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GENEVA.**

NOTE

This pamphlet is one of a short series issued by the Information Section of the Secretariat of the League of Nations on various aspects of League work. It should not be regarded as an official statement engaging the responsibility of the League; for official purposes, reference should be made to the documents and to the official proceedings of the League of Nations.

Other pamphlets deal with the constitution and organisation of the League, the Permanent Court of International Justice, the Austrian reconstruction scheme, political activities, financial and economic work, financial organisation and allocation of expenses, disarmament, health, mandates, minorities, administration of Danzig and the Saar, intellectual co-operation, and humanitarian activities.

February 1924.

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THE ORGANISATION

FOR COMMUNICATIONS AND TRANSIT

CHAPTER I. — PRINCIPLES AND CONSTITUTION OF THE ORGANISATION

According to Article 23, paragraph (e), of the Covenant of the League of Nations, the States Members of the League "will make provision to secure and maintain freedom of communications and of transit." To carry out the obligations imposed by this Article, the League has gradually built up its special Organisation for Communications and Transit.

At the outset it was the League's political activities which aroused the most interest and primarily justified its existence in the eyes of public opinion. But Article 23 of the Covenant proves it was also apparent from the beginning to the founders of the League that to-day it is impossible to solve political problems apart from their economic aspect, and that the question of international transport plays a great and increasing part in inter-State relations. Questions of transit rights, access to the sea, or the seizure of a port or a railway have frequently been and threaten more frequently to become the cause of international difficulties which, if not promptly dealt with while still in the technical stage, may inflame passions and become the source of political conflict, possibly of war.

If it had omitted to deal with the problem of international transport, the League would not only have failed in its object of carrying the principle of co-operation into every field of international life—in this case into a field where co-operation was so necessary that it had begun to

be applied even before the League was set up—but might also have failed in its fundamental task of safeguarding the world's peace.

This fact was well understood by the framers of the Covenant. They saw that the war had accentuated the economic interdependence of the nations of the world, and thus made questions of international transport by land and water a matter of great political importance and urgency. This was particularly the case in Europe, where large areas which had previously been economic units were broken up into a number of national States too small to be self-sufficient, but determined to retain their political independence. To prevent the new order of things having unfortunate consequences in the economic field, and to ensure the peace of the world, it was felt necessary in the interests of all States to organise the economic relations of States, and particularly those concerning questions of transport, on an international basis, as part of the machinery of the League of Nations.

Thus the League was at once faced with the problem of setting up an organisation to deal with these matters. The period allowed for this process had been defined in the Peace Treaties, and the first Assembly of the League was therefore obliged to give the organisation its final form. A temporary committee appointed by the Peace Conference Committee for the study of the international regime of ports, waterways and railways had already made a preliminary draft of its constitution. The following pages will give a brief account of the work of this technical organisation, which, although young, is the oldest in the League. But it is first desirable to explain its constitution, particularly as it has to some extent served as a type on which the various technical organisations of the League have been modelled.

The idea on which the constitution of the Organisation for Communications and Transit is based is the following : Problems that are technical in origin and relatively easy

to solve, so long as they are merely technical and do not become sources of political conflict, should be dealt with on their merits by technical experts who are professionally concerned with such matters, that is not by irresponsible persons appointed independently of the Governments concerned, but by the officials who in their respective countries are responsible for the transport questions. These officials are brought into direct contact with each other and charged with jointly studying the questions at issue, proposing solutions, arriving at a *modus vivendi*, and watching over the way it works in practice—all this so far as possible apart from all political considerations. It is hoped that a common international opinion and a tradition of conciliation in international technical matters will gradually be formed, which in their turn will influence the transaction of technical business within each country.

Two bodies were set up to carry out this direct collaboration between technical experts from different countries. One body, called the General Conference, meets at long intervals and is composed of technical representatives of all the States Members of the League and, in certain circumstances, all other States. Two General Conferences have hitherto been held, one at Barcelona in March-April 1921, the other at Geneva in November-December 1923. The other body, the Advisory and Technical Committee on Communications and Transit, is considerably smaller and meets frequently in the intervals between the General Conferences. It acts somewhat as a board of directors and is composed of technical experts appointed by a few countries, which have either been elected by the General Conference or are permanently represented on the Council of the League. The Advisory Committee thus in a way represents the whole body of States Members of the Transit Organisation.

The General Conference may be summoned either by the Council of the League or at the request of half the States

members of the League, voting being on the same basis as in the League Assembly. The Conference may, moreover, admit on a footing of equality by a two-thirds vote States not members of the League. It may also admit to membership in an advisory capacity representatives of States not members of the League or of international organisations interested in its work (River Commissions, the International Union of Railway Administrations, the International Chamber of Commerce, etc.).

The League Council may appoint the president of the General Conference. Apart from this, the General Conference is completely independent in the conduct of its business. The Secretariat of the League performs its secretarial offices as it does for the other technical organisations of the League and for the Council and Assembly. In general, the Conference may by a two-thirds vote adopt draft resolutions to be submitted to the Council or Assembly, or recommendations to be forwarded to the various States concerned, or general conventions. The texts of conventions that have been adopted may be signed immediately by those representatives who have full powers for the purpose from their Governments. In other cases the protocol of signature is declared open as from the end of the Conference.

The Council and Assembly possess certain powers of control in regard to the results of the discussions in the Conference and the communication of these results to the Governments. By a unanimous vote the Council or Assembly may exercise a kind of veto, but only should the Conference have exceeded its powers or failed to comply with the rules for its agenda.

The composition of the Advisory and Technical Committee has been described above, but it should be added that the Committee may also enlist the services of any experts it may think necessary to assist in its work. Such experts may be appointed either for some special inves-

tigation or for assisting the Committee in the ordinary course of its work on a certain number of questions. The experts sit only in an advisory capacity. With the development of the activities of the Organisation for Communications and Transit, which deals with varied and highly specialised problems, the importance of experts steadily increases. The Advisory and Technical Committee frequently appoints sub-committees partly composed of its own members and partly of specialists appointed by it for the purpose. In this way the Advisory and Technical Committee has established a sub-committee on transport by rail, a sub-committee on transport by water and several sub-committees of enquiry. The Committee, apart from its ordinary activities in preparing the work of the General Conference, acting as the supervisory agent of the Conference in the application of its decisions, and advising the Council and Assembly on transit questions, may also play the part of mediator in technical disputes between States. A carefully defined procedure has been laid down for this purpose, giving full guarantees to all States whether members or not of the League. Finally, the Committee is in direct correspondence with the various national ministries dealing with transit matters, conducting this correspondence in each particular case in accordance with the practice of the country in question, and it maintains direct relations with all international bodies concerned with communications and transit.

The General Conference and the Advisory and Technical Committee possess entire autonomy so far as their internal affairs are concerned. They may place what subjects they like on their agenda and carry on their work as they think best, subject only to the authorities by whom they are appointed. Nevertheless, the following system of control by the directing organisations of the League (that is to say, the Council and Assembly) was established

by an Assembly resolution of December 8th, 1920, in order to ensure that the work of the League of Nations as a whole is smoothly and efficiently performed, and more especially to guard against the danger of a technical organisation exceeding its powers or embarking on questions that are not of a purely technical character.

Before any decision taken by a technical organisation, whether conference or committee, is communicated to the Governments, the Council has the right either to forbid such communication being made, or to request the organisation in question to reconsider the matter. The Assembly is informed whenever this right is exercised. It should be pointed out that, as the Council acts only by a unanimous vote, it is obvious that such a right cannot lead to a renewal of technical discussions in the Council, but merely has the effect of preventing improper communications to Governments in cases where the Council is unanimously of opinion that such a communication is not in accordance with the objects of the technical organisation or of the League itself.

Apart from the ordinary General Conference, the Council of the League may, if requested to do so by the Advisory and Technical Committee, convene special conferences, either of representatives of Governments or of experts, for the purpose of dealing with any given question. For instance, before the meeting of the First Assembly, a Conference on Passports, Customs Formalities and Through Tickets met at the request of the Provisional Committee for Communications and Transit. Again, in the case of questions which only concern a given group of States, "partial" conferences, organised in the same manner as the General Conference, but including representatives only of the States concerned, may be convened in the same way as the General Conference. To prevent any error or misunderstanding, the agenda of such conferences is communi-

cated to all States Members of the League, and should a certain number of States which have not been invited to the partial conferences so request, a General Conference may be held in place of the partial conference.

CHAPTER II. — THE PROVISIONAL COMMITTEE FOR COMMUNICATIONS AND TRANSIT, AND THE CONFERENCE ON PASSPORTS.

Before the First Assembly met and before there had been an opportunity of setting up the Organisation for Communications and Transit on the principles explained in the previous chapter, a provisional organisation had been working from January 1920 up to the meeting of the first General Conference in March 1921. This organisation consisted of the Provisional Committee for Communications and Transit, which was recognised by the Council of the League of Nations at its second session, and which was formed out of the old Peace Conference General Committee on Ports, Waterways and Railways, with the addition of certain States which were not represented at the Peace Conference. This Committee sat in Paris during the whole of the winter of 1920 and prepared the plans of the permanent organisation, as well as the agenda of the first General Conference. It also took a step that resulted in the meeting of the first important conference of experts, that is to say, the Conference on Passports, Customs Formalities and Through Tickets, which met in Paris in October 1920.

This Conference was summoned by the Council as the result of many complaints against the obstacles to international passenger traffic in general and the passport system as it then existed, in particular. All European States and

also China, Japan and Uruguay were represented, mainly by high officials of the police and Customs services. In less than a week the Conference succeeded in framing a series of recommendations which provided more especially for the establishment of a single type of passport, for considerable reductions in the charges made for passports and visas, and for regulations extending the period of validity of passports and visas. They also effected a simplification of the formalities necessary for obtaining visas and for crossing frontiers. An enquiry which was carried out a year after the Conference showed that in most cases the recommendations of the Conference had been carried out and that a considerable improvement had been made, an improvement which sometimes extended beyond the proposals of the Conference. A certain number of States sent representatives to a special conference at Gratz in January 1922, and concluded a convention on the basis of the texts adopted by the Conference on Passports; and when the International Economic Conference, which met at Genoa in April 1922, again considered the question, it confined itself to taking note of the results of that enquiry and asking all States to comply with the recommendations of the Paris Conference of October 1920.

The Provisional Committee for Communications and Transit prepared the way for the permanent organisation by firmly establishing its position as an organ of contact and co-ordination between the various other international bodies dealing with transport questions. This has always been one of the characteristics of the League Organisation for Communications and Transit, and its importance in this respect is steadily increasing. Soon after it was formed the Committee was represented at the first Conference for the Re-establishment of Postal, Telegraph and Telephone Services, which was held at Paris in July 1919 under the auspices of the Supreme Economic Council, and was soon

afterwards represented on the River Commissions of the Elbe, Oder, Rhine and Danube, which were set up or reconstituted by the treaties of peace. The Committee admitted to its meetings, in an advisory capacity, representatives of such of these organisations as were of a permanent nature. In the same way contact has since been established with the International Commission on Aerial Navigation, the International Union of Railway Administrations, the International Chamber of Commerce, and, of course, with the other technical organisations of the League, so as to ensure an easier and more speedy settlement of questions which either concern several transit organisations or are connected both with transport and other technical subjects. Further instances will be given of this form of *liaison* in the chapter on the work of the Technical and Advisory Committee.

CHAPTER III. — THE FIRST GENERAL CONFERENCE ON COMMUNICATIONS AND TRANSIT

The first General Conference on Communications and Transit, held at Barcelona in accordance with the decisions of the First Assembly, during March and April 1921, did not attempt to deal with the whole question of international transport. The ultimate object of the Transport Organisation is to create the stability and continuity in the channels of traffic that are required by the interests of trade, as well as to safeguard international commerce by a system of legal guarantees that would free it from the effects of political rivalries and economic reprisals. Measures of this sort would be in conformity with the stipulations of Article 23 of the Covenant, would tend to increase the economic output of the world and diminish the cost of living, and would be a first step toward unifying international

transport. They would tend to lessen international friction and the risk of war by giving specific guarantee to States which urgently require some form of specific assurance from other States that the import and export traffic essential to their existence would be allowed to circulate freely and regularly.

The Barcelona Conference was not able in six weeks of discussion to carry out the whole of this programme, or to draw up international conventions which at one stroke would transform the conditions of world transport. As it was realised that this was only the first of a series of conferences to be held at stated intervals, no attempt was made to complete the whole work in one session. The Conference confined itself to those problems already contemplated by the Peace Treaty and, with regard to the others, it laid the foundations for future development.

It did, however, deal with two great questions by means of international conventions drawn up and concluded at the Conference, namely, the question of transport in transit and the question of transport on navigable waterways of international concern. The work done by the Conference on these subjects was described as follows in the report of the Advisory and Technical Committee to the Second Assembly :

I. TRANSPORT IN TRANSIT.

By "transport in transit" is meant transport which crosses a State, its points of departure and destination being outside that State. Transport of this kind is specially in need of international guarantees. In the case of the transport of exports and imports, a State which obstructs or prevents free movement of such transport may indirectly cause serious prejudice to the economic reconstruction of the world. In this way it injures every State, but it directly

injures only either those exporting States the transport of whose goods it prevents or obstructs in the course of importation or those importing States which may, for instance, be in need of raw materials which the obstructing State possesses and the export of which it prohibits. As regards transport in transit, on the other hand, any interruption or obstruction injures third parties, both the States which export and those which import the products the passage of which has been prevented. Such an interruption of traffic inevitably causes reprisals and counter-effects, the results of which cannot be limited.

The International Convention of Barcelona on Freedom of Transit is therefore designed to prevent interruption or obstruction of this kind. With this object it provides—making due allowance, of course, for legitimate restrictions as regards police, national security, transport in war-time, etc., and also for the need to adapt its measures to the existing legal position, and to the local or regional conditions in various parts of the world—for complete freedom of transit and complete equality of transit conditions. In this sphere, as in many others, liberty is indeed conditional upon equality. Without this equality, any traffic route upon which serious burdens were imposed would be automatically stopped by the natural effects of commercial competition. On the other hand, if liberty and equality are admitted, international commercial competition may take its free course, and transport in transit will enjoy an immunity which will benefit all the world.

The discussions on the Convention on Freedom of Transit revealed a unanimous agreement on the part of all the Governments (1) represented at the Conference in favour of

(1) Governments represented at the Conference :

(a) Members of the League of Nations : Albania, Austria, Belgium, Bolivia, Brazil, Bulgaria, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, British Empire, Finland, France, Greece, Guatemala, Haiti, Honduras, India,

the adoption of these principles. The only differences of opinion (which were easily reconciled) related to the extent to which the reservations referred to above could be recognised, that is, to the point where freedom of transport might cease to become a legitimate international right, and might prejudice the sovereignty of the States by which the transit was to be effected.

2. TRANSPORT ON NAVIGABLE WATERWAYS OF INTERNATIONAL CONCERN.

The same principles of liberty and equality which, as regards traffic both by rail and by water, are generally applicable only in the case of "transport in transit", are, on the other hand, in the special case of transport on waterways of international concern, applied to every class of transport, including imports and exports and internal transport. The Barcelona Convention dealing with the international régime of navigable waterways is specially intended to regulate navigation on these waterways.

By "waterways of international concern" is meant waterways which are accessible to ordinary commercial navigation, and which provide more than one State with access to the sea. Waterways of this kind have, for a long time past, been subjects for general or particular international agreements. More than a century ago, the French Revolution had already proclaimed complete liberty of navigation and equality for all flags on these waterways, which were then described as international waterways.

Italy, Japan, Luxemburg, Netherlands, Norway, Panama, Paraguay, Persia, Poland, Portugal, Roumania, Kingdom of the Serbs, Croats and Slovenes, Spain, Sweden, Switzerland, Uruguay, Venezuela, New Zealand (the last-named signed by proxy).

(b) States not Members of the League of Nations but admitted to the Technical Organisations : Esthonia, Latvia, Lithuania.

(c) States invited in an advisory capacity : Germany and Hungary.

The Congress of Vienna had already attempted to work out measures to give effect to these principles, which, indeed, were the bases, during the nineteenth century, of the regulations of navigation over the great European international waterways, such as the Rhine and the Danube, and also over the great African waterways. It is evident that international co-operation is essential if these great traffic routes are to be utilised in a rational way. No State traversed by one of these waterways could monopolise it for its own profit without doing injury to itself, since the other riparian States would make a similar use of this right of monopoly. States situated far up the course of the great international rivers would suffer particularly from this lack of liberty, especially States deprived of access to the sea, for, in their case, freedom of navigation on waterways of international concern is only another word for the right of free access to the sea.

At the Barcelona Conference, it was possible to contemplate the universal application of these principles. The working out of their details presented peculiar difficulties from this point of view. The evolution of international law with regard to rivers in South America, to cite an important instance, has not followed exactly the same course as that of European river law. This circumstance might appear a serious barrier to a universal system for the regulation of river navigation. In fact, however, after long debates, in which a prominent part was taken by the South American representatives expert in this subject, it was found possible to reconcile opinions which had, at first, been in conflict, and, by merging the rights, varying in their origin, a compromise was effected, which constitutes a happy augury for future progress.

The Barcelona Conference considered that the principles of the Convention on Transit and the Convention on Navigable Waterways of International Concern did not define

the rights and duties of belligerents and neutrals in time of war.

It, nevertheless, stipulated that these same principles should apply in time of war as far as might be compatible with these rights and duties. Further, it adopted the recommendation that the League of Nations should invite its Members to meet, in order to draw up new Conventions with the object of defining these rights and duties with regard to transit. This recommendation was transmitted to the Council.

The Barcelona Conference might, strictly speaking, have stopped there, limiting itself, if it had been restricted to the agenda originally prepared, to dealing with waterways of international concern, without any reference to the general control of traffic on other waterways. A certain number of States, however, having shown themselves disposed, on condition of reciprocity, to accept certain obligations in regard to all their waterways, and not only as regards waterways of international concern, an additional protocol was drawn up, to which certain adherences have already been obtained, and which, by very simple machinery, will gradually render it possible to increase liberty of river communications throughout the world to any degree that the States desire.

Finally, in connection with the question of the equality of flags provided for in the Convention on Navigable Waterways, attention may be drawn to the declaration adopted at Barcelona recognising the right of States having no access to the sea to a maritime flag.

It would show complete lack of comprehension of the nature of the Barcelona Conventions to give only a summary of their principles and of their contents. Perhaps the most original feature of these Conventions, and one which they could only have acquired with the greatest

difficulty if they had not been Conventions of the League of Nations, is that, quite apart from the procedure of revision which has been amply provided for, they contain in themselves possibilities of permanent adaptation, development and progress. In each of these Conventions, in a clause which is perhaps, from certain points of view, the most important, and which embodies provisions adopted by the Assembly for the settlement of disputes arising out of clauses in the Peace Treaties dealing with transport, it is stated that all disputes relating to the application and interpretation of the Conventions shall be submitted to the Court of International Justice, and that all the contracting States engage, before resorting to any judicial proceedings, to seek an amicable settlement by invoking the assistance of the qualified technical organisation of the League of Nations. This organisation, the constitution of which was laid down in detail by the Barcelona Conference at the suggestion of the Assembly, is the Advisory and Technical Committee for Communications and Transit. The Advisory Committee will deal with these difficulties and special cases of interpretation or application as they arise, and in the same spirit of equity and international co-operation as animated the Conventions themselves. By the very fact that it is an organisation for the friendly settlement of disputes, it will be able, as international opinion develops, to propose and to find a ready acceptance for solutions, which will slowly and progressively evolve in accordance with actual needs, the effects more or less remote of the new international law, only the broad outlines of which can be safely fixed by any text.

By reason of the existence of the Committee, and the close association with the general organisation of the League of Nations, the Conventions will henceforth appear not as the end but as the beginning of an evolution, and the very elasticity of their clauses will not become a source of confusion

and controversy but will make them the basis upon which constantly to initiate and adapt practical measures.

In addition to these Conventions, the Barcelona Conference, which, according to the Assembly Resolution of December 9th, 1920, was to determine whether the measures which it elaborated should take the form of conventions, recommendations or draft resolutions to be adopted by the Assembly or by the Council, adopted a recommendation relative to Ports placed under an International Régime, and a series of recommendations on the International Régime of Railways.

3. PORTS UNDER AN INTERNATIONAL RÉGIME.

While considering that the moment had not yet arrived for the conclusion of a Convention on the International Régime of Ports, the Barcelona Conference was able, by availing itself of the competent technical authorities of all parts of the world, to draw up a standard statute for ports, based on the same principles as were applied to the Conventions on Transit and Navigable Waterways, and applicable in cases where such a régime should be judged opportune by the States. Certain States appear already to have shown their intention of applying it voluntarily to certain of their ports. In other cases, it may be used in drawing up international treaties establishing a régime for ports in special political or economic situations.

4. INTERNATIONAL RÉGIME OF RAILWAYS.

The recommendations relating to the International Régime of Railways were originally intended to form a Convention. The Convention on the International Régime of Railways is, indeed, the only one on the agenda of the Barcelona Conference which was not adopted in its original

form. If, however, this transformation of an obligatory Convention into a mere series of recommendations was introduced into the original scheme, this is in no way due to any mistrust on the part of the various States of an International Convention on the Régime of Railway Transport; it is, on the contrary, because the proposed text, which has been embodied in its entirety in the recommendations, did not appear to many of the delegations sufficient to justify the form of a Convention which they would have wished to see more detailed and much wider in scope. The Conference therefore decided to confine itself, for the time being, to a series of recommendations, but at the same time formally to request the convocation of the second General Conference on Communications and Transit within a maximum period of two years; the work of this Conference would be to draw up and conclude the general Convention on the International Régime of Railways.

Finally, the Barcelona Conference had not only to draw up its own formal rules of procedure, but also, in accordance with the Resolution of the Assembly, the rules of organisation for any general Conference on Communications and Transit, and for the Advisory and Technical Committee. The Conference also adopted the declaration on the right to a maritime flag by States not possessing a sea-coast.

Since that time the carrying out of the decisions of the Barcelona Conference has proceeded normally. At the Genoa Conference all the European States which were represented stated that they either had ratified the general Convention on Freedom of Transit or that they were about to do so, and all, with the exception of two, stated that they intended to ratify the general Convention on Navigable Waterways of International Concern. Lastly, all States announced that they were carrying out the Barcelona recommendations on the International Régime of Railways. As to the recommendations concerning ports subject to an

international régime, the scope of which was naturally more limited, the Barcelona texts have been made use of, particularly in the Treaty of Lausanne.

CHAPTER IV. — THE WORK OF THE ADVISORY AND TECHNICAL COMMITTEE BETWEEN THE FIRST AND SECOND GENERAL CONFERENCES.

The first General Conference on Communications and Transit set up the Advisory and Technical Committee. Besides the States which were permanent members of the Council, the following States were selected to appoint members of the Committee : Belgium, Brazil, China, Spain, Chile, Cuba, Denmark, Esthonia, the Netherlands, Poland, Switzerland and Uruguay.

The Committee met for the first time after the Barcelona Conference in July 1921. Between that date and the Second General Conference, *i.e.* up to November 1923, it has held two meetings a year. Between the sessions many special committees or sub-committees prepare the work for the plenary meetings.

The work of the Committee may be grouped under three heads : administrative duties; work connected with past or forthcoming conferences; and, lastly, work undertaken by the Committee on its own initiative.

I. ADMINISTRATIVE WORK.

The Advisory and Technical Committee, as explained in Chapter I, constitutes, so to speak, the permanent board of directors of the Organisation for Communications and Transit. Thus it has duties of an administrative and financial nature. It prepares the budget of the organisation, which is then submitted to the Assembly for approval. It

exercises a sort of technical supervision over the Communications and Transit Section of the Secretariat of the League, which acts as the Secretariat of the Committee itself. As regards these matters, the Committee has had, during this period, to create its own traditions, decide on its methods of work and establish such organisations as it required. It has drawn up its own general programme for work, its rules of procedure, etc.

2. WORK CONNECTED WITH INTERNATIONAL CONFERENCES.

(a) *Carrying out the decisions of former conferences.*

It has been the duty of the Committee to promote the carrying-out of the resolutions of the Barcelona Conference, and to make enquiries from the Governments with the object of hastening ratifications or adhesions to the various conventions. Mention has already been made of the fact that an enquiry was undertaken with regard to the execution of the decisions of the Passports Conference, and this enquiry certainly did much towards hastening progress in this sphere. At the request of the Genoa Conference, the Advisory and Technical Committee undertook to supervise the carrying-out of the resolutions on transport adopted by the Conference, although the latter was not convened under the auspices of the League. The Committee thus had to carry out an enquiry (of which mention will be made later) as to the re-establishment of means of communication in Europe.

The rôle of the Committee as an intermediary with the Governments in seeing that decisions taken at international conferences are applied is becoming so increasingly appreciated that the Committee is being asked more and more frequently to send representatives to all inter-Governmental conferences concerned with transport questions. The Secretariat-General of the Transit Organisation was represented at the Genoa Conference and the Committee

itself was represented both at the Berne Transport Conference in 1923 and the meeting of the International Union of Railway Administrations. The latter is, of course, not a government institution, but it includes all the railway administrations of Europe and Asia. In so far as river navigation is concerned, mention has already been made of the fact that the Committee is represented at the meetings of most of the River Commissions. Reference should also be made to its participation in the International Association of Navigation Congresses and in the Congress on Private Law in respect of Aerial Navigation.

(b) Preparation for subsequent conferences.

During the period under review, the most important part of the work of the Advisory and Technical Committee was the preparation for the second General Conference on Communications and Transit, which was to meet at an early date.

The Committee had about two years to prepare the agenda of this conference, which had to deal with two particularly important and novel problems. The results of this second conference will be described later. It need only be said that in this preparatory period the Committee established its method of procedure more definitely and, apart altogether from the aid given by members of the Committee, was able to obtain the assistance in various countries of specially qualified experts who were nominated by the Committee itself. With the assistance of these experts special committees were set up to deal with various subjects, particularly railway and hydro-electric questions. This method of creating sub-committees is being more generally adopted and is becoming more and more indispensable in view of the increasingly complex and specialised nature of the Committee's work.

3. WORK UNDERTAKEN ON THE INITIATIVE OF THE COMMITTEE ITSELF.

(a) Proposals submitted to Governments for investigations and enquiries.

In addition to the important work of a general nature for the preparation of the General Convention on the International Régime of Railways, which was submitted to the second General Conference, the Advisory and Technical Committee paid particular attention to certain practical problems of railway transport. It has undertaken and is still pursuing investigations into the possibility of improving the sleeping-car service in Central Europe. It has prepared various proposals with regard to "summer time" in international traffic. As a result of the resolutions of the Genoa Conference, it has carried out a complete enquiry into the present conditions of traffic by rail and the re-establishment of the means of communication in Europe; particularly in Central and Eastern Europe. At the Barcelona Conference, enquiries were instituted into the general transport situation at the moment when the conference met. These enquiries were based on official documents submitted to most of the Governments represented at the Conference. But a different and very successful method was applied to the question of the re-establishment of means of communication. A specially selected expert was sent out who worked in direct contact with the competent services in each of the countries that he visited. The results of this enquiry, which have been published, show that on the whole very satisfactory progress has been made since the end of the war, and they bring out certain of the chief reasons (mainly of a financial nature) which are still impeding progress. It is thus possible to narrow the field of enquiry, to ascertain what the fundamental difficulties are and to

endeavour gradually to remove them in so far as they are of a purely technical nature.

On the question of river navigation, the Committee, in collaboration with the River Commissions, has begun an enquiry into matters connected with the unification of tonnage measurement and the unification of private law, matters which are becoming more and more important with the extension of river navigation in Europe, particularly by the linking up of the river systems of Western, Central and Eastern Europe.

In the matter of maritime navigation, the Committee, in addition to preparing the General Convention on Maritime Ports that was submitted to the second General Conference, took up, in conjunction with the International Chamber of Commerce, the question of unifying tonnage measurement in maritime navigation. The Committee is at present taking steps to consider the more general and important question of safety at sea, but only in so far as that question has not already been dealt with by international regulations, or is not being considered by other bodies, since the Committee has no desire to supplant any existing organisation that appears to be in a position to obtain the desired results.

The Committee has also taken up the questions of air and motor traffic. In respect of traffic by air, it works in collaboration with the International Commission on Aerial Navigation and is particularly concerned with the great problem common both to aerial and other forms of transport, namely that of co-ordination, which becomes more and more necessary as aerial transport is developed and put on a commercial basis in constant touch with railway and steamer traffic. In respect of motor traffic, the Committee dealt particularly with the question of an international driving licence, that is, with simplifying the formalities necessary for international motor traffic. Working in close

touch with the International Automobile Association, it is endeavouring to obtain a revision of international agreements on this point in order to bring them into harmony with present-day conditions in commercial motor traffic.

The Committee has had to investigate generally, in association with other League technical organisations, questions only partly connected with transport. For instance, in collaboration with the Health Committee of the League, it prepared a draft convention on measures to prevent the spread of epidemic diseases by waterways. Similarly, at the request of the Opium Committee, it conducted an enquiry into the conditions under which measures for the control of the opium traffic could be applied in free ports.

Finally, after extensive preliminary enquiries, the Committee set to work on a reform which may possibly have considerable importance in the future and which is of great interest to every shade of public opinion—the reform of the calendar. For a number of reasons, the present calendar injuriously affects certain commercial relations and occasionally causes confusion in the conditions of social life and in the working of transport services. These disadvantages might quite easily be obviated by a few fairly simple changes, which would make Easter a fixed festival and give the calendar a stability which it does not at present possess. But such is the strength of long-established habit that the utmost caution must be exercised. This is particularly the case in dealing with a question such as that of the Feast of Easter, which is bound up with ancient religious traditions. The Committee accordingly desired to collaborate in this field with the authorities chiefly concerned. After a preliminary examination conjointly with the representatives of these authorities, the Committee set up a special committee presided over by one of its members and composed of representatives of the Holy See, the Patriarch of Constantinople, the Archbishop of Canterbury, the President of the *Bureau*

international de l'Heure and the President of the International Chamber of Commerce. An enquiry on a large scale has simultaneously been set on foot by means of correspondence with the various Governments and religious denominations, on the basis of the scheme adopted by the International Astronomical Union. As soon as the results of this enquiry are known, the special Committee will meet.

(b) *Settlement of disputes in connection with communications.*

One of the chief duties of the Organisation for Communications and Transit is to facilitate the settlement of disputes between States on problems of communications, whether such disputes arise out of the application of certain clauses of the Treaties of Peace, or the application of international conventions, such as the Barcelona Conventions, or whether in any special case the States apply of their own accord to the Committee for mediatory assistance.

The Advisory and Technical Committee has already had to deal with a case of this kind. There was a dispute between Germany and the Governing Commission of the Saar Territory regarding the conditions under which the Berne Convention on Transport by Rail should be applied to the relations between the railways of the Saar and the German railways. This dispute had lasted for about two years and it had not been possible to reach a satisfactory settlement. The Committee settled the matter in a very short time, by mutual agreement, and was thus able to demonstrate the efficacy of the procedure laid down for such cases.

A Committee of Enquiry was set up composed of technical experts. In addition to two experts appointed respectively by the German Government and the Saar Governing Commission, the Committee comprised three members, one of whom acted as chairman and was himself chair-

man of the Railways Sub-Committee of the Advisory and Technical Committee, and two others taken from the panel of experts nominated by all the Governments in order to assist the Committee if it were called upon to deal with disputes. In two days a draft convention, into which no idea of political considerations was allowed to enter, was prepared and this convention was subsequently signed and ratified by both the parties concerned.

This brief summary will show the varied character of the questions with which the Advisory and Technical Committee is called upon to deal and how in all branches of its activities the Committee is endeavouring, with the support of the Governments Members of the League, to carry out its special task of facilitating international communications and ensuring freedom of communications by all the means in its power.

CHAPTER V. — THE SECOND GENERAL CONFERENCE ON COMMUNICATIONS AND TRANSIT

The second General Conference on Communications and Transit met at Geneva from November 15th to December 8th, 1923. It examined the work of the Advisory and Technical Committee and renewed the membership of that body. On the basis of the preparatory work carried out by the Advisory and Technical Committee, the Conference also adopted four Conventions : a General Convention on the International Regime of Railways, a General Convention on the International Regime of Maritime Ports, a Convention relating to the Transmission in Transit of Electric Power, and a Convention on the Development of Hydraulic Power affecting several States.

I. CONVENTION ON THE INTERNATIONAL REGIME OF RAILWAYS.

The question of the International Regime of Railways had already been raised at Barcelona in March 1921, but that Conference confined itself to passing a resolution that a further Conference should shortly be held for the purpose of drawing up and signing a Convention on the subject. The Committee for Communications and Transit thereupon undertook the preparatory work and, with the help of a Committee of Experts, drew up a General Draft Convention. The text was submitted to the Conference in Geneva, and was adopted with certain modifications, concerning principally fair treatment of commerce and the procedure to be followed in cases of litigation.

The Convention contains the summary codification of existing international obligations in matters concerning railway transport, which, as soon as the Convention comes into force, that is, on ratification by five of the signatories, will become binding for the contracting Powers. In this way it fills an important gap which has hitherto existed in international law.

Railway agreements between States or administrations are too diverse all to be contained in a single treaty. For this reason it is not intended that the new general Convention should take the place of bilateral agreements already in existence. On the contrary, it will facilitate the conclusion of such agreements by laying down the general principles on which they should be based.

The Convention is divided into two parts; the Convention proper, which defines the aims and the procedure to be followed; and the Statute or technical part.

The Statute, again, is divided into six parts :

(1) Interchange of international traffic by rail.

- (2) Mutual use of rolling-stock and technical uniformity.
- (3) Relations between railways and the persons who use them.
- (4) Tariffs.
- (5) Financial arrangements between railway administrations as regards international traffic.
- (6) General regulations.

(1) *Interchange of international traffic by rail.* — The contracting States undertake to uphold the following principles :

a) Junction of international lines, allowing a through service on these lines.

b) The use of a single common station for frontier services, or, at any rate, one station for traffic in each direction.

c) Obligation to afford the international service all necessary facilities and protection.

d) Fair treatment for all nationalities without political prejudice.

e) Conditions of speed and comfort proportionate to the importance of the traffic concerned.

f) Organisation of through trains of through carriages on the principal international routes.

g) Encouragement of all technical measures calculated to ensure speedy and efficient service on the more important trade routes.

h) Speedy re-establishment of normal service in cases of temporary suspension.

i) Regulation and simplification of all Customs, police and passports formalities.

(2) *Mutual use of rolling-stock and technical uniformity.* — The contracting States undertake to urge the railway administrations under their sovereignty to conclude special agreements permitting and facilitating the exchange and reciprocal use of rolling-stock and the supply of empty trucks. In cases where alterations in the essential characteristics of a railway system or of rolling-stock appear specially desirable, owing to the abundance of traffic and the relatively small adaptation required, they undertake to communicate without delay, and to examine in a friendly spirit, all proposals for such alteration. Further, with a view to facilitating the reciprocal use of rolling-stock, the States undertake to promote agreements dealing with the technical uniformity of railways, especially in respect of the construction and upkeep of rolling-stock and the loading of trucks. Special agreements may also be made for providing assistance in motive power, fuel or electric current.

(3) *Relations between the railways and the persons who use them.* — The contracting States undertake to facilitate the transport of passengers and goods on the basis of a single contract covering the whole journey (one ticket, one registration of luggage, one despatch of goods). The Statute also specifies certain important technical points to be borne in mind in the drawing up of individual treaties regarding these single contracts.

(4) *Tariffs.* — The contracting States promise that tariffs shall be duly published before coming into force and that they shall fix, in respect of passengers and their luggage, the carriage charges and the conditions under which they shall apply, and, in respect of goods, the carriage charges including incidental expenses, classification of goods to which the charges are applicable and the conditions under which they are applicable. In their recognition of the need to allow in these tariffs the elasticity essential for the

complex requirements of commerce and of commercial competition, the States uphold their right to arrange their own systems, provided only that this right does not prejudice the development of international traffic. The States undertake to establish reasonable tariffs and not to discriminate to the disadvantage of any of the other contracting States. They also undertake to establish international tariffs and to obtain uniformity in the presentation both of their international and national tariffs.

(5) *Financial arrangements between railway administrations as regards international traffic.* — The contracting States undertake to facilitate and simplify financial arrangements between the railway administrations of the different countries. The provisions of the Convention lay down principles for the division of the money paid or due for international traffic, for the sharing of the responsibilities incurred and for uniformity in the matter of accounts.

(6) *General regulations.* — The Convention permits of deviations from the provisions of the Statute in cases of emergency affecting the safety of a State or the vital interests of a country. No State is bound to afford transit for passengers whose admission into its territory is forbidden, or for goods of a kind of which the importation is prohibited. Nor is any fresh obligation imposed with regard to the transport of nationals of a non-contracting State and their luggage, nor of the goods or carriages coming from, or going to, a non-contracting State. The Statute does not prescribe the rights and duties of belligerents and neutrals in time of war.

Any dispute which may arise as to the interpretation of the Convention and which cannot be settled amicably, may first be laid before the technical organ of the League of Nations for questions of Communications and Transit.

If, however, the dispute cannot thus be settled, the contracting States shall submit it for arbitration, unless they should agree to carry it before the Permanent Court of International Justice. If any questions of international law or of the legal interpretation of the Statute arise during the process of arbitration, they shall be laid before the Permanent Court at the request of one of the parties, if the Arbitral Tribunal regards the settlement of the dispute as depending upon these points.

At the expiration of all Treaties at present in force, the contracting States undertake to introduce into the new agreements the changes required to bring them into line with the General Convention.

The Statute does not apply between territories forming part of, or under the protection of, one and the same State.

The Convention was adopted unanimously and signed, at the close of the Conference, by the plenipotentiary delegates of twenty States.

2. — CONVENTION ON THE INTERNATIONAL REGIME OF MARITIME PORTS.

The question of a General Convention on the International Regime of Seaports was discussed in the first place by the Barcelona Conference, when it was decided, for reasons of political expediency, to postpone further steps in the matter. It was brought for the second time before the League Organisation on Communications and Transit by a resolution forwarded by the Governments represented at the Genoa Conference, requesting that a General Convention on the International Regime of Maritime Ports should be drawn up as soon as possible. Under these circumstances, the Committee on Communications and Transit prepared the text of a convention of which the greater part was

adopted by the second General Conference on Communications and Transit, and was signed by sixteen States.

The basic principles of the Convention are equality of treatment in, and freedom of access to, maritime ports for the sea-going vessels of all contracting parties. By maritime ports is meant ports normally used for commercial traffic, naval and fishing ports being excluded from the provisions of the Convention.

The contracting States undertake to grant to the nationals, property and flags of other contracting States such rights as they grant to their own nationals, property and flags in all that concerns freedom of access to, and the use of, ports, particularly as regards facilities of all kinds, such as berthing, loading and unloading, dues and charges of all kinds levied in the name and for the profit of the Government, public authorities, concessionnaires or establishments of any kind. Dues, charges, and police regulations shall be duly published before coming into force and a record of tariffs and regulations shall be open to inspection in the ports by all persons concerned.

In the application of Customs or analogous duties, local octroi or consumption duties levied in respect of the import or export of goods, no distinction shall be made between the flag of any contracting State and that of the State under whose sovereignty the port is placed.

In the absence of special circumstances based on geographical, economic or racial considerations, the Customs duties levied in maritime ports must not be higher than those levied on the other Customs frontiers of the same State. It is, however, open to the contracting parties, after notification by diplomatic channels, to withdraw the benefits of the provisions regarding equality of treatment from vessels belonging to any State not applying the provisions of the convention in its own ports.

The Convention does not in any way apply to maritime coasting trade and does not affect the right of States to organise the towage in their ports as they see fit. It has also no reference to the use of ports by warships, vessels performing police functions or fishing vessels.

The Convention contains, moreover, provisions of a general order to the effect that no contracting State shall be bound to afford transit for passengers whose admission in its territories is forbidden, or for goods of a kind of which the import is prohibited; each contracting State shall be entitled to take the necessary precautionary measures for the transport of dangerous goods and for public safety, including measures for the control of emigrants.

The contracting parties undertake, as soon as the circumstances permit, to bring into line with the Convention international agreements to which they are parties, and which contain provisions contrary to those of the Convention. The rights and duties of belligerents and neutrals in time of war are not prescribed by the Convention.

The settlement of disputes arising out of the construction or application of the Convention is provided for in the same way as that of disputes concerning the interpretation of the Convention on the International Regime of Railways.

The Conventions on the Transmission in Transit of Electric Power and the Development of Hydraulic Power on Watercourses forming part of a basin situated in the territory of several States were drawn up as a result of a recommendation of the Barcelona Conference. The Committee on Communications and Transit, after a comprehensive study of the question, decided that no advantage could at present be derived from a general examination of the problem. On the other hand it considered that two special questions were ripe for immediate treatment : the transmission in transit of electric power and the development of hydraulic power.

3. — CONVENTION ON THE TRANSMISSION IN TRANSIT OF ELECTRIC POWER.

The text adopted by the second General Conference sets forth certain governing principles destined to further the conclusion of agreements between States concerning the transmission in transit of electric power, and lays down that no special dues or taxes may be levied in respect of such transmission.

The Convention contains, moreover, a series of provisions which may be included in special agreements between States with regard to the transmission of electric power : for instance, it lays down that the transit State shall not bear any costs, the interest of the importing and exporting States shall be safeguarded; the methods adopted to secure the transit shall be based on purely technical considerations and shall not take political frontiers into account.

Twelve Governments signed the Convention.

4. — CONVENTION ON THE DEVELOPMENT OF HYDRAULIC POWER.

The aim of this Convention is to increase the number of special agreements between States for the development of hydraulic power. It emphasises in the first place the right of each State within the limits of international law to carry out on its own territory any operations for the development of hydraulic power which it may deem desirable; in the second place, it studies cases in which the reasonable development of hydraulic power may require international investigation. It contains a series of provisions with a view to reaching satisfactory solutions and protecting the interests of States to which the operations for the development of hydraulic power may cause prejudice.

The technical solutions adopted in the agreements shall be based on purely technical considerations. No compulsory procedure for the settlement of disputes arising out of the interpretation and application of the two conventions on electric power being provided, the contracting parties are left free to fix by mutual agreement the procedure in each particular case.

The Convention on the Development of Hydraulic Power was signed by eleven Governments.

In his closing speech, Senator Conti outlined as follows the work of the second General Conference :

“The Railway Convention, which is destined to be the Magna Charta of the international regime of railways, provides for an international organisation to improve the operation of railway traffic, and it cannot be doubted that the economic world will benefit greatly by the Convention when generally applied.

“The Convention on Maritime Ports, which lays down the great principle of equality of treatment as regards access to, and the use of, ports, will largely facilitate maritime communication and promote international relations.

“The other two Conventions confine themselves to general guiding principles with a view to facilitating the conclusion of agreements between States in regard to the transmission in transit of electric power and the development of hydraulic power on watercourses.”

The protocols of the four Conventions are open for signature by States represented at the Conference, by Members of the League and by any State to which the Council may transmit copy of the Conventions for that purpose until October 31st, 1924.

The Conference proceeded to the renewal of the Advisory and Technical Committee on Communications and

Transit, on which the following States will be represented until the next General Conference :

France, Great Britain, Italy and Japan (in virtue of their position as permanent members of the Council); Austria, Belgium, Chile, China, Colombia, Cuba, Greece, Lithuania, Norway, Poland, Roumania, Salvador, Spain, Venezuela.

CHAPTER VI. — THE FUTURE WORK OF THE NEW ADVISORY AND TECHNICAL COMMITTEE

The consideration of what may be done in future by the Organisation for Communications and Transit lies outside the scope of this pamphlet.

The new Advisory and Technical Committee will meet in March and will doubtless carry on the work undertaken by the first Advisory Committee on the same principles as those followed by its predecessor. But it would appear at present that, as a result of the work of the second General Conference, the activities of the Advisory and Technical Committee will probably be chiefly directed towards three objects : It will aim at facilitating the practical application of the general Convention on the International Régime of Railways, not only by keeping up to date a complete collection of information on this subject, but also (and not least) by assisting in the preparation of the many inter-State agreements that will be necessary for applying the Convention—agreements expressly provided for in the Convention itself. It will thus deal more and more with practical questions of railway transport, in conjunction with other organisations.

Secondly, the framing of the General Convention on the International Régime of Maritime Ports brought a whole

series of international questions within the purview of the Committee, namely, questions of transport by sea, to which belong two problems—unification of tonnage measurement and safety at sea—already touched upon by the Committee.

Thirdly, the discussions of the Conference with regard to electric questions have shown how great is the international interest in these problems. They have also shown, however, that the solutions toward which the work of the Conference tended are in themselves in the nature of preliminary steps. Further work on this subject will be necessary.

Naturally, the work of all kinds already begun by the previous Advisory and Technical Committee will be continued, particularly the enquiry into the reform of the calendar and the restoration of the means of communication. It is true that the previous Committee undertook an enquiry into this second subject, but it was confined to transport by rail.

The Committee may have to examine questions of all kinds which the Governments may wish to submit to it, or which the Council of the League may refer to it for consideration. In various international difficulties connected with transport problems, the Governments and the Council of the League have already asked for the assistance of the Committee or of experts nominated by the Committee.

This occurred recently when the problem of the statutes of the Territory of Memel came up for consideration and in the case of certain questions affecting the relations of Poland with the Free City of Danzig.

One Government has taken the initiative, through the Council, of referring to the Advisory and Technical Committee a particularly important problem, the solution of which may have very far-reaching effects, that is to say, the problem of radio-telegraphic relations. The previous Advisory and Technical Committee succeeded in drawing

up a definite practical plan on this subject. The plan was prepared by a Sub-Committee which included among its members representatives of the telegraphic authorities of France, Great Britain and Italy. Negotiations have been set on foot in regard to this matter with a view to summoning a world conference for the settlement of radio-telegraphic and radio-telephonic questions.

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