. Muselle, Chief Engineer, National Society of Belgian Railways.
- M. STEUERNAGEL, Director of the Reichsbahngesellschaft.
- M. Tosti, Engineer of the Italian State Railways.

Drafting Committee:

- M. CLAESSENS.
- Mr. FLUX.
- M. TEUBERT.
- M. WATIER.

VI. Air Transport Co-operation Committee.

- Professor L. DE BROUCKÈRE, Senator of the Kingdom of Belgium (Chairman).
- M. Emile Allard, Director of the Belgian Technical Air Service; Professor at Brussels and Liége Universities.
- M. Tord Knusson Angström, 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 Molfese, 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 Oppikofer, 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.

IX. Special Committee on the Question of the Jurisdiction of the European Commission of the Danube.

M. W. Burckhardt, Professor at the University of Berne (Chairman).

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.

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.

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 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 Secretarythe 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

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 Committe 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 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 the transport themselves to which M. Schlingemann had drawn attention meent that these 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 continentswere only possible with the help of Government subsidies, had thought that the actual " pools 's 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.

SECOND MEETING

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

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. 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

^{&#}x27; 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

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, visited the spect. It had endeavoured to obtain as exact decommentation as possible, and all 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 earrat 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, there-

fore, 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).

I. 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 thesel 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 the desirable to a simply propose that the Advisory Committee should get into the desirable to a simply propose that the Advisory Committee should get into the desirable to a simply propose that the Advisory Committee should get into the desirable to a simply propose that the Advisory Committee should get into the desirable to a simply propose that the Advisory Committee should get into the desirable to a simply propose that the Advisory Committee should get into the desirable to a simply propose that the Advisory Committee should get into the desirable to a simply propose that the Advisory Committee should get into the desirable to a simply propose that the Advisory Committee should get into the desirable to a simply propose that the Advisory Committee should get into the desirable to a simply propose that the Advisory Committee should get into the desirable to a simply propose that the Advisory Committee should get into the desirable to a simply propose that the des

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 col-

leagues.

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

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?

Describby a different system could be adopted. The period of two years could be decreased.

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 memo andum fo warded 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 II 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.

THIRD MEETING

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

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):

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, for on the transport of agricultural products was concerned, and (2) whether they had 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. Djouritchirch 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."

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- "(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 (I) 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. 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 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: Argentine, 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 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 sim of facilitating the work of this 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

¹ 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.

FOURTH MEETING

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

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 Conférence 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 mittee 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 Advisorý and Technical Committée for Communications and Transit.

Section I. - Preparatory Documents.

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 Commu-
- nications and Transit Organisation in the International Association of Railways
- 11. Report by the Chairman on the missions carried out by him since the last session of the Committee.

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. KŒNIGS, 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. RAEBER, 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:

1. 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)

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 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 I 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. 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

³ 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

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 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, to apply as far as possible to this tariff reductions provided for in the Universal Postal Convention of London, dated June 20th, 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 properties whether the above limitation would be considered satisfactory. The Committee 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:

Α.

"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 maintainance 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.
- 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 . . . 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. 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 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.

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 segrees, did not prohibit such exchanges.

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 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.

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.

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:

"I. 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.

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.

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.

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 but 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.

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 IV rence 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 countries of destination

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 1006. I am also aware of the auspices of the League in 1006. 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 oversea 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.

(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 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

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.

(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 communi-

Committee on Arbitration and Security at the Assembly's request the result of the studies. 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:

- I. 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.

11. 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

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.

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. 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.

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

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 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:

- (I) 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:

adopted the following resolution:

"The Committee considers it desirable:

"(I) 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;

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 employemnt 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.

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.

LETTER FROM THE RAPPORTEUR 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.

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;

The Marconi Company, London, in collaboration with:

N.V. Philips Radio, Eindhoven,
The Società Italiana Marconi, Rome,
The Telmar Talleres Electromecànicos C.E., Madrid,

The Polskie Zaklady 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:

- 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;
- 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.

Telejunken 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;
- 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.

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 of the League of Nations—i.e., that it should have a world-wide range as far as is technically

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.