

LEAGUE OF NATIONS

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VIII. TRANSIT

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**LEAGUE OF NATIONS**

ADVISORY AND TECHNICAL COMMITTEE  
FOR COMMUNICATIONS AND TRANSIT

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**GENERAL REPORT AND PROPOSALS**

**OF THE**

**TECHNICAL COMMITTEE FOR BUOYAGE  
AND LIGHTING OF COASTS**

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Series of League of Nations Publications

✓ VIII. TRANSIT ✓

1929. VIII. 1.

## GENERAL REPORT AND PROPOSALS OF THE TECHNICAL COMMITTEE FOR BUOYAGE AND LIGHTING OF COASTS.

### GENERAL PROVISIONS.

(a) The Committee, as newly constituted at its Genoa meeting,<sup>1</sup> having before it the replies received from various Governments which had received the report on its work at Stockholm, having considered reports on the further investigations resulting from the said replies carried out by its Rapporteurs appointed in March 1928, and having taken cognisance of the report on their mission to North America, unanimously confirms its previous decision so far as concerns the great value of a general unification of maritime signals, while repeating that any progress towards such unification which would improve the present chaotic conditions would already be of very great advantage to navigation.

(b) The Committee further notes that its present system is the natural and logical continuance of the former work of the Conferences of Government representatives which met at Washington in 1889 and at St. Petersburg in 1912 for the purpose of unifying maritime signals, and that the continuance of this uninterrupted tradition has to-day a growing interest both in view of the constant development of navigation and of the multiplication of the number and categories of signals which are now being used in this service.

The Committee also once more recognises that the realisation of measures for unification under the conditions proposed will not be very costly in proportion to the importance of the results which it is desired to achieve, all the more since these measures will, in practice, mainly consist of mere displacements of buoys and exchanges of colours or top-marks, etc.; that it will be permitted to spread the changes over the normal period of upkeep of buoyage marking; and that any fundamental alteration in the character of lights may, if necessary, be postponed so that it may coincide with a transformation of lighting apparatus or improvement of the same.

This essential consideration of economy has always influenced the discussions and proposals of the Committee.

The Committee has revised as follows the grouping of the only questions with regard to which it puts forward proposals:

- A. Buoyage (including more particularly special buoys and the question of top-mark on luminous buoys, which was previously dealt with separately).
- B. Lighthouse signs.
- C. Various coastal signals and a more limited number of port signals<sup>2</sup>.
- D. Concordance between characteristic signs on lighthouses and the sound signals with which they are associated.
- E. Wireless lighthouses.
- F. Various provisions.

<sup>1</sup> The following participated in the work of the session held at Genoa, February 8th to 15th, 1929:

M. P. H. WATIER, Counsellor of State, Director of Navigable Waterways and Maritime Ports in the French Ministry of Public Works (*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. J. HERBELLA Y ZOBEL, Assistant Engineer-in-Chief of the Central Services of Maritime Signals of Spain.

M. N. ITO, Counsellor of Embassy, Assistant Director of the Japanese Office accredited to the League of Nations; assisted by M. J. YASUDA, Secretary of the Communications Department.

Mr. H. D. KING, Superintendent of the United States Lighthouse Service; assisted by M. PIANE, of the American Consulate at Genoa.

Admiral L. LANGLOIS, former Director-General and Chief of the Chilean Naval General Staff.

Colonel A. LURIA, Military Staff Engineer attached to the Italian Ministry of Marine.

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.

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

M. H. M. L. BENCKER, for the International Hydrographic Bureau (replacing Admiral NIBLACK, President of the Directing Committee of the Bureau).

Also assisted at the session:

M. A. ALBERTAZZI, Director-General of the Port of Genoa.

M. L. MANCINI, Director of the Hydrographic Bureau of Genoa.

The Committee has also taken account of the notes and suggestions transmitted by the Head of the Canadian Lighthouse Service, who was unable to attend in person.

<sup>2</sup> Signals for storm warnings, state of the tide and depth of water, movements of ships, internal harbour works, and lightships not on their normal stations.

## A. BUOYAGE AND SPECIAL BUOYS.

(See Proposal I and Annex.)

The result of the work of the Committee is to be found in a condensed form in Proposal I, and in the Instructions and Recommendations annexed thereto (the latter might eventually be used by the technical services concerned for the purpose of providing detailed regulations for the application of the unified buoyage rules and thus avoiding both uncertainty and fresh divergences arising out of differences of interpretation). The Committee drew up these texts under the following conditions:

### I. LATERAL SYSTEM.

#### 1. *Choice of Colour for Bank (Black or Green).*

The Committee, after its meeting of 1926, had not yet finally decided on one of the colours to mark a bank (black or green) in the lateral system, and, similarly, had not yet decided on one of the characteristic quadrant colours (black or green) of the cardinal system. Further, it had not decided on a colour for signs of wreckage (green or black) pending the carrying out of systematic and comparative experiments in various countries.

Although these experiments have not shown that either black or green is incontestably superior, and though the visibility of the former, which is only slightly better, was not in itself a sufficient reason to decide one way or the other, the Committee then, as always, basing its action on its desire to interfere as little as possible with the habits of persons using buoyage and with present conditions, has decided to recommend the use of the colour black for marking one bank in the lateral system and for use as one of the characteristics of the cardinal system, and the use of green as the characteristic colour of wreckage marks, which are already very frequently thus painted.

#### 2. *Allocation of Colours for Marks and Lights on Banks.*

Furthermore, at the beginning of its work, the Committee found itself faced by three alternatives for the allocation of colours for marks, and for lights on them, on the two banks in the lateral system:

(a) The so-called Washington rule, which dates from 1889 (red mark to starboard, black mark to port), which has since been combined with an allocation of the colours of the corresponding lights, which keeps them in agreement with those of the lights of ships as seen by a navigator entering the port, the red light being to port, and the green light to starboard, without making any attempt to do away with the anomaly of having the red mark and the red light on opposite sides.

(b) The so-called St. Petersburg rule (1912), which does away with this anomaly, and keeps the lights on banks in agreement with the lights of ships seen when entering the port, by inverting the respective positions of the colours of marks for daytime (red to port, black to starboard).

(c) The rule followed in a certain number of countries, particularly in America, Asia and Oceania, which consists of using the Washington rule by day, a red light being placed on the red mark by night, the result of which is that the lights on banks and the lights of shipping only agree in the case of lights as seen by a navigator leaving the port.

In 1926, the Committee, on the information which it possessed at that time, decided in favour of the St. Petersburg rule (b); that is to say, for a red mark with red (or white) light to port, and the black mark with green (or white) light to starboard, the arrangements for shapes or topmarks in all cases remaining as fixed at Washington (conical to starboard, cylindrical or flat to port).

In making this choice, the Committee was mainly influenced by the consideration of the preference to be given to the case of the navigator entering the port and of the desirability for lights on ships and harbour lights to agree. At that time, the Committee was considering maintaining the colour green in lateral buoyage and was primarily endeavouring to devise a system which would be as logical and symmetrical as possible. The Committee was, however, obliged to recognise that, when it had established a rule based on these considerations, the system of the St. Petersburg Conference had only been adopted by three European countries. This fact could doubtless be explained by the outbreak of the war 1914-18, but it was perhaps also due to the insufficient technical preparation of that Conference, by the fact that invitations had been sent too late to certain countries, the fact that some countries were insufficiently informed as to part of the questions to be considered, and finally by the fact that certain services concerned were afraid to alter their system of signals unless their example was followed by a sufficient number of neighbouring States.

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On consideration of the replies of the States to which the report of 1926 had been communicated, it was found that, though about half those replies were wholly or partly in favour of the Committee's proposals for buoyage, others were more or less hostile, particularly owing to the arrangement of colours and buoys in the lateral system.

This led the Committee for Communications and Transit to take fresh steps for investigation and the obtaining of information, with a view to a possible modification of the general report of 1926. For this purpose, three Rapporteurs were appointed, from among the Committee, to examine the conclusions to be formed as the result of the above-mentioned replies and the lessons to be drawn from certain systems of buoyage in force. They proceeded to the United States and Canada to study the signal systems of those countries.

The Rapporteurs arrived at the following conclusions:

Alternative (c) should be substituted for alternative (b) above, which had been adopted in 1926 for allocation of colours on banks in the lateral system—that is to say, red lights and colours to be used on the starboard side on entering.

The two methods of differentiation between lights on banks, namely, by colour and rhythm, should be made clearer.

The rules for bifurcation and junction buoys should be modified so as to show a difference between main and secondary channels.

That buoys moored in safe waters should be differentiated by their colour.

That the provisions adopted in the Helsingfors meeting of 1927 for marks of cardinal buoyage should be completed, and, more particularly, that a greater or smaller number of distinct shapes should be made to correspond with them, the same being done in respect of the characteristics of lights associated with them.

That a distinction should be made between a method of lateral buoyage and cardinal buoyage, even in the case of wrecks.

Lastly, the Rapporteurs replied to the other criticisms or less important observations made in the replies from Governments.

The new conclusions, as set forth in the report of these Rapporteurs on their mission, was considered by the Committee and unanimously accepted, subject to the following conditions and reservations:

On the primary question of the allocation of colours and lights for marks on banks, it was thought, on reflection, that the agreement with the rule for lights of shipping which was provided for by the St. Petersburg system should not be a predominant and all-important consideration, since it was only of use in the case of ships entering; that is to say, in half the cases provided for. There is no doubt that that direction is more important than the other, by reason of the knowledge of local conditions acquired after the ship has been in the port, and the fact that, if the weather has been bad, the ship is more likely to be assisted by a pilot when leaving the port than when entering. But this greater importance of the direction of entry is chiefly to be found in the case of a port opening directly on to the sea; it is scarcely marked, or even tends to disappear, in the long channels or estuaries which are so numerous in certain countries and so important by reason of the large amount of traffic using them. A navigator, once he has gone a certain way along them, navigates more or less under the same conditions in whatever direction he is going.

This argument in favour of concordance of lights becomes still less important if we remember that the greater part of lights on banks or jetties which are coloured red or green and which are fixed lights will quite soon disappear as a result of technical progress which makes it possible easily and cheaply to make the various lights occulting. There would then be little danger of confusion between an occulting light in maritime lighting and the light of a ship which also shows other lights when mechanically propelled. As for sailing-ships, they are tending to diminish in number in many countries. Since several buoyage services have no hesitation in only using white lights on banks of different rhythm, in spite of the lights of neighbouring towns, it is not thought that there would be any additional risk in using a coloured light with a suitable rhythm.

Lastly, apart from these technical considerations, it was thought that the Committee must bear in mind the desire expressed in many of the replies from Governments, namely, that when carrying out a unification, which indeed would be highly desirable, efforts should be made to reduce to a minimum the disturbance in the habits of navigators resulting from the modifications involved by such unification. It was therefore thought best to base new proposals on the system which was most widely spread in respect of each point to be settled, at least as much as on the most rational system, provided, of course, that the system thus chosen was a simple and coherent one.

The system of the colour red and of red lights to starboard would, if generally adopted throughout the world, involve a minimum change in present conditions. It would give the evident desire for unification the maximum chance of being satisfied by the taking of the necessary decisions, and later by the adoption of the new system by all maritime States.

Furthermore, on closer consideration of the replies from the organisations of officers of the merchant marine, and of seamen belonging to thirteen different countries,<sup>1</sup> it will be seen that, though the desirability of unification and agreement of the colour red by day and night has been unanimously recognised, there is no unanimous agreement as to the side on which that colour should be placed. As a general rule, or in the case of certain individual navigators, we have found more indifference as to the question whether red should be to port or to starboard than in respect of the two other questions.

These are the reasons regarding which the Committee has modified its former views.

The experts belonging to those countries which already apply the above-mentioned rule (c) of the double use of red to starboard on entry naturally agreed beforehand with the new proposal of the Committee.

<sup>1</sup> Germany, Belgium, Spain, United States, France, Great Britain, India, Italy, Japan, Norway, Netherlands, Portugal, Sweden.

Those experts who are nationals of countries which apply the Washington rules by day and the St. Petersburg rules by night are quite prepared to accept this proposal, in order to facilitate unification of the various systems, although this new solution involves still more far-reaching modifications so far as their countries are concerned.

The Spanish and Portuguese experts, although both for theoretical and for practical reasons they would prefer to keep to the St. Petersburg rule (b) both for day and for night, are prepared to accept solution (c) in order to bring about that unification the essential importance of which they recognise.

The same applies to the Italian expert, in spite of the very decided preference of the navigators of his country for the St. Petersburg system, which is at present in force in the Peninsula. Italy is prepared to change her system if thereby she would ensure a successful unification of systems of buoyage.

Under these circumstances, the Committee was unanimous in deciding to submit proposals based on combination (c).

### 3. *Other Provisions specially concerning the Lateral Buoyage System.*

(a) The method of orientation of the lateral buoyage system, which is based on the idea of a navigator arriving from the open sea, has only been briefly indicated at the beginning of Proposal I. In the Instructions annexed suggestions will be found with regard to means of application, particularly by the use of a method which was discussed in 1926, and which, when certain doubtful cases are concerned, might be of interest to the technical services responsible for deciding at each point the direction on which the system of buoyage is based. We would say once more that this is only a means of indication which, though it may appear complicated, will be fully understood by navigators who are only interested in its practical results.

Account has been taken of the fact that certain services are opposed to overloading of charts by the marking, as here required, of arrows to show the direction of channels, since such indications are only required on charts the scale of which is sufficiently large.

(b) Proposals (I A, 4) and instructions (II B, 7) attached show more clearly than in the former report how lights to port or to starboard may be differentiated either by their colour or by their rhythm so that in practice, for instance, white lights, if used on both sides of a channel, cannot be fixed lights on both sides; they must be occulting<sup>1</sup> lights on one or the other side, according to the rule laid down above for parity (even number of flashes to starboard; odd number of flashes to port). Coloured lights may be fixed; should they be occulting, which is also to be recommended, they are not equally bound to observe the rule of parity; nevertheless, it is not desirable to allow a combination on the port side with double flashes in the period, since it is somewhat difficult to guarantee the accuracy of such a combination, whereas a regular rhythm is allowable on both sides, since it makes the lights more distinctive without requiring a much more complicated apparatus.

The number of combinations provided for thus remains limited in practice; it is shown in the table at the end of § II B, 7 of the instructions.

(c) After the summarised or detailed explanation (Proposal I and Annex) of the characteristics of port and starboard signals as they follow from the choice of combination (c), there will be found a new rule, which is already in force in certain countries, the addition of which has been recently requested, and which allows of the use of checker-boards (white and black or red according to the side of the channel) for one bank of secondary channels, in order to facilitate differentiation of such channels from the main channel.

There will also be found indicated in the annexed Instructions (II B, 6) the possibility of placing several top-marks over the same signal in order better to distinguish from each other a series of buoys which are similar and which are placed in similar positions, provided that the number of these topmarks shall comply with the rule of parity generally laid down for the two banks of the channels in question. A request was made recently that this should be allowed.

(d) It has been necessary to make certain allowances in the case of signals on interior waters which are exposed to ice in which topmarks, particularly those which have a horizontal surface on the under side, may be torn off, or where the dark background of the landscape prevents beacons of a dark colour from standing out against it.

Cylindrical top-marks may be dispensed with and top-marks consisting of a cone point upwards may be replaced by a cone point downwards.

The upper part of black signals may be painted white (the same permission is granted in respect to tropical countries where certain colours cannot easily be kept fresh).

It is further recommended that large spar buoys should be cut square to port and should be cut to a point to starboard.

### 4. *Bifurcation and Junction Signals.*

(§ I, B, of Proposal I and § II C of the Annex.)

These signals, which had already been considerably simplified in 1926, and had been coloured in the same manner in horizontal red and black bands, with a double top-mark composed of a cone or cylinder combined with a sphere, have been still further improved in order to make them show the orientation of a secondary channel in respect of the main channel; this meets the views of certain countries whose estuaries have many channels, whereas other countries thought only of arranging the characteristics of the signals in question in such a way as to direct navigation towards the right when there is a bank in the middle of a river dividing it into two equal branches.

<sup>1</sup> It is understood that rhythm or variation refers both to the flashes, or, rather, the short periods during which a light is shown, and the occultations or short periods of darkness as against periods of light and the combinations when the periods of light and darkness are approximately the same.

Account has been taken of these various cases (main channel to right or left on entry—equal branches) in such a way that the navigator can always be directed towards the most suitable channel.

The shape of the main marks, if use is made of that method of differentiation (cylindrical when the main channel is on the right on entry, etc.), the characteristic top-mark of the double combination (cylinder when the main channel is to the right, cone when it is to the left), the choice of the colour of the stripe on the upper part of the mark (black when the main channel is to the right, red when it is to the left), draw attention by one or the other means to the orientation of the main channel, since these provisions are in agreement with the similar characteristics of marks on banks, whereas the position of the characteristic top-mark above or below the sphere shows that the signal is one of bifurcation or junction.

The cylindrical top-marks should always be painted black and the conical top-mark red; the two parts of the top-mark shall be of the same colour in the junction signal and of different colours in the bifurcation signal.

Lights in connection with these signals, if any, shall not be subject to any rule other than that they must not infringe the regulations for lights on banks; they may show the orientation of the main channel and the special purpose of the mark in question. White lights may often with advantage be used here, and, if necessary, lights alternately white and coloured.

### 5. *Mid-channel Signals.*

(§ I C of Proposal I and § II, D, of the Annex.)

These signals, which are used in certain countries and on certain movable and winding or narrow channels preferably to buoys on the banks, are regarded as falling into the category of buoys moored in safe or relatively safe waters.

The Committee is of opinion that such buoys should be painted in vertical stripes of two colours to distinguish them from marks in the neighbourhood of dangers, which are all of one colour, or which bear horizontal stripes.

In practice, mid-channel buoys should be painted in alternate black and white vertical stripes, without any special top-mark, and subject only to the condition that the corresponding top-mark shall not lead to confusion with top-marks of other signs.

## II. CARDINAL SYSTEM.

1. The Committee has maintained the old 1926 method of differentiation, namely:

By the colour of the marks which all contain a white part along with one or other of the more distinctive colours, red or black; the white part prevents any confusion with marks of the lateral system;

By the form of the top-marks, which differ in each quadrant.

(a) Mainly as a result of the Helsingfors meeting (1927) and of the work of its Rapporteurs (1928), the Committee has slightly modified the former allocation of colours.

The Committee has laid down that the marks for the northern and southern quadrant should be painted one colour above and another below, half white-half black and half white-half red; the marks for the eastern and western quadrants shall bear a median band of one colour surrounded by another colour, one of the two being white.

The normal method consists in placing the dark colour (black to the north, red to the south) above, on the north-south line, and to paint the median band white on the east-west line, painting the rest of the mark black to the east and red to the west.

The Committee has, however, been obliged to provide for a variation in the eastern and southern quadrants from the point of view of the respective allocation of white and of a dark colour according to whether the marks have a top-mark, a solution which appears the most recommendable, particularly in the case of spar-buoys, if they have no top-mark, as will sometimes be the case with luminous buoys. This optional alternative consists in painting a median black band on white on the eastern mark and painting the southern mark white above and red below.

This alternative makes it easier to avoid confusion between the northern and eastern marks, on the one hand, and the southern and western, on the other, when they have lost their top-marks or have none, and when the eastern or western marks are floating and are accidentally submerged up to the median band.

(b) The median band in the eastern and western quadrants may be doubled or multiplied so as better to show their characteristics, to avoid confusion should they be submerged and to enable differentiation between similar consecutive marks.

Care should be taken to make the lower band sufficiently high for it to be visible even should the floating spar-buoys be unexpectedly submerged.

The northern and southern top-marks have been kept with cones base to base and point to point respectively; the same applies to the western top-mark of a cone point downwards.

A cone point upwards is substituted for the spherical top-mark of the eastern quadrant in order to make the system more symmetrical, and to make the sphere available, it being already more usual on signals of isolated dangers. There is no very serious fear of confusion with the starboard top-mark of the lateral system, since this top-mark is not used on buoys of the same main colour and



it is only used in the cardinal system with a buoy partly white; furthermore, it will always be permissible, in doubtful cases, to repeat the cardinal top-mark to attract attention.

Top-marks may always be repeated altogether or in part in order to distinguish similar consecutive marks from each other. Should the top-marks be such that it is necessary to paint them, a dark colour should always be used, preferably that characteristic of the marks on which they are placed. The dark colour used for the upper part of the mark would thus also be used for the top-mark.

It will be noticed that top-marks for marks in the open sea are less liable to be carried off by ice, and that such marks are more visible when the part which stands out against the sky is dark, whereas marks in inland waters often have their top-mark carried away by ice and show up better against the dark coast-line in front of which they are placed if they are white at the top; all these facts justify the combinations which have been adopted.

In these arrangements it has been endeavoured as far as possible to maintain a differentiation and a proper visibility of marks even in accidental or unfavourable circumstances, such as loss of top-marks (by ice), submergence of the lower part of the mark, situation in front of a dark background.

2. The Committee has introduced and provided rules for an optional differentiation by shape, although such is not yet made in the case of present marks, in order to prevent any discordance in the future.

Provision has been made for cases in which it is desired to use four different shapes as in certain countries, or only two shapes; in the latter case, these would be the shapes already in use in the lateral system, the cone or the cylinder.

Care, however, has been taken, in order to avoid confusion, that the colours and shapes associated in the lateral system shall here be placed opposite each other, so that the cylindrical or flat form, for instance, is used in the cardinal system for the red southern and western marks, which makes a sufficient difference, particularly in view of the white part, which does not exist in the lateral system.

3. For the reason already given when dealing with shapes, the Committee has also laid down rules for the allocation of lights which will eventually be placed over the signals of the cardinal system.

In no case should red lights be placed on the black northern and eastern marks. They should, however, be reserved, with some kind of rhythm, for the red southern and western marks, which can also, like the previous ones, have white lights placed on them for reasons of better visibility, on condition that such lights have an even number of flashes (0 or 2), the odd number of flashes being reserved for the white lights of the northern and eastern quadrants.

The same principles have been observed as in the case of lights on banks. It is preferable to use the simplest characters in the northern and southern quadrants in order to allow of a differentiation with the similar lights in the eastern and western quadrants respectively.

4. In a more general way it has been endeavoured to separate the various kinds of differentiation by the diagonal line N.—W., S.—E., should use be made only of two characteristic dark colours, colours of light and rhythm of white lights.

### III. BUOYAGE OF WRECKS.

1. (a) The investigations and discussions which have taken place since 1926 have shown that it is desirable to make a distinction between two systems of buoyage of wrecks, which, like natural obstacles, may be marked in a channel according to the side on which they should be passed, and in the open sea according to the respective orientation of the signal and of the danger.

(b) It has also been thought necessary that buoys of this kind should both show their special character and also the direction of passage for navigation.

(c) The special character of wreckage buoys is particularly useful during the first period of such buoyage. It is less necessary when the navigator has long been acquainted with the presence of a wreck and of its marks. Signals of characteristics similar to those of normal buoyage can then be used.

2. The Committee has proposed to allocate for wreck-buoys the colour green, which is already often used for that purpose, and to add, when the shape of the mark allows of the same, a symbolical figure representing a sinking ship.

(a) In the lateral system, this characteristic colour is associated with a lower black stripe (to port) or red stripe (to starboard) to show the direction of passage if no top-marks are used (as in the case of luminous buoys).

(b) In the cardinal system, the colour green is combined with white in the same manner as red or black in the buoyage of natural dangers; however, the alternative indicated in this last case for the eastern-southern quadrants is still further justified by the fact that there would be no other means of distinguishing, for instance, between luminous buoys moored respectively in the eastern, stern, northern and southern quadrants.

3. The top-marks and shapes for signals marking natural obstacles in both systems should also be used for wreckage marks.

4. For lighting the latter, green lights are reserved for them in the cardinal system, with the rhythm proposed in the case of natural obstacles (odd flashes to north and east, even to south and west).

In the lateral system for buoyage of wrecks, the green light can only be used when there is no danger of any confusion with normal lighting. This would be the case with a wreck-buoy to starboard should the normal buoys to port carry green lights; examples are given in the Annex, showing the possible solutions in such cases, and excluding green lights on wreckage buoys to starboard.

In a general way it is recommended that the character of lights indicating wrecks should be such as to attract the attention of the navigator by an adequate difference between them and neighbouring normal lights.

#### IV. OTHER BUOYAGE SIGNALS INDEPENDENT OF THE LATERAL AND CARDINAL SYSTEMS.

1. Isolated *danger* signals should continue to be characterised by horizontal red and black stripes, and they may use the spherical top-mark which is already quite frequently placed upon them.

2. *Landfall* and *reconnaissance* buoys are moored in safe waters; they should therefore carry the vertical stripes used for that class of signals.

These stripes should be alternately black and white, in order to give the maximum visibility to these buoys, which the navigator endeavours to discern from a great distance.

There is no serious reason to apprehend any confusion with mid-channel buoys of the same character (see paragraph 5 in the lateral system above), nor to avoid eventually giving them the same colours, in view of the small numbers of combinations available.

No special shape or top-marks are laid down for landfall signs, which may be distinguished from one station to another, for instance, at the point of passage from one to another of several neighbouring channels, by means of varying top-marks.

Their lights shall in general be white, in order to have the greatest possible range.

3. Buoys indicating the transition between the *cardinal* and *lateral* systems are used in various countries in order to warn the navigator of the change of system.

These buoys, which may sometimes be the same as the first buoy of the lateral buoyage, should their characteristics not prevent it, are generally moored in safe waters; they should therefore be painted in vertical red and black stripes.

Nothing definite is laid down as to the shapes, top-marks or lights of these various buoys when no special characteristics are compulsory.

4. *Special Buoys*. — The Committee has not altered its former proposals for *mooring*-buoys or buoys for *getting under weigh* (white), *quarantine* buoys (yellow), and buoys marking *submarine pipe-lines* (blue). The Committee has laid down that the colour white can also be used for buoys marking the limits of zones for anchorage.

The Committee has introduced a type of buoy to mark out areas in which *hydroplanes can come down*, which it proposes should be painted white with a large blue cross on the upper surface; the upper surface would therefore be shaped in such a way as to make it easy for aircraft to identify such buoys. No confusion can therefore arise between these buoys and those marks in the cardinal system which are partly white.

In the case of buoys for another purpose not here defined, the Committee merely recommends that all combinations should be avoided which would be liable to interfere with normal buoyage even after their paint has become worn.

#### V. GENERAL RECOMMENDATIONS.

(a) Under this heading the Committee repeats its former special resolution recommending that top-marks should be placed even on special luminous or sounding buoys; in these cases, the characteristic shape is generally not found and the colour may be effaced or hidden by ice.

(b) Among the various methods of differentiation of buoys (shape, top-marks, colour), that by shape is the clearest, and the Committee regards it as the most recommendable; it cannot, however, be made compulsory, by reason of the expense it involves.

(c) Lastly, the Instructions annexed to Proposal I show various optional measures, and certain suggestions or indications concerning the manufacture of top-marks in accordance with local resources; special additional top-marks; differentiation between fixed and floating beacons; the possible affixing of characteristics taken from the lateral and cardinal systems on one single mark; and the means by which stripes and inscriptions on marks may be made most clearly visible.

#### B. LIGHTHOUSE SIGNS.

(See Proposal II.)

The Committee mainly considered the distance that should be kept between similar lights, characteristics to be given to different kinds of lights in accordance with the regulations for luminous buoys, and the possible interference of aero-lighthouses with maritime lighting.

In adopting the regulations annexed hereto, the Committee does not intend to lay down any absolute rules on the subject nor to prescribe any immediate alteration in existing provisions which might be contrary to such rules.

Its object is rather to provide rational and uniform directions for the organisation of entirely new lighting systems, or for the amelioration of older systems, by a judicious allocation of available characteristic signs.

The Committee recognises the difficulty of drawing a clear distinction between the various classes of lights or lighthouses and of laying down hard-and-fast rules particularly for the distribution of their characteristics.

The Committee thought, however, that it might lay down more categorical regulations in respect of the exclusion of mixed lights (§ 2, *c*) and fixed white lights (§ 2, *d*) for the observation of the rules of buoyage of the lateral system in respect of lights in channels or on jetties (§ 2, *f*) and the interference of aero-lighthouses with maritime lighting (§ 3).

The various clauses of the proposal give rise to the following observations.

§ 1. — It has now been found possible to give exact figures for the minimum distance between lighthouses of the same character for the reasons given in Article 1 of the Proposal. The very much greater deviation and speed of aircraft liable to make use of maritime lights may further influence this allocation of characteristics.

Nevertheless, we may here take note of the interval of 80 miles which has frequently been recommended as a satisfactory minimum under most ordinary circumstances, while observing that this minimum itself might be considerably reduced, particularly in the neighbourhood of an exceptional point (straits, etc.) which is bound to be seen by a navigator passing it.

§ 2 (*a*) and (*b*). — The preferential order which has been indicated is the result of experience of these matters. These paragraphs are intended to prevent, in cases in which a mistake is possible, the characteristics of secondary lights from being confused with those which are almost always given to the more important lighthouses.

§ 2 (*c*). — Lights with mixed characteristics, which do not always appear the same at all distances, must be progressively eliminated, and every suitable opportunity should be taken to this end.

§ 2 (*d*). — In the case of harbour lights, it has been desired to prevent confusion with the lighting of neighbouring towns, whenever such confusion is likely.

The Committee is strongly of opinion that fixed white lights should be eliminated.

It even recommends that coloured lights should be made occulting so far as possible in order to avoid confusion with lights of shipping, and particularly of sailing-ships, with certain luminous advertisements, etc.

§ 2 (*e*). — In the case of alignment lights, the Committee has had certain proposals laid before it with a view to regulating the same, by reason of the hesitation which often exists in respect of this problem.

The Committee recognises that it is not possible to lay down any absolute rule on this subject, particularly for the reasons referred to in its Proposal.

It is, however, desirable to warn all technical services against the combined use of lights with two short flashes which do not provide a sound probability that both lights will be seen simultaneously, unless absolute synchronism of flashes can be brought about in practice, or one of the flashes be distinctly quicker than the other.

In a simple case it may be said that it would be sufficient to have a system composed of an upper white light varied by short flashes, and a lower red light which it is generally preferable should not be occulting, particularly if it is further possible to bring about approximate equivalence of the two lights.

Lastly, attention is drawn to the fact that an alignment composed of three lights provides an excellent solution when it is necessary and possible to use it in difficult cases.

§ 2 (*f*). — The Committee naturally extends the regulations already laid down and explained in the case of buoyage to lights on fixed supports forming part of the buoyage system, particularly lights on channels and jetties, since it is impossible to draw hard-and-fast lines between these lights and floating lights.

It thus complies with a tendency already widespread, particularly since the Conference of St. Petersburg (1912).

In the case of sector lights, certain reservations are desirable, first, because maritime sector lights may simultaneously indicate several passages or several parts of one single passage, and, secondly, since such lights, if isolated in areas without any clearly defined direction of arrival, may be taken by the navigator as a guide according to different principles.

The Committee came to the conclusion that thus, in actual practice, the interests of the navigator would be safeguarded, for he would always have his attention drawn to the lighted shoal from whatever safe sector he approached it (as towards a danger to be avoided), and the colours of shore lights, both upstream and downstream from each sector, would conform to the rules for shore lights.

The problem might, of course, assume a different aspect in the case of a sector light on an isolated shoal, or in the case of a coast light playing on a channel or a well-defined way of approach.

The Committee has endeavoured to retain this alternative and has advocated that, when possible, attention should be paid to the point of view of the navigator arriving from the open sea.

On the other hand, in order to facilitate and indeed expedite the more general employment of rhythmic lights—which is much to be desired—the Committee recommends that the competent technical services should communicate to one another any information they may possess with regard to the best and safest apparatus to ensure the rhythms advocated for harbour lights and lights on fixed or floating buoys, and communicate this information to the competent organs of the League of Nations.

§ 3. — With regard to the prescription concerning aero-lighthouses, the Committee has recognised the importance, from the special point of view of signals, of a permanent connection,

through the intermediary of the League of Nations, between maritime and aerial navigation. This permanent connection should be established between the various nations concerned and also within each country.

The Committee takes note of the fact that such liaisons already exist, either fully or sufficiently, in certain countries, and that the question is under discussion in others, but that certain countries do not appear to attach sufficient importance to it.

### C. COASTAL AND PORT SIGNALS.

(See Proposal III.)

The Committee proposes to refer to the authorities who are at present dealing with the revision of the International Code of Signals the consideration of a certain number of signals<sup>1</sup> which it had considered during its Stockholm meeting, forwarding to them, for information, the results of its previous work on the question.

The problem of signals for dredgers, the importance of which is continuously increasing in view of the growing number and dimensions of these appliances, would be referred to the above authorities under the same conditions.

Lastly, the Committee decided that it would not deal with another category of signals.<sup>2</sup>

#### I. STORM-WARNING SIGNALS.

##### 1. *Local Signals.*

The Committee, with a view to facilitating adoption by the various countries concerned, should a Conference of Governments have to express its opinion on the work of the present Committee, recommends acceptance of the latest provisions adopted by the Conference of the International Meteorological Committee, and proposes to communicate its suggestions to that Committee.

##### 2. *Non-local Signals.*

The Committee is of opinion that it should wait until the results of the investigations which are being carried out by other bodies are known.

#### II. TIDE AND DEPTH SIGNALS.

The Committee has been informed that it is possible that certain signals, particularly depth signals, may be incorporated in the International Signal Code by means of the use of volumetrical forms with numerical signification, which are already used to give warning of cyclones in Eastern seas.

The Committee has considered the consequences of this possible measure so far as concerns the combination which it had adopted in 1926, and which it would desire to see maintained as a general rule at the same time as any other measure which may be included in the International Code.

The Committee has, however, endeavoured to ascertain whether the two combinations might not clash, and whether steps should not be taken to avoid any difficulties of such a character.

It is for this reason that the Committee has left two alternatives in the case of day depth signals, pending a decision so far as concerns the International Code, and until comparative experiments have shown whether the new measures which are given as alternatives are acceptable.

Subject to this reservation, the Committee proposes separate signals for the main unit, a multiple of the main unit, a secondary unit, and a fraction of a secondary unit (respectively metre 0.20 and metre 0.10 for instance, in countries which use the metric system).

When such signals are given, they should always, by day or by night, be accompanied by signals showing the state of the tide.

The basic level used for these signals should always be indicated in documents issued on the subject (Nautical Instructions, etc.).

Both may be simplified in so far as local circumstances may require.

Attention is drawn to the fact that the flag showing the depth of tide is much more visible if it has a narrow border of a dark colour.

It is also recommended that a visual signal should be used whenever possible and practicable—for instance, a mechanical dial with arrow illuminated at night (or tide staff with pointer), or a table giving the depths in Arabic numerals, irrespective of the use of the signals in the International Code.

<sup>1</sup> Signals for ice currents, submerged fishing-tackle, pilotage.

<sup>2</sup> Signals for divers, submarine practice, gunnery practice and targets, mine-sweeping and hydrographic trawls.

### III. SIGNALS REGARDING GENERAL MOVEMENTS OF VESSELS AT THE ENTRANCE TO PORTS AND IMPORTANT CHANNELS.

The Committee is of opinion that it is not called upon to deal with the possible extension of these signals to a coast or part of a coast.

The four following signals are maintained:

- (1) Entrance absolutely forbidden;
- (2) Permission to enter subject to certain restrictions;
- (3) Vessels absolutely prohibited from entering or leaving;
- (4) Vessels forbidden to leave.

"Permission to leave under certain conditions" signals should be made by combining the "vessels are prohibited from leaving" signal with the groups of signs referred to for "Permission to enter subject to certain restrictions" (No. 2 above).

For small ports and channels of secondary importance, the Committee is of opinion that the possibility of using simpler groupings should be examined, provided that they are based on the same principles.

### IV. LOCKS, BRIDGES AND SLUICES.

Proposal III indicates the colours to be used respectively to signal:

- (1) Closure, prohibition of entrance or passage;
- (2) Opening, passage clear;
- (3) Opening, passage subject to certain reservations.

The following combination is quoted as an example:

- (1) "Locks closed, entrance prohibited": two red signals on the same horizontal line by day and by night;
- (2) "Lock open, entrance permitted": two green signals on the same horizontal line by day and by night;
- (3) "Lock open, but entrance entirely or partially prohibited": red signal, and a white signal, or two orange signals on the same horizontal line.

### V. LIGHTSHIPS HAVING LEFT THEIR NORMAL STATION.

The Committee has been requested to provide for the case of attended lightships which are not on their normal station, since uniformity for signals in this case is desirable and is certainly within the competence of the Committee.

The Committee, when dealing with this problem, examined the case both of lightships which have accidentally drifted away from their moorings and have then remained near their normal station, and that of lightships proceeding towards their port or their station, which, as their speed is generally reduced, may lead a navigator to be mistaken as to their real position.

In the first case, there are reasons for which it is desirable that the navigator should be informed that the ship in sight is a lightship which is not on its normal station. (In certain countries it may further be of advantage to notify this last circumstance either by wireless telegraphy or by a conventional signal, especially described in the proper nautical documents, and hoisted on another neighbouring lightship or some other place.)

On consideration, the Committee has decided to lay down that lightships not already carrying a top-mark for other reasons—as, for instance, to facilitate identification or for reason of better visibility—should hoist a special movable top-mark and of a form that may vary with each station.

This top-mark would be hauled down when the lightship was not on its station.

Furthermore, a lightship under such circumstances would naturally not send out its characteristic light or sound signals, which would be reserved for its normal anchorage, and it would merely make such night or fog signals as would be made by a normal ship in the same situation; that is to say, a ship, whether motor-ship or sailing-ship, not in full control of its movements, and either anchored or in motion.

Further to the negative indications given by the absence of a top-mark and to characteristic signals, the Committee has, without absolutely insisting thereupon, recommended that, as is already done in certain countries, the following supplementary signals should be used solely in the case of drifting away from moorings, namely:

A combination of flags (Q—E),<sup>1</sup> as given in the International Code, to show that a lightship is not on its station.

The use of a red light, a flare-up, but sufficiently visible, which the crew would show at least every quarter of an hour or more frequently if other ships are near them.

<sup>1</sup> Subject to modifications, after the revision of the International Code which is now in preparation.

#### D. CONCORDANCE OF THE CHARACTERISTIC SIGNS OF FOG-SIGNALS WITH THOSE OF THE LIGHTS WITH WHICH THEY ARE ASSOCIATED.

The Committee recommends that every favourable opportunity should be taken to give aerial or submarine signals a similar rhythm to that of the light, if any, with which they are associated, an exception being made in the case of a combination of a submarine signal with a Hertzian signal for the purpose of determining the distance from the transmitting station.

#### E. WIRELESS LIGHTHOUSES.

1. The Committee absolutely holds to its former preference for wireless lighthouses as compared with direction-finding shore stations, particularly since the former leave navigators responsible for the information which they obtain from these stations. The Committee notes that this preference is increasingly shared by navigators, shipowners, etc.

The Committee also continues to prefer modulated continuous waves in the case of wireless lighthouses used in foggy weather.

2. The Committee notes with satisfaction that a margin of 950 to 1,050 meters has been reserved for the wave-length of wireless lighthouses.

The Committee does not consider that it is desirable at present to request that other shorter wave-lengths be used, since the use of wave-lengths of less than 10 meters is allowed and as experiments that have hitherto been carried out in certain countries with regard to short wave-lengths have not given satisfactory results.

3. The Committee notes, however, that various considerations are still interfering with the receipt of messages sent out by wireless lighthouses; they appear to be due mainly to the fact that stations of another character come too near, by the length of wave that they send out, to the limits reserved for wireless lighthouses, and often even directly encroach on the same by means of bad regulation.

On this point the Committee is of opinion that a difference of  $2\frac{1}{2}$  per cent in wave-length is sufficient to differentiate between wireless lighthouses and other stations, so long as the vessels picking up have good receiving instruments.

The Committee notes as interesting the provision in force in several countries concerning four wave-lengths equivalent to 962.50 meters, 987.50 meters, 1,012.50 meters and 1,037.50 meters.

Suitable differences in the frequency of modulations (tone) of neighbouring wireless lighthouses would complete the steps necessary to make it easy to pick each other up individually.

4. Complaints have often been made that neighbouring wireless lighthouses jam each other, whether or not they belong to the same country, and this may often arise out of the fact that too much power is used for certain broadcasting—account being fully taken of the necessary rights for landfall stations, which broadcast hourly or half-hourly—and that there may be a defective organisation in each country, or a lack of co-ordination between neighbouring countries in respect of hours of transmission.

5. From the point of view of the minimum duration of each period of continuous transmission (whether or not derived from the more or less frequent repetition of the same group of signals), the Committee is of opinion that steps should be taken to make it easy to pick up the messages sent out by wireless lighthouses, and that account must be taken of two opposite tendencies—one that which would prevent a mediocre operator from picking up a message, and the other that which would encumber the air by too long or too frequently repeated periods which make it extremely complicated to pick up several stations consecutively. An individual duration of one minute for each period is certainly a minimum which it is hoped will be generally exceeded.

6. From the point of view of the constitution of each group of signals which is composed, according to countries, either with a greater or lesser number of letters or of dashes and dots, or dashes more or less long continued, etc., the Committee did not think that it was as yet in a position to provide for a combination which would be recognised by all as being the best.

Lastly, the Committee decided on the following desiderata alone:

(a) The interval of 950 to 1,050 meters which has been allocated to wireless lighthouses should be strictly respected by every station in such a way as to leave a certain margin which, added to the length observed by wireless lighthouses, would give an interval of at least  $2\frac{1}{2}$  per cent between wave-lengths of stations of a different nature.

(b) Neighbouring wireless lighthouses themselves will also provide for intervals of at least  $2\frac{1}{2}$  per cent between their respective wave-lengths.

(c) All stations, and particularly wireless lighthouses, should have their own system of control of their wave-length and of its continuance.

(d) The power of wireless lighthouses should not exceed that which is strictly necessary for their task, which depends mainly on the position of neighbouring stations (whether or not belonging to the same country), due account being taken of the necessary difference in power between stations for fair weather and stations for foggy weather.

(e) The duration of each period for continuous transmission shall be sufficient to enable the station to be easily identified (not less than one minute).

On the other hand, the duration of each period and the total time occupied in transmission shall be regulated in such a manner that it shall not exceed the time strictly necessary for the requirements of navigation.

(f) It would be desirable that agreements between nations should be resorted to for the purpose of regulating the conditions in respect of this matter, and particularly time-tables for broadcasting of wireless lighthouses, and more particularly of stations with a wide radius, without prejudice to similar organisations in the interior of each country. If a Governmental Conference is called on to take a decision as to the work of the Committee, it might with advantage take steps to bring about some such result.

## F. VARIOUS PROVISIONS.

Certain suggestions have been made with a view to laying down regulations which would also deal with the colour of certain supports of lights. On examination, it has not been thought possible to lay down strict regulations with regard to this matter.

It is, however, thought advisable at least to prevent the parts of the supports near the lights (lanterns, towers of lighthouses on jetties or banks) from being painted a colour conflicting with that which would correspond with the light's position in the buoyage system, chiefly under the pretext of better identifying the installation; this might be misleading to the navigator by day. Neutral tints, such as grey, white, yellow, etc., in the absence of the correct characteristic colour, are the most suitable.

In the case of the hulls of lightships which cannot be passed on both sides, a distinction should be made between large lightships carrying a crew, which are easily identified, and small lightships which have no crew.

The latter should be treated in the same manner as lighted buoys and should, if possible, have the characteristic colour of their position, and should in no case be painted in a colour which would be the opposite of that used for the direction to be observed for ships passing.

For the former, the same considerations should apply.

It is fully understood that, in the case of a lightship carrying a crew which can be passed on both sides, no prohibition shall apply.

## SUMMARY OF THE GENERAL CONCLUSIONS REACHED BY THE COMMITTEE.

To sum up, the general conclusions reached by the Committee may be set forth as follows:

1. Proposals I, II and III contain the conclusions reached on the subjects set forth below in the form of detailed regulations. These have been commented upon where necessary in an Annex and in the first three parts of this report:

- (a) Unification of buoyage regulations.
- (b) Unification of lighthouse signs.
- (c) Unification of various coast and port signals.

2. Sections D and E of the report contain recommendations concerning:

- (d) The desirability of a certain concordance between the characteristics of lighthouses and the associated fog-signals.
- (e) Wireless lighthouses.

3. It is also recommended that:

(f) International organisations for air navigation should collaborate with those for maritime navigation in the matter of shore signalling; there should be similar collaboration within the individual States concerned.

(g) The International Signalling Code should be enlarged in such a way as to facilitate the transmission of certain coast or port signals, and that the competent authorities should be notified to that effect.

(h) The question of local storm-warning signals should be referred to the maritime conference which may have to decide on all of the present proposals.

(i) There should be reciprocal communication, both directly and through the League of Nations, of information available in the various technical departments concerning reliable apparatus for producing periodic repeating flashes.

The present report has been unanimously adopted by the Committee, which regards itself as having thus complied with the instructions given to it by the Permanent Committee for Ports and Maritime Navigation. The Committee is convinced that the Proposals contained in its report now constitute a satisfactory basis for unification of maritime signals, and considers that, should it be possible to submit its work to a conference of maritime countries, in which organisations responsible for the management of the service of buoyage and lighting might with advantage participate, such a conference would have every chance of arriving at satisfactory results in the sphere of unification of maritime signals.

Genoa, February 15th, 1929.

(Signed) J. ROMEIN, *Secretary.*

(Signed) P. H. WATIER, *Chairman.*  
P. VAN BRAAM VAN VLOTEN.  
E. HÄGG.  
J. HERBELLA Y ZOBEL.  
N. ITO.  
H. D. KING.  
L. LANGLOIS.  
A. LURIA.  
G. MEYER.  
M. NORTON.  
A. DE ROUVILLE.  
H. M. L. BENCKER.

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Proposal I.<sup>1</sup>

ESSENTIAL CHARACTERISTICS OF BUOYAGE AND SPECIAL BUOYS.

VARIOUS SYSTEMS OF BUOYAGE.

There are two distinct systems of buoyage, which are known as the *lateral* and *cardinal* systems.

The first shows the presence of dangers in their relation to the route which the navigators must normally follow in their neighbourhood. The orientation of this system is generally planned from the point of view of the *navigator arriving from the open sea*. It is adequately defined in nautical documents and can be set forth in practice by arrows showing direction on large-scale hydrographic charts.

The second system shows the respective orientation of the danger and of the signal in respect of the four cardinal points of the compass in the various sectors included between their median bisecting lines.

I. CHARACTERISTICS OF THE LATERAL BUOYAGE SYSTEM.

A. *Signals on Banks or Danger Signals to Port or to Starboard.*

1. Starboard signals should be painted red; whenever their structure so permits, they should be conical in shape or be surmounted by a red conical top-mark, and be marked, if necessary, in white figures with even numbers increasing in accordance with the direction of arrival as described above.

2. Port signals should be painted black; whenever their structure permits, they should be flat or cylindrical in shape or be surmounted by a black cylindrical top-mark, and be marked, if necessary, in white figures with odd numbers increasing in the aforesaid direction or arrival.

3. In the case of signals being painted in a single colour as laid down in paragraphs 1 and 2 they may, in secondary channels, if such exist, and on one bank only, be painted in white and black chequers, according to the bank, the characteristic colour of which is kept.

4. When signals on banks carry lights, the lights shall be characterised by their colour or by their rhythm, as follows:

To Starboard:

- (a) *Case of differentiation by colour.* } A red occulting or fixed light.  
Or, alternatively, and only if the lights on the other side are green, a white light with an even number of flashes within a group or fixed.
- (b) *Case of differentiation by rhythm.* } A white light with an even number of flashes within a group, or fixed, if absolutely necessary.

To Port:

- (a) *Case of differentiation by colour.* } Should the lights on the other side be red, a white light or green, with an odd number of flashes within the group, or fixed.  
Should the light on the other side be white, a green light with an odd number of flashes within the group, or fixed.
- (b) *Case of differentiation by rhythm.* } A white light, with an odd number of flashes within the group.

*Special Provisions.* — In inland waters which are particularly exposed to ice, cylindrical top-marks need not be used. Conical top-marks to starboard may be replaced by conical top-marks point downwards; the black colour for signals to port may be replaced in the upper part by the colour white.

B. *Bifurcation and Junction Signals*

It is desired to indicate that one main channel is the most important should such a main channel exist, or, if not, to indicate that the channel to the right should be used by traffic both entering and leaving.

(a) Should the signals be characterised by their shape, they should be cylindrical or flat at the bifurcation and junction when the main channel is to the right of navigators entering the channel; they should be conical when it is to the left.

They should be cylindrical or flat at the bifurcation, conical at the junction if the channels are of equal importance.

(b) Failing differentiation by shape, the signals should carry a top-mark which should be:

A black cylinder over a red sphere at the bifurcation, when the main channel is to the right.<sup>2</sup>

A black sphere over a black cylinder at a junction, when the main channel is from the right.

<sup>1</sup> There is an Annex giving further instructions and recommendations.

<sup>2</sup> Or when the two channels are of equal importance.

A red cone over a black sphere at a bifurcation, when the main channel is to the left.  
A red sphere over a red cone at a junction, when the main channel is from the left.<sup>1</sup>

(c) Bifurcation and junction signals are in all cases to be painted with alternating black and red horizontal stripes, the upper part of the signal being black at the bifurcation or junction of a main channel to the right, and red at the bifurcation or junction when the main channel is to the left.

The upper stripe is to be black at the bifurcation and red at the junction when the two channels are of equal importance.

(d) Should such signals bear a light, the lights should not be contrary to the regulations for lights on banks in the lateral system; it is thought desirable that, if possible, they should show the particular purpose for which they are intended and the position of the main channel.

### C. Signals in the Middle of a Channel.

These signals should be painted in alternate black and white vertical stripes.

## II. CHARACTERISTICS OF THE CARDINAL BUOYAGE SYSTEM.

1. As shown below, the signals may be characterised by two or four different forms as desired; otherwise they are characterised by top-marks of a given shape; in all cases, they should be characterised by the colour in which their supports are painted; should they carry a light, their light should also comply with certain regulations in respect of colour or rhythm, the most simple rhythms being preferably reserved for the northern and southern quadrants.

(a) *Northern Quadrant:*

Conical shape;  
Top-mark, two cones base to base;  
Colour, black above and white below;  
White light with an odd number of flashes.

(b) *Eastern Quadrant:*

Dome-shaped or conical;  
Top-mark, cone point upwards;  
Colour, black with one or more white median bands;  
Or, if desired, when there is no top-mark, white with one or more black median bands;  
White light with an odd number of flashes.

(c) *Southern Quadrant:*

Cylindrical or flat shape;  
Top-mark, two cones placed point to point;  
Colour, red above, white below;  
Or, if desired, when there is no top-mark, white above, red below;  
Fixed or occulting red light or white light either with an even number of flashes or fixed.

(d) *Western Quadrant:*

Shape, spar, cylindrical or flat;  
Top-mark, cone point downwards;  
Colour, red with one or more white median bands;  
Fixed or occulting red light or white light either with an even number of flashes or fixed.

2. *Special Provisions.* — The top-marks may be repeated in order to facilitate differentiation between signals. In such a case, it should be sufficient to repeat the lower cone to the north and to the south.

They should, if painted, be dark in colour, but preferably the colour of the corresponding mark.

## III. BUOYAGE OF WRECKS.

Buoyage of wrecks should show, at least during the initial period, both the special nature of these obstacles and the direction in which the mark should be passed.

Such buoyage may be carried out either according to the principles of the lateral or of the cardinal system. The colour green shall be used for wreck signals, which should also, if possible, bear the following typical sign in white.



A green light shall also be used for wreck signals whenever the use of that colour does not involve any danger of confusion with lighting as used in the lateral system of buoyage. In any

<sup>1</sup> Or when the two channels are of equal importance.

case, it is desirable that the special nature of the obstacle should be shown by a difference between its lights and the neighbouring lights.

The various characteristics are the following:

1. *In the Lateral System.*

(a) *To Starboard:*

Conical signs or, failing such, signs bearing a green conical top-mark, painted green above and red below; also carrying, if necessary, a light which will not lead to any confusion with lights on banks, a green light not being used.

(b) *To Port:*

Cylindrical or flat signs or, failing such, signs bearing a green cylindrical top-mark painted green above and black below and, if necessary, carrying a green light.

(c) *When the wreck can be passed on either side:*

Signs terminated above by a half-sphere or, failing such, a green spherical top-mark painted green and, if necessary, carrying a green light.

2. *In the Cardinal System.*

(a) *In the Northern Quadrant:*

Shape conical; top-mark, two green cones base to base; colour, green above and white below; green light with an odd number of flashes.

(b) *In the Eastern Quadrant:*

Dome-shaped or conical; top-mark, a green cone point upwards; colour, green with a white median band or, if desired, when there is no top-mark, colour white with a green median band; green light with an odd number of flashes.

(c) *In the Southern Quadrant:*

Shape, cylindrical or flat; top-mark, two green cones point to point; colour, green above and white below or, when there is no top-mark, colour, white above, green below; green light, with an odd number of flashes or fixed.

(d) *In the Western Quadrant:*

Shape, spar, cylindrical or flat; top-mark, a green cone point downwards; colour, green with a white median band; green light with an odd number of flashes or fixed.

It is preferable that the rhythm of the lights of the northern and southern quadrants should be the simpler.

IV. OTHER BUOYAGE SIGNALS INDEPENDENT OF THE LATERAL AND CARDINAL SYSTEMS.

1. *Isolated Danger Signals.*

These signals, if characterised by their shape, shall bear a half-sphere above.

Should they bear a top-mark, this should be spherical.

These signals shall, in all cases, be painted in alternate red and black horizontal stripes.

Should they carry a light, the light should preferably be white or red.

2. *Landfall and Reconnaissance Signals.*

The only characteristic compulsory for these signals is that they are to be painted in alternate black and white bands.

3. *Buoyage showing the Transition between the Lateral and the Cardinal Systems.*

The only characteristic compulsory for these signals is that they are to be painted in alternate vertical red and black stripes.

4. *Special Buoys.*

*Mooring* buoys and buoys for *getting under weigh* and buoys marking the limits of *areas for anchorage* shall be painted white.

*Quarantine* buoys should be painted yellow.

Buoys marking *submarine pipe-lines* of any kind are to be painted blue and marked with a sign to represent lightning.

Buoys marking the limits of *areas in which hydroplanes may come down* shall be painted in white and bear a large blue cross on their upper surface in such a way as to make it clearly visible.

All buoys of which the purpose is not defined in the present rules shall be painted in such a way as not to lead to confusion with the colours of normal buoyage, even if the appearance of their paint changes as a result of long use.

It is recommended that white should generally be used as a basis for their colouring.

V. GENERAL RECOMMENDATIONS.

It is recommended that endeavours should be made to place top-marks on special luminous and sounding buoys.

The differentiation of buoys by shape, without being compulsory, is regarded as highly desirable.

Annex.

INSTRUCTIONS AND RECOMMENDATIONS COMPLEMENTARY TO PROPOSAL I.

I. DESCRIPTION AND GENERAL INFORMATION.

A. *Description of System of Sea Marks.*

The herein considered system of sea marks to which the present body of rules applies consists primarily of all fixed or floating marks indicating natural dangers, the limits of navigable channels and accidental obstructions such as wrecks. It also includes, incidentally, other indications of importance to navigators, relating to anchorage, quarantine, pipe-lines and other submerged obstructions. The marks which may be used for this system are lightships, buoys, fixed or floating beacons, towers, and, in a subsidiary capacity, pierheads, rocks or any other suitable artificial or natural objects, but not landmarks.

B. *Various Systems and Characteristics of Sea Marks.*

1. Two main systems of sea marks have been recognised and unified.

On the one hand, sea marks may indicate the position of dangers in relation to the route which would normally be followed in their neighbourhood by navigators—this is the *lateral* system, which applies more particularly in the case of clearly defined channels.

On the other hand or concurrently, the system may indicate the bearings respectively of the danger and of the mark pointing it out in relation to the points of the compass; this is the *cardinal* system, which is generally employed in the case of isolated dangers in the open sea.

2. The following may be regarded as intermediate between the two systems; marking of isolated dangers, points of landfall and of departure, and marks indicating transition from the one system to the other, etc.

3. Buoys moored in comparatively *deep water*; that is to say, deep enough for navigation, may be regarded from another point of view as forming a special category which includes primarily the landfall or transition marks mentioned in the previous paragraph and also marks indicating the middle of the channel. A special arrangement of the characteristic colours is assigned to these.

4. The marking of *wrecks* is provided for in either the lateral or the cardinal system, and these two methods may be used alternatively according to whether the wreckage is in a channel or in the open sea.

5. The different systems of sea marks may be differentiated by;

- (a) *The shape of the body of the mark;*
- (b) *The shape of the top-mark placed above the body;*
- (c) *The colour of the mark, regardless of any numbers or letters thereon.*

6. Differentiation by shape is especially recommended. In principle, the purpose of a top-mark is to provide a characteristic shape for the mark on which it is placed; it is used whenever possible (exceptions may be made for special buoys or buoys placed in exposed waters, see Section II B, 8 below).

In particular, it is recommended that top-marks should be used if possible on light buoys or sound buoys, especially at points where their identification by day is difficult and likely to lead to confusion. It is under this reservation that mention is made of the obligation to put a top-mark on marks which are not differentiated by their shape.

Differentiation by colour is always used concurrently with differentiation by shape of the mark or of its top-mark.

7. In the unified system of buoyage, only three colours (white, red and green) are allowed for lights.

II. LATERAL SYSTEM OF SEA MARKS.

The lateral system primarily consists of *shore* marks in the vicinity of the dangers, of marks at *dividing points* and *junctions* of channels and *mid-channel* marks.

A. *Conditions relating to the Orientation of a System of Lateral Sea Marks.*

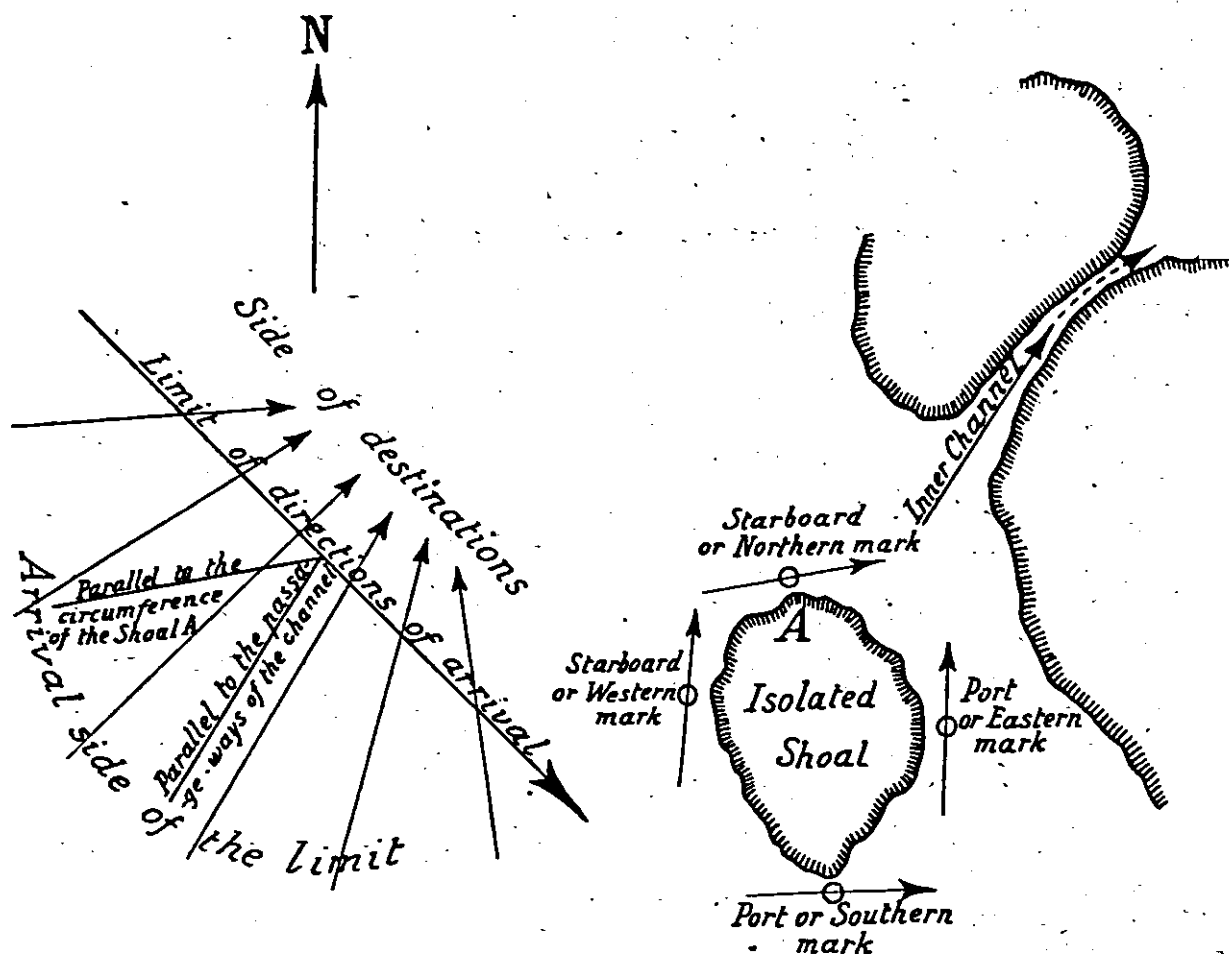
1. The orientation of a lateral system of sea marks is generally in relation to the direction of arrival from the open sea.

2. For the navigator, the directions by compass, in which certain channels are considered to lie, will be pointed out in some useful manner in nautical publications, and will also be seen on the charts by means of directing arrows showing the conventional direction of arrival in the channels in question. These charts will be on a scale sufficient to prevent these indications from being overlooked, by reason of there being too many such arrows. These indications will particularly be made in cases of doubt.

3. To enable the Technical Service laying down the system to determine at each point the direction "to line" to the system in accordance with the general rule of "arrival from the

open sea", there can be given, as a simple method of procedure in doubtful cases, the following geometrical method of preventing mistakes.

(a) Where the possible directions of arrival are very numerous, the possibility still remains, generally, to group them all on the same side of a straight line, which will cut them all (the drawing shows this) in such a way that the navigator arriving from seaward must always cross the direction of this straight line—which can be called "the limit of directions of arrival".



(b) The direction "to line" to an inner channel, from the point of view of its marking, will then be found by transferring a line parallel to the centre line of the channel so as to cut the "limit of directions of arrival line"—previously drawn—and giving to this parallel, as direction of arrival for marking the channel that direction which crosses the "limit of directions of arrival line" from seaward towards the point of destination.

(c) In all cases in a clearly defined harbour channel, the direction of arrival is always that towards the harbour.

(d) Similarly, in the case of an isolated shoal which it is desired to mark in accordance with the lateral system, the tangent to the dangerous bearing will be transferred to the point considered as the limit of the directions of arrival, and this tangent is given the direction which crosses the "limit of directions of arrival line" from seaward towards the point of destination; the navigator who skirts the danger at this point should arrive heading in the direction so determined; corresponding characteristics of the system will follow from this.

(e) As a general rule, it will only be possible to fix a very small number of limits of directions of arrival for one country or one sea.

(f) It will therefore be convenient to make these limits coincide if possible with two major points of the compass, and it will sometimes be advisable to determine this limit itself in accordance with the angle made with it by the most important direction of arrival whose line of direction it would follow.

(g) The successive limits of direction for one country or for several countries on the same sea should be chosen as far as possible so as to agree with each other and with the most distant points from which the incoming vessels have come.

(h) On the two coasts of an inlet or of an island sea with a single natural outlet, all hypothetical directions of arrival should be determined from the entrance from the open sea to those enclosed waters.<sup>1</sup>

4. Whatever be the method of determining the laying-down of sea marks, the word "starboard" indicates the side on the right hand of the navigator when arriving and the word "port" indicates the side on his left hand when arriving.

5. When an isolated danger in the open sea or in the middle of a channel is marked, in the lateral system, by several marks, should one of its extremities definitely point towards the open sea in such a way that a navigator may approach the land and leaving that point either to starboard or to port, the corresponding mark may bear the name and characteristics of a *bifurcation signal*.

Signals placed at the opposite extremity of such a danger are known as *junction signals*.

<sup>1</sup> These methods of determination, which need not be known to navigators and which will only affect them by their influence on hydrographic documents, will in practice only involve very small modifications in the present orientation of buoyage signals, for which they merely provide definite rules, instead of leaving the matter to be settled, as hitherto, more or less by intuition.

B. *Signals placed on the Sides of a Channel or to Starboard or Port of a Danger.*

1. Signals placed on the sides of a channel or close to a danger in the lateral system are characterised by:

- (a) A cylindrical or conical shape used either for the body of the signal or for the top-mark;
- (b) Plain red and black colours for daylight use;
- (c) The colours of lights for use by night—if employed—correspond with the colours employed for daylight use; for instance, a red light can never be placed on a black buoy nor a green light on a red buoy.

2. These rules are applied under the following conditions:

When the starboard and port signals are shown by their *shape*; which is not compulsory, the upper part of the body of the signals is to be conical for starboard and cylindrical or flat for port. These shapes must be clearly distinguishable from each other so that no confusion can arise through the use of cones of top truncated a form; if there is any difficulty in distinguishing them, it will be advisable to use top-marks in order to avoid any confusion.

3. Marks on channel sides should in all cases be painted red for starboard and black for port in main channels:

If it is necessary to distinguish between several convergent or divergent channels, the marks on one of the sides of the secondary channels may be painted in white and black or red and white checkers according to the colour normally attributed to the marks on that side of the channel. The side marked with checkered signals should be determined in such a manner as to permit the navigator rapidly to realise the orientation of the secondary channel in relation to main channel.

4. When these carry top-marks, which is compulsory for ordinary marks where there is no difference in their shape and which is highly desirable for special marks and signals such as light buoys, sound buoys, etc., these top-marks should be conical and painted red for starboard, and cylindrical and painted black for port.

5. Should these signals be numbered, for instance along a channel, they should bear odd numbers marked in white figures for port and even numbers similarly marked for starboard, the numbers increasing from the open sea towards the land in the direction of arrival as defined above.

6. Several top-marks may be placed on the same mark, in order better to distinguish from each other a series of similar buoys placed in similar positions. But the rule of parity laid down in the previous paragraph must be observed by those who avail themselves of this right; for instance, two similar top-marks may be placed on certain starboard buoys, but a combination of an even number of top-marks must not be placed on corresponding buoys on the port side.

7. When signals on the sides of a channel carry *lights*, the latter may be differentiated either by their *colour* or by their *rhythm*. A period may of course also be introduced into coloured lights, and it greatly helps to distinguish them; but, in this case, the period has no special significance as regards port or starboard. Only white lights—which it is considered highly desirable should be fitted to show their lights in periods, at any rate on one of the sides of a channel, so as to prevent confusion between themselves and with other lights—will be insufficient by themselves to define the direction of a channel, and will be given, according to their periodicity, a special signification as shown hereafter, with the object of preventing the necessity for utilising lights with groups of two flashes which are at times difficult to arrange for satisfactorily.

The conditions are as follows:

7 bis. — *Lighting of starboard marks:*

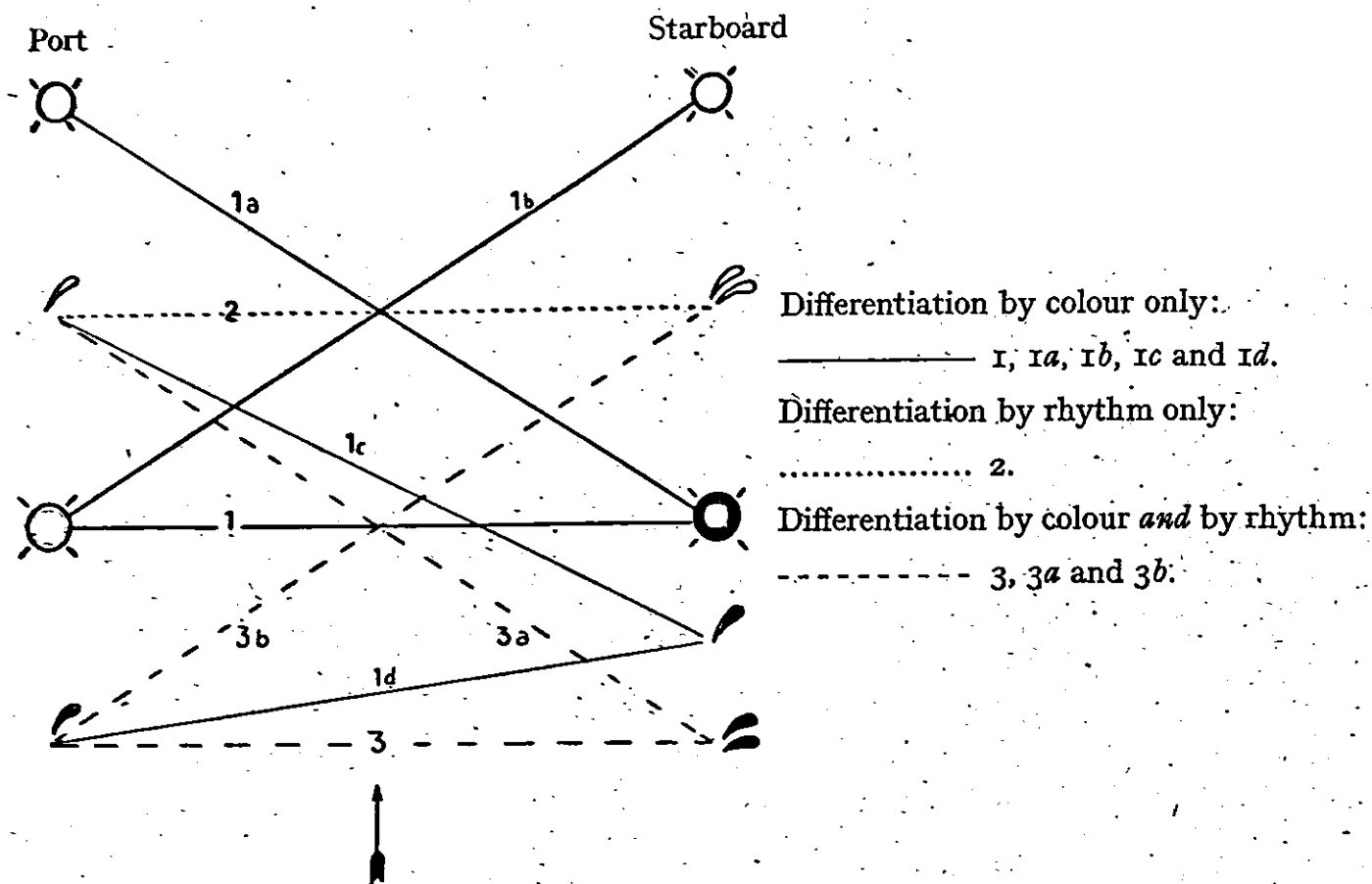
- |                                       |   |  |  |
|---------------------------------------|---|--|--|
| (a) <i>Differentiation by colour.</i> | } | (a bis)  | Occulting or fixed red light.  |
|                                       |   | (a ter)  | A white light with an even number of variations in the group or fixed, only if the lights on the other side are green. |
| (b) <i>Differentiation by rhythm.</i> | } | A white light with an even number of variations <sup>1</sup> in the group or, if unavoidable, a fixed white light. |  |

7 ter. — *Lighting of port marks:*

- |                                       |   |   |   |
|---------------------------------------|---|---|---|
| (a) <i>Differentiation by colour.</i> | } | (a bis)   | A white or green light with an even number of variations within the group or fixed if the lights on the other side are red. |
|                                       |   | (a ter)   | A green light with an odd number of variations within the group or fixed if the lights on the other side are white.         |
| (b) <i>Differentiation by rhythm.</i> | } | White lights with an odd number of variations in the group. |   |

<sup>1</sup> The variations apply not only to *flashes* or appearances of light the period of which is short in relation to the period of darkness, but to *occultations* or eclipses the period of which is short in relation to the period of light, and to combinations in which the periods of light and darkness are approximately equal.

In conclusion, the following combinations may be used:



8. *Special provisions.* — In inland waters and more particularly in waters *exposed to ice*:

- (a) *Cylindrical top-marks*, which are liable to be torn off by pressure from below, may be omitted;
- (b) Starboard *conical top-marks* point upwards may be replaced by conical top-marks point downwards for the same reason;
- (c) The black for port marks may be replaced in the upper parts by white, which makes them easier to distinguish against a dark background in inland waters, and which lasts better in certain tropical countries;
- (d) If use is made of marks indistinguishable in shape, such as thick spars, to which top-marks cannot be fixed, they should be cut square if black and pointed if red.

### C. *Bifurcation and Junction Signals.*

1. These signals indicate the respective importance of the adjoining channels which they mark. If the importance of the channels is equal and if either can be used equally well to reach the same harbour, when for instance a long narrow shoal lies in the middle of a waterway, vessels both on arrival and departure should take the channel on their right so as to avoid passing each other in the narrower sectors.

2. These signals may simultaneously or alternatively be differentiated:

- (a) By the *shape of the body of the mark*, which will be determined by the position of the main channel, and by the shape of the corresponding signals on land;
- (b) Or by the shape of their *top-marks*, which must be double and must include a sphere;
- (c) By their *colour*, which must be a series of alternate black and red horizontal stripes.

3. When bifurcation and junction signals are characterised by their *shape* (the shape is not compulsory) then;

- (a) Their upper parts should be cylindrical or flat like port marks both at bifurcations and junctions when the main channel is to the right (when entering);
- (b) When the main channel is to the left, the upper parts of the marks should have the conical shape of starboard marks;

(c) When the two channels are equal, the upper part of the bifurcation signal is cylindrical and the junction signal is conical in order to indicate that it should be left to port by an outgoing ship.

4. When these signals are characterised by *top-marks* (a system compulsory for ordinary buoys not differentiated by their shape) these top-marks should consist of a sphere with a cone or cylinder; a conical buoy having a conical top-mark, and a cylindrical buoy a cylindrical top-mark (see 3 (a) and (b)). In this system, bifurcation buoys are distinguished from junction buoys by the cylinder or cone being above the sphere in the former case and below the sphere in the latter case, as follows:

(a) When the main channel is to the right:

Bifurcation buoys should be surmounted by a top-mark consisting of a cylinder above and a sphere below<sup>1</sup>;

Junction buoys should be surmounted by a top-mark consisting of a sphere above and a cylinder below.

(b) When the principal channel is to the left:

Bifurcation buoys should be surmounted by a top-mark consisting of a cone above and a sphere below;

Junction buoys should be surmounted by a top-mark consisting of a sphere above and a cone below.<sup>1</sup>

5. Bifurcation and junction buoys must also be differentiated *by day by colour* as follows:

They must both be painted with alternate *red and black horizontal stripes*:

(a) The upper stripe of the body of the mark must be black when the principal channel is to the right, which corresponds to the shape of the mark or to the characteristic element of its cylindrical top-mark.

In addition, the *cylinder* of the top-mark must always be painted *black*, while the accompanying sphere should be *red* on bifurcation buoys and *black* on junction buoys. This provision applies to bifurcation buoys between two channels of equal importance.

(b) The upper stripe of the body of the mark should be red when the principal channel is to the left, which corresponds to the shape of the mark or to the characteristic element of its conical top-mark.

The *cone* of the top-mark should always be painted red, while the accompanying *sphere* should be black on bifurcation buoys and red on junction buoys. This provision applies to junction buoys between two channels of equal importance.

6. The two parts of the double top-mark have therefore the same colour in junction signals and opposite colours in bifurcation signals.

7. Bifurcation and junction signals do not have different characteristics in a given combination of channels when they are not surmounted by top-marks; but they may always be provided with top-marks if it is desired to mark the difference between these two kinds of signals.

8 (a). When these signals are surmounted by *lights*, the only rule should be not to contravene any of the rules for shore lights in the lateral system.

(b) When the two channels are equal, it may be advisable to have recourse to white lights, of neutral tint provided with suitable periods.

(c) When there is a predominant direction of navigation, the character of bifurcation and junction lights should be determined by this direction.

(d) Generally speaking, an endeavour should be made to differentiate these lights from lights on channel sides by emphasising as far as possible their particular function. Thus a combination of lights alternately white and coloured may be used.

#### D. Mid-channel Signals.

1. When these mid-channel signals are used, for example in winding or very narrow channels, or where it is advisable to separate the two streams of shipping, they will be painted according to the rules for marks in comparatively deep waters, *i.e.*, with vertical stripes, alternately black and white.

2. Nothing special is laid down regarding the shape of these marks or of the top-marks which may surmount them, except that the latter must be different from those placed on other sea marks.

<sup>1</sup> This provision also applies to the case of two channels of equal importance.



### III. CARDINAL SYSTEM.

A. For laying down the direction in the cardinal system, the four quadrants North, East, South, West are considered in relation to the danger, each being limited respectively to an opening of 90° between the bearings:

NW. to NE.  
NE. to SE.  
SE. to SW.  
SW. to NW.

B. The distinctive indications on each of these quadrants are:

- (a) The shape of the body of the marks;
- (b) The shape of the top-marks which may surmount them;
- (c) The colours of the marks, where the horizontal white bands accompanying either black or red show that these marks belong to the cardinal system;
- (d) The characteristics of their lights, if any;
- (a bis) If it is not desired to keep a stock of too many different marks, a simplified system consisting of only two different characteristics may be used for the shape of the body of the mark.

C. *Differentiation by shape.* — This is never compulsory.

1. If four different shapes are used for the upper part of the marks, they are assigned as follows:

- (a) Marks placed to the north of the danger are conical;
- (b) Marks placed to the east of the danger are pointed;
- (c) Marks placed to the south of the danger are cylindrical or flat;
- (d) Marks placed to the west of the danger are spar-shaped.

2. If it is desired to utilise only two different shapes for the upper part of the marks, the simplest should be used, namely, the cone and the cylinder, which are already employed in the lateral system:

- (ab) Marks placed to the north and east are conical;
- (cd) Marks placed to the south and west are cylindrical or flat.

D. *Differentiation by top-marks.* — 1. Although this is not absolutely compulsory, it is strongly recommended in every case where the shape of the body of the mark is not differentiated; top-marks should never be omitted except when the affixing thereof is unfeasible.

2. When top-marks are used, these should consist primarily of:

- (a) Two cones placed base to base to the north of the danger;
- (b) One cone point upwards to the east;
- (c) Two cones placed point to point to the south;
- (d) One reversed cone to the west.

3. (a) Each of these primary top-marks may be repeated as often as necessary, especially to differentiate several consecutive or similarly placed marks;

(b) The double top-marks to the north and south need not be repeated in full, and it may be sufficient to repeat the lower cone point downwards in the northern quadrant and the lower cone point upwards in the southern quadrant. These half top-marks should then be placed at a suitable distance below the complete top-marks.

(c) For the same reason of good visibility at a distance, a small space should be left between the bases of the cones of top-marks employed in the northern quadrant.

4. All these top-marks should be painted with the characteristic red or black colour of the mark on which they are placed, or failing this, with some dark colour, in view of the fact that they are generally outlined against a light background.

E. *Differentiation by colour by day.* — 1. This is compulsory:

(a) In the northern quadrant, the upper part of the marks is painted black and the lower part white;

(b) In the eastern quadrant, black with one or more white median horizontal bands; or, when they carry no top-mark, white with one or more black median horizontal bands;

(c) In the southern quadrant, the upper part of the marks is painted red and the lower part white or, when they carry no top-mark, the upper part white and the lower part red;

(d) In the western quadrant, red with one or more white median horizontal bands.

2. (a) The lower white band of the north and south marks should be painted fairly high so as to remain visible even when the mark has sunk abnormally low in the water.

(b) A single white median band is sufficient in theory in the east and west marks; it must always be placed sufficiently high for the colour of the lower part to remain visible above the water; but it is still better to duplicate the white band whenever there is any risk of confusion, more especially with the north signals owing to the sinking of the east marks to the lower edge of the single white band.

3. The similar shapes of the north and east marks or of the south and west marks, if only two different shapes are used, will always be differentiated by the arrangement of the compulsory characteristic colours.

4. In the east and south quadrants, alternatives are provided for signals without top-marks in order to differentiate more particularly between the light buoys without top-marks and therefore without differentiation by shape in cases where the dark colours are difficult to distinguish from one another under certain conditions of lighting. The location of the dark colours may in this way be reversed on the north and south marks and on the east and west marks respectively.

F. *Differentiation of lights.* — 1. As in the lateral system, red lights should be placed on red marks so as to avoid giving red a different meaning by day and night. Nevertheless, it will remain optional for reasons of visibility to use white lights with different rhythms in the four quadrants.

2. The use of lights with groups of two variations should also be avoided, as they are sometimes rather difficult to arrange for satisfactorily.

3. Accordingly, if lights are placed on the marks in the cardinal system, they will be as follows:

- (a) To the north—white light with an odd number of variations<sup>1</sup>.
- (b) To the east—red light with an odd number of variations.
- (c) To the south—red light fixed or with variations, or white light with an even number of variations or fixed.
- (d) To the west—red light, fixed or with variations, or white light with an even number of variations or fixed.

As far as possible, the simplest characteristics should be reserved for the north and south quadrants in case these characteristics should be differentiated from those of the east and west quadrants, for which a more complicated rhythm will then be used.

*General Remark.* — The various provisions given above are sufficiently elastic to permit of their adjustment to the special conditions prevailing in each area (such as ice, dark coast-line large number of marks, channels, reefs) and also of their adjustment to established customs

#### IV. MARKING OF WRECKS.

1. Wrecks should be marked in a special manner and not like an ordinary obstacle, at any rate during the initial period when their presence is not generally known. Those marks should clearly indicate at the same time the side on which they should be passed. Later, wrecks may be marked as an ordinary obstacle.

2. During this first period, wrecks may be marked either according to the lateral or to the cardinal system; the former should by preference be employed in a channel and the latter in the open sea.

3. The characteristic colour of the marks for wrecks is *green* both by day and night; green should be employed for the lighting of wrecks whenever there is no risk of confusion with the normal system of lighting.

4. The other characteristics are based on the rules laid down for the lateral and cardinal systems.

5. Wreck marks should all, if possible, bear the typical sign of a wreck painted in white (see Proposal I, Section III).

##### A. *In the Lateral System:*

(a) Wrecks to be left to *starboard* in a channel or a shipping route are marked in this channel or route by a conical mark or, failing this, must be surmounted by a conical top-mark and must in all cases be uniformly painted green, including the top-mark. In the absence of differentiation by shape (of the mark or by top-mark), the lower part of the starboard mark must be painted red.

(b) Wrecks to be left to port should in the same conditions be marked by a cylindrical or flat mark or, failing this, must be surmounted by a cylindrical top-mark and must in all cases be uniformly painted green, including the top-mark. In the absence of a differentiation by shape (of the mark or by top-mark), the lower part of the port-side mark must be painted black.

<sup>1</sup> The word "variations" has the meaning already given in connection with lights in the lateral system (Note to Section II, B, 7bis).

(c) According to this system, wrecks which can be passed on either side are painted solid green and surmounted, if possible, by a double top-mark consisting of a cone point upwards above and a cylinder below, both painted green.

(d) The accompanying lights, if any, should be differentiated, as far as possible, from the lights of the ordinary buoyage lights on the same side. The port-side wreck lights should normally be green, but this colour must not be used for starboard wreck lights.

As an example, if a wreck is on the starboard side of a channel and the port side of that channel is marked by green lights and the starboard side with fixed red lights, the wreck-buoy may carry a red light with variations in groups of two. It is, however, possible in such a case to use combinations of white and coloured lights.

## B. In the Cardinal System.

(a) If *four shapes* are used, buoys marking wrecks will have the following shapes:

Conical in the northern quadrant;  
Pointed in the eastern quadrant;  
Cylindrical or flat in the southern quadrant;  
Spar-shaped in the western quadrant.

(b) If *two shapes* are used, buoys marking wrecks will be as follows:

Conical in the northern and eastern quadrants;  
Cylindrical or flat in the southern and western quadrants.

(c) Failing differentiation by shape, which is not compulsory, buoys should be differentiated as far as possible by the *top-marks*, which will be similar to those used in the cardinal system for natural obstacles, namely:

Two cones placed base to base to the north of the wreck;  
One cone point upwards to the east;  
Two cones placed point to point to the south;  
One cone point downwards to the west.

(d) At any rate during the initial period, wreck signals must be painted *green*.

The upper part of the "North" marks is painted green and the lower part white.

The "East" marks are painted green with one white median horizontal band or, optionally when there is no top-mark, white with a green median horizontal band.

The upper part of the "South" marks is painted green and the lower part white or, optionally when there is no top-mark, the upper part white and the lower part green.

The "West" marks are painted green with a white median horizontal band. The above subject to recommendations already made for ordinary cardinal buoyage (§ III, E, 2).

The top-marks are all painted green.

Attention is drawn to the alternative provided for marks without top-marks in the east and south quadrants in order to differentiate between them, and more particularly between light buoys without top-marks and therefore without differentiation by shape and which otherwise would be the same in the north and south and the east and west quadrants respectively.

(e) The *lighting* of wreck marks in the cardinal system must be carried out with lights uniformly coloured green with periods corresponding to the danger signal lights in the cardinal system, viz:

A green light with an odd number of variations,<sup>1</sup> to the north and east;  
A green light with an even number of variations or fixed to the south and west.

The simplest characteristics should preferably be reserved for lights in north and south quadrants.

## V. OTHER MARKS INDEPENDENT OF THE LATERAL AND CARDINAL SYSTEMS.

### A. Isolated Danger Signals.

1. An isolated danger sufficiently small to be marked by a single mark is indicated in the same manner in the lateral and cardinal systems.

2. The corresponding mark must be painted with alternate *red and black* horizontal bands.

3. If use is made of *top-marks*, they should be spherical and preferably painted in the opposite colour to that of the upper band of the body of the mark.

4. No characteristic *shape* is laid down; but, if a special shape is desired for this sort of mark, it is recommended that the upper part be *hemispherical*.

<sup>1</sup> The word "variations" has the meaning already given in connection with lights in the lateral system (Note to Section II, B, 7bis).

5. If isolated danger signals carry a light the latter should be preferably white or red.

#### B. *Landfall or Reconnaissance Signals.*

1. These are distinguished only by vertical painted bands, which are assigned to marks moored in navigable waters. These bands should be alternately *black* and *white*.<sup>1</sup>
2. These marks may have any *shape* and be surmounted where necessary by *top-marks*; which may also be of any type provided they are different from those employed for other marks.
3. The top-marks of reconnaissance buoys may be varied, for example, to distinguish the different channels of an estuary.
4. If such buoys carry a light, the latter should be white for preference, because as a rule it does not indicate the direction of passage, and because it should be visible at a great distance.

#### C. *Buoys marking the Transition between the Cardinal and Lateral Systems.*

1. Such buoys are often used to inform navigators that they are passing from waters buoyed according to the cardinal system to waters or inner channels buoyed according to the lateral system.
2. These buoys are generally moored in comparatively deep water.
3. For this reason, they must be painted with alternate *red* and *black* vertical bands; no characteristic shape or top-mark is assigned to them.  
If they carry a light, the latter should be white for preference.
4. Such an indication may also be conveyed by the first buoy of a lateral system. Its colours and top-marks should then be chosen so as to convey the two indications without giving rise to confusion.

#### D. *Special Buoys.*

1. *Mooring* buoys or hauling-off buoys and buoys marking the limits of anchorage areas should be painted white.
2. *Quarantine* buoys should be painted yellow, as that is the colour used for all health indications.
3. Buoys marking *submarine pipe-lines* of any kind (water, gas, electricity) should be painted blue and be marked with a sign to represent lightning; their chief purpose is to forbid mooring in their vicinity.
4. Buoys marking the limits of areas in which hydroplanes may come down shall be painted white and bear a large blue cross on their upper surface. The upper part of those buoys should preferably be flat in order that this cross could more easily be affixed thereto.
5. All buoys of which the purpose is not defined in the present rules shall be painted in such a way as not to lead to confusion with the colours of normal buoyage, having due regard to the fact that certain paint and colours are liable to change as a result of long exposure.
6. Other obstacles may be marked by means of marks bearing the characteristics of the regular buoyage system or of wreck marking, appropriate inscriptions or signs being affixed, if necessary.

### VI. GENERAL RECOMMENDATIONS AND REMARKS.

1. Fixed white lights are to be avoided as far as possible. It is also desirable even to provide coloured lights with variations.
2. Only the shape of the top-marks is defined in the present rules; this shape may be adapted to local conditions.
3. Any additional top-mark for giving a special indication not provided for in the above articles may be affixed below the regulation top-marks of the lateral and cardinal systems on condition that it is easily distinguishable from the latter.
4. For example, a fixed mark might be differentiated from a floating mark by one or several horizontal bars.
5. The characteristics of the lateral and cardinal systems may, as an exception, be placed on the same mark by means of top-marks when the respective characteristic colours permit; this would be useful, for instance, if it was desired, without increasing the number of marks, to indicate the compass bearing of a reef in an area where the lateral system was utilised and already applied to the reef in question.
6. It is recommended that alternate coloured bands be made as broad as the dimensions of the support permit, so as to improve the latter's visibility and that of the bands themselves.

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<sup>1</sup> There is no real fear of confusion with mid-channel buoys which are similarly painted (see Section II, D, 1).

7. *Lettering* should be as large and as widely spaced as possible, but it must permit of the essential letters, whether abridged or not, being read by a navigator who, owing to his position, can only see less than half of the mark.

8. It is recommended, as a means of rendering more distinct the juxtaposition of two dark colours or of a dark colour and white if they are gradually becoming too similar owing to lack of upkeep, to insert:

A thin white line between the dark colours;

A thin dark line (of a different colour from that of the dark part of the signal) between the dark and the light part.

Proposal II.

UNIFICATION OF LIGHTHOUSE SIGNS.

1. The spacing of lights or groups of lights of the same character shall be kept as wide as the density of the coast lighting permits, and as is practicable having regard to the particular circumstances in any given country, more especially the obliquity of the coast-line to the direction of arrival.

2. (a) The following preferential order is recommended for the characteristics of the main landfall lights:

White flashes in groups of two;

Regular white flashes;

White flashes in groups of three or four;

A signal consisting of a group of white flashes alternating with a single white flash;

White flashes in groups of five;

A signal consisting of a group of white flashes alternating with another group of white flashes differing from the first.

(b) For landfall lights of lesser importance, in cases where the adoption of white flashes might lead to confusion with the signals of neighbouring landfall lighthouses, the following characteristics are recommended in order of preference:

Red flashes grouped according to any of the combinations indicated above for white flashes;

A white light alternating with occulting lights, the latter being as simple as is compatible with the difficulty of navigation on the coast in question.

(c) Mixed characteristics (fixed lights varied by flashes, or flashes of different colours) for the lighthouses referred to in paragraphs (a) and (b) above are no longer admissible.

(d) In ports, coloured or occulting repeating lights, but not fixed white lights, shall be employed for entrance lights or important lights within the port.

(e) In the case of alignment lights, where considerable latitude is necessary, particularly by reason of the possible neighbourhood of other lights and the co-existence of several alignments in the same waters, attention is merely drawn to the desirability of avoiding a combination of lights with too-short flashes, particularly if they involve too great a proportion of periods in which both lights are not visible simultaneously.

(f) In the case of all lights capable of being regarded as participating, through their relative positions, in either of the cardinal or lateral systems recognised above by the regulations on buoyage strictly speaking, particularly in the case of lights on channels or jetties without sectors, the allocation of colours and rhythms shall be regulated on the principles laid down in § I, A., 4, of Proposal I.

In the case of lighting of channels or jetties provided with sectors, the above-mentioned allocations shall be observed as far as possible, and interpreted from the point of view of the navigator arriving from the open sea, including the case in which the said lights are observed successively from fore and from aft.

In the case of other sector lights, they should be placed according to an invariable rule, account being taken of local conditions.

3. Aero-lighthouses shall not be installed in positions where there is a likelihood of their interfering with coast lights.









A combination of both maritime and air lighting on the same support is often possible from a technical point of view and economically advantageous.

**Proposal III.**

**COASTAL AND PORT SIGNALS.<sup>1</sup>**

**I. LOCAL STORM-WARNING SIGNALS.<sup>2</sup>**

(a) *Storm-Warnings.*

	<i>By Day.</i>		<i>By Night.</i>	
Gale commencing with wind in the N.W. quadrant.		Single cone, point upward.		Two red lights.
Gale commencing with wind in the S.W. quadrant.		Single cone, point downward.		Two white lights.
Gale commencing with wind in the N.E. quadrant.		Two cones, both points upwards.		A red light above a white light.
Gale commencing with wind in the S.E. quadrant.		Two cones, both points downward.		A white light above a red light.



*Optional.*

Hurricane or storm of great violence.	Reserved.	Reserved.
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*N.B.* — The distance between two cones hoisted in vertical line should be the same as the length of the slant side of the cone.

The lights on a vertical line should not be less than two meters apart.

(b) *“Cautionary” Signals.*

	<i>By Day.</i>	<i>By Night.</i>
Atmospheric disturbance direction of which is not determined.		Black ball.
		
		Red light.

(c) *Change of Direction of Wind.*

Wind may be expected, during the gale, storm or hurricane, to veer: *By Day.*

To the right (clockwise).		1 flag.
To the left (anti-clockwise).		2 flags.

The signal for “change of direction of wind” will be hoisted side by side with the “storm-warning” signal.

<sup>1</sup> Only four kinds of signals were retained by the Committee at its Genoa meeting.


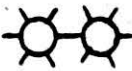
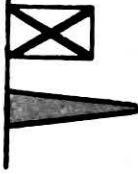





<sup>2</sup> See also the Appendix (page 33), which contains the resolutions of the International Meteorological Committee on local storm-warning signals.

## II. TIDE AND DEPTH SIGNALS.













### I. State of Tide.

*By Day.*

*By Night.*

1. High-tide slack water		White flag with a black cross (oblique).		Two white lights set horizontally.
2. Ebb tide.		White flag with black cross (oblique) over a blue pennant.		White light above a green light.
3. Low-tide slack water.		Blue pennant.		Two green lights set horizontally.
4. Flood tide.		Blue pennant above a white flag with a black cross (oblique).		A green light above a white light.

### 2. Height of Water.

		<i>Multiple of the unit</i> (5 units)	<i>Main unit</i> (the meter for countries which employ the metric system)	<i>Secondary unit</i> (1/5th of the main unit for countries using the metric system)	<i>Fraction of the secondary unit</i>
<i>By Day</i>	Alternative A	Cylinder 	Balloon 	Cone point down 	Lozenge 
	Alternative B	Cross 	Vertical cylinder 	Balloon 	Hour-glass 
<i>By Night</i> . . . . .		White light 	Red light 	Green light 	Violet light 

## III. SIGNALS CONCERNING THE MOVEMENTS OF VESSELS AT THE ENTRANCE TO HARBOURS OR IMPORTANT CHANNELS.

### I. Entrance absolutely prohibited.



*By Day.*

Three red balls hoisted in a vertical line.

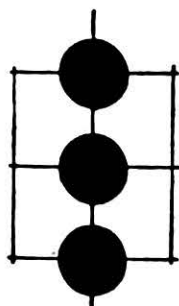


*By Night.*

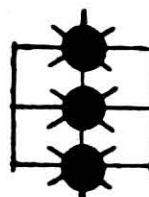
Three red lights hoisted in a vertical line.

### 2. Permission to enter subject to certain Restrictions.

*By Day.*



Three red balls hoisted in a vertical line, and, on another halliard, on a level with one of these balls, according to the nature of the restriction, one or more signs making it possible to multiply the combination, as, for instance:



*By Night.*

Three red lights hoisted in a vertical line, and, on another halliard, one or more lights arranged like the corresponding day signals :





Cone point upwards.



White light.



Ball.



Red light, etc.

*Note.* — The meaning of the various restrictions should be indicated clearly in the sailing directions or special directions for each separate port.

3. *Vessels absolutely prohibited from Entering or Leaving.*

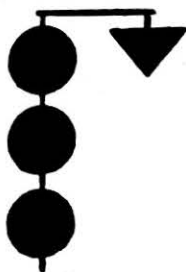
*By Day.*

*By Night.*



Alternative (a)

One green ball between two red balls hoisted in a vertical line.



Alternative (b)

Three red balls hoisted in a vertical line with one green cone point downwards at the end of horizontal arm.



One green light between two red lights in a vertical line.

4. *Vessels prohibited from Leaving.*

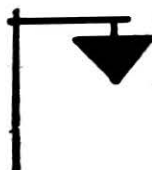
*By Day.*

*By Night.*



Alternative (a)

Three green balls in a vertical line.



Alternative (b)

One green cone point downwards at the end of a horizontal arm.



Three green lights in a vertical line.

IV. LOCKS, BRIDGES AND SLUICES.

The colour red should be used by day and night to inform shipping that a contrivance of this kind is closed or that passage is prohibited.

Green should be used to inform shipping that passage is free.

These signs should be used in groups of two for preference, on the same horizontal line. Should it be necessary only to allow passage under certain conditions, these conditions should be indicated in special instructions applicable only to the maritime district concerned, and they should be indicated by the use either of orange lights or of a horizontal combination of one of the above-mentioned lights with a white light.

V. SIGNALS FOR LIGHTSHIPS AWAY FROM THEIR NORMAL STATION.

1. When a lightship is not on its normal station, whether it has drifted away from its moorings or whether it is proceeding towards its station or port, it should not show its characteristic night and fog signals.

2. Furthermore, it should haul down or not hoist the characteristic top-mark or top-marks which it is obliged to show when on its normal station, particularly with a view to facilitating the present system of signals.

3. Lastly, the lightship which has drifted from its moorings or which is proceeding to another station must carry the same lights or make the same sound signals as any vessel in the same position.

4. It is strongly recommended that, as supplementary measures of precaution, lightships which have drifted away from their moorings should:

(a) Fly the signal Q—E<sup>1</sup> of the International Code;

(b) Show for a short moment a red light as visible as possible at least once a quarter of an hour, and more often if other vessels are in the neighbourhood.

<sup>1</sup> Subject to modification after the revision of the International Code at present being carried out.

**Appendix.**

**RESOLUTIONS ADOPTED IN SEPTEMBER 1926 BY THE INTERNATIONAL  
COMMISSION FOR MARITIME METEOROLOGY AND APPROVED BY THE INTERNATIONAL  
METEOROLOGICAL COMMITTEE.**

I. The Commission recommends that the day signals adopted by the International Meteorological Committee in 1910 should be retained with the exception of the hurricane signal, which should be abandoned.

II. That the two-lamp system of night signals recommended in 1913 should be retained and the three-lamp system abandoned.

III. That a black ball should be adopted to signify: "Atmospheric disturbance—be alert and look out for further information"; the corresponding night signal should be a single red lamp.

IV. To indicate the anticipated change in direction of the wind, flags of any suitable colour should be shown with the cones, one flag indicating that the wind is expected to veer, and two flags that the wind is expected to back.

V. It recommends that force 8 on the Beaufort Scale should be the inferior limit of wind-strength for which a storm signal (except the ball) should be hoisted, unless local circumstances ask for 7 as limit.

VI. The Commission does not think that it is desirable to adopt special signals to indicate particularly severe storms, *i.e.*, the system already in use in Sweden.

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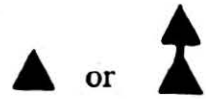
**LATERAL SYSTEM FOR DANGER SIGNALLING.**

PORT SIDE

STARBOARD SIDE



Top-mark, if used.



Top-mark, if used.

**Bifurcation.**



Top-mark, if used.



Top-mark, if used.

A. When the main channel is to the right, or when the two channels are of equal importance.

B. When the main channel is to the left.

**Junction.**



Top-mark, if used.



Top-mark, if used.

A. When the main channel is to the right

B. When the main channel is to the left, or when the two channels are of equal importance.

**Buoy in the middle of a channel.**



Or any other shape painted in the same manner.

**MARKS INDEPENDENT OF THE LATERAL AND CARDINAL SYSTEMS.**

**Isolated Danger.**



Top-mark, if used.



Or any other shape painted with horizontal black and red bands.

**Landfall Buoy.**



Top-marks, if used, may have any shape, on condition that they are different from those chosen for the lateral and the cardinal systems.

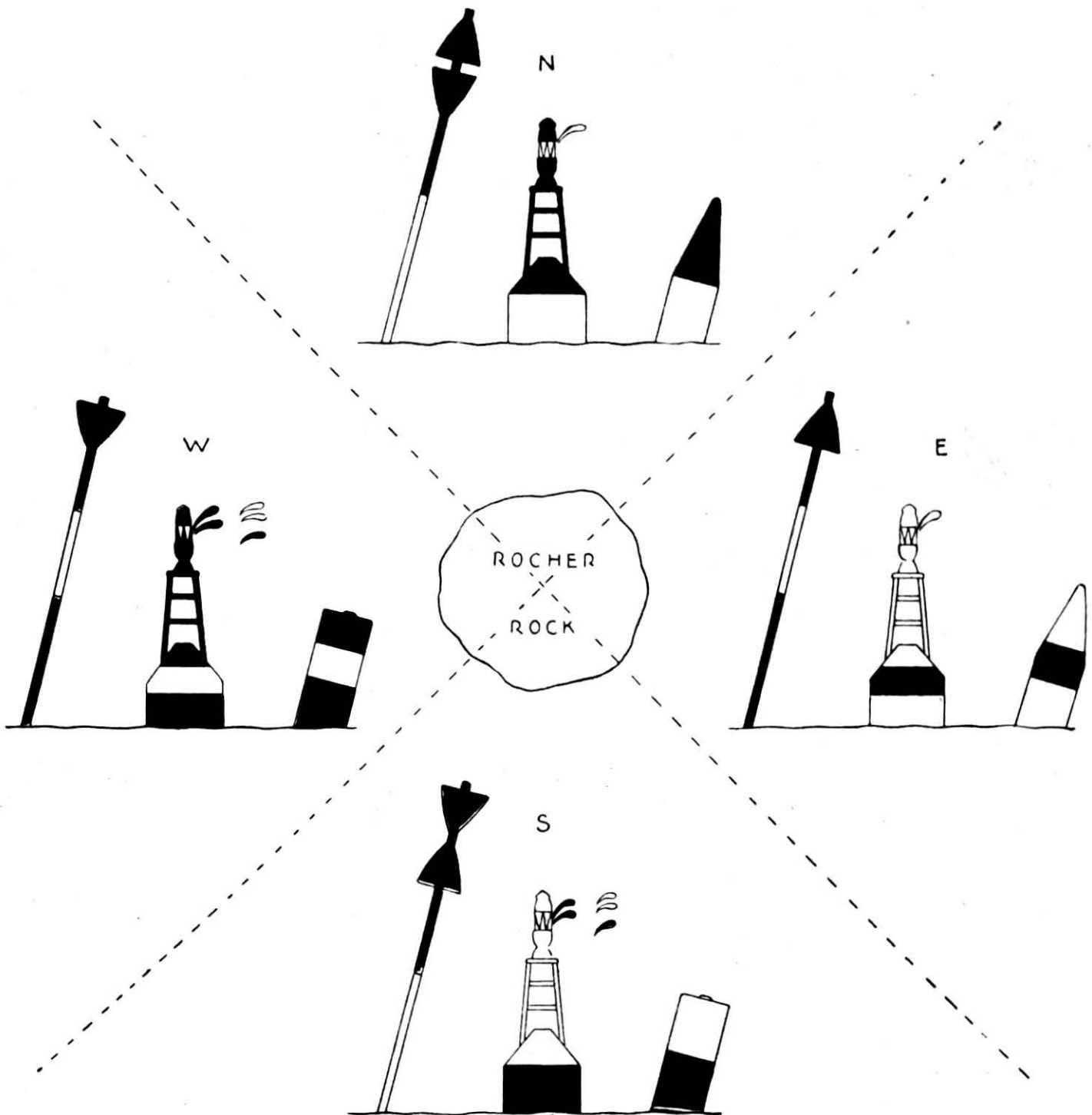
**Intermediate buoy.**



Between the cardinal and lateral systems (in fresh water).

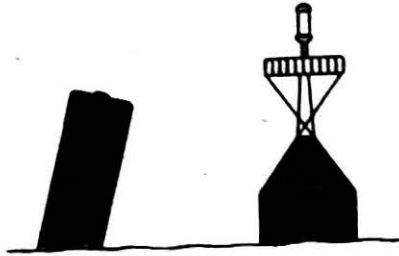
Or any other shape painted in the same manner.

CARDINAL SYSTEM FOR MARKING OBSTACLES.

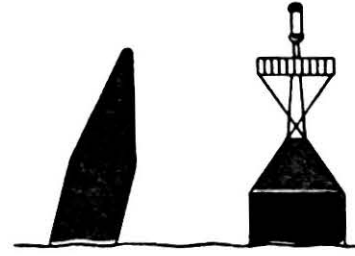


**BUOYAGE OF WRECKS.**

**A. Lateral System.**

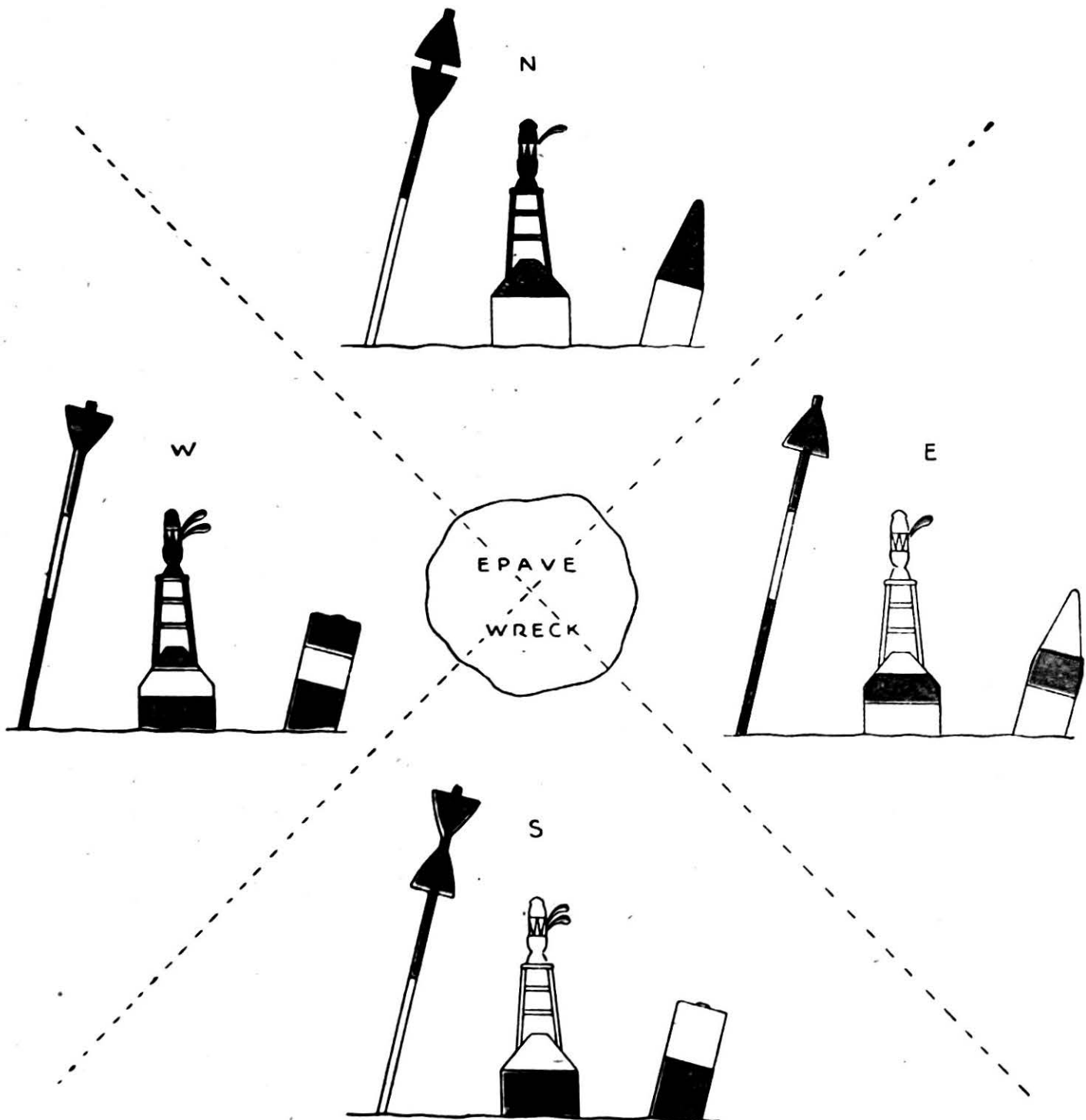


To be left to Port.



To be left to Starboard.

**B. Cardinal System.**



Geneva, March 15th, 1929.

LEAGUE OF NATIONS.

**Advisory and Technical Committee on  
Communications and Transit.**

**CARDS FOR EMIGRANTS IN TRANSIT.**

**REPORT OF THE COMMITTEE OF EXPERTS.**

The Committee of Experts appointed to consider a draft International Agreement on Cards for Emigrants in Transit met at the Secretariat of the League of Nations on February 20th, 1929. The Committee was composed as follows :

- M. H. DEROOVER, Chief of the Emigration Service at the Belgian Ministry for Foreign Affairs (*Chairman*).
- M. J. KRAUSE, Regierungsrat at the German Ministry of the Interior.
- M. P. LANDUCCI, Chief of the Passport Bureau at the Italian Ministry for Foreign Affairs (in place of Professor Giannini).
- M. B. NAKONIECZNIKOFF, Chief of the Polish Emigration Office.
- M. E. DE NAVAILLES, Vice-Director at the French Ministry for Foreign Affairs.
- Sir William Haldane PORTER, Chief Inspector, Home Office, London, assisted by Mr. F. BUSTARD, Passenger Traffic Manager, White Star Line.

M. Henri FUSSE, Chief of Section at the International Labour Office, was in attendance.

Before examining in detail the draft Agreement, the Committee held a general discussion on the nature of the transit card, for whom it should be used, its advantages and its possible disadvantages. As a result of this discussion, the Committee decided, by a majority, to propose the establishment of a transit card and to revise the draft agreement.

*Objections.*

The objections to the regime of the transit card raised by certain experts were :

First that such a transit card is unnecessary. Many countries have in their international relations abolished the consular visa for passports. Emigrants passing from one of these countries to another do not experience any difficulty, since they are allowed to travel freely on their national passport. In the case of emigrants nationals of countries which do not enjoy the benefit of the abolition of consular passport visas, the difficulty is limited to obtaining the visas in question. When emigrants travel in groups, in certain countries the visa is not required on each passport; a collective list is compiled of the emigrants forming the group and this list is submitted for visa.

Since the shipping companies themselves draw up the collective list, obtain the visa and comply with the various formalities, the present system does not cause any inconvenience to emigrants. The companies themselves would have complained long ago if the system had been too complicated. Transit cards would cause them extra trouble. Since the ideal solution would be to abolish all official documents, no new one should be established.

Transit cards and the proposed Agreement are not required to oblige the companies to provide emigrants with any assistance they require. The licences delivered to the companies by the various Governments include clauses making such assistance obligatory.

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Certain agreements which stipulate the abolition of consular visas contain a provision to the effect that the nationals of the contracting parties shall be repatriated to their country of origin. The transit card does not seem to afford an equivalent safeguard. Finally, the creation of a new document would oblige every country to organise printing, distribution, and supervisory services. Several countries would be unwilling to complicate their administrative machinery to this extent.

M. KRAUSE (Germany) made the following statement :

“ In conformity with the resolutions adopted by the Second International Passport Conference (Geneva, 1926), Germany has made every effort to abolish existing obstacles due to the passport system. For instance, she has abolished obligatory visas in the case of nationals of twenty-five countries.

“ Germany only maintains the passport system in the West as regards France and Belgium, and in the East as regards Lithuania, Estonia, Poland, Russia, Hungary, Roumania, Bulgaria, Greece and Turkey. It is, however, highly probable that visas will shortly be abolished in the case of Lithuanian, Estonian and Hungarian nationals. In the case of most of the other countries mentioned, Poland in particular, Germany has proposed to their Governments that visas should be abolished by agreement.

“ As the transit card is intended to take the place of the consular visa and will consequently be of no use to nationals of the countries for which the visa has been abolished, Germany need only contemplate the establishment of these transit cards for emigrants from the following countries : Poland, Russia, Roumania, Bulgaria, Greece and Turkey.

“ The question of the passage in transit of Polish emigrants through Germany proceeding to overseas countries does not concern German shipping companies, since the latter have not hitherto obtained the concession which is compulsory in Poland. From Russia, there is at present practically no emigration if we may judge from the statements of the experts.

“ Emigrants coming from Greece and Turkey hardly ever pass through Germany. There only remain, therefore, Bulgaria and Roumania. It is hard to foresee whether there will ever be a considerable stream of emigration from these countries.

“ As the creation of transit cards is not therefore of great practical interest to Germany, Germany does not consider it necessary to introduce a new system, as proposed, particularly as the system at present in force in Germany does not cause any inconvenience to emigrants and works perfectly well. This system might, if necessary, be still further simplified by the entire abolition of the charges levied for collective visas. Germany, in her desire to facilitate international communications as far as possible, in conformity with the resolutions adopted by the two International Passport Conferences, intends to abolish exit visas entirely and at the same time generally to do away with every form of supervision of persons leaving the country.

“ The German frontier authorities, therefore, would not, in most cases, be in a position to verify the number of persons leaving the country by means of the transit card system according to which the second half of the cards is to be detached when their holders leave the country. The maintenance or reintroduction of such a supervision of persons leaving the country to apply solely to holders of transit cards would be contrary to the interests of international travel and would raise certain financial difficulties.

“ In short, to establish transit cards would, in Germany's case, be like putting new doors and windows in an old house already in the housebreakers' hands.”

#### *Advantages.*

The following advantages of the transit card have been put forward :

One advantage of the transit card is that it applies to all cases. Even if the emigrant has to pass through various countries, some of which require a consular passport, while others are content with a national non-visaed passport, he need only possess one document — the transit card which shows exactly his situation, where he comes from and where he is going. This would be a simplification for the emigrant, the transport companies and the authorities. Naturally, if there were a return to the pre-war situation, there would be no need to consider administrative formalities in respect of emigrants. But as countries of immigration have established strict rules for the admission of emigrants, countries through which those emigrants pass are obliged to adopt certain defensive measures. This has led to complications, since the emigrant has to prove that he fulfils the conditions required by the country of destination, that he possesses the means to make the journey and is free from infectious disease. If, on producing one single document, an emigrant can show that he fulfils all these requirements, the desired simplification will be secured in the best possible manner. By making shipping companies responsible for issuing the transit cards — with resulting convenience and economy for the country of transit — control by the authorities is greatly facilitated. The coupons, which can be detached on the entry of emigrants into a transit country and which can be compared with the counterfoils detached on leaving the country, enable the central authorities quickly to ascertain whether emigrants have remained in the country and what company brought them thither.

Every emigrant possesses, in the shape of his transit card, an official document authorising him to pass in transit through the country. The great disadvantage of collective lists is that any individual emigrant forced to break his journey for some reason or other is left without any official papers.

The transit card might prove a simplification even for countries which do not accede to the proposed Agreement. How can it be in any way to the disadvantage of these countries to allow the holders of transit cards, valid for the neighbouring country to which he is immediately going, to pass through their territory without any other formalities? The card proves that the country to which he is immediately going authorises the emigrant to pass in transit and that he fulfils all the conditions required to enable him to enter the country of destination.

Certain members of the Committee thought that it should be pointed out that M. Krause, in his remarks, had regarded the transit card as a means of replacing the numerous consular visas required when an emigrant passes through several countries. It must not be forgotten that the transit card has other advantages. It provides the emigrant with a single document, it facilitates control on entering and leaving transit countries, it is sufficient to prove that the emigrant complies with the requirements of the countries of immigration and transit, and it makes it possible to apply immediately to the shipping company responsible. Therefore, even if visas were generally done away with, the card would still offer very genuine advantages.

#### *Observations.*

A. As the transit card implies the abolition of the consular visa of transit countries, we must take into consideration the case of individuals who may be a danger to the security of the country and who avail themselves of this means of crossing the frontier — which would otherwise be closed to them. It would be a costly method, because, in order to obtain the transit card, tickets would have to be purchased for the whole journey. The signature of the Agreement concerning transit cards, however, would not in any way prevent a country — if the reasons were sufficiently serious — from refusing to allow the utilisation of these cards by certain individuals or the nationals of some particular country.

B. The following is a very important point: the fact that a State which has signed the proposed Agreement thereby in principle authorises emigrants holding a transit card to pass through its territory, whatever shipping company has issued the card, does not necessarily mean that this State authorises all companies to recruit emigrants in its territory or embark them in its ports. The conditions for the recruiting and shipment of emigrants in any given country are governed by that country's own laws and are exclusively its concern. This is the principle embodied in Article 3 of the draft Agreement.

On the other hand, as the object of the Agreement is to extend the use of the transit card to all countries, transit countries should not discriminate between various shipping companies admitting in transit the holders of cards delivered by some and not by others, unless some serious circumstance warrants penalisation. This is the gist of Article 4.

C. A transit card as contemplated in the draft Agreement applies to emigrants leaving Europe for overseas countries. The regime is therefore not limited to persons proceeding to North or South America. The situation is the same for those proceeding to non-European Mediterranean countries and beyond the Suez Canal.

D. If an emigrant breaks his journey and remains in a transit country, the Government of that country is entitled, according to circumstances, either to oblige him to continue his journey or send him back to the country of origin. In both cases, responsibility falls on the navigation company, as recognised in Articles 1 and 5 of the draft Agreement.

When an emigrant is rejected on arrival in the country of immigration, the shipping company which has transported him is bound to arrange for his return to his country of origin. In such cases the emigrant to be repatriated may be provided with a transit card to be used in the same way as on the outward journey. Provision is made for this in the last paragraph of Article 1.

E. Certain circumstances may necessitate a change of itinerary en route. In such cases, shipping companies may issue new transit cards, provided there be no derogation from the conditions laid down in the draft agreement.

F. The transit card is intended for emigrants, so that the question arises, "What exactly constitutes an emigrant?" Should we exclude persons travelling second-class for all or most of the journey? The Committee is of opinion that it would not be right to exclude these persons and prefers not to suggest any definition. Each country concerned will thus be free to determine the matter according to its own definition, if it has one, or according to its usual practice.

G. One of the main changes made in the draft arrangement as first drawn up is this: the printing of transit cards and their delivery to the companies is placed in the hands of a single central organisation. Sir Haldane PORTER (Great Britain), in view of the fact that the Atlantic Conference, which groups a large number of shipping companies, has its seat in Brussels, expressed the opinion that the Belgian Government would be best qualified to undertake this task. It was pointed out, however, that this is a diplomatic question which the Committee of Experts was not called upon to settle.



M. LANDUCCI (Italy) pointed out that this was a new question of principle. The issue of transit cards implied supervision and consequently responsibility. They could not be sure that all Governments would accept the system of centralising the issue of cards to the companies. He thought that the Committee ought merely to have proposed the principle of issuing identity cards instead of a visa, submitting a model for universal adoption as originally proposed. He thought that in this way they would be more likely to obtain a practical result.

It was replied that one of the main objections to the general adoption of the transit card was the fact that the various countries would have to create new organisations for printing and distribution of cards. To entrust these duties to a central office would be a considerable simplification and was not an entire innovation. Institutions of this kind already existed; for instance, the Central Office for Railway Transport established at Berne and the Bureau for the Establishment of Combined Tickets at Brussels. Such common offices render most valuable services to the companies of all the States, and the control which they exercise over certain transactions has never given rise to difficulties or even to criticisms. Therefore, even if the central service for transit cards was entrusted to a Government, particularly the Belgian Government as seemed desirable, there would be no fear of any inconvenience either for the adherent States or for their shipping companies.

H. It would be very desirable that the same transit card should be sufficient to enable the emigrant to travel to his journey's end, however many countries he may have to traverse. But the more prudent course is to progress slowly and accustom the authorities of the various countries to the use of these cards. Some difficulty may be experienced in drawing up a single card particularly owing to the question of language. It will therefore be necessary to issue to the emigrant as many transit cards as he has countries to cross. For each country the card, as a minimum requirement, will be drawn up in the language of that country.

I. The present report is merely a commentary on the main resolutions of the Committee of Experts. Certain changes in detail which have been made in the original draft (document C.C.T. 307, distributed with Circular Letter 44. 1927. VIII) require no explanation. Several provisions of the draft have been included in the new edition without any change.

J. Articles 9 and 10 are diplomatic in character. The Committee of Experts feels that it cannot deal with them. It has left them in its new draft annexed hereto as a sort of reminder in order that these points may not be overlooked when the final text is prepared.

#### *Suggestions.*

A. During its discussions, the Committee of Experts expressed the desire that the Conference to which this scheme will be submitted should have accurate and complete information on the numerous agreements between countries for the abolition of consular visas, in respect of all passengers in general, and particularly in respect of emigrants, in the cases in which a distinction is made between them and other travellers.

B. This information once collected, it would be desirable to prepare for the routes habitually used by emigrants, tables showing what formalities are required, what visas are necessary, and the cost of these formalities and visas.

C. The Committee had been instructed to prepare a draft agreement relating to the transit card for emigrants. It was therefore not called upon to deal with a similar regime for other travellers. It desires, however, to draw attention to the interest attaching to the consideration of a similar system for emigrants returning permanently or temporarily to their country of origin after a more or less lengthy residence in the country of immigration, and for tourists.

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### APPENDIX.

#### DRAFT MODEL AGREEMENT.

##### *Article 1.*

The Governments of the Contracting States undertake to authorise the transit through their respective territories of emigrants holding transit cards which conform to the attached model, without requiring these cards or the passports to bear their consular visa.

These transit cards are intended for emigrants proceeding from Europe to oversea countries.

Transit cards shall be issued free of charge to emigrants by the shipping companies on the following conditions :

The emigrant must have tickets for the whole journey from the point of departure to the country of immigration ;

He must fulfil the conditions for admission laid down by the country of immigration and the countries of transit ;

He must have means to provide for his subsistence during transit.

Transit cards may also be issued to emigrants who are compelled, either during the journey or on disembarkation in the country of immigration, to return to their point of departure.

#### *Article 2.*

The printing of the transit cards and their delivery to the shipping companies shall be placed in the hands of a central organisation, which shall make the necessary arrangements.

These cards shall be supplied to shipping companies at cost price and free of any tax or charge. They shall conform, in respect of size, paper and printing, to the model annexed to the present Agreement. They shall be printed in at least the language of the country of transit. They shall bear on the back the name of the shipping company using them. They may only be ceded or lent to other companies in exceptional cases and with the permission of the central organisation.

#### *Article 3.*

Each Contracting State shall furnish the central organisation, before December 1st of each year, with a list of the shipping companies which have been authorised, in its territory, to enrol emigrants and to put them on board ship in its ports. They shall notify it, at the earliest possible moment, of any changes made in that list.

#### *Article 4.*

Any Government of a country of transit which has serious reasons for debarring a foreign shipping company from using transit cards in its territory must inform the central organisation, stating its reasons.

The central organisation shall inform the Government of the country under whose jurisdiction the said company is placed.

#### *Article 5.*

The Contracting Governments shall lend their good offices to ensure that companies authorised to use transit cards discharge the obligations they have contracted ; to this end, the competent services of the various Governments shall be authorised to communicate with each other direct.

#### *Article 6.*

Each Contracting State shall have the right to remove from its territory any person in possession of a transit card and staying therein without authorisation.

The shipping company which has issued the transit card in question shall, in such case, be held responsible for all expenditure incurred under this head.

#### *Article 7.*

In the absence of any direct agreement between the Governments, all disputes which may arise between them concerning the interpretation or application of the present Agreement shall be settled by arbitration. In the case of arbitration, unless the parties decide otherwise, each party shall appoint one arbitrator ; the third member of the court of arbitration shall be chosen by the arbitrators themselves or, should the latter be unable to reach an agreement, he shall be appointed by the Chairman of the Advisory and Technical Committee for Communications and Transit of the League of Nations. The court of arbitration shall reach its decision in conformity with the arbitration procedure (*compromis*) established by common agreement between the parties. Should the parties be unable to agree, the court of arbitration shall itself establish its arbitration procedure.

The court of arbitration may decide to hear the representatives of the shipping companies concerned. The costs of arbitration shall be allocated as decided by the court of arbitration.

#### *Article 8.*

The present Agreement shall in no way imply the withdrawal of facilities greater than those allowable under its provisions which may have been accorded under special agreements between the co-signatory Governments. Neither shall it imply any prohibition to accord such facilities in the future.

The exact dimensions of the card (15 x 20 cm.) are indicated by the border. The vertical dotted lines indicate the perforations.

24E

No.

Space reserved for the indication of the transit country

Exit.

[ Indication of the country issuing the card. ]

No. ....

No. ....

[ Indication of the country issuing the card. ]

Surname : .....

.....

Christian name .....

Sex .....

Nationality .....

Ticket No. ....

Passport No. ....

# Transit Card

## INTERNATIONAL AGREEMENT

concluded under the auspices of the League of Nations at Geneva. .... 192

Surname .....  
(BLOCK LETTERS)

Christian name ..... Sex ..... Age .....

Nationality .....

Country of Origin .....

Immigration Country .....

Ticket No. .... Passport No. ....

At ..... the .....

Signature of the Navigation Company's Agent :

Stamp of the Navigation Company.

[OVERLEAF]

To be detached at .....  
(INDICATION OF TRANSIT COUNTRY)  
by Passports Control Office at the frontier.

To be detached at .....  
(INDICATION OF TRANSIT COUNTRY)  
by the Passports Control Office at the frontier or at the port of embarkation.

This card is supplied gratis.

Geneva, March 28th, 1929.

**LEAGUE OF NATIONS**

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

**REPORT ON THE SIXTH SESSION OF THE PERMANENT  
COMMITTEE ON INLAND NAVIGATION**

*Held at Geneva from March 15th to 18th, 1929.*

*Chairman* : M. Silvain DREYFUS.

Present : All the Members of the Committee, and M. HOSTIE, Secretary-General of the Central Commission for Rhine Navigation.

The Committee's agenda comprised :

- I. Report of the Committee on the Unification of Private Law in Inland Navigation.
- II. Report of the Committee on the Unification of Transport Statistics.
- III. Report of Mr. Hines on Rhine Navigation (Chapter entitled "The French Super-Tax").

The Committee's discussions and conclusions on these questions may be summarised as follows :

*I. Report of the Committee on the Unification of Private Law in Inland Navigation.*

The Permanent Committee, having heard the account given by one of its members who took part in the work of the Committee on Private Law, decided to approve that Committee's report (document C.C.T./D.P.N.I./25) and to forward it to the Advisory and Technical Committee for Communications and Transit, with the following observations and proposals :

The Permanent Committee raised no objection to the request of the Committee on Private Law to change its name to the "Committee for the Unification of River Law". The Permanent Committee proposes, in accordance with the suggestions of the Committee for the Unification of River Law, that the following action be taken on the work of that Committee :

(1) To request the Council of the League of Nations to summon a European Conference for the spring of 1930 ;

(2) With a view to enabling the Conference to be held then, to request the Chairman of the Advisory and Technical Committee for Communications and Transit to have forwarded direct to the Governments concerned the texts which the Committee for the Unification of River Law establishes at its session in June 1929 ;

(3) These texts, which are intended to serve as a basis for the work of the European Conference, will be attached to the draft agenda of that Conference.

One member of the Permanent Committee considered that the date arranged for the Conference was too early and therefore abstained from voting on the date. Another member made a reservation regarding the procedure of forwarding the texts direct to the various Governments without first submitting them to the Permanent Committee. The Permanent Committee, however, decided not to act upon this reservation, because the reports submitted by the Committee for the Unification of River Law had already shown

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1929. VIII. 5.

with sufficient clearness the main lines followed by the Unification Committee and also the actual work accomplished, which the Permanent Committee unhesitatingly approved.

The Permanent Committee noted the recommendation of the Committee for the Unification of River Law that the question of the distinction between sea-going vessels and vessels employed in inland navigation should be studied. Several members of the Permanent Committee considered the study of this question inexpedient, but the majority decided to propose to the Advisory and Technical Committee that the resolution adopted by the latter on November 26th, 1924, should be carried out.

## II. *Report of the Committee on the Unification of Transport Statistics.*

The Permanent Committee, on examining the report of the Committee on the Unification of Transport Statistics regarding statistics of inland and maritime navigation (document C.C.T. 381), noted that that Committee, in carrying out its wider mission, is endeavouring to draw up a system of goods traffic statistics applicable alike to inland shipping, maritime shipping and railways, but that its present proposals, which only apply to inland navigation and maritime navigation, should not be considered as altogether final.

In these circumstances, the Permanent Committee considered that, as regards the questions which were within its competence, it would be premature to ask the Advisory and Technical Committee to take decisions on the parts of the report relating to nomenclature and to statistics of goods and passenger transport. It is, furthermore, likely that the Advisory and Technical Committee, when the whole of the proposals concerning the three means of transport are laid before it, will consider it advisable itself to examine the system in course of preparation.

The Permanent Committee thinks, however, that it would be desirable to ask the Committee on the Unification of Transport Statistics to consider the possibility of relaxing the rule it has laid down that craft engaged in mixed traffic must in all cases make a statistical declaration in the country where the river part of the journey ends.

The majority of the Committee thought that the time had not yet arrived for consulting the Elbe and Danube Commissions on the possibility of asking for certain statistical information from navigators, as suggested in the Statistical Committee's report.

The Permanent Committee examined in detail Part B 3 of the report (Technical and Administrative Statistics), because that chapter was of a more formal character than the others. It proposed that the attention of the Committee on the Unification of Transport Statistics should be drawn to the following proposed amendments, which it considered advisable :

### Ad 1. *Description of Navigable Waterways.*

Page 14. — Substitute for the words "in the case of rivers, the method of improvement (dredging, regularisation or canalisation)" the words "in the case of rivers, the method of technical improvement".

Page 14. — Substitute in (b) for "the lowest minimum recorded" the words "the minimum depth recorded".

Page 14. — Substitute in (c) for "average depth" the words "utilisable depth".

Page 14. — Substitute for "minimum length and width" the words "minimum length and minimum width".

Page 14. — Omit the words "a special column will".

### Ad 2. *Vessels employed in Navigation.*

Page 15. — For the words "from 20 to 100 tons", substitute the words "from 20 to 100 metric tons carrying capacity".

Page 16. — After the words "of iron or of wood or of both", add "or of concrete, etc."

### Ad 5. — *Statistics regarding the Use made of Navigable Waterways.*

Page 18. — With respect to the last paragraph, the majority of the Committee was of opinion that the statistics of traffic on navigable waterways should be supplemented by particulars of the use made of the depth available and that for that reason it was highly desirable that the Committee on the Unification of Transport Statistics should make a general recommendation on the subject.

### Ad 7. *System of Shipping Dues.*

Page 19. — The Committee proposes that this paragraph be deleted, since the recommendation it contains is too vague to be of any practical value to navigators.

III. *Conclusion of the Examination of Mr. Hines's Report on Rhine Navigation*  
(Chapter on "The French Super-tax").

At its session in January 1926, the Permanent Committee, during the discussion of the chapter on "the French Super-tax" in Mr. Hines's report on Rhine Navigation, decided to ask, before continuing, for the opinion of the Central Commission for Rhine Navigation on this chapter.

The reply of the Central Commission for Rhine Navigation was sent to the Advisory and Technical Committee for Communications and Transit on January 24th, 1928, and was referred by the latter, at its twelfth session, to the Permanent Committee; all the relevant material is accordingly now in the Committee's hands.

The Committee resumed its examination of the section of the Hines Report dealing with the French super-tax, and at the same time studied the information supplied by the Central Commission.

It noted with satisfaction that the Central Commission for Rhine Navigation had already taken, or caused to be taken, a number of steps for the purpose of putting an end to the present difficulties. In the course of its work on the revision of the Mannheim Convention, the Commission unanimously adopted on first reading a clause whereby in future there will be complete equality of treatment among the Rhine ports as regards the super-tax, subject to the definition of the sphere of application of the revised Convention, when revised; and since 1926 the Commission has also secured other improvements, which are mentioned in its records.

The Committee took the view that the right line was being followed, and that, provided the same methods were adhered to, the organisations and administrations concerned could, if they redoubled their efforts, arrive at general solutions which should satisfy the various interests concerned.

For this reason, the Committee thought it superfluous to engage in an exhaustive discussion of the observations made in the Hines Report on the subject of the French super-tax; Mr. Hines had merely alluded to these observations and stated that he expressed no definite views upon them; moreover, a thorough discussion would have given rise to protracted controversies. The Committee therefore expressed the opinion that, in view of the efforts of various parties, all directed towards the same object, no further action need be taken in the matter.

The Committee adopted the following resolution:

"On January 28th, 1926, the Permanent Committee on Inland Navigation passed a resolution (No. II) concerning Mr. Hines's Report on Rhine Navigation.

"The Committee has examined the reply of the Central Commission for Rhine Navigation dated January 24th, 1928.

"It has resumed and concluded the discussion on that section of the Hines Report which deals with the French super-tax.

"The Central Commission is making great efforts to reach solutions which will put an end to the existing difficulties, and has already secured certain results, so that there is every reason to anticipate a final solution satisfactory to the various interests concerned.

"The Committee is convinced that these efforts will be continued on the lines already indicated.

"The Permanent Committee on Inland Navigation is therefore of opinion that no further action need be taken on the documents referred to in this resolution."

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Geneva, April 27th, 1929.

## LEAGUE OF NATIONS

### Advisory and Technical Committee for Communications and Transit.

### ACTION TAKEN ON THE RESOLUTIONS OF THE CONFERENCE OF PRESS EXPERTS

## RESOLUTIONS

Adopted by the Committee at its Thirteenth Session,

Held at Geneva from March 15th to 23rd, 1929.

#### I. *Reduction of Transport Rates for Foreign Journalists* (Item 16 of the Agenda).

The Advisory and Technical Committee for Communications and Transit has noted the reply of the International Railway Union to the Committee's request to consider what action could be taken on the resolution of the Conference of Press Experts recommending that the reduced transport rates accorded to national journalists should also be accorded to foreign journalists.

So far as the procedure for the identification of journalists (proposed in the resolutions of the Conference of Press Experts) would afford, in the matter of the identification of foreign journalists, guarantees equivalent to those which the various countries possess for the identification of their own journalists, the request submitted does not appear to involve any technical difficulties which would necessitate its examination by the Committee.

It is not for the Committee to give an opinion on the principle of equality of treatment as between national and foreign journalists.

For these reasons, the Committee considers that it is for the Council of the League of Nations to consider what action should be taken in connection with this resolution.

#### II. *Identity Cards for Journalists*<sup>1</sup> (Item 16 of the Agenda).

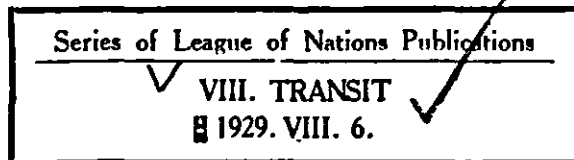
The Advisory and Technical Committee for Communications and Transit has, at the request of the Assembly of the League of Nations, considered the question of identity cards for journalists in accordance with the resolution adopted by the Conference of Press Experts on August 29th, 1927.<sup>2</sup>

The Committee is of opinion that a card on this model<sup>3</sup>, issued by a qualified international or national organisation, would constitute a good means of professional identification for journalists travelling from one country to another, it being always understood that such a card would not take the place of a passport where the latter is required.

<sup>1</sup> An extract from the Minutes of the Committee is annexed (page 7).

<sup>2</sup> "The Conference declares that it would be of the greatest advantage to institute an international identity card for journalists which should, at the same time, be a means of professional identification, and particularly designed also to facilitate travelling and the general exercise by journalists of their profession abroad."

<sup>3</sup> See model card on pages 2 and 3.



[Recto]

The Editor-in-Chief .....

certifies that Mr. ....

is a permanent member of the staff of this newspaper and as such

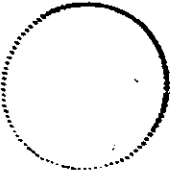
is required to perform duties at .....

from ..... to .....

.....  
.....  
.....

Signature of Editor-in-Chief.

Stamp of the Newspaper.



**Identity Card**  
for  
**Journalist**  
on duty abroad.

(Space reserved for remarks or stamps of official authorities.)

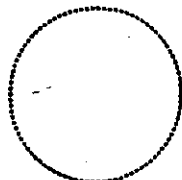


[Name of international or national organisation.]

The ..... of the (name of national organisation, whether affiliated to an international organisation or not) certifies that Mr. ....  
born at ..... on .....  
resident at .....  
of..... nationality, is a journalist by profession and is travelling on duty as such.

Date .....

Stamp of the Organisation :

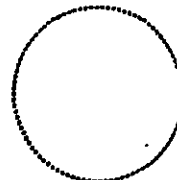


The ..... of the (name of international organisation, or repetition of name of national organisation if not affiliated to an international organisation) requests the national organisations in whose territory the holder of this card travels in the course of his journalistic duties to assist him in obtaining the necessary facilities on the usual conditions.

Signature of President :

No. of Card :

Stamp of international organisation, or national organisation if not affiliated to an international organisation :



DESCRIPTION :

Height.....

(Shape of) Face .....

Hair.....

Mouth .....

Distinguishing marks .....

.....

Photograph

This card is available for one year

from ..... to ..... 19.....

Signature of Holder :

### III. *Telegraphic Questions* (Item 16 of the Agenda).

The Advisory and Technical Committee for Communications and Transit approves the following report of the Special Committee of Telegraph Experts and Press Experts which met at Paris from May 22nd to 24th, 1928.

#### REPORT.

The Advisory and Technical Committee for Communications and Transit, at its twelfth session, held at Geneva from February 27th to March 2nd, 1928, decided to set up a special Committee of Telegraph and Press Experts, presided over by M. Ito, member of the Advisory and Technical Committee appointed by the Japanese Government, in order to give effect to the resolutions of the Conference of Press Experts (August 1927) relating to Chapter I [Sections A, B, C, paragraphs (a) and (b)], to Chapter II and to Chapter III [paragraph (a)] (see Final Report of the Conference of Press Experts, document Conf. E. P. 13).

The Special Committee is composed as follows :

M. N. ITO (*Chairman*).

M. O. ARENDT, Head of Department of the German Ministry of Posts.

M. P. L. BOULANGER, Director of Telegraphic Communications in the French Department of Posts and Telegraphs.

M. G. GNEME, Head of Division in the Telegraphic Department of the Italian Ministry of Communications.

Mr. F. W. PHILLIPS, Assistant Secretary of the General Post Office of Great Britain.

M. J. RAEBER, Director of the International Telegraphic Union.

Mr. F. J. BROWN, Representative of the International Cable Companies' Association.

Mr. H. L. ROOSEVELT, European Manager, Radio Corporation of America, Paris.

M. H. GESELL, Editor-in-Chief of the "Telegraphen Union", Berlin.

Mr. T. W. MCARA, Secretary, Newspaper Proprietors' Association, London.

M. A. C. MEYNOT, Managing Director of the "Agence Havas", Paris.

The Special Committee met in Paris from May 22nd to 24th, 1928. The following were present: all the members of the Committee, with the exception of Mr. Roosevelt, who was unable to attend. Mr. McARA was assisted by Mr. T. Darbyshire, Director of the Australian Press Association, and Mr. F. Lloyd Dumas, Editor and Director of the Cable Service of the Australian Newspapers in London.

The Committee unanimously adopted the following report. Nevertheless, Mr. Brown made a reservation on the following points: (1) Urgent Press telegrams and radiotelegrams; (2) rates of wireless-telegraph messages.

The Committee has considered the resolutions of the Conference of Press Experts which were referred to it with a view to ascertaining from the declarations of the representatives of telegraph administrations and companies, members of the Committee, what action might be taken in pursuance of these resolutions. The Committee arrived at the following conclusions with regard to the different points on its agenda.

#### A. TELEGRAPH AND RADIOTELEGRAPH.

##### (a) *Priority for Press Telegrams and Radiotelegrams.*

The representatives of the telegraph administrations and companies were of opinion that it was not at present possible to contemplate even the principle of priority for Press telegrams over private telegrams of the same category. They particularly referred to the fact that the Press already received preferential treatment from the point of view of charges and that this treatment had been recently improved by the 1925 Conference. Telegraph administrations and companies have generally a monopoly and are therefore bound to ensure equitable treatment for all categories of public. The same observations naturally apply to the other resolutions of the Conference of Press Experts in which the question of priority is mentioned.

##### (b) *"Urgent Press" Telegrams and Radiotelegrams.*<sup>1</sup>

The Committee recommends that the Telegraphic Conference of 1930 should approve of the establishment of a category of telegrams to be known as "urgent Press", subject to the same general conditions as urgent private telegrams, the rate for such telegrams to be three times that charged for ordinary Press telegrams.

##### (c) *Long-distance Communications.*

The Committee is of opinion that charges for Press telegrams should be as low as possible. It is not in a position to state that the rates in any given case are excessive when all circumstances are taken into account, but it recommends that the administrations and companies concerned should consider the possibility of reducing charges in certain cases to which its attention has been drawn, particularly in respect of traffic between the Far East and North America and Europe and also between Europe and South America.

The Committee recommends that the administrations and companies concerned should favourably consider the question of introducing a "deferred" Press service on long-distance routes whenever the circumstances would appear specially to justify such a step; this service would be carried out at a lower charge than the ordinary Press rate.

The Committee sees no necessity at present for the introduction of a new category of special cable letters for Press messages. The extension of the ordinary telegram-letter service to the greatest possible number of routes will certainly render to the Press such services as it appears to have in mind, and this point might be brought to the notice of the various administrations and companies.

<sup>1</sup> Mr. Brown made a reservation in respect of this paragraph.

In connection with the recommendation of the Conference of Press Experts which appears in the second paragraph (c), the attention of the Committee has been drawn to certain terminal charges levied in certain countries.<sup>1</sup> While refraining from expressing any opinion on the questions of domestic policy involved, the Committee suggests that the resolution of the Press Conference should be considered by the Governments concerned with a view to ascertaining whether any modification of these charges may be found possible.

(d) *Regional Telephone Agreements.*

The Committee is of opinion that the examples given in the resolution of the Conference of Press Experts refer to cases which are obviously exceptional and that, from the general international point of view, it is impossible to go further than the text of the Telegraph Regulations concerning agreements between certain members of the Union.

B. TELEPHONE.

The Committee noted that, on account more particularly of the high initial costs of the long-distance telephone system recently set up or in process of construction, the representatives of the administrations on the Committee hold that it is at present impossible to contemplate a reduction of rates for Press messages. Should later a system of preferential treatment appear to be acceptable in certain cases, the present text of the Telegraph Regulations, without any alteration being necessary, would at least provide a means by which such a reduction could be made, since the provisions of the Regulations in respect of "subscription" calls fix neither the amount of the reduction for "subscription" calls nor the hour at which such calls should be made. Should it appear during the development of the long-distance telephone system that certain lines could handle more traffic, there is no doubt that the telephone administrations would endeavour to increase such traffic and would particularly bear in mind the possibilities of meeting the requirements of the Press.

The Committee considered the resolution, paragraph (3) of B, concerning the readjustment of rates whenever the rate applied on the basis of an international scale is greater than that which would result from adding the national rates of the countries through which the communication passes. The Committee noted: (1) that the differences to which attention has been drawn are explained by the fact that national charges are necessarily calculated on a basis which is different from that on which international rates are fixed; (2) that the cases in which this point arises are becoming more and more rare; and (3) that the Telephonic Administrations concerned are constantly endeavouring to remedy such cases.

C. QUESTIONS EXCLUSIVELY CONCERNING WIRELESS TELEGRAPHY.

(a) *Authorisation to receive Press Messages by Wireless.*

The Committee noted that Article 5 of the Washington Radiotelegraphic Convention provides for measures to prevent the unauthorised reception of Press radiotelegraphic and radiotelephonic messages. So far as the issue of licences is concerned, the Committee is of opinion that the solution of this question depends on national considerations and should be left to the discretion of each Government.

(b) *Rates of Wireless-Telegraph Messages.*<sup>2</sup>

The Committee noted that, in certain cases, the cost of a long-distance wireless-telegraphic transmission service is less than the cost of a similar service by cable. The Committee recommends that, as far as circumstances permit, the rates for the transmission of Press messages by long-distance wireless should be as low as the cost of transmission allows.

(c) *Code Telegrams.* [II]

The Committee did not unanimously endorse the recommendation of the Conference of Press Experts in respect of wireless messages in code. Code is at present allowed for messages to a number of addressees, as provided in Article 69 of the Paris Regulations, but up to the present the Telegraphic Regulations have maintained the principle that messages sent at reduced rates must be in clear. Under these circumstances, the Committee, without expressing any opinion on this matter, merely suggested that the question raised in the Recommendation of the Conference of Press Experts should be submitted for examination to the administrations and companies concerned.

(d) *Inter-Continental Communications.* [III (a)]

The Committee associated itself with the recommendation of the Conference of Press Experts to the effect that it would be desirable to establish better facilities for telegraphic and radiotelegraphic communications between Eastern countries and countries in Europe and America (North and South). It noted, however, that, since this recommendation was voted, considerable progress had already been made.

\* \* \*

<sup>1</sup> Australia and other countries.

<sup>2</sup> Mr. Brown made a reservation in respect of this paragraph.

IV. *Transport of Newspapers by Air* (Item 16 of the Agenda).

The Advisory and Technical Committee for Communications and Transit has noted the request of the newspaper-distributing agents and the proposals put forward on behalf of the air-transport companies.

It appears, from the statement made on behalf of these companies and from the recent experience of newspaper-distributing agents, that the technical progress of air navigation makes it possible to ensure the regular transport of newspapers by air, at any rate during the summer.

On the other hand, the proposals made on behalf of the various air-transport undertakings in regard to the rates they intend to charge do not seem to give sufficient facilities for the transport of newspapers by air.

The Committee has noted, however, the statement according to which much greater reductions in rates have been granted in practice on various lines, and hopes that these reductions will gradually be extended and thereby permit increased transport of newspapers by air, which is a matter of public interest, since it enables rapid contact to be established between public opinion in the different countries.

The Committee therefore invites the organisations interested in air transport and in the distribution of newspapers to keep the Committee informed of all future developments.

It draws the attention of the Governments to the importance of the problem, and requests them to assist in reaching a solution and to inform the Advisory and Technical Committee of any important improvements.

V. *Transport of Newspapers and Periodicals by Rail and Customs Questions connected with the Transport of Newspapers and Periodicals* (Item 16 of the Agenda).

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.

It has considered the memorandum submitted to this Conference by the representative of the newspaper-distributing agencies.

It has noted the report submitted by the Permanent Committee for Transport by Rail after examination of the investigations made by the International Railway Union and the Special Committee of Customs Experts.

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.

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Annex

EXTRACT FROM THE MINUTES OF THE THIRTEENTH SESSION OF THE ADVISORY AND TECHNICAL COMMITTEE FOR COMMUNICATIONS AND TRANSIT.

I. FOURTH MEETING, HELD ON TUESDAY, MARCH 19TH, 1929, AT 10 A.M.

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III. *Identity Cards for Journalists to facilitate the Exercise of their Profession when Abroad.*

M. POLITIS said that, at its last session, the Advisory Committee had adopted a number of resolutions on action arising out of the Conference of Press Experts, and had decided to examine at once the question of identity cards for journalists. M. Politis had been invited to prepare, with the assistance of the Secretary-General of the Committee and of experts, a model card for international recognition. Later, M. Stephen Valot had addressed himself directly to the representative of the Advisory Committee on the matter. The Secretariat had been informed of the exchanges of views which had taken place. These conversations and their result had been put on record in a minute dated July 17th, 1928, which M. Politis read. This note was accompanied by a model card, copies of which had been handed in to the Bureau of the Committee. It had been agreed that the result of these negotiations should be laid before the Advisory Committee during the present session.

Mr. MCARA did not think that the Committee could express an opinion before the document read by M. Politis had been circulated and carefully considered. The system which consisted of the issuing of a card by the International Federation of Journalists was an innovation, at least so far as Great Britain was concerned. In that country it was held that the editor of the newspaper was responsible for the persons in his service, and it would be difficult to obtain acceptance for the view that the International Federation should be responsible for issuing cards. Moreover, in Great Britain, the equivalent of the card proposed was issued by a mixed committee composed of editors of newspapers and of representatives of the two large professional associations — the National Union of Journalists and the Institute of Journalists. The Advisory Committee should only express an opinion when fully acquainted with all the facts.

M. SINIGALIA said that, in the memorandum by the Secretary-General of the Committee regarding the action taken on the resolutions of the Conference of Press Experts, he found the following sentence: "The International Federation of Journalists has on its own initiative taken steps to meet the wishes of the Conference of Press Experts. Fuller details can be given to the Committee in the course of its discussions." Had these fuller details been given before the conversations to which M. Politis referred? Or were they going to be supplied now?

The CHAIRMAN explained that the information in question had just been supplied by M. Politis.

Mr. BALDWIN did not think that the Committee intended to take a decision accepting or rejecting the suggestion made by M. Politis.

The CHAIRMAN said that the associations concerned would have to consider means of reaching a solution.

M. POLITIS explained that he had made no proposal, but that he had merely reported the results of his conversations with the Secretary-General of the Committee and with the Federation.

The CHAIRMAN requested M. Stephen Valot, Secretary-General of the International Federation of Journalists, to tell the Committee how the matter stood.

M. Stephen VALOT thought that the present misunderstanding arose out of the character of the document submitted by M. Politis, which was of interest to journalists and to the general public. The profession of journalist was exceedingly easy to enter. Anyone could claim to be a journalist and, as had been shown at the Press Conference, the profession had every interest in controlling its own members. The Press Conference had recognised the need for a criterion which would make it possible immediately to recognise whether a person claiming to be a journalist was a member of the profession. The International Federation had submitted a model for an international card which had not yet been used, its distribution having been delayed out of deference to the Advisory Committee, and it was thought that the final decision should be taken by the Executive Committee of the Federation in Prague in April 1929. The International Federation, which was a professional organisation with 25,000 members, was entitled to issue a card certifying that the holder was a journalist, and to request that those concerned should, without hostility or mistrust, exercise a certain reserve in respect of any person claiming to be a professional journalist and applying for facilities without being known as a journalist or being in possession of this card.

The need for a criterion determining the status of journalist had been recognised in many different quarters. The International Railway Union in particular had replied to the request made by the Press Conference and by the Advisory Committee that it might consider the question on condition that journalists produced proof of their identity and that the League of Nations could carry out the recommendation made by the Conference. In respect of everything connected with facilities for exercising the profession of journalist (reductions in various rates, access to public assemblies, etc.), all Government Press officials knew how difficult it was for them to judge whether a foreigner desiring to enter their Parliament as a journalist was really entitled to do so. Even at Geneva, where there was an admirable service for giving journalists access to the work of the League of Nations, it was well known how difficult it was to judge whether a journalist was really qualified.

By whom should such a certificate be issued? There were several ways of looking at the matter. Some thought that this was a question for Governments alone. The International Federation had protested against this view. It would never admit that a Government should be entitled to give any person the status of journalist.

A Government had not the necessary information at its disposal, and a Government might even be influenced by some other idea than that of certifying the actual professional status when choosing the persons to receive journalists' cards. Others thought that the editors of newspapers were the proper authorities. This was a more logical point of view. Nevertheless, without wishing to appeal to someone who had often had experience of such credentials, M. Stephen Valot said that persons constantly arrived from distant capitals provided with a letter from the editor of a newspaper, generally an unimportant one. The holder might be a doctor, a lawyer or a business-man who had taken advantage of his personal relations, and the letter was not dated, in order that it might be used indefinitely. On the other hand, persons entering professional organisations had to pass through a barrier; they had to submit an application, be proposed by sponsors and undergo a real investigation. The International Federation, which had been set on foot by the various international organisations, was qualified to give a trustworthy certificate to the effect that the holder was really a journalist. Furthermore, the "introductions" given by the International Federation had proved very valuable, and many cases might be quoted of journalists going to this or that foreign country and receiving, thanks to a card issued by the International Federation, all facilities from their colleagues in the profession and from the administrations concerned.

Nevertheless, the Press Conference, while rejecting the idea that the card might be issued by Governments, desired that it should be visaed by the Ministry of Foreign Affairs. This would appear to give rise to difficulties which were not merely difficulties of form. The question had been asked: What was this visa to certify? It would not certify that the person was a journalist or that he was on duty connected with the Press. M. Valot had no hesitation in saying that one day this visa would enable journalists to travel without a passport. To what objections could that give rise? The passport was not an intangible dogma. There were different kinds of passports. Passports had formed the subject of conventions between States. Recently there had been an agreement between Germany and France to facilitate visas and to provide for the granting of a visa for two years. French nationals could enter Belgium and Switzerland without a visa. Therefore the conception of the passport was in process of evolution. In the case of a professional journalist who could prove his status, a Government could be certain that he was an honest man. Nevertheless, a journalist, even though a perfectly honest man, might be regarded in some country as exercising a subversive influence, and a visa might therefore be refused.

What the Federation was asking for at the moment was that the League of Nations should take note of the document submitted to it, bring it to the attention of the Governments and ask them to give all the assistance in their power towards obtaining its recognition as an authoritative document of not only professional but also of general interest. The Federation requested the League of Nations to take up the proposal of the French Government and to examine — perhaps this was not within the competence of the Advisory Committee — means by which certain great international organisations might be accorded that recognition of their international utility which was necessary at the present time. Such organisations represented a new conception, but they had no international status, and it would be most desirable that they should be granted one.

The request that the Federation was submitting to the Advisory Committee was very limited and very modest: it was that the League of Nations should some day consider whether it would not be possible to draw up a protocol constantly open for signature by such Governments as might consent to give this card the same value as a passport.

The CHAIRMAN said that the explanations given by M. Stephen Valot had shown that the International Federation of Journalists had made an experiment in the use of a model card complying with the resolution of the Press Conference and of the Assembly. On the other hand, all countries and all newspapers did not belong to the Federation; so that this model card did not affect the whole world. Were the steps taken by the Federation in accordance with the ideas of the Press Conference and of the Assembly? At first sight, such would seem to be the case. So far as concerned the question of visas, the Chairman understood, after having examined the model card which had been handed in to the Bureau of the Committee, that it was only a question of approving the signatures which appeared on the card.

M. Stephen VALOT said that almost all countries belonged to the International Federation, at least so far as Europe was concerned. This in any event was no great obstacle, for the Federation had already received many applications for cards from associations in countries which did not belong to the Federation, and it was granting such applications. The Federation had already received thousands of requests.

Mr. McARA thought that the first question which arose was whether the Advisory Committee was competent to deal with this identity card. He personally thought that it was. In these circumstances, the question should be considered with the utmost care. He need hardly say that he had no feeling against the International Federation, but this was an important matter which the League of Nations could not settle hastily.

The SECRETARY-GENERAL of the Committee thought that it was necessary to define the problem before the Advisory Committee.

The idea had been raised that the League of Nations should establish a journalist's card to be issued by an international body. It had been recognised that it was impossible to adopt that method, but there was another one which had seemed to provide a means of giving effect to the resolutions of the Press Conference and of the Assembly. He thought that the rôle of the Advisory Committee was to consider whether, by the adoption of a proposal such as that which had been made, the resolutions of the Press Conference had really been complied with, that is to say, whether the proposed card provided adequate means for the identification of journalists. A small sub-committee might perhaps consider the model card, it being understood that there was no question of monopoly and that another card submitted by another organisation might be examined in the same way. Should the card not meet the case, it could be set aside or amended. If found satisfactory, it might be said that the card complied with the resolutions voted by the League of Nations. He agreed with Mr. McARA that a careful examination of the card was necessary.

Mr. McARA asked whether the question had been previously considered and whether the issuing of a card by the League of Nations had been recognised as impracticable from an international point of view.

The SECRETARY-GENERAL of the Committee replied that it had been quite evident that it was impossible to carry out the resolution of the Press Conference to the letter, and that no international body could take the responsibility of issuing the card.

Mr. McARA thought that the possibility that the League of Nations should itself issue the card had not been absolutely excluded.

Mr. BALDWIN replied that this possibility had been excluded by those who had made a preliminary examination of the question. He desired to know whether the Committee which would examine the card would also consider M. Valot's other suggestion that eventually the card should replace a passport.

M. SINIGALIA said that he had intended to ask the same question as Mr. Baldwin.

The CHAIRMAN replied that, as M. Valot had raised the question in so vague a manner, the Committee could set it aside for the moment. That part of M. Valot's statement should be regarded rather as the expression of a personal wish which might be fulfilled in the distant future.

M. POLITIS agreed with the Secretary-General of the Committee as to the appointment of a sub-committee. Nevertheless, in order to avoid having later to recommence the examination of any new card which might be submitted by another Press organisation, their Committee, if it approved the card submitted to it, would have to draw up a uniform model on which the name of the International Federation could be replaced by the name of another organisation.

The CHAIRMAN said that the sub-committee would have to consider the matter in detail. He suggested that the sub-committee should be composed of : Mr. BALDWIN, M. Silvain DREYFUS, M. GUERRERO, M. POLITIS, M. SINIGALIA.

Mr. McARA and M. Stephen VALOT would be invited to take part in the work of the sub-committee in a advisory capacity.

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2. SIXTH MEETING, HELD ON MARCH 21ST, 1929, AT 10 A.M.

*Identity Cards for Journalists (continued) : Report of the Sub-Committee (document C.C.T. 393).*

M. POLITIS explained that the report had been drawn up on the conclusion of two long sittings of the Sub-Committee appointed the previous day. All the members of the Sub-Committee were agreed, except for a reservation by M. Sinigalia.

The speaker read the report. To this was annexed a model card, containing a number of drafting amendments to the model submitted two days previously by M. Stephen Valot. Instead of a space for " Visa by the Ministry for Foreign Affairs, Press Service ", the Sub-Committee had decided to leave a space for notes or seals to be affixed optionally by official authorities. The question as a whole was very simple and did not involve the responsibility of the Advisory Committee, still less that of the League. It was a reply to a resolution adopted by the Press Conference and referred by the Assembly to the Advisory Committee, which must naturally submit the result of its studies to the League Council.

M. SINIGALIA apologised for not having spoken two days previously in order to make his reservation more precise : they had not then the necessary information before them, and there seemed no reason to raise any objection. At its twelfth session, the Advisory Committee had instructed one of its members to study the question of identity cards, with the assistance of the Press organisations, and when the members of the Committee had received the agenda this was accompanied by the memorandum from the Secretary-General of the Committee, which simply stated :

" As regards the second point, it appears from information received that the International Federation of Journalists has on its own initiative taken steps to meet the wishes of the Conference of Press Experts. Fuller details can be given to the Committee in the course of its discussions. "

The only possible construction to be put on this passage was that the International Federation of Journalists had thought fit, on its own — that is, without the assistance of other persons or other organisations — to frame the document which it had urged the Press Conference to adopt. This view was supported by the fact that the memorandum of the Secretary-General of the Committee was not accompanied by a report from the member delegated to assist in drawing up the card or by a specimen of the card itself. The speaker had therefore come to the present session under the impression that the International Federation of Journalists had solved the difficulty for itself, and that it only remained for the Advisory Committee, in response to the Assembly resolution, to declare that there was nothing more for it to do since the matter was already settled. However, from the statements of M. Politis and the representative of the International Federation two days earlier, it appeared that, in July 1928, they had agreed on a model identity card. This had not been communicated to members, though the Committee had instructed a smaller Committee to deal with it, a Committee which ought never to have been appointed, in view of the information contained in the Secretariat's memorandum.

The speaker now found himself, in the Committee, confronted with the actual substance of the question. Instead of simply noting that the International Federation had drawn up the document, which should be used solely under the responsibility of the Federation, the Advisory Committee was asked to give an opinion on its form and contents. The League's responsibility was thus involved to some extent. If the question was really one of substance and not of procedure, how was it that members of the Committee had not been duly

informed that the matter was to be gone into fully ? The speaker regretted that the Bureau had not been in a position to inform members of the Committee beforehand as usual, and hoped that in future this would be avoided.

On examining the document submitted to the smaller Committee, he had seen at once that it was not a simple personal identity card, but a document of an entirely different character, in view of its size, the particulars which it contained, the use to which it was to be put, and the formalities in regard to issue. Everyone knew what a simple personal identity card was like, and the card under discussion was not of that type. The speaker's objections, however, referred, not only to the form of the document, but to other points.

He did not dispute the right of the International Federation of Journalists, for which he had the greatest respect and consideration, to issue to its members any document it liked, or its right to settle what formalities it involved and what particulars it should contain. All the Advisory Committee had to ensure was that, if the issue of such a document implied certain consequences, those consequences should not involve the League's responsibility. According to the Press representative himself, however, the document would involve both immediate and future consequences.

Some of the immediate consequences might possibly cause friction with certain States, and the speaker did not think that the League would wish to be associated with such a result, whether involuntarily or for the reasons of expediency which had been advocated. Again, there were more distant effects, which, in the speaker's view, would be inconsistent with the Assembly resolution. The representative of the Federation has said that the present card might take the place of a regular passport. There was no need at present to dwell upon the possible difficulties and consequences of such an arrangement — they were known to everyone. The speaker pointed out that the Assembly resolution distinguished clearly between two questions : the identity card pure and simple and passport visas. The point at issue seemed to be : Was the Committee asked to deal with a simple personal identity card for journalists ? If so, the League ought not to be asked to deal with such a question ; the international and national Press associations were quite capable of framing and issuing a personal identity card, without applying for the approval of any other body. If the card was really intended to be of a different character, then the consequences must be considered, and the speaker could not approve the first model card, or even the new draft submitted by the smaller Committee. This draft involved the League's responsibility and required various formalities on the part of certain official authorities, and the possible results of any such intervention might be far-reaching.

The Committee had to examine a document the issue and use of which might perhaps create difficulties for certain Governments, and the speaker urged that this fact should be borne in mind. He did not think that, in view of this uncertainty, the document could be issued in a form that might involve the League's responsibility, which would hardly desire its great authority to be used to create difficulties instead of to avoid them. If the Committee had to consider the question of a personal identity card, it should declare, in reply to the Assembly resolution, that, as might be seen from the various communications received by the Committee, the International Federation had itself taken steps to comply with the Press Conference's proposals and that consequently there was no need for the Advisory Committee to discuss the matter. Otherwise, the Committee should declare itself incompetent.

Finally, he did not understand why, in the draft resolution submitted to the Committee, the resolution adopted by the Conference of Press Experts was quoted *in extenso*, and before that of the Assembly, which seemed to have made a clear distinction between the two proposals contained in the resolution of the Conference of Press Experts. The Committee should merely have followed the instructions of the Assembly.

The SECRETARY-GENERAL of the Committee wished to mention one point, which did not affect the substance of the question. M. Sinigalia had referred to the memorandum of the Secretary-General of the Committee, implying that it did not seem to give sufficient data for a proper examination of the question. Referring to the passage mentioned by M. Sinigalia, this statement was quite correct. The International Federation of Journalists had taken certain steps and more detailed information was to be supplied by M. Politis and, more particularly, by representatives of the Federation. It was not for the Secretary-General of the Committee to change questions submitted to the Committee or to restrict their examination. As the Advisory Committee was aware, it had to deal with the resolution passed by the Press Conference. In his view, this resolution must be the basis of the Committee's discussion. The Secretariat's memorandum could only be considered as a document supplying information, and the Secretariat could not assume responsibility for the trend of a discussion based on an Assembly resolution.

M. SINIGALIA did not mean that the Bureau, of whose correctness and merits he was well aware, had failed in its duty, but that it was unable to supply members of the Committee with adequate information. This implied no criticism of the Bureau.

Mr. BALDWIN said that he had been present at the first but not at the second meeting of the Sub-Committee. The few objections that he had submitted to the Federation's original proposals were as follows :

He did not see — and he still could not see — the need to reproduce, on an identity card issued by private organisations, extracts from resolutions of the Assembly, the Press Conference or the Advisory Committee.

Nor did he think that the identity card should have a space for the visa of the Ministry for Foreign Affairs or any other Government Department. Obviously, if journalists could obtain such a visa from their Government, it was to their advantage. But, if this space were kept on the model identity card, a journalist in one country might obtain the visa of the Ministry for Foreign Affairs, while in another country the Ministry might refuse to have anything to do with the card ; this would be a great help to the first-named journalist, but might involve serious difficulties for his colleague, whose card would contain a blank where the visa ought to be. The smaller Committee had endeavoured to meet his views, and the space for the visa of the Ministry for Foreign



Affairs was replaced on the model card by a vaguer formula. He would certainly have preferred to add the words "if any" after "remarks" and to delete the word "official" before the word "authorities", but he was prepared to compromise.

He noted that the draft at present before the Committee contained no mention of the Advisory Committee's resolutions.

M. POLITIS said that this did not figure in the draft, but that the report stated that, while the journalists might, of course, mention some resolution themselves, it must not be the one adopted by the Advisory Committee.

M. Silvain DREYFUS simply wished to make a general observation. On examining the proposals put before the Committee, he noted that the Sub-Committee had not expressed any general opinion on the draft card referred to it. A point to be considered was that the International Federation of Journalists, having noted that the League could not undertake to issue an identity card, could quite well have framed and issued a card without notifying the Transit Organisation. The Federation, however, had wished to obtain the Advisory Committee's opinion on its work, and this was worthy of mention. As regards the substance, the draft established by the Federation appeared to be very sound, and the fact that the Sub-Committee had suggested only slight amendments was a tribute to the model card brought to Geneva by M. Valot. The speaker thought that the Advisory Committee should, at its present discussion at least, recognise this fact.

The CHAIRMAN asked M. Sinigalia whether he had any objections to raise to the model card.

M. SINIGALIA replied that he had already made his observations on the substance of the card itself, and against the attitude that the League might adopt towards it.

The CHAIRMAN pointed out in reply that the Committee would simply communicate the results of its examination of the question referred to it by the Council. These results would be submitted to the Council, when the various States would have an opportunity of expressing their views. M. Sinigalia had asked whether the League was to deal with the question, but this had already been decided by the very fact that it had been referred to the Committee. In the main, the results achieved were satisfactory and there was no great danger in forwarding the resolution to the Council, which would decide what was to be done in the matter.

M. SINIGALIA said that he could not object to the Committee submitting the results of its work to the Council if this was the desire of the majority. He simply asked that his observations should be recorded in the Minutes. He thought that the Committee had exceeded its terms of reference. It has been asked to deal with a simple personal identity card. In his opinion, however, the present draft was, especially in view of the consequences which might arise from its use, something more than an ordinary identity card.

The CHAIRMAN thought that the Committee's discussions did not imply any of the legal consequences which M. Sinigalia seemed to fear.

He noted that the Committee was unanimous in its opinion that its resolution should be forwarded to the Council, together with M. Sinigalia's reservations.

M. GUERRERO did not think that the draft card or the discussions exceeded the Committee's terms of reference or that there was any harm in them. The Committee was simply considering a certificate for persons belonging to the journalistic profession. What was the purpose of the draft card? It was a request to colleagues in foreign countries to assist the holder when visiting those countries. It implied no more than the card issued to a student requesting fellow-students in foreign countries to assist him. The document possessed no legal value and could not take the place of a passport or of any other Government document.

M. Silvain DREYFUS thought that the Committee had not exceeded its terms of reference, in view of the wording of the resolution adopted by the Assembly on September 22nd, 1927, which he then read. M. Sinigalia was convinced that the card should be simply a personal identity card. In examining the Assembly resolution, it would be realised that the Assembly had not proposed itself to frame such a card, but had simply endorsed the resolution adopted by the Press Conference on August 29th, 1927, which embodied the original purpose of those who wished to have the card in question established. This latter resolution made it clear what was meant by "identity card for journalists" and showed that the Committee had in no way exceeded its terms of reference.

M. DJOURITCH pointed out that the draft stated that the card was valid for one year and that the holder was engaged in journalistic duties. The holder could thus use the card at any time during that year, apart from any definite journalistic duties, and the speaker agreed to some extent with M. Sinigalia as regards the objections to the draft.

M. POLITIS explained that the draft annexed to the Sub-Committee's report did not reproduce all the remarks to be found in M. Valot's draft. Whenever the holder moved to a different place, the director of the newspaper would have to specify the nature of his duties and give the necessary indications in regard to the date.

*The Sub-Committee's report was adopted.*

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Geneva, May 8th, 1929.

**LEAGUE OF NATIONS**

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

**MINUTES OF THE THIRTEENTH SESSION**

*Held at Geneva from March 15th to 23rd, 1929*

(WITH ANNEXES)

The Committee is at present composed as follows :

- His Excellency Dr. A. SEELIGER (appointed by the Government of Germany),  
Minister Plenipotentiary (*Chairman*).
- M. B. DJOURITCHITCH (appointed by the Government of the Kingdom of the Serbs, Croats  
and Slovenes), Director-General of the Royal State Railways (*Vice-Chairman*).
- 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  
(*Vice-Chairman*).
- Mr. J. G. BALDWIN (appointed by the Government of Great Britain), representative of  
Great Britain on the International River Commissions.
- Phya CHAMNONG DITHAKAR (appointed by the Government of Siam), Envoy Extraordinary  
and Minister Plenipotentiary in Italy.
- 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.
- Dr. F. V. HANSEN (appointed by the Government of Sweden), former Director-General of  
the Royal State Hydraulic Forces.
- M. R. HEROLD (appointed by the Government of Switzerland), Chief of District of the Federal  
Railways.
- M. N. ITO (appointed by the Government of Japan), Counsellor of Embassy; Assistant  
Director of the Imperial Japanese Office of the League of Nations.
- M. A. POLITIS (appointed by the Government of Greece), Technical Adviser of the Greek  
Legation in France.
- His Excellency Dr. A. J. RESTREPO (appointed by the Government of Colombia), Permanent  
Delegate accredited to the League of Nations.
- M. F. L. SCHLINGEMANN (appointed by the Government of the Netherlands), Chief Engineer  
for Bridges and Roads.
- M. G. SINIGALLA (appointed by the Government of Italy), former Chief Inspector and Adviser  
to the Board of Directors of the Royal State Railways.

*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.

### I. 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. HANSEN.

M. G. INGIANNI, Director-General of the Italian Mercantile Marine.

M. ITO.

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*).

Mr. J. G. 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.

M. GRÜNEBAUM.

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 to the International Danube Commission.

M. SCHLINGEMANN.

M. SEELIGER.

M. Milan YOVANOVITCH, Director of Inland Navigation in the Kingdom of the Serbs, Croats and Slovenes.

### III. Permanent Committee for Transport by Rail.

M. HEROLD (*Chairman*).

M. DJOURITCHITCH.

M. POLITIS.

M. SINIGALIA.

(*Administrative Section.*)

General R. DE CANDOLLE, former Managing Director of the Great Southern Railway Company, Buenos Ayres.

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 Ayres.

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 State Railways.

Dr. VOGEL, Geheimer Oberregierungsrat at the German Ministry of Communications.

M. A. POURCEL, Assistant Chief Engineer of the Paris-Lyons-Mediterranean Railway Company ; Assistant Secretary-General of the International Railway Union. (Technical Advisers assisting the Chairman.)

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

#### IV. Permanent Committee on Electric Questions.

M. HANSEN (*Chairman*).

M. DE VASCONCELLOS (*Vice-Chairman*).

Mr. BROOKE, Secretary of the Central Electricity Board, 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 Communication and Transit Committee (Belgian) (*Chairman*).

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, Head of the Police Division at the Federal Department of Justice and Police of Switzerland.

M. 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. GRÜNEBAUM.

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*).

M. 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'État (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*).

Mr. 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*).

Mr. BALDWIN.

M. DJOURITCHITCH.

M. Silvain DREYFUS.

M. GUERRERO.

M. HEROLD.

M. SEELIGER.

M. SINIGALIA.

(a) *Committee on Legal Questions.*

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*).

General DE CANDOLLE.

M. KRÖELLER.

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, Assistant Chief Engineer in the Central Service for Maritime Signals of Spain.

Admiral L. LANGLOIS, former Director-General and Chief of the Chilean 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:*

Vice-Admiral NIBLACK, 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, Principal Surveyor for Tonnage and Chief Inspector to the Central Administration of Trade and Industry in Sweden.
- M. PALANCA.
- Dr. 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. C. 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, 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 Maritimi.
- Jonkheer VAN DEN BERGH VAN HEEMSTEDÉ, 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 of 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.

VI. Committee of Experts on Cards for Emigrants in Transit.

- M. Henri DEROVER, Chief of the Emigration Service at the Belgian Ministry of Foreign Affairs (*Chairman*).
- Professor Torquato GIANNINI, Emigration Commissioner at Rome.
- M. J. KRAUSE, Regierungsrat at the German Ministry of the Interior.
- M. B. NAKONIECZNIKOFF, Director of the Polish Emigration Office.
- M. E. DE NAVAILLES, Deputy-Director at the Ministry for Foreign Affairs of France.
- Sir William Haldane PORTER, Chief Inspector of the Home Office, Great Britain.

VII. Committee on the Unification of Transport Statistics.

- M. J. H. F. CLAESSENS, Director of Commercial Statistics, The Hague (*Chairman*)  
M. P. DEMETRIAD, Engineer ; Inspector-General ; Director of Docks at Braïla.  
Mr. A. W. FLUX, of the Statistical Department of the Board of Trade.  
M. S. GIACHETTI, of the Headquarters of the Italian Merchant Marine.  
M. HOSTIE.  
M. H. HOUBEURT, Chief Engineer of Bridges and Roads ; Director of the National Office of Navigation, Paris.  
Dr. JEAN PIEKALKIEWICZ, Chief of Section of the Central Office of Statistics, Warsaw.  
Dr. W. TEUBERT, Oberregierungsrat im Statistischen Reichsamt.  
M. F. VILFAN, Delegate of the Kingdom of the Serbs, Croats and Slovenes to the International Danube Commission.  
M. WATIER.  
M. Ludwig WERTHEIMER, Director-General of the Donaudampfschiffahrtsgesellschaft, Vienna.

VIII. 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, General 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.

IX. Experts consulted on the Question of the Possibility of establishing a Wireless Telegraph Station for the Use of the League of Nations.

- 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.

X. 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 Delegation at the Postal Conferences and at the Conferences on Communications and Transit ; Deputy ; former Minister.  
M. JAEGER.

\* \* \*

The Advisory and Technical Committee appointed as its representatives :

*For the European Time-Table Conference :*

M. POLITIS.

*For the Permanent International Association of Navigation Congresses :*

M. SEELIGER.

*For the Permanent International Association of Road Congresses :*

Dr. J. ENCISO.

\* \* \*

The Chairman of the Committee has appointed as members of the International Committee for the Competition on the best " Container " system :

General R. DE CANDOLLE.

M. A. STIÉVENARD.

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FIRST MEETING.

*Held on Friday, March 15th, 1929, at 3 p.m.*

*Chairman: M. SINIGALIA ; later, M. SEELIGER.*

Present : All the members of the Committee with the exception of Phya Chamnong Dithakar and M. Hansen, who were unable to attend.

The following were also present :

For the Central Commission for Rhine Navigation :

M. J. HOSTIE, Secretary-General.

For the International Air Traffic Association :

M. VAN DEN BERCH VAN HEEMSTEDE, Director-General.

For the International Chamber of Commerce :

M. J. GURTNER, Representative with powers of attorney of the National City Bank of New York in France ;

M. M. NORDBERG, Consul-General of Finland in Paris ;

M. P. WOHL, Director of the Transport and Communications Service of the International Chamber of Commerce.

For the International Commission for Air Navigation :

M. A. ROPER, Secretary-General.

For the International Railway Union :

M. A. POURCEL, Assistant Secretary-General.

For the International Technical Committee of Legal Experts for Air Navigation :

M. E. SUDRE, Secretary-General.

Secretariat : M. R. HAAS (Secretary-General of the Committee), Colonel HIAM, M. ROMEIN M. METTERNICH.

I. DEATH OF M. REINHARDT.

The CHAIRMAN deeply regretted to have to inform his colleagues of the death, since their last meeting, of M. Reinhardt. It was a great loss to the Committee, and deprived them of an eminent personality whose help had been much esteemed. On learning the sad news, he had immediately sent a message of condolence to M. Reinhardt's family on his own behalf and on that of the Bureau and the Committee generally. He felt that he was expressing the unanimous feeling of the Committee in paying a heartfelt tribute to the memory of his regretted colleague and friend.

II. COMMUNICATION BY THE CHAIRMAN.

The CHAIRMAN announced that Phya Sanpakitch Preecha, the representative of the Siamese Government, had been replaced by Phya Chamnong Dithakar.

He welcomed the representatives of the international organisations, and thanked them for having accepted the Committee's invitation.

III. ELECTION OF THE BUREAU.

The CHAIRMAN, after thanking his colleagues once more for the honour they had done him in electing him Chairman of the Committee and for the kindness they had shown him, thanked the Secretary-General of the Committee and the other members of the Secretariat for the assistance they had given him and requested the Committee to proceed to the election of the new Chairman and two Vice-Chairmen.

On the motion of M. Silvain DREYFUS, M. SEELIGER was elected Chairman by acclamation.

M. SEELIGER thanked his colleagues for the honour shown, not merely to himself, but to the Government he represented. He had felt some diffidence in taking over the Chairmanship of this Committee in whose work he had taken part for several years. The task of Chairman of the Advisory Committee was peculiarly difficult, not so much because of the work itself nor because it was a large Committee, but because of the methods of discharging the business entrusted to it. The Chairman had not only to keep a firm control of the discussion and to take clear decisions, but, above all, to possess exceptional adaptability. He would do his best with the example of his distinguished predecessors to encourage him ; he felt sure at any rate that he could count on the confidence, indulgence and help of his colleagues, as well as on the constant assistance of the Secretary-General of the Committee. The great thing was to see that all the business of the Committee was carried through, and to aim at practical solutions for all problems, however difficult.

On the proposal of Mr. BALDWIN, M. DE VASCONCELLOS and M. DJOURITCHITCH were elected Vice-Chairmen.

M. DE VASCONCELLOS thanked his colleagues for electing him Vice-Chairman, which was no doubt a tribute to the considerable achievements of Portugal in the sphere of inland communications.

M. DJOURITCHITCH also thanked the Committee.

#### IV. PROGRAMME OF WORK.

After discussion on the proposal of the CHAIRMAN, it was decided that the Committee would settle each day the time of its next meeting, bearing in mind that members required time to study the documents just distributed to them, that Sub-Committees had to meet, and that the Committee decisions had to be drafted.

*The Committee adopted the draft agenda (see Annex 1).*

#### V. REPORT OF THE PERMANENT LEGAL COMMITTEE (Item 2 of the Agenda) : REVISION OF ARTICLE 27 OF THE STATUTE OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE.

The CHAIRMAN said that the Committee had been asked to give its opinion on a possible amendment to Article 27 of the Statute of the Permanent Court of International Justice regarding the constitution of a special Chamber to deal with communications and transit matters.

*The Legal Committee's report on this question was read (see Annex 2).*

The CHAIRMAN pointed out that, as the Committee of Jurists entrusted with the examination of the Statute of the Court was at present in session, the opinion of the Advisory Committee was required urgently. He understood that, in the view of the Legal Committee, the article in question should be deleted.

The SECRETARY-GENERAL of the Committee added that it would be quite in order for the Advisory Committee to send its opinion to the Committee of Jurists : the Council resolution permitted the latter to receive suggestions from all authorised sources.

As the matter stood, there were difficulties of various kinds. Owing to divergent interpretation, there was a danger that the existence of a special Chamber might prevent recourse to the summary procedure so useful in the case of disputes on matters of communications and transit, and laid down in certain treaties. The Committee might point out that this special Chamber had, as a matter of fact, never met, and that there were no special chambers in the case of other matters-economic, for instance.

M. GUERRERO asked whether the Legal Committee's report had not already been sent to the Committee of Jurists who were considering the Statute of the Court.

The SECRETARY-GENERAL of the Committee replied in the negative. The Committee of Jurists included certain members of the Legal Committee, but no documents had been sent before the matter had been brought before the Advisory Committee.

M. GUERRERO agreed that the Advisory Committee should send its opinion officially to the Committee of Jurists.

M. Silvain DREYFUS referred to the provisions of Article 27 of the Statute of the Court and enquired whether the special Chamber provided for in that article was set up, whether its members had been appointed, and whether the list of assessors for disputes on communications and transit matters had been drawn up. He considered that the Legal Committee's report should be sent to the Committee of Jurists. The Advisory and Technical Committee might perhaps make a still more formal recommendation than that of the Legal Committee for the suppression of the provisions of Article 27 of the Statute of the Court.

The SECRETARY-GENERAL of the Committee stated in reply that the special Chamber existed legally on paper, and that the Advisory Committee received official intimation of changes in its membership, but in point of fact the special Chamber had never met. He also thought that there was a list of assessors and that it was theoretically kept up to date. The Legal Committee's report practically proposed that the special Chamber should be suppressed.

M. SCHLINGEMANN said that they might either draw the attention of the Committee of Jurists to the difficulties arising out of Article 27, or they might suggest its deletion, though he wondered whether the Advisory Committee's knowledge of the Permanent Court's requirements was sufficient to justify its giving such advice. Perhaps it would be sufficient to adopt the former alternative.

The CHAIRMAN agreed that it would seem rather strange for the Advisory Committee to ask for the omission of an article specially inserted for communications and transit questions. It would, however, be a serious drawback if a certain interpretation of this article had the effect of preventing recourse to summary procedure.

M. HEROLD supported the remarks of M. Silvain Dreyfus. Practical requirements should be their primary consideration and with this object summary procedure ought to be protected. While adopting the Legal Committee's conclusions, the Advisory Committee might give clearer expression to its preference for the alternative of omitting Article 27.

The SECRETARY-GENERAL of the Committee pointed out that it was not for the Advisory Committee to express its view on questions which solely concerned the internal organisation of the Permanent Court. The Legal Committee's — and still more the Advisory Committee's — object was to ensure a satisfactory settlement of communications and transit questions. If the Advisory Committee found that the special Chamber, despite its apparent technical nature, actually proved much less effective than the ordinary procedure of the Permanent Court, it was within its province to say so ; it was not a question which could be judged from a purely legal standpoint. As the Advisory Committee had already been responsible for preparing conventions submitting communications and transit disputes to the Permanent Court, it would be justified in saying to the Court, "You wished to set up a special organisation for communications and transit disputes, but in the case of purely technical disputes you have not the same competence as when you appoint your experts for a specific case, while, for general disputes, you have not the same authority as when the Court is composed in the normal manner". It might be advisable to give expression to these ideas more strongly than the Legal Committee had done in its report, at the same time emphasising that the Advisory Committee was not qualified to state whether the Permanent Court for its own particular purposes required special Chambers for its work. It was probably owing to there being a special Chamber for labour questions that another had been created for communications and transit matters. The jurists were free to disregard the Advisory Committee's views, but the latter was fully justified in expressing itself on questions which concerned it from the technical and the legal-point of view.

M. GUERRERO stated that this was the opinion of the Legal Committee, and, if it had not been more categorically expressed in their report, that was because they did not wish to anticipate the decision of the plenary Committee, and to leave the latter quite free to state its views.

At the suggestion of the CHAIRMAN, M. GUERRERO was requested to prepare, with the help of the SECRETARY-GENERAL of the Committee, a draft text.

#### VI. REPORT OF THE PERMANENT COMMITTEE ON ROAD TRAFFIC (Item 3 of the Agenda).

M. ROMEIN described the work done at the sixth session of the Permanent Committee on Road Traffic, and read the report on that session (see document C.C.T./C.R.45(1)).

M. WOHL communicated the conclusions reached by the International Chamber of Commerce. The Chamber had noted with satisfaction the results of the League's efforts to facilitate and increase the freedom of motor traffic. It had decided to request the National Committees to investigate the existing obstacles to circulation ; at first sight, these obstacles might not appear to be very serious, but the important point was to be in a position to meet new difficulties which might arise as motoring developed.

##### (a) Road Signalling.

M. ROMEIN explained that the Committee had examined the replies received from the various Governments to its report on road signalling, and had then decided to make a few unimportant alterations in the report and to publish a new edition of the pamphlet *Road Signalling*, which would be sent to the Governments as embodying the Committee's final recommendations on the subject.

##### (b) Taxes on Foreign Motor-cars.

M. ROMEIN said that, in the Committee's opinion, the best way of settling this question would be by general agreement. The Committee had made a certain number of suggestions but, so far as procedure was concerned, considered that it would be extremely desirable to examine the question with fiscal experts before submitting proposals to the Governments.

Mr. BALDWIN stated that the chance of general agreement depended partly on the way in which the taxes would be collected, and partly on the goodwill of the Governments interested. How could they know whether the Governments would show goodwill? He thought that the only practical way would be to put a straight question to the Governments as to whether they were prepared to modify the existing system.

The CHAIRMAN thought that the proposal of the Committee on Road Traffic was due to its opinion that a supplementary enquiry must be made in order to secure a solid foundation for a future Conference.

M. SCHLINGEMANN thought the situation was fairly clear. In the Netherlands they had agreements with certain countries by which foreign motor-cars were exempted from taxes on a reciprocal basis. His Government was prepared to extend the benefit of these agreements to other countries, which showed that the solution of the problem depended entirely on the goodwill of the Governments.

M. ROMEIN said that the Committee on Road Traffic, not wishing to exceed its competence, had confined itself to the point of view of road-traffic interests, but it realised the importance of the fiscal aspect of the problem. At the present time, certain countries had bilateral agreements providing for reciprocal exemption. The Committee had at first thought that this was perhaps the way in which a satisfactory solution of the problem would be reached, but it had very soon realised that in this matter true reciprocity did not always exist. It had then turned to the alternative of a general agreement, which seemed to afford greater facilities for reconciling the various conflicting interests. A State might very well hesitate to put foreigners in a more favourable situation than its own nationals. Perhaps a middle way could be found, providing for tax exemption in the foreign country for a certain period, and then exemption in the country to which the motorist belonged. If the Advisory Committee agreed, the Chairman might be instructed to request the Fiscal Committee of the League of Nations to study, in co-operation with the Committee on Road Traffic, the question of taxes on foreign motor-cars. The simplest way would perhaps be to set up a mixed Committee, which would prepare the outlines of a general agreement. It would, of course, only be a Committee of enquiry, and the results of its work would be submitted to the Permanent Committee on Road Traffic before being sent to the Governments.

*This proposal was adopted.*

(c) *Generalisation and Simplification of the Triptych System for Touring Vehicles.*

M. ROMEIN read the Permanent Committee's recommendation, according to which the Chairman of the Advisory and Technical Committee had asked the Committee of Customs Experts (which was to meet to examine the resolutions of the Press Experts' Conference) to study the requirements of road users. The conclusions of the Committee of Customs Experts were embodied in a report (see Annex 3) from which it would appear that the Customs experts suggested sending a questionnaire to the Governments.

M. Silvain DREYFUS considered that they should recommend the despatch of this questionnaire, which seemed to be very carefully drawn up.

Mr. BALDWIN enquired whether the questions were sufficiently clear.

M. ROMEIN replied that it would be useful to append to the questionnaire the second part of the report, which showed exactly what was wanted.

*It was decided to send the questionnaire, with the second part of the report concerning the questionnaire, to the Governments.*

M. POURCEL said that the International Railway Union had just completed a study of the international unification of level-crossing signals in case of the abolition of gate-keepers.

The Union had adopted a certain number of compulsory regulations, recommendations and proposals, which he read (see Annex 4). The President of the International Railway Union would communicate direct with the Advisory Committee, but he was now submitting the recommendations and resolutions which had been adopted in order that the Committee could communicate them to the Governments interested for their favourable attention.

In reply to a question by Mr. Baldwin, M. Pourcel explained that the expression "abolition of gate-keepers" was perhaps inexact. The problem concerned certain level crossings where it was desired to abolish keepers, and also others which were not so guarded. Speaking generally, the present tendency was to economise labour and to abolish level crossings at points where traffic was particularly heavy.

The CHAIRMAN said that the Committee would send to the Committee on Road Traffic the statement by the Chairman of the International Railway Union when received.

*The Advisory Committee approved the Permanent Committee's report.*

VII. CARDS FOR EMIGRANTS IN TRANSIT (Item 4 of the Agenda).

Colonel HIAM reminded members that the Committee of Experts studying this question had adopted a draft agreement which had been sent to the European Governments. It had been decided to call another meeting of the Committee to consider the replies received, more particularly that of the British Government, and to prepare a draft before the Conference met. There had therefore been a second meeting of the Committee in February, at which a new draft had been drawn up, which was recently submitted to the Council at its 54th Session. The latter had decided to summon a European Conference for June 10th. The draft was in the press and would be distributed in a few days, together with an invitation to the Governments interested (see document C.C.T.396).

The CHAIRMAN considered that the Committee should note what had been done. If any member of the Committee wished to examine the new draft, he was entitled to do so.

The SECRETARY-GENERAL of the Committee said that the Advisory Committee always had the right to express an opinion; it was a mere chance that the Committee had met before the Conference, which should have taken place long ago.

He read the resolution of the Advisory Committee at its last session : the text was explicit and showed clearly that no further action was required.

*The Committee noted the communication of the Committee of Experts.*

VIII. ACTION TAKEN ON THE RECOMMENDATIONS OF THE SECOND PASSPORT CONFERENCE  
(Item 5 of the Agenda).

Colonel HIAM reminded members that, at the last meeting, it had been decided to request the Governments for information as to the steps they had taken to give effect to the recommendations of the Second Conference on the International Regime of Passports. Document C.C.T.384 contained a statement of the measures taken by certain Governments. This document existed so far only in proof. He hoped that shortly additions might be made and the document sent to the Governments in its final form.

The SECRETARY-GENERAL of the Committee pointed out that considerable progress had been made in this question, especially in the suppression of visas by mutual agreement between Governments. He thought that the progress thus made might be officially recorded and the desire expressed that it should continue.

*This proposal was adopted.*

IX. ACTION TAKEN ON THE RECOMMENDATIONS OF THE THIRD GENERAL CONFERENCE  
RESPECTING IDENTITY AND TRAVELLING DOCUMENTS FOR  
PERSONS WITHOUT NATIONALITY OR OF DOUBTFUL NATIONALITY (Item 6 of the Agenda).

Colonel HIAM communicated the replies received from the Governments (see document C.C.T. 373).

The SECRETARY-GENERAL of the Committee pointed out that some twenty Governments had replied, and that the application of the resolutions of the Third Conference had, in a great many cases, been accepted and also put into practice. Considerable success had therefore been quickly obtained in this matter also.

*The Committee noted with satisfaction the progress achieved in regard to this question.*

X. REPORT OF THE PERMANENT LEGAL COMMITTEE (Item 2 of the Agenda) : REVISION OF  
ARTICLE 27 OF THE STATUTE OF THE PERMANENT COURT OF INTERNATIONAL JUSTICE (*continued*).

The SECRETARY-GENERAL of the Committee read a draft resolution which stated what would have to be done in case Article 27 of the Statute of the Permanent Court of International Justice was retained. It was considered unnecessary to detail all the reasons given in the first report, especially as the Permanent Legal Committee had complied with the demands made.

*This draft resolution was adopted* (see Annex 17, paragraph X) for transmission to the Secretary-General of the League, with a letter requesting him to be good enough to bring it to the notice of the Committee of Jurists on the Revision of the Statute of the Permanent Court.

XI. COLLECTION AND EXCHANGE OF INFORMATION ON COMMUNICATIONS AND TRANSIT  
(Item 7 of the Agenda).

The SECRETARY-GENERAL of the Committee reminded members that, at its twelfth session, the Advisory Committee had decided to send a circular letter to the Governments asking them for documents for the service for the collection and exchange of information. The list of documents thus obtained is given in Annex 5. It would be clear from this list that America's help had been considerable, and he himself had found, during his journey in the United States, that there was no difficulty in obtaining documents.

At the outset, the Transit Committee had contemplated issuing annual statements of the situation in the various countries, but for administrative and financial reasons he thought this would be rather difficult. He considered that, with their present resources, the resolutions of the Third Conference and of the Assembly could be complied with. The most important matter was to lay a foundation, by making a bibliography of current reference documents. Such a bibliography might be based on the information already collected, and by keeping in touch with the members of the Committee and with the corresponding members. There were also many special reviews available.

Once such a bibliography had been drawn up, it would be possible to distribute for the internal use of the Committee and its technical Committees a short monthly résumé of the principal matters likely to be of interest.

On the basis of such information, replies could be given to the particular enquiries of Governments and administrations, which were becoming more and more frequent.

Finally, special studies might be undertaken on specific subjects and the results published. For the moment, at any rate, these were the lines on which to work. He did not ask for a precise resolution ; if the Advisory Committee agreed generally that the resolutions of the Third Conference and of the Assembly would be satisfactorily carried out in this way, he would ask them to lay down guiding principles as a basis for the work required.

*This proposal was adopted.*

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## SECOND MEETING.

*Held on Saturday, March 16th, 1929, at 3.30 p.m.*

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*Chairman : M. SEELIGER.*

Present : All those present at the preceding meeting and M. HANSEN.

Secretariat : M. R. HAAS (Secretary-General of the Committee), Colonel HIAM, M. ROMEIN and M. METTERNICH.

### XII. COMMUNICATIONS OF IMPORTANCE TO THE LEAGUE AT TIMES OF EMERGENCY (Item 8 of the Agenda).

The CHAIRMAN requested the Committee to consider this item of the agenda so far as it concerned aviation questions.

The SECRETARY-GENERAL of the Committee reminded the members that the International Commission for Air Navigation had been asked to examine a text to be inserted in the International Convention on Aerial Navigation with a view to defining the status and facilities to be given in times of emergency to aircraft operating on behalf of the League of Nations. Perhaps the Secretary-General of the International Commission could give them some information on the subject.

Mr. ROPER said that, when the question of the League using aircraft had arisen, the first problem to be solved had been that of their identification. A system had to be devised for giving distinctive marks to aircraft in the service of the League. There would be two classes of aircraft : aircraft registered in certain countries but put at the disposal of the League of Nations, and aircraft entirely belonging to the League. In the case of the former, they needed a mark which, whilst retaining the national marks, would clearly show that the aircraft was for the time being in the service of the League. The International Commission had thought that a clearly distinguishable and easily effaceable mark would be a black line under the letters constituting the nationality and registration marks. For aircraft owned by the League, they had thought of reserving the letters S. D. N., followed by a dash and the two letters indicating the particular machine. Certain difficulties might be experienced, as the letter S had been largely allotted to Sweden ; but as that country had only chosen the series SE, the series SD was free.

There was the further question of facilities for League aircraft to fly over the territory of the various countries, on the analogy of those granted in the matter of railway transport, telephonic communication, etc. As air transport should be international, it was suggested that the question should be dealt with internationally. It had been thought that it was not sufficient to ask States to make national arrangements for the necessary liaison. The problem might perhaps be solved by framing a new convention. But there was another alternative : they could adapt the existing Convention by the addition of special provisions. The Air Navigation Convention of October 13th, 1919, which was already in force in twenty-six countries, would certainly soon be in force in twenty-eight ; it was, however, applied by States which had not acceded to it. The Convention accordingly seemed to furnish an adequate working basis. This was the solution that the International Commission had recommended, and it had been instructed to enquire into the question. Its Legal Sub-Committee had proceeded to a preliminary exchange of views in December 1928. The most practical procedure had appeared to be to appoint a special Committee, consisting of the two Rapporteurs of the Legal Sub-Committee, who had conferred in Rome with the Secretary-General of the Transit Committee. A preliminary draft had been drawn up, and would be discussed next week by the International Commission in Brussels at its fifteenth session.

The CHAIRMAN said that, as a member of the Committee, he was interested in the question of the material facilities provided for.

The SECRETARY-GENERAL of the Committee, replying to the Chairman, explained that the preliminary draft was drawn up in very general terms, and only the obligation to facilitate air transport had been provided for.

Mr. BALDWIN enquired whether any arrangements had been made regarding the nationality of pilots.



The SECRETARY-GENERAL of the Committee replied that it had always been understood that, in the case of a mission undertaken at the instance of the League and not of a particular Government, the persons on the aeroplane would have credentials from the Secretary-General. He thought it would be best to await the completion of the enquiry. The documents would be communicated to members of the Committee.

The CHAIRMAN pointed out that the Advisory Committee would have another opportunity of discussing the question.

The SECRETARY-GENERAL of the Committee reminded the members of the question of an aerodrome near the seat of the League. The position was the same as a year ago, but it might be well to point out in a resolution, based on the observations in the Secretariat's Memorandum (see Annex 6), that, before undertaking a more detailed enquiry involving certain expenditure (meeting of experts, etc.), it would be advisable to know whether the Assembly was prepared to furnish the necessary credits. If an aerodrome had to be established and provision made for its use by the League, the latter would obviously have to bear a portion of the expenditure incurred.

*This proposal was adopted.*

### XIII. CO-OPERATION BETWEEN CIVIL AVIATION UNDERTAKINGS AND THE INTERNATIONAL ORGANISATION OF AERIAL NAVIGATION (Item 9 of the Agenda).

The SECRETARY-GENERAL of the Committee said that, at its last session, the Advisory Committee had decided that it would be advisable to convene a Committee of Enquiry to examine the questions that might arise in regard to the international organisation of aerial navigation, and the effect to be given to the Assembly's resolution on the co-operation of civil aviation undertakings considered from the point view of reduction of armaments. The proposed Committee had not yet met. It seemed essential in the first place to undertake a preliminary enquiry. The Committee might be convened now without difficulty, but the Secretary believed that, in respect of at least one of the items on the agenda of the Committee of Enquiry, viz., the international organisation of aerial navigation, there would shortly be a special meeting of the International Commission for Air Navigation, which States not yet parties to the International Convention would attend. As the same persons in many cases would have to attend both meetings, it would be impossible to hold them at the same time. The meeting of the International Commission had been fixed for the end of May. It would be advisable for the Special Committee to meet, not before, but after, the International Commission, and as it was not tied down by the provisions of any convention, it would be free to make any observations on the results of the meeting of the International Commission, to judge whether the enquiries into the general question of international organisation should be pursued, and in any case to discuss the other item on its agenda, viz., the connection between the co-operation of civil aviation undertakings and the reduction of armaments. This meeting might be held at the beginning of the autumn, say about October 15th, and no precise date need be fixed at the moment.

*This suggestion was approved.*

### XIV. REPORT OF THE PERMANENT COMMITTEE FOR TRANSPORT BY RAIL (Item 10 of the Agenda).

The SECRETARY-GENERAL of the Committee read the resolutions adopted by the Permanent Committee for Transport by Rail (see Annex 7).

#### 1. *Standardisation of Railway Tariff Nomenclature*

M. NORDBERG pointed out that the first paragraph of the resolution did not bring out very accurately the point of view of the International Chamber of Commerce; he therefore proposed that the text should be amended.

The SECRETARY-GENERAL of the Committee asked M. Nordberg to give him an amended text, which would be considered.

Mr. BALDWIN enquired whether there was not some overlapping of Committees enquiring into this matter. He believed that the International Railway Union had already drawn up a draft nomenclature.

Colonel HIAM pointed out that the Union's proposals were discussed by its own members only. The League now desired to study the matter for all countries, including those which were not members of the Union.

The SECRETARY-GENERAL of the Committee added that their work was probably rather different from that of the Union. M. Sinigalia had asked whether, in addition to the list provided for, they could not study the possibility of standardising and simplifying in the case of certain groups of commodities.

#### 2. *Effect to be given to the Resolutions of the Conference of Press Experts (August 1927).*

On the proposal of the SECRETARY-GENERAL of the Committee, the Committee decided to take up this question at the same time as the other Press questions.

### 3. *Unification of Statistics of Transport by Rail.*

The SECRETARY-GENERAL of the Committee reminded the members that the Committee, at its last session, had already arranged for an extension of the work of the Committee for Unification of Statistics of Transport by Rail, but it had seemed advisable that the Permanent Committee for Transport by Rail, which had met since, should express an opinion on the subject. The opinion thus given had made it clear that this work would not overlap with the statistical work of the International Railway Union, which dealt with rolling-stock, the characteristics of the various systems, total traffic, etc., whereas the unification of statistics contemplated by the Advisory Committee referred principally to the categories of goods transported. As regards the composition of the Committee for Unification of Transport Statistics, the Secretary explained that "adding to the Committee" did not necessarily mean "increasing its numbers", but "modifying its membership", so that the Committee could undertake fresh work without increasing its members.

### 4. *Convention and Statute on the International Regime of Railways: Ratifications and Accessions.*

M. POLITIS said that he had heard that Greece had ratified the Convention.

The SECRETARY-GENERAL of the Committee explained that the ratification referred to had been deposited at the Secretariat only a few days before, so that no mention of it appeared in the document published by the Secretariat.

### 5. *Negotiability of Railway Transport Documents.*

In reply to Mr Baldwin, the SECRETARY-GENERAL of the Committee stated that the Committee's resolutions had all been unanimous.

M. HEROLD said that the problem before them was an important one. Though undoubtedly difficult, it should — at least, in the opinion of the International Chamber of Commerce — be solved before long. The same problem had already been solved in a certain way in America. It would be well to consider whether it was advisable and possible to solve the question for Europe. For the time being, the Berne Convention was the basis for important international traffic by rail, and it was diametrically opposed to any institution such as was suggested by the International Chamber of Commerce; that did not, however, prevent them from studying the problem, and the Advisory Committee would be glad if this enquiry led to concrete results.

M. POLITIS pointed out that a very great service would be rendered to commerce if results were achieved as soon as possible. He thought that, as the system worked satisfactorily in America, there could be no doubt as to the utility of solving the problem.

The CHAIRMAN said that, with the assistance of the Secretariat, he would appoint a suitable committee to submit proposals to the plenary Committee. He thought that it would be necessary to choose at least one prominent railway representative and at least one banker.

Colonel HIAM suggested that the Committee should ask the International Chamber of Commerce, which had already set up a Sub-Committee to enquire into this question, to keep it informed of the latter's work.

M. NORDBERG said that the Chamber would be glad to communicate the original documents received by it from North America, Finland and Russia. The Chamber was actively pursuing its investigations and would furnish any other information it might subsequently obtain.

Colonel HIAM enquired when the work of the Sub-Committee of the International Chamber of Commerce was likely to be completed.

M. NORDBERG replied that they had written to South America; they also required supplementary information from North America as to how widely the documents were used.

The CHAIRMAN pointed out that, according to the resolution, the International Chamber of Commerce would have the opportunity of submitting its views to the proposed Committee.

*The Advisory Committee approved the Permanent Committee's resolution (see Annex 17, paragraph V.)*

### 6. *Serious Occurrences of a General Character affecting Routes of Communication.*

*The Committee decided to take this question together with Item 13 on the Agenda: "Recommendation submitted by the Hungarian Delegation to the Third General Conference on Communications and Transit".*

### 7. *Application from the Sopron-Pozsony Railway Company.*

The SECRETARY-GENERAL of the Committee explained that the Advisory Committee had already dealt with similar questions. The present resolution was modelled on previous resolutions.

### 8. *Communications by the Secretariat.*

The SECRETARY-GENERAL of the Committee submitted the following information:

The Chairman of the Committee had appointed an expert to study a certain railway question in Bulgaria. The Council had appointed arbitrators for the dispute regarding the Sopron-Közseg

Railway and for that regarding the Boldva Valley Railway. It had nominated the Commissioner for certain railway questions under Article 107 of the Treaty of Lausanne. Finally, the Council, when examining a question connected with certain enquiries into the presence of arms on a railway, had appointed a Committee which included an expert from the Committee for Transport by Rail.

Mr. BALDWIN congratulated the Permanent Committee for Transport by Rail on its very full and weighty report.

#### XV. COMBINED TRANSPORT (Item 11 of the Agenda).

The SECRETARY-GENERAL of the Committee, referring to his Memorandum (see Annex 8), explained why the Committee on Combined Transport had not yet met and why there would be no reason for convening it in the near future. The question of negotiability of transport documents, although distinct from that of combined transport, nevertheless reacted on the latter to a certain extent. Moreover, the lack of adequate information had hitherto hampered the work of the Committee on Combined Transport. The best procedure would be not to convene the Committee but to complete the information, and it would accordingly be advisable to execute the decisions regarding the collection and exchange of information. The Chairman would proceed with this enquiry (which could be published if he considered it sufficiently important) into the employment and regulation of combined transport in the various countries, together with a special statement on the situation in the United States of America, where the question had been carefully examined. The Secretariat, in conducting this enquiry, would be able to use the material collected by the International Chamber of Commerce.

M. NORDBERG said that the Chamber had received documents from the United States of America and from Canada in the course of its enquiry into the negotiability of transport documents. There were documents in use which enabled an exporter to finance his transactions as soon as he had received his combined bill of lading, and provision was even made in some cases for railway transport overseas.

M. WOHL added that the International Chamber of Commerce was examining the details of each of these methods. Later, they would have to consider the general conclusions to be drawn from this examination. All the documents collected would be put at the disposal of the Advisory and Technical Committee.

M. VAN DEN BERCH VAN HEEMSTEDÉ reminded members that the Advisory Committee had asked the International Air Traffic Association to study the problem. The Committee on Combined Transport believed that the most practical plan would probably be to have the question discussed from a general standpoint by the International Railway Union and the International Air Traffic Association. In practice, that would not appear to be possible. They would have to begin with internal agreements with the national railway companies. In Germany, there was an agreement between a German company and the Reich Railways, and a similar one in Sweden. In Belgium, there was a provisional agreement between the Belgian Company for Aerial Navigation and the Belgian Railways. The International Air Traffic Association thought that the next step would be to conclude bilateral agreements which would develop into general agreements. They ought to proceed from the circumference to the centre and not vice versa. The problem was still on the agenda of the International Air Traffic Association. As to the procedure, he agreed with the Secretary-General of the Committee that, in respect of combined transport between railways and airways, they ought to begin by collecting information.

The SECRETARY-GENERAL of the Committee added that the reason why he had not raised the question "rail and air" was that the problem "rail and water" was much more complicated.

M. VAN DEN BERCH VAN HEEMSTEDÉ said that the question "air and sea" was also important. He had in mind a journey first by aeroplane in Europe, then by steamer, and finally by aeroplane on arrival in the United States.

The SECRETARY-GENERAL of the Committee agreed that the question might be settled in future, but it would probably be advisable to limit at present the information to be collected to combined rail-and-steamer transports. The amount of goods transported in the way described by M. van den Berch van Heemstede was certainly not large, and there would be no harm in waiting a little longer. For the mail, arrangements were made as and when the need was felt.

M. NORDBERG said that it seemed logically impossible to take up the problem of combined transport before solving that of the negotiability of transport documents in Europe. He reminded the Committee of the attitude of the International Chamber of Commerce in regard to the question of combined transport.

The SECRETARY-GENERAL of the Committee thought that there had been cases of single documents negotiable for the sea-route but not the railways. It was, however, certain that, in the case of large quantities of goods, they could not have combined transport in the true sense of the word without complete negotiability throughout.

In reply to a question from the Chairman, Colonel HIAM said that a solution of the problem of combined transport was possible irrespective of the solution of the negotiability problem, but the documents would have no great value, for they would not be negotiable.

XVI. REPORT OF THE PERMANENT COMMITTEE ON PORTS AND MARITIME NAVIGATION (Item 12 of the Agenda).

The Committee's report was read (see Annex 9).

1. *Maritime Tonnage Measurement.*

*This part of the report was approved (see Annex 17, § 1).*

2. *Buoyage and Lighting of Coasts.*

The CHAIRMAN said that the enquiry was now completed and that, if a Conference were called, it would probably arrive at valuable results.

M. SINIGALIA wanted to be furnished with the Buoyage Committee's report, as approval of the resolutions implied approval of the report.

M. ROMEIN pointed out that, at the last session, the Buoyage Committee's first report and the replies of the various Governments thereto had been studied by the Advisory Committee, which had requested the Permanent Committee on Ports and Maritime Navigation to say whether it would be possible and advisable to call a conference on this question. The Committee now had before it the final report of the Buoyage Committee, which was favourable to a conference: the Buoyage Committee at its last session in Genoa had unanimously agreed that, as matters then stood, an international conference would have every chance of achieving good results. The recommendation of the Committee for Ports and Maritime Navigation was that the Advisory Committee should ask the Council to convene a conference for the second half of 1930.

In the light of these explanations, M. SINIGALIA and M. Silvain DREYFUS agreed to the proposal.

Mr. BALDWIN said he had no objection, but pointed out that there was no British expert on the Buoyage Committee and that the British member on the Permanent Committee for Ports and Maritime Navigation had declared, when accepting the resolution, that it did not bind his country or the British organisations interested in buoyage, which had assumed no undertaking of any kind to participate in the conference, though they would, of course, consider favourably any invitation to attend.

*The resolution of the Committee on Ports and Maritime Navigation on buoyage and lighting of coasts was adopted (see Annex 17, § II).*

*The Advisory Committee decided to ask the Council to call a conference and pointed out the desirability of this being held in the second half of 1930.*

3. *Unification of Transport Statistics; Enquiry into the Utilisation of Shipping.*

M. ROMEIN, replying to a question by the Chairman, explained that the Committee for the Unification of Transport Statistics had asked the Committee for Ports and Maritime Navigation whether it approved, as an experiment, the collection of information on maritime traffic between Europe and North America. The Committee for the Unification of Transport Statistics would then be automatically informed of the adoption of this decision.

*The Advisory Committee noted the resolution of the Committee for Ports and Maritime Navigation.*

4. *Penal Consequences of Collisions at Sea.*

The CHAIRMAN reminded members that this question had been raised by the International Association of Mercantile Marine Officers, who were especially anxious that measures should be taken to prevent a master suspected of being at fault from being proceeded against both by the State whose flag the vessel was flying and the State in which the vessel put in. The resolution put forward had very skilfully avoided certain delicate and dangerous matters, and merely recommended that every State should maintain a high professional standard among its crews and officers and provide for certain disciplinary measures.

Mr. BALDWIN thought that the resolution of the Committee on Ports and Maritime Navigation, more especially the last paragraph, was more comprehensive than the Chairman had suggested.

M. Silvain DREYFUS said that the resolution contained in the first place a negative part; the Committee did not think it should take the responsibility of recommending a consideration of this question, which would appear to fall within the sphere of international criminal law. In view of the inevitable differences of opinion, the Advisory Committee should refrain from expressing its views on this point. But if it agreed with the positive part of the resolution, it would perhaps be advisable to point out clearly that the Committee did not want to make an incursion into the sphere of international criminal law.

M. ROMEIN pointed out that the resolution clearly stated that it refused to touch on legal questions.

M. POLITIS thought that, as an important point of international criminal law was involved, they should draw the Council's attention to it in case the latter should consider it advisable to

deal with the subject. The Advisory Committee would not take up the problem, but would draw the Council's attention to it.

M. Silvain DREYFUS said that the Committee on Ports and Maritime Navigation had not only pointed out that the question was one which did not come within the competence of the Advisory Committee, but had also mentioned that it gave rise to very divergent opinions and that it did not appear that the time had come to investigate it.

The CHAIRMAN added that, if M. Politis's suggestion were adopted, they would have to omit the first paragraph of the draft resolution.

M. POLITIS disagreed. It would, on the contrary, logically follow from the first paragraph: the Committee would declare itself not competent and refer the matter to the Council to enable the latter to send it to another Committee.

Mr. BALDWIN thought that the Advisory Committee was competent at least to enquire into this question, which was a matter of communications and transport.

M. POLITIS did not think that it was simply a matter of transport.

M. DE VASCONCELLOS thought there was no objection to forwarding the draft resolution to the Council; this would not be in any way an admission that the Committee was not competent, but would simply mean that it adjourned the question, as an enquiry did not yet seem opportune.

Mr. BALDWIN added that, if the Committee wished to take the responsibility of submitting this problem to another authority, this would mean that it considered it was really a matter calling for exhaustive enquiry. He did not agree with its adopting such a procedure and handing the matter over to another organisation.

M. ROMEIN pointed out that the positive part of the resolution contained very clear recommendations in the interests of shipping which, if acted on by the Governments, would satisfy these interests.

The CHAIRMAN merely thought the majority of the Committee were for accepting the resolution as it stood; he hoped that M. Politis would agree that the question was not sufficiently important to justify reference to the Council.

M. POLITIS said that he had raised the question for humanitarian reasons; he thought it was indispensable to protect mercantile marine officers against arbitrary proceedings.

M. SINIGALIA proposed the deletion of the last paragraph, which he thought implied that a State might disregard the principle of the disciplinary responsibility of the State whose flag the ship flew.

M. DUZMANS said that the majority seemed to favour acceptance of the resolution as it stood, but he would like to emphasise the importance of Mr. Baldwin's statement on the Committee's competence. If M. Sinigalia's proposal were accepted, the same question would arise in the first paragraph of the resolution, in which the Committee stated that the question appeared to belong to the sphere of international criminal law. He thought this statement ought to be deleted.

M. ROMEIN replied that the Committee for Ports and Maritime Navigation had merely pointed out that the consequences of collision seemed to it to belong to the sphere of international criminal law. There was no question of a denial of competence; it was a mere statement of fact.

M. DUZMANS thought that the Committee would agree on some such draft as:

"The Committee . . . does not think it can take the responsibility of recommending . . . consideration of this question of international criminal law, which, as matters stand at present, would seem to give rise to very divergent opinions."

M. GUERRERO said that, even if the Committee had declared that the study of a question of international criminal law was outside its competence, the Advisory Committee would not be obliged to make such a declaration on its own behalf. He would propose the following wording:

". . . to study this question, which, in the present state of international criminal law, would seem to give rise to very divergent opinions."

The SECRETARY-GENERAL of the Committee reminded members that, in any case, the text would have to be modified before the resolution of the Committee on Ports and Maritime Navigation became a resolution of the Advisory Committee.

The Committee on Ports and Maritime Navigation might have suggested that the question be studied by an organisation. It had not done so, but had thought it advisable not to ask for a legal enquiry and to leave on one side penal questions.

M. POLITIS pointed out that there was a preliminary question of principle involved: Did the Committee intend to renounce the right and the obligation incumbent upon it of enquiring into this question?

The CHAIRMAN said that, so far, no member of the Committee had expressed a desire to undertake such an enquiry and they all appeared to accept the idea of the Committee on Ports and Maritime Navigation. The only remaining question was whether the reasons for this attitude had been correctly stated by the Committee on Ports and Maritime Navigation. As, however,

the question of competence had been raised and this draft resolution had to be embodied in a resolution of the Advisory Committee itself, he proposed that the Bureau should be asked to modify the first paragraph in accordance with the ideas expressed during the debate.

*This proposal was adopted.*

### 5. Territorial Waters.

M. Silvain DREYFUS reminded members that the First Conference for the Codification of International Law had sent a questionnaire to the maritime States. From unofficial information at his disposal, it appeared that this Conference had been anxious to collect information on the present judicial and administrative situation with a view to preparing a draft scheme of international codification. Several Governments had probably already replied to the questionnaire. That was one reason for not drawing their attention to certain opinions expressed by the first Codification Conference.

A second reason could be given: it was for the Codification Conference to send to the Governments the communication in question. It would therefore be more logical to send the document submitted to the Advisory Committee, not to the Governments interested, but to the next Conference.

The SECRETARY-GENERAL of the Committee, with a view to obviating misunderstanding, explained that the Conference was called by the Council of the League of Nations, which had appointed a Preparatory Committee to take the preliminary steps. The recommendations of the Advisory Committee should be sent to the Secretary-General of the League, who would undoubtedly bring them officially to the notice of the Preparatory Committee — and not to the Conference.

M. DE VASCONCELLOS intimated that his Government had been consulted and had sent a memorandum in reply. The Advisory Committee might now submit recommendations which would differ from the attitude taken by the Portuguese Government. As he knew the latter's standpoint had been defined, he could, though not a representative of his Government, only accept the Committee's conclusions under reserve.

M. DUZMANS pointed out that the Assembly First Committee had thought that, not only general questions might well be raised at the Conference itself, but that it might be advisable also to enquire into wider questions outside the scope of the agenda. It would therefore be very useful for the Conference to have all kinds of suggestions. Some of these, of course, would not come within the strict programme laid down by the Assembly, but at the moment they were dealing with a proposal bearing on a point already on the Conference agenda, and a decision of the Advisory Committee in this respect would have the effect of suggesting ideas to the Conference itself. In his opinion, once these recommendations were brought to the notice of the Conference, they would produce new suggestions.

M. GUERRERO thought that this recommendation should be sent to the Preparatory Committee which had applied to the Advisory Committee and was the organisation created to prepare the coming Conference. It would be for the Preparatory Committee to decide whether the questionnaire was to be sent to the Governments or not. The procedure of the First Conference for Progressive Codification had been very deliberate, but very complete. The only criticism that might be passed on the questionnaires drawn up by the Preparatory Committee was that they were perhaps too detailed.

He was therefore convinced that the recommendations on territorial waters had been given consideration.

M. Silvain DREYFUS said he had raised this question because he knew that several Governments had already sent replies. The procedure suggested by the Secretary-General of the Committee seemed to him to obviate the difficulties he had feared.

The SECRETARY-GENERAL of the Committee stated that, even if no information had been received and the Committee had learned from the Press that a Conference was shortly to be held, it would be free to give its opinion. A text on the following lines might perhaps be proposed :

“The Committee, in view of the fact that there will shortly be a Conference for the Codification of International Law, adopts the following recommendations . . .”

As it would be a League of Nations Conference, communication would be made to the Secretary-General of the League and the Governments would be automatically advised.

The CHAIRMAN agreed to this proposal. As regards the question of substance, he thought that points (b) and (c) were excellent statements of principle, but points (a), (d) and (e) conveyed self-evident truths and were therefore useless.

M. GUERRERO said that, in his opinion, the words “in the exercise of its sovereignty” might be omitted in point (a) ; in fact, it might perhaps be preferable to delete this paragraph entirely.

M. DUZMANS admitted that a certain number of these recommendations were mere axioms, but the Ports Committee probably had reasons for stating them. It would be desirable to have explanations from those who had followed the work of this Committee.

Mr. BALDWIN thought they should know first of all whether this report would be submitted as a document representing the views of the Committee for Ports and Maritime Navigation or as one embodying the ideas of the Advisory Committee.

The SECRETARY-GENERAL of the Committee pointed out that, generally speaking, the Advisory Committee had always sought to adopt the decisions of its Sub-Committees when these had to be forwarded either to another organisation or to Governments.

In regard to paragraph (a), he observed that the Committee on Ports and Maritime Navigation was not laying down a categorical principle, but merely pointing out that this question of territorial waters affected communications and transit questions ; it was therefore desirable that due consideration should be given to certain principles which it went on to state. It would be for the Governments represented at the Conference to reconcile the needs of communications with the other points of view involved.

In reply to M. de Vasconcellos, he proposed that the Committee should preface the resolution by a preamble pointing out that its recommendation was made solely from the point of view of communications.

M. DE VASCONCELLOS agreed.

M. SCHLINGEMANN supported this proposal.

After an exchange of views between M. GUERRERO, M. RESTREPO and M. Silvain DREYFUS on the drafting to be adopted for paragraph (a), the CHAIRMAN proposed that the final draft of the whole text should be adjourned to the next meeting.

*This proposal was adopted.*

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### THIRD MEETING.

*Held on Monday, March 18th, 1929, at 3.30 p.m.*

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*Chairman: M. SEELIGER.*

Present : All those present at the preceding meeting, except M. Gurtler, M. Nordberg, M. Pourcel, M. Roper and M. Sudre.

The following were also present : M. HOSTIE, M. DIETRICH VON SACHSENFELS (Member of the Permanent Committee for Inland Navigation), M. LURIA (Member of the Technical Committee for Buoyage and Lighting of Coasts).

Secretariat : M. R. HAAS (Secretary-General of the Committee), Col. HIAM and M. ROMEIN.

#### XVII. REPORT OF THE PERMANENT COMMITTEE ON PORTS AND MARITIME NAVIGATION (Item 12 of the Agenda) (continued).

##### 5. Territorial Waters (continued).

The CHAIRMAN pointed out that the text under discussion had, after protracted discussion and on mature consideration, been adopted by the members of the Committee for Ports and Maritime Navigation, who had great experience in such questions. He thought therefore that the Committee could perhaps accept the text as it stood.

*The resolution of the Committee on Ports and Maritime Navigation was adopted — to be communicated to the Secretary-General of the League (see Annex 17, paragraph IV).*

The SECRETARY-GENERAL of the Committee wondered whether it would not be advisable to provide for giving further explanations on certain points to the Codification Conference if it so desired ; in such case the Chairman of the Committee for Ports and Maritime Navigation might perhaps be asked to give these explanations.

*This suggestion was agreed to.*

##### 6. Commercial Understandings in Maritime Industry.

*The Committee noted the information furnished by the Permanent Committee.*

##### 7. Present State of Ratifications of the Convention on the International Regime of Maritime Ports.

The SECRETARY-GENERAL of the Committee thought the Committee need not express an opinion one way or the other. All it could usefully do would be to note the declarations made to the Committee for Ports and Maritime Navigation annexed to the latter's report.

*The Committee noted these declarations.*

##### 8. Lighthouse Dues.

*The Committee noted the Permanent Committee's communication.*

XVIII. GRAVE OCCURRENCES OF A GENERAL CHARACTER AFFECTING ROUTES  
OF COMMUNICATION : RECOMMENDATION SUBMITTED BY THE HUNGARIAN DELEGATION  
AT THE THIRD GENERAL CONFERENCE (Item 13 of the Agenda).

The SECRETARY-GENERAL of the Committee read the report prepared by the small Committee on this question (Annex 10), together with the resolution adopted by the Permanent Committee for Transport by Rail, to whom the document had been sent (see Annex 7).

Mr. BALDWIN enquired whether the Convention proposed would be of a general nature.

The SECRETARY-GENERAL of the Committee replied that it would be either a general convention or a convention limited to one continent.

Mr. BALDWIN thought that there was no justification whatever for a new international convention on a question of this kind, which could hardly be considered sufficiently important. First, Article 7 of the Statute annexed to the Convention on the International Regime of Railways of 1923 provided that :

“ In the event of international traffic being temporarily suspended . . . the administrations working lines on that route . . . shall endeavour to re-establish a normal service as soon as possible and, in the meantime, to send the traffic by another route, if necessary with the aid of the administrations of other States . . . ”

It might be held that the latter part of this article imposed, or at any rate implied, an obligation for the other parties to the Convention to facilitate the resumption of interrupted communications if they were in a position to do so. Moreover, Article 37 of the Statute stipulated that :

“ The contracting parties shall facilitate the conclusion of special agreements for the purpose of putting the provisions of the present Statute into force. ”

It was therefore clear that the countries interested could achieve the object now proposed, at least so far as railway traffic was concerned, by concluding, in conformity with Articles 7 and 37, an agreement on the lines of the second resolution proposed by the small Committee (see Annex 10) and dealing with the re-establishment of traffic which had been diverted to auxiliary lines. This method of dealing with the problem by direct agreement between the interested railway administrations seemed to be the most expeditious way of achieving the desired end.

If, however, his (Mr. Baldwin's) interpretation of Article 7 were not generally accepted, or if there were other special objections to this procedure, the most obvious way of attaining the end in view would appear to be to revise Article 2 of the Statute on Freedom of Transit, or Article 7 of the Statute annexed to the Railways Convention.

According to Article 2, the contracting States undertook to facilitate free transit by rail or waterway on routes convenient for international traffic, but there was no special stipulation made for according special facilities in case of urgent necessity. It would therefore seem reasonable to consider amending this article so as to extend the obligations of the contracting States in the sense desired. According to Article 9 of the Convention on Freedom of Transit, one-third of the contracting parties might at any time submit a request for the revision of the Statute.

Another practical way of dealing with the question, at least in the case of rail traffic, would be to amend Article 7 of the Railways Statute in a similar sense. According to Article 10 of the Railways Convention, five contracting States might demand the revision of the Statute after the Convention had been in force for five years. This period would expire in 1931, when the Fourth General Conference on Communications and Transit would presumably have to meet, and an amendment to Article 7, as well as any other amendments suggested, might be discussed during that Conference. Furthermore, the Statute might be revised at any time on the demand of one-third of the contracting States. Incidentally, moreover, Hungary had not yet become a contracting party to the Railway Convention, although she had ratified the Convention on Freedom of Transit.

It would be just as inexpedient to call a Conference for the revision of both Conventions on this one point as to adopt a special Convention on the subject. They could, however, make the revision extend to certain other parts of the Convention as well ; but in any case it could be adjourned, as he had already pointed out, until the meeting of the Fourth General Conference in 1931.

Mr. POLITIS regretted to have to intervene in the debate at the risk of appearing to act ungraciously towards the mover of the proposal and of criticising the Committee's work. Mr. Baldwin's statement made it unnecessary for him to occupy much of their time, as he had intended offering practically the same criticisms ; it was his conviction that the general Conventions already adopted were quite capable of solving the present problem and a new convention was quite uncalled for. Goods and travellers automatically took the national or international route which was shortest, fastest and cheapest, and when communications were interrupted at any point they naturally took the nearest and shortest route available. When communications were restored, they reverted to the old route.



There was no use then, in asking Governments to assume obligations which they might not be able to carry out, if the route naturally indicated as the auxiliary route was congested by national traffic.

M. HEROLD thought that, to get a clear idea of the situation, it would be advisable to bear in mind the present situation. At the last General Conference the Hungarian proposal had been adopted after a full discussion, which had shown that it merited attention. The original draft had proposed not merely an interpretation or revision of Article 7 of the Railways Statute, but something entirely different — a previously organised system enabling traffic to be diverted in case of emergency, and it had been thought that arrangements could be made in advance in each case to deal with traffic by rail, by water, by air, etc.

The Hungarian proposal had been submitted to a small Committee, of which he was a member, and they had tried to find a practical solution which would comply with the recommendation of the General Conference and satisfy the mover of the Hungarian proposal. The small Committee had thought that there would be very great difficulty in adopting the main principle of this proposal and that it would be preferable to restrict it. With this consideration in mind the two alternative resolutions given in the report (see Annex 10) had been framed. The document had been sent to the Committee for Transport by Rail, where, after a long discussion, the first solution, amended with a view to giving it a more general bearing, had been adopted by a unanimous resolution, M. Politis being among those in favour of it.

He did not think that they had considered a special International Conference absolutely necessary, but as soon as the question came before a general Conference it was natural to explain to it how they thought the problem might be solved. This might conceivably be done by asking the General Conference to enquire into the possibility of making Article 7 of the International Railways Statute more explicit within the terms of the draft resolution submitted by the Committee for Transport by Rail. The General Conference might perhaps say that it was too risky to embark upon details and that confirmation of Article 7 would suffice, but it was equally possible that they might obtain a more explicit text. It was true, as Mr. Baldwin had said, that in certain special cases different groups of countries could conclude an agreement on the basis of Articles 7 and 37 of the International Railways Statute, but the Committee's view of the matter should be more comprehensive.

Mr. BALDWIN said that for the moment they were concerned only with railway traffic. Personally he thought that, apart from any question of revision, Articles 7 and 37 of the Statute on the International Régime of Railways were sufficient to cover all that needed to be covered by inter-State agreements. It was true that that was not perhaps the procedure desired by the Third Conference, but if the various States interested made mutual agreements, the question of a general conference did not arise.

M. HEROLD replied that in its present form Article 7 might perhaps cover all possible contingencies, but the contrary might also be the case. With a clearer text, ideas might emerge which would facilitate the solution of the problem. Besides, special agreements between groups of States were very rare, because it was extremely difficult to foresee the obstacles to be surmounted. It would be very useful to establish general principles. The only question arising would then be whether Article 7 in its present form was sufficiently explicit.

The SECRETARY-GENERAL of the Committee reminded members that at its last session the Committee, in view of the complex nature of the problem, could not immediately decide on the standpoint to be adopted. Article 7 dealt with cases of interruption of inland communications; it required the administration of the country in question to take certain steps and provide for the aid of the administrations of other countries. The Hungarian proposal was founded on the same ideas, but he was not sure that in its present form it furnished sufficient basis for action. In any case it only applied to interruption of rail communications and to the assistance furnished by other railways.

The CHAIRMAN agreed that Article 7 appeared to apply only to the State on whose territory rail transport had been interrupted and obliged that State to restore communications. They were now concerned with the question of getting other States to help. There was a certain difference between the old article and the new proposal.

M. Silvain DREYFUS stated that he personally was convinced by the remarks of the Secretary-General of the Committee, but whether they thought that Article 7 solved the problem or not, they could certainly not prove that this article complied with the Third Conference's recommendations to maintain international traffic by using pre-arranged auxiliary routes. It was important, therefore, first of all to know whether they must finally give up the idea of carrying out this recommendation, in view of the serious difficulties involved, and further to examine if a new provision should be added to Article 7.

M. DIETRICH VON SACHSENFELS thought that the second proposal was more in harmony with the ideas of the Conference. The Hungarian delegation's proposal was based not on theory but on facts: in the case of a strike, it had been proved that Article 7 was inoperative. In such circumstances, there was no point in knowing which was the cheapest auxiliary route, because it was impossible to use any route at all. That was a defect in the existing system which needed remedying.

M. HEROLD said that the main consideration at the moment was to know whether it was possible to put into practice the second of the alternative proposals contained in the small

Committee's report (see Annex 10), the only one which corresponded with the intentions of the movers. Personally, he did not think so. They had, then, only to consider the first proposal.

M. DJOURITCHITCH thought it would be a mistake to place too much reliance on private agreements, as not all neighbouring countries were equally interested in accelerating traffic over a particular route.

M. SINIGALIA pointed out that during the Third Conference they had tried to see what the result of applying Article 7 would be and had found that it did not entirely meet the case and was inadequate.

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.

M. HEROLD endorsed this proposal, which would enable them to review the whole problem with a full knowledge of the facts and to draw up proposals of value to the general Conference.

*The proposal was adopted.*

#### XIX. RULES OF PROCEDURE OF THE COMMITTEE (Item 14 of the Agenda).

The SECRETARY-GENERAL of the Committee submitted the draft rules of procedure (see Annex 11), which had been drawn up merely to afford a basis for discussion. They did not deviate from established practice, except perhaps on one point. Hitherto the rules of procedure in force were supposed to be a kind of addition to the Statute of the Transit Organisation. At its first session the Committee had adopted rules of procedure, some of which had now practically lapsed. For several years there had in fact been no rules of procedure, except a resolution governing the relations between the Permanent Committees and the Advisory Committee. At its last session the Committee had asked the Secretariat to prepare rules, and the Secretariat had done so, though sceptical of the real necessity for it, as the old rules of procedure had never proved very serviceable. It would, nevertheless, be useful to review the articles and see whether they should be completed or abolished.

The Secretary-General of the Committee then read the draft rules of procedure.

##### *Article 1.*

After a short exchange of views between M. DUZMANS, Mr. BALDWIN, M. DE VASCONCELLOS and M. SCHLINGEMANN as to how long the Chairman should hold office, the Secretary-General of the Committee read the old rule of procedure, which stipulated that the Chairman should remain in office for a year. That provision had been interpreted in a reasonable way. They might perhaps state that the Chairman should remain in office until the first session held not less than ten months after his nomination. That practically coincided with existing practice.

M. DUZMANS proposed that the Secretariat should redraft the article on the principle that the Chairman's term of office should not be too short.

M. DE VASCONCELLOS endorsed the proposal.

M. HEROLD thought that the article as submitted by the Secretary, with a reasonable interpretation of Article 8, furnished all the safeguards needed.

##### *Article 2.*

The CHAIRMAN thought that if the convening of meetings was to be subject to budgetary considerations, all progress would be stopped. It was the Council which took the responsibility of convening meetings after due consideration of the budgetary situation.

M. HEROLD wondered whether an Advisory Committee could go so far as Articles 2 and 4 allowed — confer on one-third of the members the right to require the Committee to be convened.

The CHAIRMAN thought that the general principle that the Committee should hold at least one session annually should in any case be laid down at the beginning of the article.

Mr. BALDWIN could not think that a third of the members would agree to convene a meeting if it were not really necessary.

The SECRETARY-GENERAL of the Committee thought that, in any case, a safeguard should be maintained by allowing the Chairman wide discretionary powers in the intervals between sessions; in this way a reasonable course could be followed in the very exceptional case of abuses arising.

##### *Article 3.*

Mr. BALDWIN presumed that in the case of the second paragraph the fifteen days' previous notice only referred to members of the Committee.

M. SCHLINGEMANN requested that a draft agenda should be sent simultaneously with the convening notice.

The SECRETARY-GENERAL of the Committee agreed, but said that the article would be difficult to apply if new problems arose in the interval between sending out notices and the opening of the session.

M. DUZMANS enquired whether a request to have a question placed on the agenda would always be subject to the Committee's decision. In certain organisations this right to have a question placed on the agenda was recognised as the clear privilege of every member.

M. Silvain DREYFUS thought there was no doubt on the point : the Committee ought to be informed of all questions proposed to be placed on the agenda. In any case, the agenda had to be formally adopted at the opening of each session.

The SECRETARY-GENERAL of the Committee explained that the intention was to give the Committee full power to accept or refuse an item submitted by any member. It should most certainly have the right to discuss or reject any question whatever.

#### Article 4.

The SECRETARY-GENERAL of the Committee explained that the second paragraph had been added at the last Conference to facilitate the co-operation of States not Members of the League of Nations.

M. HEROLD thought it should be made quite clear that representatives of States not Members and representatives of qualified organisations were to be invited to deal only with certain specific questions.

The SECRETARY-GENERAL of the Committee replied that that point was already dealt with in Article 15, paragraph 3, of the Statute.

Such invitations, moreover, did not necessarily refer to specific points. They had to decide each case on its merits. Thus they had considered it desirable to have practically constant co-operation with the International Chamber of Commerce.

In reply to M. Duzmans, he pointed out that, after repeated discussions over two years, agreement had been reached by a decision of July 17th, 1926, on the term "in cases of urgency or necessity". It seemed essential that that formula should not be altered again.

#### Article 5.

Mr. BALDWIN thought that paragraphs 1 and 3 should be deleted, as they merely reproduced the corresponding paragraphs of Article 15 of the Statute. Otherwise, it would be preferable to reproduce the text of the Statute in its entirety.

*This was agreed.*

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### FOURTH MEETING.

*Held on Tuesday, March 19th, 1929, at 10 a.m.*

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*Chairman: M. SEELIGER.*

Present : All those present at the preceding meeting except M. Dietrich von Sachsenfels and M. Luria.

The following were also present : M. G. GLATT (Head of the Foreign Department of the Messageries Hachette, France), M. H. W. VON HERWARTH (representing the firm of Georg Stilke & Co., Berlin), Mr. Thomas Wilson McARA (Secretary, Newspaper Proprietors' Association, London), M. Stephen VALOT (Secretary-General of the International Federation of Journalists, Paris).

Secretariat : M. R. HAAS (Secretary-General of the Committee), Col. HIAM, M. ROMEIN and M. METTERNICH.

### XX. COMMUNICATIONS BY RAIL OF IMPORTANCE TO THE SEAT OF THE LEAGUE (Item 15 of the Agenda).

M. POLITIS commented on his report on the European Time-Table Conference held at Vienna from October 22nd to 27th, 1928 (see Annex 12). There were only two items on the Conference agenda : the organisation of a through sleeping-car service between Geneva and Berlin and the acceleration of the Geneva-Berlin service. In spite of his efforts, the administrations concerned had not acceded to the request of the Advisory Committee.

The CHAIRMAN, speaking as a member of the Committee, said that he had already sent the Committee's recommendation to his administration and that the latter had replied that existing international agreements made acceptance impossible. The German administrations could therefore not be blamed.

M. POLITIS thought that the failure was due to there being no agreement between the Mitropa and the Company concerned.

The Sleeping-Car Company and the Mitropa had always agreed on a settlement of the question. It appeared from this agreement that if a sleeping-car was to be put on between Geneva and Berlin, this would have to be done by the Sleeping-Car Company. That, however, was not the point. The Reich Railways, and at the present moment the Federal Railways, opposed the arrangement. The reason alleged — it would be found in the report on the Vienna Conference — might perhaps be correct, but a sleeping-car was often added to a train even during the afternoon.

M. HEROLD said that M. POLITIS had been perfectly justified in drawing the Committee's attention to the fact that the agreements between the Mitropa and the Sleeping-Car Company presented certain difficulties. It should, however, be said that the relations between the two companies had greatly improved of recent years and the present agreements might perhaps gradually be made better.

On the other hand, he was not sure that M. Politis was right in saying that if a carriage was to run from Basle to Geneva it would certainly be in charge of the Sleeping-Car Company; but perhaps there was no need to labour that point. There was one practical reason which had to be considered. In support of the request it had been stated that, to meet the requirements of a German delegation proceeding to Geneva, it was necessary to make special arrangements for extending the sleeping-car service to Geneva, even in the case of everyday traffic. It was not, however, thought necessary to run a sleeping car during the day when there would not be sufficient demand for it. Further, a first-class carriage was perhaps as comfortable as a sleeping car in the daytime. The inconvenience of changing at Basle had also been mentioned; but there were other inevitable inconveniences at that station: a long stop, Customs examination, etc., Further, the trains were very full and it would be rather difficult to add a sleeping-car. He was not sure whether the request if renewed would meet with any more success than in the past. In his opinion, the most important question was that of improving the Geneva-Berlin time-table.

The CHAIRMAN, speaking as a Member of the Committee, said that, according to M. Politis, there were agreements between the two companies by which, if there were to be a through sleeping-car as far as Geneva, the Sleeping-Car Company would be responsible for the service from Berlin onwards. If a sleeping-car had to cross one country all night and had only to run for a few hours longer in another country, there did not seem to be any reason why the service should be provided by a foreign company.

M. POLITIS admitted the logic of this remark, but pointed out that they had to take account of existing conventions. Furthermore, additional sleeping-cars required not merely an agreement between the two companies, but also an agreement between the Railway administrations. If the Swiss Federal and the Reich Railways came to an agreement, the Sleeping-Car Company would have to provide the carriage and would do so without difficulty. The Convention, in any case, made it quite clear that as soon as the administrations requested a sleeping-car to be put on the Berlin-Geneva service, the Sleeping-Car Company would have to ensure the service from Berlin.

The SECRETARY-GENERAL of the Committee did not think it desirable for the Committee to express an opinion on an agreement between two private administrations. The real point was whether the Committee thought that such a sleeping-car service met a public need or not. If so, it seemed strange, to say the least, that one could not leave Geneva in the evening for Berlin when this could be done in the opposite direction and when the obstacles arose from the divergent views of two companies or two administrations. Quite apart from the question of the Time-Tables Conference, he thought that they should ask both parties to realise their responsibilities. They should leave on one side the question as to who should provide the service, but should ask the Swiss and German administrations if they agreed that there should be a sleeping-car service. If the Convention were clear the companies would apply it; if not, arbitration would be requested. It was not a question of comfort but a question of rapidity, and in so far as communications with the seat of the League were considered of public interest, this was a question of public interest. The existing time-table between Geneva and Berlin actually involved the loss of a working day for Geneva meetings.

The CHAIRMAN pointed out that the question raised by the Secretary-General of the Committee differed from that which the Committee had started to discuss.

Mr. BALDWIN said the two questions had always been considered as related. He endorsed the remarks of the Secretary-General of the Committee, but thought that the other explanations supplied were not very convincing. Sleeping-cars were quite comfortable in the daytime and were in everyday use between Calais and Constantinople or on other lines. As the Secretary-General of the Committee had said, the point was whether there was a public interest at stake, and he thought there was.

M. POLITIS reminded members that a suggestion had also been made to delay the departure from Geneva so as to allow passengers to catch the second train leaving Basle for Berlin. But the Federal Railways had objected to this question even being put on the Conference agenda, so that he had had no chance of submitting the Committee's views. At present passengers to Berlin had to leave Geneva before lunch, which meant losing a working morning in Geneva.

The SECRETARY-GENERAL of the Committee thought that the remark just made by M. Herold affected this point. Perhaps the Committee could request M. Herold to draw the attention of the Federal Railways again to improving the Geneva-Berlin time-table.

M. POLITIS added that they should also request that the question should be put on the agenda of the Time-Tables Conference.

M. HEROLD repeated that this was the question which was most important to him from the point of view of the League. There were financial difficulties in the way. He had already drawn the attention of the Federal Railways to this point and he would renew his request. It would very likely be granted as soon as financial considerations permitted, but he could not specify any exact date.

M. POLITIS said he was not sure that the difficulties were exclusively financial.

The CHAIRMAN stated that obviously his colleagues and himself could again approach their respective administrations. But were there no other steps that might be taken? Could not the Advisory Committee, for instance, take some steps in the matter?

M. POLITIS pointed out that his report reproduced last year's proposal :

"In these circumstances, all he could do was to repeat the proposal he made last year that the matter should be referred to the Council of the League to take such steps as it might think fit in the proper quarters."

The CHAIRMAN wondered whether it was not going too far to request the Council to intervene.

The SECRETARY-GENERAL of the Committee thought that a distinction should be made between the two questions. The question of day trains depended entirely on the Federal Railways. It was not very complicated and the Committee might ask M. Herold to continue his efforts and await results. The other was a much more difficult problem and it did not seem an appropriate moment for the Council to intervene. The Committee might begin by definitely asking the two interested railway administrations whether, in principle and apart from the question as to who should ensure the service, they were prepared to agree to a through sleeping-car service from Geneva to Berlin. The most important direction was the Geneva-Berlin one. In the case of Berlin-Geneva it was mainly a question of greater or less comfort and not of gain or loss of time.

M. POLITIS reminded the Committee that any other requests for improvements in the time-tables should be submitted without delay, as the Conference agenda was prepared at Berne in June or July.

The SECRETARY-GENERAL of the Committee asked M. Herold whether it would not be possible to accelerate the Swiss section of the Geneva-Rome journey?

M. HEROLD replied that it would mean an additional train.

The SECRETARY-GENERAL of the Committee pointed out that the present train was almost always crowded.

M. POLITIS added that there was also the question of the Geneva connection with the Simplon-Orient Express : usually the connection was missed at Lausanne.

The CHAIRMAN said that a draft resolution would be prepared on the basis of the observations which had been submitted.

## XXI. ACTION TAKEN ON THE RESOLUTIONS OF THE CONFERENCE OF PRESS EXPERTS (Item 16 of the Agenda).

(At the CHAIRMAN'S invitation, M. Glatt, M. von Herwarth, Mr. McAra and M. Stephen Valot took their seats at the table.)

The CHAIRMAN stated that the Committee had the following four questions to deal with :

- I. Telegraphic and radio-telegraphic facilities ;
- II. Transport of newspapers ;
- III. Identity cards for journalists for the purpose of facilitating the exercise of their profession during missions abroad ;
- IV. Reduction of Transport Rates for Foreign Journalists.

There was also a memorandum from the Secretary-General of the Committee (see Annex 15).

### I. Telegraphic and Radio-Telegraphic Facilities.

The SECRETARY-GENERAL of the Committee explained that the question had been settled, so far as that was possible, at the special meeting of the Committee arranged for during last session and presided over by M. Ito. A unanimous agreement had been reached, although all the demands of the Press Conference had not perhaps been met. The experts of the telegraphic administrations had agreed to submit some of the suggested improvements to the next Conference of the Union. There did not seem to be anything for the Advisory Committee to do but note this fact and wait for the arrangements decided upon to be put into execution.

In regard to the "terminal charges" in force in certain countries, the Committee, whilst refraining from expressing an opinion on the questions of national policy which might arise,

suggested that the resolution of the Press Conference should be considered by the Governments concerned with the view of ascertaining whether any modification of these charges were possible. The question was somewhat complicated and it did not seem possible to go further. As the report had been unanimously adopted, the Advisory Committee might approve it and send the resolution as requested.

Amongst the improvements contemplated was the introduction of "Urgent Press" telegrams. The Committee had unanimously proposed that the next Conference of the Telegraphic Union should adopt this class of telegrams. It was almost certain that some telegraphic administrations would themselves bring the proposal before the Conference of the Union.

*The report of the Special Committee of Experts was approved (see Annex 17, paragraph XXIX).*

## II. Transport of Newspapers.

### A. Letter from the Director-General of the International Air Traffic Association.

The SECRETARY-GENERAL of the Committee reminded members that there was a memorandum of November 1st, 1928 (see Annex 13) on the subject of transport of newspapers by air. There was also a communication from the Director of the International Air Traffic Association (see Annex 14). The former document showed some disappointment owing to the difficulties which the air transport companies found in giving practical satisfaction to the demands of the Press Conference and not merely theoretical satisfaction in the form of resolutions. The letter from the Director of the International Air Traffic Association showed that certain efforts had been made. It would be well to examine one by one the various improvements mentioned in this letter to see if there was no possibility of further progress.

#### 1. *Establishment without Further Delay of a Winter Service, and Organisation, as from January 1930, of a Daily Service throughout the Year.*

The SECRETARY-GENERAL of the Committee enquired if that meant that there would be a daily service all the year round on all lines.

M. VAN DEN BERCH VAN HEEMSTEDÉ replied in the affirmative. There had previously been two obstacles to the organisation of a daily service: the question of Government subsidies and atmospheric conditions. Technique was now so improved that from January 1st, 1930, the second difficulty would cease to exist. Further, from the same date, it was to be hoped that the subsidies would permit the establishment of a daily service throughout the year.

The CHAIRMAN said that if the additional expense involved by the new organisation had to be borne by the newspapers, this would be no real improvement.

M. VAN DEN BERCH VAN HEEMSTEDÉ replied that as soon as air companies could arrange a service throughout the year they would be certain of finding the necessary passengers and freight. The real need was for improvements in technique.

M. WOHL added that the object of the air mail agreement concluded at The Hague in September 1927, which was based on the preliminary draft drawn up by the International Chamber of Commerce in conjunction with the air navigation companies and the representatives of postal administrations was to make a considerable development in air lines. The main features of this agreement were the same as those given by M. van den Berch van Heemstede.

Mr. McARA enquired whether the organisation of the new daily service would not mean additional expenses for newspapers.

M. VAN DEN BERCH VAN HEEMSTEDÉ said that the improved service would not necessarily involve increased expenditure for the newspapers; the costs would be covered commercially by the increased passenger and goods traffic.

Mr. BALDWIN said he understood that the newspapers counted upon a fixed tariff, and that when the service operated all the year round, no special charge would be imposed on them even during the winter months.

✱ The CHAIRMAN thought it advisable for the moment not to touch on the question of tariffs as this could be dealt with at the same time as the last two points in M. van den Berch van Heemstede's letter.

M. VAN DEN BERCH VAN HEEMSTEDÉ reminded the Committee that the question submitted to his Association was the following: The Press experts had asked for an all-the-year-round service to be organised. That was the point he had dealt with in his letter. The service could be arranged from January 1st, 1930.

#### 2. *Regular Service (about 95 per cent) from April 15th to September 15th (possibly until October 15th).*

The SECRETARY-GENERAL of the Committee asked M. van den Berch van Heemstede what he meant by a "regular service" in the case of air transport. He believed that a service was considered regular when it did not take more than double the scheduled time. In such circumstances, 95 per cent regularity would not be very satisfactory for such a service as newspaper transport.

M. VAN DEN BERCH VAN HEEMSTEDÉ replied that it would be rather difficult to give an official definition for a regular service in air transport. The Governments had decided to publish air statistics with one column for regularity of services, but they themselves were not yet quite sure how regularity should be shown in that column. They would therefore have to await the decision of the Governments on this point. By a 95-per-cent regular service, he had meant in his letter that flights, departures and arrivals would be exactly according to schedule. In 1928, from April 15th to September 15th, they had achieved 95 per cent, and on some lines 98 per cent regularity. As weather conditions had not been very good in 1928, it might be assumed that this average would be maintained.

The SECRETARY-GENERAL of the Committee felt sure that the Committee would note M. van den Berch van Heemstede's remarks with great satisfaction.

Mr. BALDWIN mentioned the case of the aeroplane leaving Cologne at 11 a.m. and due in London at 3 p.m. According to M. van den Berch van Heemstede, the regularity of this service had been 95 per cent from April 6th up to the end of September 1928. Was there no single case of the aeroplane not having started?

M. VAN DEN BERCH VAN HEEMSTEDÉ replied that this had never occurred.

Mr. BALDWIN enquired whether cases of aeroplanes not starting were included in the regularity statistics.

M. VAN DEN BERCH VAN HEEMSTEDÉ replied in the affirmative.

The SECRETARY-GENERAL of the Committee thought that it would be interesting to know whether there had been any experience of newspaper transport by air during the previous summer on a large scale.

M. GLATT stated that last year the Messageries Hachette, in co-operation with most of the big English newspapers, had organised an air service to Deauville and Dinard. In the case of these two places an air service was essential in order to catch the Paris train. From July 1st until September 15th the Air Union had provided a regular service with a deviation from scheduled time not exceeding one and a-half hours which, in the circumstances, caused no inconvenience. This seemed to show that, if the air companies wished to make an effort to encourage newspaper transport, very good results would be obtained.

Mr. McARA was not sure that the example given by M. Glatt was very convincing. They had been speaking of what might be called seasonal traffic organised during the holiday period, whereas the problem which interested the Committee was that of traffic throughout the year, which was consequently more difficult to solve.

M. VAN DEN BERCH VAN HEEMSTEDÉ explained that they had had, first, the case of the Messageries Hachette, for which a special non-regular service, not provided by the companies, had been arranged by an agreement with the Air Union for the period from July 1st to September 15th; this kind of service was not one which the companies could generally operate. Then they had the alternative mentioned in his letter of a regular service by all the companies.

The CHAIRMAN thanked M. van den Berch van Heemstede for his very satisfactory statement.

3. *Immediate Delivery in Towns of Newspapers on arrival by Motor Vehicles carrying Passengers and Mail.*

The SECRETARY GENERAL of the Committee thought that this reply showed that real progress had been made. At the meeting of the Committee of the International Air Traffic Association at Berlin certain complaints had been made about delay in the delivery of newspapers — a delay which was due not to the air companies but to Customs formalities, especially on arrival at the aerodrome. Did M. van den Berch van Heemstede's reply mean that transport of newspapers would henceforth be subject to no greater delay than passengers or mail, and did air companies think that the Customs authorities would agree?

M. VAN DEN BERCH VAN HEEMSTEDÉ replied in the affirmative.

4. *Immediate Reduction of Rates on Certain of the Less-congested Lines, to be settled by Special Agreements.*

5. *Reduction by Special Agreements even on Certain Lines or Parts of Lines carrying a Considerable Amount of Traffic, on condition, however, that Newspaper Agencies can guarantee a Minimum Tonnage (of about 500 kg. daily) in Both Directions.*

The SECRETARY-GENERAL of the Committee stated that carriers of newspapers had proposed, with the approval of the Press Conference, that special tariffs for the carriage of newspapers should be established. The two last points of M. van den Berch van Heemstede's letter replied to this request.

It would be well to have additional explanations as to the interpretation of these two points. As newspapers were generally carried from capital to capital, that is to say, on lines which were somewhat congested, the reform contemplated by the air companies would be of no value to newspapers.

M. VAN DEN BERCH VAN HEEMSTEDÉ agreed that the lines which were least congested were not the main lines. The International Association was not quite certain as to the points between which the main transport of newspapers took place. On the other hand, there were certainly some towns (seaside resorts, etc.) which were not capitals and to which it was desirable that newspapers should be carried.

The SECRETARY-GENERAL of the Committee said that, during the season, services to those towns would be congested. This was a question which would have to be settled between carriers of newspapers and the companies. He did not think it was necessary to lay stress on the question of tariffs on the less-congested lines, for it did not seem that real progress could be made there. The most important point was the fixing of the basis on which reductions should be made, for if the present rates were very high they might still, even after reduction, be prohibitive and not of much value for newspapers. The question was left to be settled by private agreement and only formed the subject of a recommendation.

With regard to the question of the minimum tonnage to be guaranteed, the Secretary-General of the Committee asked the representatives of the newspapers whether it was possible to give such a guarantee; if so, should M. van den Berch van Heemstede's reply be interpreted to mean that in that case the companies would give a formal undertaking to grant a reduction?

Mr. McARA added that they must also know with whom the special agreements should be concluded.

Mr. BALDWIN asked whether it was possible to guarantee this minimum load in both directions.

Mr. McARA thought that would be impossible. To take an extreme case, it would not be possible to guarantee a minimum tonnage in both directions between London and Prague.

M. GLATT thought that the question was international, and that there should be no conditions respecting tonnage. In his opinion, a reduction of the rate could not be made conditional on a certain weight being sent, for in most cases such a condition could not be complied with. He drew attention to the fact that the "Messageries Hachette" had already approached private companies and had obtained very great advantages. For instance, the Farman Company carried Hachette newspapers with a 50 per cent reduction on the ordinary rates. It would seem, therefore, that reduced rates might be obtained shortly.

The CHAIRMAN noted from the various remarks made that the improvements indicated by M. van den Berch van Heemstede in the last paragraph of his letter were not of great value for carriers of newspapers.

M. VAN DEN BERCH VAN HEEMSTEDÉ explained that it was very difficult to reply in the name of *all* the air companies to the question which had been laid before the International Association. At the present time, newspapers were already carried on a great number of lines. Apart from the example quoted by M. Glatt, he mentioned the agreement between the Royal Netherlands Air Transport Co. and the English newspapers; the latter had never complained of the rates charged them. The question raised by the Conference was one which had to be replied to by all the companies, since it concerned the whole system of air communications. There were lines on which newspapers were carried in a satisfactory manner; on other lines the companies would have to be sure of a revenue from carriage which would enable them to balance their budget. It was for this reason that the International Association had replied that, if a general agreement were desired, a guaranteed weight carried in both directions would be necessary. This in no way implied that individual companies might not be ready to grant a special reduction without a minimum tonnage. In Germany there was also general satisfaction with the agreements existing for the carriage of German newspapers within the country.

The CHAIRMAN concluded that the question should not be dealt with from a general point of view but should form the subject of special agreements. Under these circumstances it would be interesting to learn what had already been done in the way of transporting newspapers by air.

M. VON HERWARTH said that, in Germany, there was an agreement which provided for the same reduction as that referred to by M. Glatt and which seemed to work satisfactorily.

Mr. McARA asked whether these agreements were concluded with newspapers or with agencies.

M. VON HERWARTH replied that these agreements were with newspapers.

The CHAIRMAN asked whether the Advisory Committee could receive information from time to time with regard to the progress made in this field.

M. VON HERWARTH said he was prepared to provide the Secretariat with the necessary information, for instance quarterly, so far as concerned the services for transport of newspapers on certain lines.

Mr. BALDWIN asked whether the agreement referred to by M. von Herwarth applied to the transport of newspapers in Germany or to international transport.

M. VON HERWARTH replied that it concerned transport within Germany.

Mr. BALDWIN said that in that case the agreement in question did not concern the Advisory Committee.

M. VAN DEN BERCH VAN HEEMSTEDÉ added that the management of the *Times* had declared itself highly satisfied with the agreement between them and the Royal Netherlands Co.



The SECRETARY-GENERAL of the Committee noted that the general reply given by the International Air Traffic Association could not, for the reasons stated by M. van den Berch van Heemstede, be of very much use. Considerable reductions, however, sometimes as high as 50 per cent, already existed. As there did not seem to be any technical or economic difficulties, there was reason to hope that the cases which had already been noted would become the general rule. The Advisory Committee should be kept in touch with what was being done; but the Committee must not confine itself to the commercial aspect of the problem. The question had been brought before the Assembly because it was desirable from a political point of view that facilities should be given for the transport of newspapers. Governments exerted a great influence on the air navigation companies, they must therefore be committed; nor could the question be left to the mercy of special agreements which might have serious international disadvantages, for instance, from the point of view of discrimination. The rôle of the Committee was not only to promote agreements between editors of newspapers and air navigation companies; the Committee should ask the Governments to assume the responsibilities which devolved upon them.

Mr. McARA said that this was not solely nor even primarily an economic or commercial question; it was above all an international problem. They were dealing with the distribution of newspapers in distant countries across other territories, avoiding obstacles connected with Customs or censorship which might interfere with such distribution. That was the important point, and it was on that that the Advisory Committee should concentrate its attention.

The CHAIRMAN thought that his colleagues would agree with him as to the importance of this question from the international point of view. The Committee should not devote itself to secondary problems of a commercial character. It might vote a resolution, once more drawing the attention of Governments to this question, and express its hope that efforts would be made to provide for a distribution of newspapers which would be as general and as simple as possible. Lastly, the Committee should be acquainted with all agreements already in existence on the subject.

The SECRETARY-GENERAL of the Committee asked to what extent agreements as to reductions were of a public nature. The Committee was primarily interested in information which it could communicate. It was not necessary to go too much into detail, since they were considering this question from the point of view of the general interest.

M. VAN DEN BERCH VAN HEEMSTEDE explained that he had intended not to supply details of agreements, but to state on what lines a service was working, so that the Committee should know the traffic already in existence.

#### B. *Dropping of Newspapers from the Air.*

The SECRETARY-GENERAL of the Committee said that a request had been made that facilities should be given for dropping newspapers *en route*. The Committee of Customs Experts on Transport Questions (see Annex 3) and the Permanent Committee for Transport by Rail (see Annex 7) had proposed a special conference between railway, postal, Customs and police authorities and undertakings concerned in the transport of newspapers. This conference might also consider the question of the dropping of newspapers, which was mainly a question of regulations, for there did not appear to be any technical difficulties.

M. VAN DEN BERCH VAN HEEMSTEDE said that the question was important not only for newspapers and for the postal authorities, but also for other reasons. It was therefore important from the point of view of air transport in general.

#### C. *Transport of Newspapers by Rail, and Customs Questions.*

The SECRETARY-GENERAL of the Committee summarised the proposals made in the Report of the Committee of Customs Experts on Transport Questions and in the Report of the Permanent Committee for Transport by Rail. Should the Advisory Committee agree, it would not be necessary to discuss the matter in detail, since the complex questions which had been raised were to be examined by a conference at which all those interested would be present.

The CHAIRMAN proposed that the suggestions of the Secretary-General of the Committee should be adopted.

M. SCHLINGEMANN thought that the question was largely one connected with transit; it was mainly from that point of view that it was of interest to the Committee.

The SECRETARY-GENERAL of the Committee replied that it was not exclusively a matter of transit. It was difficult to separate these questions from each other entirely. One of the chief points discussed was the question whether bundles of newspapers should be treated as goods or as luggage, and this affected not only transit but through transport.

M. Silvain DREYFUS asked what was meant by "Governments and administrations concerned", as referred to in speaking of the convening of the future conference. Had they any date for that conference in view?

The SECRETARY-GENERAL of the Committee replied that an invitation would certainly be sent to the Governments leaving them free to forward it, if they desired, to all administrations which might require to be separately represented. It was also possible to consider separate representation of railways and Governments. The conference, which would probably not last very long, might meet that autumn.

Mr. BALDWIN thought that it was a case rather of a technical and preparatory conference, at which an exchange of views would take place, and which might examine the possibility of reaching an agreement and framing general rules.

The SECRETARY-GENERAL of the Committee agreed with Mr. Baldwin. He explained that the object of the conference was to clear up the matter in order that the International Railway Union or the Customs administrations or other administrations concerned, might know on what lines to frame their regulations. It would seem that the conference should be a European one for — at least at the moment — the question raised only concerned the European continent.

*The Secretary-General of the Committee was asked to prepare a draft resolution.*

### III. Identity Cards for Journalists.

M. POLITIS said that at its last session the Advisory Committee had adopted a number of resolutions on action arising out of the Conference of Press Experts, and had decided to examine at once the question of identity cards for journalists. M. Politis had been invited to prepare, with the assistance of the Secretary-General of the Committee and of experts, a model card for international recognition. Later M. Valot had addressed himself directly to the representative of the Advisory Committee on the matter. The Secretariat had been informed of the exchanges of views which had taken place. These conversations, and their result, had been put on record in a minute dated July 17th, 1928, which M. Politis read. This note was accompanied by a model card, copies of which had been handed in to the Bureau of the Committee. It had been agreed that the result of these negotiations should be laid before the Advisory Committee during the present session.

Mr. McARA did not think that the Committee could express an opinion before the document read by M. Politis had been circulated and carefully considered. The system, which consisted of the issuing of a card by the International Federation of Journalists, was an innovation, at least so far as Great Britain was concerned. In that country it was held that the editor of the newspaper was responsible for the persons in his service, and it would be difficult to obtain acceptance for the view that the International Federation should be responsible for issuing cards. Moreover, in Great Britain, the equivalent of the card proposed was issued by a Mixed Committee composed of editors of newspapers and of representatives of the two large professional associations — the National Union of Journalists and the Institute of Journalists. The Advisory Committee should only express an opinion when fully acquainted with all the facts.

M. SINIGALIA said that, in the Memorandum by the Secretary-General of the Committee, regarding the action taken on the resolutions of the Conference of Press Experts (see Annex 15), he found the following sentence :

“The International Federation of Journalists has on its own initiative taken steps to meet the wishes of the Conference of Press Experts. Fuller details can be given to the Committee in the course of its discussions.”

Had these fuller details been given before the conversations to which M. Politis referred? Or were they going to be supplied now?

The CHAIRMAN explained that the information in question had just been supplied by M. Politis.

Mr. BALDWIN did not think that the Committee intended to take a decision accepting or rejecting the suggestion made by M. Politis.

The CHAIRMAN said that the associations concerned would have to consider means of reaching a solution.

M. POLITIS explained that he had made no proposal, but that he had merely reported the results of his conversations with the Secretary-General of the Committee and with the Federation.

The CHAIRMAN requested M. Stephen Valot, Secretary-General of the International Federation of Journalists, to tell the Committee how the matter stood.

M. VALOT thought that the present misunderstanding arose out of the character of the document submitted by M. Politis, which was of interest to journalists and to the general public. The profession of journalist was exceedingly easy to enter. Anyone could claim to be a journalist and, as had been shown at the Press Conference, the profession had every interest in controlling its own members. The Press Conference had recognised the need for a criterion which would make it possible immediately to recognise whether a person claiming to be a journalist was a member of the profession. The International Federation had submitted a model for an international card which had not yet been used, its distribution having been delayed out of deference to the Advisory Committee, and it was thought that the final decision should be taken by the Executive Committee of the Federation in Prague in April 1929. The International Federation, which was a professional organisation with 25,000 members, was entitled to issue a card certifying that the holder was a journalist, and to request that those concerned should, without hostility or mistrust, exercise a certain reserve in respect of any person claiming to be a professional journalist and applying for facilities without being known as a journalist or being in possession of this card.

The need for a criterion determining the status of journalist had been recognised in many different quarters. The International Railway Union in particular had replied to the request made by the Press Conference and by the Advisory Committee that it might consider the question on condition that journalists produced proof of their identity and that the League of Nations could carry out the recommendation made by the Conference. In respect of everything connected with facilities for exercising the profession of journalist (reductions in various rates, access to public assemblies, etc.), all Government press officials knew how difficult it was for them to judge whether a foreigner desiring to enter their Parliament as a journalist was really entitled to do so. Even

at Geneva, where there was an admirable service for giving journalists access to the work of the League of Nations, it was well known how difficult it was to judge whether a journalist was really qualified.

By whom should such a certificate be issued? There were several ways of looking at the matter. Some thought that this was a question for Governments alone. The International Federation had protested against this view. It would never admit that a Government should be entitled to give any person the status of journalist. A Government had not the necessary information at its disposal, and a Government might even be influenced by some other idea than that of certifying the actual professional status when choosing the persons to receive journalists' cards. Others thought that the editors of newspapers were the proper authorities. This was a more logical point of view. Nevertheless, without wishing to appeal to someone who had often had experience of such credentials, M. Stephen Valot said that persons constantly arrived from distant capitals provided with a letter from the editor of a newspaper, generally an unimportant one. The holder might be a doctor, a lawyer or a business man who had taken advantage of his personal relations, and the letter was not dated in order that it might be used indefinitely. On the other hand, persons entering professional organisations had to pass through a barrier; they had to submit an application, be proposed by sponsors and undergo a real investigation. The International Federation, which had been set on foot by the various international organisations, was qualified to give a trustworthy certificate to the effect that the holder was really a journalist. Furthermore, the "introductions" given by the International Federation had proved very valuable, and many cases might be quoted of journalists going to this or that foreign country and receiving, thanks to a card issued by the International Federation, all facilities from their colleagues in the profession and from the administrations concerned.

Nevertheless, the Conference of Press Experts, while rejecting the idea that the card might be issued by Governments, desired that it should be visaed by the Ministry for Foreign Affairs. This would appear to give rise to difficulties which were not merely difficulties of form. The question had been asked: What was this visa to certify? It would not certify that the person was a journalist nor that he was on duty connected with the Press. M. Valot had no hesitation in saying that one day this visa would enable journalists to travel without a passport. To what objections could that give rise? The passport was not an intangible dogma. There were different kinds of passports. Passports had formed the subject of conventions between States. Recently there had been an agreement between Germany and France to facilitate visas and to provide for the granting of a visa for two years. French nationals could enter Belgium and Switzerland without a visa. Therefore the conception of the passport was in process of evolution. In the case of a professional journalist who could prove his status, a Government could be certain that he was an honest man. Nevertheless, a journalist, even though a perfectly honest man, might be regarded in some countries as exercising a subversive influence, and a visa might therefore be refused.

What the Federation were asking for at the moment was that the League of Nations should take note of the document submitted to it, bring it to the attention of the Governments and ask them to give all the assistance in their power towards obtaining its recognition as an authoritative document of not only professional but also of general interest. The Federation requested the League of Nations to take up the proposal of the French Government and to examine — perhaps this was not within the competence of the Advisory Committee — means by which certain great international organisations might be accorded that recognition of their international utility which was necessary at the present time. Such organisations represented a new conception, but they had no international status and it would be most desirable that they should be granted one.

The request that the Federation was submitting to the Advisory Committee was very limited and very modest; it was that the League of Nations should some day consider whether it would not be possible to draw up a protocol constantly open for signature by such Governments as might consent to give this card the same value as a passport.

The CHAIRMAN said that the explanations given by M. Valot had shown that the International Federation of Journalists had made an experiment in the use of a model card complying with the resolution of the Press Conference and of the Assembly. On the other hand, all countries and all newspapers did not belong to the Federation, so that this model card did not affect the whole world. Were the steps taken by the Federation in accordance with the ideas of the Conference of Press Experts and of the Assembly? At first sight such would seem to be the case. So far as concerned the question of visas, the Chairman understood, after having examined the model card which had been handed in to the Bureau of the Committee, that it was only a question of approving the signatures which appeared on the card.

M. VALOT said that almost all countries belonged to the International Federation, at least so far as Europe was concerned. This in any event was no great obstacle, for the Federation had already received many applications for cards from associations in countries which did not belong to the Federation and it was granting such applications. The Federation had already received thousands of requests.

Mr. McARA thought that the first question which arose was whether the Advisory Committee was competent to deal with this identity card. He personally thought that it was. In these circumstances the question should be considered with the utmost care. He need hardly say that he had no feeling against the International Federation, but this was an important matter which the League of Nations could not settle hastily.

The SECRETARY-GENERAL of the Committee thought that it was necessary to define the problem before the Advisory Committee.

The idea had been raised that the League of Nations should establish a journalist's card to be issued by an international body. It had been recognised that it was impossible to adopt that

method, but there was another one which had seemed to provide a means of giving effect to the resolutions of the Press Conference and of the Assembly. He thought that the rôle of the Advisory Committee was to consider whether, by the adoption of a proposal such as that which had been made, the resolutions of the Press Conference had really been complied with, that is to say, whether the proposed card provided adequate means for the identification of journalists from an international point of view. A small sub-committee might perhaps consider the model card, it being understood that there was no question of monopoly and that another card submitted by another organisation might be examined in the same way. Should the card not meet the case, it could be set aside or amended. If found satisfactory, it might be said that the card complied with the resolutions voted by the League of Nations. He agreed with Mr. McARA that a careful examination of the card was necessary.

Mr. McARA asked whether the question had been previously considered and whether the issuing of a card by the League of Nations had been recognised as impracticable from an international point of view.

The SECRETARY-GENERAL of the Committee replied that it had been quite evident that it was impossible to carry out the resolution of the Press Conference to the letter, and that no international body could take the responsibility of issuing the card.

Mr. McARA thought that the possibility that the League of Nations should itself issue the card had not been absolutely excluded.

Mr. BALDWIN replied that this possibility had been excluded by those who had made a preliminary examination of the question. He desired to know whether the Committee which would examine the card would also consider M. Valot's other suggestion that eventually the card should replace a passport.

M. SINIGALIA said that he had intended to ask the same question as Mr. Baldwin.

The CHAIRMAN replied that as M. Valot had raised the question in so vague a manner, the Committee could set it aside for the moment. That part of M. Valot's statement should be regarded rather as the expression of a personal wish which might be fulfilled in the distant future.

M. POLITIS agreed with the Secretary-General of the Committee as to the appointment of a sub-committee. Nevertheless, in order to avoid having later to recommence the examination of any new card which might be submitted by another Press organisation, their Committee, if it approved the card submitted to it, would have to draw up a uniform model on which the name of the International Federation could be replaced by the name of another organisation.

The CHAIRMAN said that the sub-committee would have to consider the matter in detail. He suggested that the sub-committee should be composed of :

Mr. BALDWIN  
M. Silvain DREYFUS  
M. POLITIS  
M. SINIGALIA  
M. GUERRERO

Mr. McARA and M. Valot would be invited to take part in the work of the sub-committee in an advisory capacity.

#### IV. Reduction of Transport Rates for Foreign Journalists.

The SECRETARY-GENERAL of the Committee read the conclusions of the Permanent Committee for Transport by Rail (see Annex 7) on the question of the reduction of fares for foreign journalists, their decision being to refer this problem to the Council.

*The proposals of the Permanent Committee for Transport by Rail were approved (see Annex 17, paragraph XXVII).*

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### FIFTH MEETING.

*Held on Wednesday, March 20th, 1929, at 11.30 a.m.*

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*Chairman: M. SEELIGER.*

Present : All those present at the preceding meeting, and also Mr. A. R. BURROWS, Secretary-General of the International Broadcasting Union, and M. J. RAEER, Director of the International Bureau of the Telegraphic Union.

Secretariat : M. R. HAAS (Secretary-General of the Committee), Colonel HAM, M. ROMEIN, and M. METTERNICH.

#### XXII. DISTRIBUTION OF WIRELESS WAVE-LENGTHS (Item 17 of the Agenda).

Mr. BURROWS, begged the Committee to accept the apologies of M. Rambert, delegate of the Board of the International Broadcasting Union, who had been recalled suddenly to Paris and was unable to be present at the meeting.

He then made the following statement :

“The International Broadcasting Union, which we have the honour to represent here to-day, is highly appreciative of, the privilege which has been afforded it by the Advisory Committee for Communications and Transit to present some views on a problem with which it has had particular experience during the four years of its existence. The Union, as you are undoubtedly aware, is a Union of actual broadcasters, and includes amongst its members organisations some which are entirely private in character, some which work under a measure of State control, and others which are really broadcasting sections of State Administrations. On the technical side of its studies the Union has had the regular assistance, in an unofficial capacity, of a number of experts who are the Chiefs of the Radio Departments in their respective State Telegraph Administrations. Our studies are therefore unofficial in character and the proposals which we make have always to receive Governmental assent before they can be put into practice.

“Whilst the Union has no power to enforce its recommendations, its proposals have met with gratifying respect from Administrations. We are happy to state that the Conference of Governmental Telegraphic Administrations, which is meeting at Prague on April 4th, 1929, has expressed its intention to use, as a basis of discussion on the European broadcasting wave-length situation, a memorandum which has been prepared by our Union as the result of over three years' constant study of this intricate problem.

“The importance of a proper regulation of the question of wave-lengths (without which the efficient functioning of broadcasting stations is impossible) can best be realised by a brief examination of the extent to which broadcasting is becoming a part of the social systems of the world, and through some indications of the nature of the material which is being broadcast.

“Exact figures are not available from all countries, but it is no exaggeration to state that at this moment already — only nine years since broadcasting first took place, and but seven years since its regular establishment in Europe — there are approximately 70 millions of persons in the world whose homes are equipped for the reception of the broadcast programmes. The appeal which broadcasting has for the people may be gauged by the fact that in Germany alone, where the masses can in no way be considered to be financially prosperous, there were on January 1st, 1929, over 2,635,000 homes, each contributing 24 RM. per year towards the preparation and radiation of the German programmes. In Europe (in seventeen countries where the listener directly subscribes to the broadcasting service by the payment to the State of an annual licence fee for the possession of a receiving apparatus), the number of licences increased last year from 5,896,655 to 7,162,950 — an increase of over one-and-a-quarter millions. As each home possessing a licence contains on an average four persons, the possible unseen audience for these programmes in Europe increased by over five millions in 1928. Actually this estimate is far short of reality, for no account is here taken of the progress in France, Spain, Belgium and Holland, for which, unfortunately, no figures are available. In Denmark, at the end of last year, there were seventy-six receiving sets for each thousand of the population, which means (again assuming that each home possesses an average of four persons) that there is one receiving set for each four persons.

“The broadcast programmes are not confined to light entertainment. Even if they were, it would not be difficult to make a good case for a sympathetic interest by the States in what is happening, for, through the agency of these programmes, the home-life of the masses, and especially that of the peasants in rural districts, is being made more attractive. The great ambition of all the broadcasting services in Europe, with which we are particularly acquainted, is to justify their claim to be a public service. Practically every programme contains a percentage of material informative and educative, and helpful to a better understanding of the duties of citizenship. A number of countries are making special transmissions to schools — giving talks, by the highest experts, which have definite relation to the school curricula. In Great Britain, where this special application first took shape, the number of schools suitably equipped to receive these educative transmissions is now well in excess of five thousand. Special courses are also being broadcast in the evening hours for the education of adults, and study circles are being formed around these wireless lectures. The stations which are members of our Union receive each fortnight for their guidance in broadcasts on foreign affairs a bulletin of League news specially prepared by the League Information Section.

“Whilst in the first days of broadcasting the problems associated with its development remained purely national in character, the multiplication of transmitting posts and the steady increase in the power of these posts, in order to provide a more efficient service, introduced a number of international problems. The waves emitted from the broadcasting stations do not collapse on reaching the frontier. The ether being a universal medium, they are carried on over neighbouring States, and in some cases even to the most remote points on the earth's surface. It is not difficult to envisage a number of international problems, some of which have already arisen. It is certain that in the near future special codes of international law will have to be created to regulate these problems. Our Union, in collaboration with other bodies, is already engaged in “spade work” of this character. The opinions reached will be available for those who eventually have to study these same questions officially.

"Of all these problems requiring international regulation, that of wave-lengths is perhaps the most urgent, as it is quite possible (in fact it frequently happens) for the train of waves emitted by one station to so interfere with the train of waves emitted by another station — even if the two stations are separated by a distance as great as 2,000 miles — that the programmes emitted by both stations are badly interrupted. According to our existing knowledge of the ether and the present stage of technical development, the number of stations of any serious power which can be given a place free from interruption is extremely limited and, unhappily, the Washington Convention of 1927, which came into full force on January 1st, 1929, has reduced the wave-bands available for broadcasting services in order to meet the increasing demands of commercial telegraphic services and the claims of the military, naval and air services.

"The new and difficult situation thus created in Europe has been the subject of careful study by the technical experts within our Union and we have recently produced a new European wave-plan by which it is hoped to make the best of what is an unfortunate state of affairs for the broadcasting services, which can do so much towards increasing mutual respect between nations. This plan has been applied experimentally and, as has been indicated already, will be the basis of a study by the European Governmental Administrations next month. The plan is not perfect; there are admittedly difficulties — particularly in relation to long-wave stations of which more already exist in Europe than can be accommodated in the new restricted (Washington) wave-band — for which no solution has been found possible. The Union would prefer to await the decisions of Prague before saying more in respect to the European situation.

"The International Broadcasting Union has not only made numerous and careful studies of wave-length problems in Europe, but, when the proposals which it has elaborated have received official approval by a majority of interested nations (as in the case of the Geneva plan of 1926) it has privately designed and created means whereby the European stations could be assisted in faithfully observing the wave-plan. It has constructed for each post, a specially sensitive and luminous wave-length indicator calibrated to a common standard. It has also created and maintained machinery (in this case at Brussels) for watching nightly the performance of all European stations. The results obtained have been circulated regularly in graphic form and have received widespread publicity. They provide striking evidence of the value of the system.

"The International Broadcasting Union has developed a machinery which, having received a large measure of approval from the European Government Administrations, and operating unofficially with a minimum of formalities, has shown itself capable of dealing promptly with a variety of menacing situations. This machinery, we feel, is specially suited to the urgent requirements of broadcasting and capable of development to keep pace with the rapidly expanding technique. Its success, however, is dependent upon goodwill — which our members have so far displayed in a remarkable degree; it is dependent also on the wave-length problems remaining within the scope of activities of a private organisation.

"Broadcasting is becoming so intimately associated with the life of the peoples and the affairs of nations that even the wave-length problems, which were primarily of a technical order, are certain to become more and more complex. We feel sure that all the members of the Union which we have the honour to represent here to-day would welcome the creation of a central broadcasting authority with official powers to regulate broadcasting problems throughout the world, and with which an organisation — such as our own — might work in close collaboration.

"With the increase in the power of stations of long and medium wave-lengths, with the establishment of short-wave broadcasting stations capable of being heard, and of interrupting one another, at the remotest points on the earth, with the ever-growing demands of broadcasting, picture diffusion and television upon an already heavily occupied ether, it is easily conceivable that broadcasting, which promises to be one of the most valuable aids to the League in its work of establishing a better mutual understanding amongst peoples might become, quite unintentionally, a source of irritation and international ill-feeling. A central organisation for the official study of broadcasting problems would therefore appear to be essential and its early creation advisable.

"The actual headquarters of such an official organisation is naturally a question for the Governments. "When the International Broadcasting Union was formed in 1925, Geneva was selected as its headquarters, not merely that the Union should function from a neutral State (which is certainly an advantage for an international organisation) but in order that it should be in close contact with, and at the service of, the Secretariat of the League of Nations in case of need, when the latter was engaged officially in the study of broadcasting problems. It was naturally assumed that the League would become the official study centre for international problems arising from the development of a means of communication so essentially international.

"Since the Union held its first meeting at Geneva in March 1925, a number of resolutions have been passed by the Council which indicate very clearly the desire of the Union to maintain the closest possible contact with the League machinery, and our belief that through the League might come solutions for our difficulties when they pass from the domestic into the official international field."

M. RAEER had little to add to his letter of March 8th, 1929 (see Annex 16). An International Conference was to meet at Prague on April 4th, to discuss the distribution of wireless wave-lengths, their distribution between fixed European stations, the allocation of wave-lengths for special

international purposes, and the question of frequency control. Wave-lengths had often been allocated, but the instruments did not work accurately enough—there was therefore interruption necessitating control. Something must also be done to eliminate the confusion due to mobile stations on ships and aircraft.

This was a big programme. A Conference had already met at Ottawa, at which the United States of America, Canada, Cuba, Newfoundland, and various other countries were represented; wave-lengths had been distributed between these different countries on a fairly large scale. In September 1929, an International Advisory and Technical Committee on Radio-electric Communications was to meet at The Hague. Its programme was not yet published. Members of the Union to the number of 103 could send representatives to sit on this Committee, thus ensuring the participation of every country which had a radio-electric service, and of all private wireless companies and industries in an advisory capacity. The question now under discussion was whether some other organisation should be set up. The speaker thought that the Advisory Committee should give its entire moral support to the Telegraphic Union, and that it would do well to leave the latter to decide whether other organisations were needed.

The SECRETARY-GENERAL of the Committee emphasised the importance of this point as regards the Committee's future action. At the last Assembly, for the first time, the Canadian delegation had directed attention to the impossibility of remaining aloof from the question of wireless, the technical, social, and even political importance of which was daily increasing. The Council had already requested the Educational Cinematographic Institute at Rome to take up the educational aspect of the problem. Moreover, both in the Advisory Committee and in the Assembly, the question of liaison between all the different broadcasting activities had repeatedly been raised—the problem being particularly important from the point of view of political propaganda. Lastly, among the various legal problems dealt with latterly by the Institutè and the Committee on Intellectual Co-operation, many problems relating to copyright had been studied in relation to wireless telegraphy. The question was thus more comprehensive than would appear from M. Raeber's letter.

The Secretary-General desired to dispel a misunderstanding. The Committee had always made a special point of not encroaching upon the recognised work of existing bodies, as defined by international conventions. The point to be decided was this: the Committee had recently learned that a Conference was to meet at Prague and had only that very day received its agenda. When a question concerned the Advisory Committee, it was essential, especially if it was asked to leave any particular aspect of the problem to some other organisation, to keep in touch with the Committee, and to invite it to send representatives, that it might follow the work closely and fulfil its purpose as a co-ordinating body. The International Broadcasting Union was obviously in possession of excellent technical equipment, and the Advisory Committee could have no intention of interfering with its technical work; but numbers of problems were continually arising in regard to international wireless organisation—legal, social, and educational problems, and perhaps first and foremost, the problem of how best to co-ordinate the various international aspects of wireless. The suggestion that a central international organisation should be set up did not mean that some of the work of the International Telegraphic Union would be taken out of its hands, but if wireless problems were dealt with simultaneously by a body possessing competence under the Washington Convention, a body concerned with legal questions, and a body concerned with educational questions, it seemed likely that the wireless interests might not be properly represented.

The Committee, in any decision it might take, must recognise the competence of the Telegraphic Union as regards the application of the Washington Convention, but it could not disclaim all interest in the problem. It was essential that it should be in touch with developments in every sphere, that it might be able to prepare, for subsequent use, plans for an international wireless organisation. The Secretary-General of the Committee had been present in the Second Committee of the Assembly, and was convinced that the sole purpose of the proposals submitted there could be explained by the importance of the questions underlying the purely technical problems.

M. Ito noted that, despite the wording of the agenda, they were really dealing with the whole question of wireless, and had to discuss a concrete proposal for the creation of a central body to regulate that question. The Director of the Telegraphic Union at Berne had expressed himself as entirely opposed to this suggestion. Neither attitude was quite to the point: there were many aspects of the problem which should be dealt with by the International Union, but the question arose as to whether, legally, the Union could claim extra-conventional powers in the matter. Moreover, the vast problem of wireless probably presented other aspects, not covered by the provisions of any convention, which could be dealt with by other bodies, without encroaching on the powers of any organisation. The representative of the International Federation had made a detailed statement which revealed the importance of the problem and brought out the fact that in addition to its technical aspect there were legal, economic, social and political aspects being dealt with by various bodies. It was essential that the League should co-ordinate these various efforts in the different spheres. That was one of its fundamental duties.

M. HEROLD associated himself with M. Ito's remarks. One point brought up by the Secretary-General of the Committee, which had already been emphasised when framing the Railway Convention, admitted of no possible doubt; the League had no desire to encroach at all on the competence of any international union. Some uncertainty, however, still prevailed. Contrary to the ideas of Mr. Burrows, who had in view a wide sphere of action for the League, the

memorandum from the Director of the Telegraphic Union pointed out that anything to do with wireless questions came more or less within the Union's sphere of action. To get a clear view of the situation it was important to examine in the light of texts and official data, the extent of the Union's sphere of action. In order to avoid overlapping, it had been further suggested — and it seemed a wise suggestion — that some form of co-operation should be instituted. This would certainly be welcomed by the International Union and it might perhaps be well to make preparations at once for the League to take part in the Conferences to be held at Prague and at The Hague, in order to establish contact between the various bodies. The representative of the International Broadcasting Union had in any case gone too far in suggesting that steps should be taken immediately to create a wireless centre. The speaker would prefer to await developments, as it was necessary first to make the situation clear. The two forthcoming Conferences would provide further information, on the basis of which the question could be re-examined.

M. RAEER said that the Washington Conference had distributed all wave-lengths from five to thirty thousand metres according to categories ; one hundred and two States had adopted the scheme. There now remained to be solved only the question of distribution within the different bands. The speaker suggested that the States belonging to the Telegraphic Union constituted the body best qualified to undertake this. The Union had its experts and had its arrangements for arbitration. What new body could possibly possess the same authority? The Union, which was responsible for this plan, had worked out the whole problem and had been instrumental in convening the international Conferences, was best qualified to decide whether there was any need for a new organisation, and the speaker urged that nothing should be decided until it had expressed an opinion.

As regards information, the League and the Bureau at Berne exchanged material, being always anxious to assist one another.

Mr. BALDWIN thought that the discussion had brought out the need for some co-ordinating body. There was a lack of co-ordination which must be remedied without delay. He supposed that the League, which would be represented in this case by the Transit Committee, had been invited to take part in the forthcoming international Conferences. He did not know whether the Berne Union was the body best qualified to give an opinion on this question of co-ordination : he thought not, but in any case one point was quite clear, and that was the need for some form of co-ordination at the Prague Conference and the League was the obvious body to bring it about.

M. SCHLINGEMANN pointed out that under the terms of the Assembly resolution the Committee had been asked to try to discover some means of establishing international agreements for the distribution of wireless wave-lengths in order to diminish the sources of disturbance. If this was the problem, it might be thought that the Telegraphic Union would be able to solve it at the two forthcoming Conferences. The Secretary-General of the Committee had spoken of the more comprehensive aspects of the problem. The League could obviously not dissociate itself from these. The speaker, however, agreed with M. Herold that it was impossible as yet to come to any decision in regard to this vast question. No definite proposal had yet been laid before the Committee. There was talk of setting up a central body, but nothing had been said about its powers or duties. For the time being, therefore, the Committee need only concern itself with the question of sending representatives to the two international Conferences, so as to be able to study the question as a whole at some future date.

The SECRETARY-GENERAL of the Committee agreed that the general question of wireless organisation could not be dealt with at present. The point was to determine the conditions requisite for such a study, by getting into touch with the various organisations concerned with wireless. Even if the distribution of wave-lengths was a purely technical problem — and this was not yet proved, as would be seen at Prague — the effects of such distribution were not technical in character and were most important : they involved the question of whether any given country should or should not be required to abolish a particular station and the further problem of centralisation or, it might be, decentralisation. The Prague Conference would probably be found to exhibit some anxiety as regards arbitration by a technical body, when it came to the abolition of a given station by any particular country. For the time being, the only thing to be done was to study the question and to keep in touch with the various aspects of the problem.

The CHAIRMAN reminded the Committee that this was the first time that it had had to deal with the question, so that it was impossible for it as yet to reach any definite conclusion. In any case he thanked Mr. Burrows and M. Raeber for their statements.

Was the distribution of wave-lengths a purely technical problem? Did its effects reach far beyond the purely technical domain? Were the present organisations capable of settling the problem, once its scope had been defined? The greatest diversity of opinion on these subjects was quite legitimate at present. In any case, the speaker was sure that everyone agreed that the problem was both far-reaching and complex, and that the League could not dissociate itself from its various aspects. It was impossible to decide at once what measures should be taken. In any case the essential point — and in this the speaker agreed with M. Ito, Mr. Baldwin and the Secretary-General of the Committee — was to ensure close contact with the various wireless associations, to send representatives to the two Conferences, and to collect information at those Conferences which would enable the League to determine its attitude.

The Chairman asked the Secretary-General of the Committee to prepare a resolution to this effect.



XXIII. RULES OF PROCEDURE OF THE COMMITTEE (Item 14 of the Agenda) (*continued*).

Article 5.

After a brief exchange of views between the CHAIRMAN, M. HEROLD and the SECRETARY-GENERAL of the Committee, the Committee agreed to request its Secretary-General to prepare a new draft for the next session ; this new text would provide that unless some special procedure was laid down, the Chairman should make a preliminary examination of questions and might be assisted by experts.

Article 6.

*It was decided that the Secretary-General of the Committee should submit a new text at the next session.*

Article 7.

After a brief exchange of views, M. ROMEIN proposed that the new text should provide that on the expiry of the Chairman's term of office, the powers of the Chairman should be exercised by the last retiring Chairman or Vice-Chairman.

*It was decided that the Secretary-General of the Committee should submit a new text at the next session.*

Article 8.

*It was decided that the Secretary-General of the Committee should submit a new text at the next session.*

The Committee agreed, on the CHAIRMAN'S proposal, to adjourn all further discussion on the Rules of Procedure to the next session, at which the Committee would proceed to a second reading of the text drawn up by its Secretary-General ; who would take account of the views expressed at the present session.

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SIXTH MEETING.

*Held on Thursday, March 21st, 1929, at 10 a.m.*

*Chairman: M. SEELIGER.*

Present : All those present at the preceding meeting, with the exception of M. von Herwarth, M. Glatt, Mr. McAra, M. Valot, Mr. Burrows, and M. Raeber. M. C. ROSSETTI was also present as rapporteur of the Committee on Private Law in Inland Navigation.

Secretariat : M. R. HAAS (Secretary-General of the Committee), Col. HIAM, M. ROMEIN and M. METTERNICH.

XXIV. REPORT OF THE PERMANENT COMMITTEE FOR INLAND NAVIGATION (Item 18 of the Agenda).

M. Silvain DREYFUS commented briefly on the Report of the Permanent Committee for Inland Navigation (see document C.C.T.390 (1)).

Three questions were on the Agenda of the Sixth Session held by the Permanent Committee for Inland Navigation from March 15th to 18th last :

1. Report of the Committee for the Unification of Transport Statistics ;
2. Examination of the Chapter entitled "The French Super-tax" of Mr. Hines's Report on Rhine Navigation ;
3. Report of the Committee for the Unification of Private Law in Inland Navigation.

1. *Report of the Committee for the Unification of Transport Statistics.*

The report of this Committee (see document C.C.T.381) did not relate simply to questions which concerned inland navigation, but was a general report on the unification of transport statistics. It was a voluminous document, containing extensive data, numerous studies and very comprehensive proposals. The Permanent Committee for Inland Navigation had examined the report from the standpoint of inland navigation, taking duly into account, however, the fact that the Committee for the Unification of Statistics had kept in touch with the other competent bodies.

The Committee for the Unification of Statistics was endeavouring to frame a scheme for goods transport statistics applicable to inland navigation, maritime navigation and railways. It had especially examined the inland and maritime navigation aspects of the problem, but its work could not be regarded as final, as the Committee itself was desirous of bringing it eventually into line with the suggestions for railway transport. Thus the Permanent Committee for Inland Navigation could not give an opinion on the scheme as a whole. When the studies relating to

railways were complete, the Advisory Committee could consider how to combine a simultaneous study of all three problems.

The Permanent Committee for Inland Navigation, however, had made one exception. The chapter on inland navigation statistics included a paragraph on technical and administrative statistics applying only to inland navigation. The Permanent Committee had carefully examined these proposals and had suggested various improvements in the system put forward by the Unification Committee.

The Permanent Committee had also examined the expediency of consulting the Elbe and Danube Commissions in regard to statistical data to be furnished by the ships' captains. Such a consultation had seemed premature.

On the other hand, the Permanent Committee suggested that it might be possible to establish less rigid rules than those provided for mixed navigation, which require the craft employed in mixed traffic to make a declaration in the country where the river part of the transport ends. The Permanent Committee drew the Unification Committee's attention to this point. The question would be discussed at length later.

Mr. BALDWIN, referring to the proposed consultation with the Elbe and Danube Commissions, mentioned that he had suggested, in the Permanent Committee for Inland Navigation, that the matter might very well be laid before the two Commissions at once. The Unification Committee's report was not final, however, and it had been objected that, as it might be completely altered, it would be better not to consult those Commissions. At the same time, once a report was drawn up, even if not in its final form, the contents remained essentially unchanged. It would be waste of time to wait for the report to be put in its final shape before asking the Commissions what they thought of the scheme. The speaker had accordingly proposed in the Permanent Committee that the Advisory Committee should write to the Elbe and Danube Commissions requesting them to examine the question raised in the Unification Committee's report and, if necessary, to express an opinion on the matter. The majority of the Permanent Committee had been averse to this proposal. On reflection, however, some of the members of the Permanent Committee might have changed their opinion, and the speaker proposed that the Advisory Committee should pass a decision submitting the questions under consideration to the two river Commissions.

M. Silvain DREYFUS read the passage of the Unification Committee's report to which Mr. Baldwin had referred.

He added that the Permanent Committee had not contested the expediency of consulting the two river Commissions. It had simply considered that it would be premature to consult them now, as the proposals were not yet in their final form and the present drafts might be completely altered. It would be useless to consult the two Commissions on a scheme which might never see the light of day. The Permanent Committee had expressed itself on a question of expediency, not of substance.

The CHAIRMAN, speaking as a member of the Permanent Committee and of the Advisory Committee, agreed that the question was not one of substance, since all his colleagues thought that, once the Committee had framed its report on the statistical scheme, it would be necessary to apply to the two Commissions to see whether the system was consistent with the two Acts constituting those Commissions. No difference of opinion existed as regards the substance, but simply as regards a question of procedure; in endeavouring to arrive at the best system, the Committee might very well reach different conclusions, in which case the work requested of the two river Commissions would be wasted. The Commissions were already overworked, and the matter was not urgent.

Mr. BALDWIN urged that the system recommended by the Unification Committee and the information required formed the basis of the scheme which the Committee itself had recommended and that the latter was extremely unlikely to reverse that basis in its final report. He repeated that the proposal put forward by the Chairman and M. Silvain Dreyfus would mean a great waste of time; if the final report was submitted to the Advisory Committee, the latter could not give an opinion until the two river Commissions had been consulted. The speaker thought that this was the moment to submit the questions to the Commissions, so that the Advisory Committee could be ready to take a decision.

M. ROMEIN mentioned that, in the Permanent Committee, the Secretariat had abstained from giving an opinion on the question of procedure; this would naturally come before the Advisory Committee, when the various opinions expressed by the Permanent Committee would be put forward again. As regards procedure and the work of the Statistical Committee, it was most desirable, before that work was finally completed, that that Committee should know what position the river Commissions would adopt. If the Commissions thought it impossible to collect statistical data for their two rivers the Committee would have to look for another basis, and it would be more logical to do so before concluding its report in order that the Advisory Committee might not be obliged, on account of a single question, to refer back the whole of its work to the Statistical Committee, especially if agreement had been reached on the other points — maritime navigation and railways.

The CHAIRMAN said that the views expressed by Mr. Baldwin and M. Romein had been discussed in the Permanent Committee. In establishing a scheme for statistics, it was first necessary to determine the general lines and bases, on the assumption that certain statistics were required. It was always possible that the Committee might alter its report, and it would be better to wait.

M. SCHLINGEMANN stated that he had had some hesitation in voting against Mr. Baldwin's proposal in the Permanent Committee for Inland Navigation, but the Advisory Committee had

not yet got a final report before it, so that it seemed somewhat premature to ask the two river Commissions for their opinion. Moreover, it might perhaps be possible to lay the matter before them in some other way, and their opinion might be asked by someone qualified to do this. In any case, as there were arguments for and against both solutions, the speaker would abstain from voting.

Mr. BALDWIN urged that this was the moment to consult the river Commissions, lest the Unification Committee should find the actual bases of its study reversed.

The CHAIRMAN did not consider the question very urgent, and requested his colleagues to vote on the question of adjourning consultations with the Elbe and Danube Commissions.

*The Committee decided by ten votes to three, with one abstention, to adjourn this consultation.*

M. Silvain DREYFUS continued his commentary on the report of the Permanent Committee for Inland Navigation.

## 2. Examination of the Chapter entitled "The French Super-Tax" of Mr. Hines's Report on Rhine Navigation.

The Committee would remember that in application of the resolutions of the Genoa Conference it had undertaken an enquiry into European inland navigation, the enquiry being entrusted to Mr. Hines. The latter had submitted reports on the Danube and the Rhine respectively, which had been examined by the Permanent Committee from January 25th to 28th, 1926. As regards the report on the Rhine, the Permanent Committee had decided before taking a final resolution to request the opinion of the Central Commission for Rhine Navigation on the chapter entitled "The French Super-tax". The Rhine Commission was consulted by the Secretariat, and replied on January 24th, 1928. At its last session the Advisory Committee, on the proposal of M. Silvain Dreyfus, had instructed the Permanent Committee for Inland Navigation to examine this reply and the conclusions to be drawn therefrom. The Permanent Committee had resumed its study of the problem a few days previously, and in reply to the question as to whether effect should be given to this chapter of Mr. Hines' report, had replied in the negative by a resolution, which the speaker then read.

M. SINIGALIA thought that the Advisory Committee should feel gratified at the suggestion implied in this resolution that the question might be settled by goodwill.

*The resolution was adopted (see Annex 17, paragraph IX).*

## 3. Report of the Committee for the Unification of Private Law in Inland Navigation.

M. Silvain DREYFUS then gave a resume of the part of the report of the Permanent Committee relating to the work of the Committee on Private Law in Inland Navigation.

(M. Rossetti, rapporteur of the Committee on Private Law, came to the Committee table.)

M. Ito enquired whether, in connection with the report of the Committee on Private Law, the Committee proposed to deal simply with questions of procedure, on which he had various observations to make, or whether it intended to discuss the question in detail, in which case he would have a great deal to say.

M. Silvain DREYFUS thought that a brief survey of the position would make it easier to determine the lines of discussion.

The Committee on Private Law in Inland Navigation had met from March 1st to 8th last. It had previously held many sessions, and had been in close touch with the Committee on Private Law of the Central Commission for Rhine Navigation. It had drawn up three draft conventions, which would be annexed to its final report. These drafts still required a number of small amendments, necessitating a partial second reading. The Permanent Committee approved at once the proposals of the Committee on Private Law, and asked that a diplomatic Conference should be held in March 1930 to examine the three drafts. As the Advisory Committee would not be holding another session for some time, the Permanent Committee, having examined the three texts, thought that they might be communicated direct to the Governments, after the second reading, without its being necessary for the Advisory Committee to examine the final amendments. The texts had been so carefully studied that, in the Permanent Committee's opinion, the Committee on Private Law might safely be entrusted with the few drafting amendments still required.

The Committee on Private Law had examined two other points.

First, the Committee had discussed the distinction between sea-going vessels and vessels employed in inland navigation. The Committee on Private Law had referred to the resolution adopted by the Advisory Committee on November 26th, 1924, and the Permanent Committee agreed to propose to the Advisory Committee to give effect to this resolution.

Secondly, the Committee on Private Law had pointed out that its work related not only to private law but also, in a number of cases, to questions of public law, and had requested that it might be known in future as the "Committee for the Unification of River Law". The Permanent Committee had approved this suggestion.

The CHAIRMAN said that the question raised by M. Ito was a very difficult one, and that it had been dealt with by highly competent persons. Any attempt to modify the scheme already prepared might completely destroy it.

M. Silvain DREYFUS added that the Advisory Committee was not called upon to approve at once measures for the settlement of all those difficult questions, but to decide whether a diplomatic Conference could be convened at which the Governments would have an opportunity of expressing their views.

M. ITO said that if this was the case he would confine himself to questions of procedure.

He noted first that the Committee set up to examine questions of private law had considerably enlarged its sphere of action. By what authority had it dealt with a number of details concerning public law? Having thus extended its powers, the Committee had proposed, and the Permanent Committee had also proposed, that the draft Conventions should be forwarded direct to the Governments, after the second reading. The speaker thought this a very dangerous procedure.

The CHAIRMAN did not think that the Committee on Private Law could be said to have extended its powers without the Permanent Committee's assent. Moreover, there were questions of private law — for example, matriculation — which could not be settled without touching on public law. The speaker thought that M. Hostie might give some information on the subject.

M. HOSTIE declared that the Committee on Private Law had kept strictly to its terms of reference. Its original duty had been to examine nationality, matriculation, mortgages, etc. The Committee had immediately called the Advisory Committee's attention to the fact that these matters involved questions not exclusively within the domain of private law, and it had only set about its work with the formal consent of the Advisory Committee. Quite recently, when examining questions connected with company law, the Committee had seen that this aspect of the problem also touched on public law and had applied to the Advisory Committee to know whether it should proceed with its study. The Permanent Committee and the Advisory Committee had discussed the question, and it was only after the formal extension of the terms of reference of the Committee on Private Law that the latter had begun its study.

M. ITO thanked Mr. Hostie for this explanation, which, he said, entirely reassured him.

He further noted that the Permanent Committee proposed to convene a European Conference for 1930. As the Committee on Private Law, with the Advisory Committee's approval, had considerably extended its powers, the speaker wondered whether it was advisable to confine the Conference to European countries. River law had undoubtedly progressed considerably in Europe, but the whole world had changed very much of recent years and river law was applicable in other continents also. If they confined themselves to questions of private law, the Permanent Committee's proposal was not open to serious objection, but the draft Conventions dealt with questions of public law and, in connection with quite a number of points, touched on problems of maritime navigation. Decisions passed by the proposed Conference would certainly exercise a general influence over the development of river law. The speaker, coming as he did from a distant country, foresaw the difficulties of such a situation, and he thought that if the Conference were convened it should not be exclusively European in character, in view of the possible repercussions of Conventions adopted on other continents where there was already a considerable amount of inland navigation which might undergo an astonishing development in the future. Accordingly, the speaker could not accept the Permanent Committee's recommendation, unless very serious arguments were advanced in support of it.

M. ROSSETTI explained that the Committee on Private Law had considered river law of importance not so much from a general standpoint as from that of the rivers actually connected with one another. When the Committee on Private Law was first set up, the intention had been that it should study the unification of river law on the Rhine, and then as the Rhine was not an isolated river but was linked up with other European rivers, and as it was even hoped some day to establish a single European river system, it seemed desirable that the study should be confined to European law. There could be no question, however, of linking up with rivers in other continents. What purpose would it serve to unify river law in general on the lines adopted for the Rhine? Entirely different interests were involved. There was no reason, of course, why the League should not convene a Conference for the unification of river law on other continents if this seemed necessary, but for the time being the questions were quite distinct.

One very important precedent existed, namely, the European Conference for the tonnage measurement of vessels engaged in inland navigation. Only European interests appeared to be involved, and accordingly only European countries had been convened. If a different system of tonnage measurement for vessels engaged in inland navigation was established in America or Asia, that would not affect European interests in the slightest, and there was no reason why Europe should adopt the system found in other continents.

M. ITO had never disputed the desirability of unifying river law for Europe, but unification in Europe would not benefit other continents, and if problems could not be settled in those continents owing to the absence of unification those continents would naturally refer to what had been done in Europe. The problem of inland navigation was the same in every continent, not from the technical but from the legal standpoint. The speaker wondered, therefore, whether it might not be well to ask the opinion of the extra-European Governments, since the system of unification adopted in Europe would be taken as a model elsewhere.

M. DE VASCONCELLOS thought that M. ITO in raising the question of a general Conference had gone beyond the question at present before the Advisory Committee: namely, the convening of a Conference for the unification of river law in Europe. M. ITO's suggestion should be laid before the Governments, and the Advisory Committee should confine itself for the time being to the proposed European Conference. A general Conference might raise very considerable issues.

In Africa, for example, there were conventional regimes which involved important problems, and the speaker thought that it would be better to confine themselves to a European Conference.

M. ROSSETTI, replying to M. Ito, did not see why the unification of European private law need necessarily involve unification on the other continents. They must first decide exactly what was meant by that word. When they spoke of unifying private law, this simply meant establishing rules for the settlement of conflicts of laws in the matter of inland navigation. They had to remember that there existed in Europe two main branches of law, the so-called French law and the so-called Germanic law. As regards procedure in particular, these two systems provided for entirely different institutions and some means must be found of settling conflicts between them. In other parts of the world, in South America, for example, the situation was different.

M. RESTREPO said that the laws governing the Orinoco, the Plata, the Amazon and the Magdalena were all quite different.

M. ROSSETTI replied that there was no actual connection between the Amazon and the Plata. As regards maritime navigation, a vessel belonging to any country could touch at any foreign port, but river vessels kept within their own particular system and each river system was quite distinct in itself. It was essential to find rules for the settlement of conflicts of laws within the same system, but there was no point in copying those rules for other systems. If differences existed between the various river laws in South America, what was the use of copying rules which held good only for European systems?

M. RESTREPO, speaking as a Colombian, thought that it was entirely contrary to the League's spirit of universality to hold European, Asiatic, American or other conferences. In Europe, it was true, there were special interests, relating to navigation on the Danube, for example, but special interests existed also in the case of the Plata and the Amazon. Freedom of navigation was now an established fact for vessels of all nationalities on the Amazon, the Plata and the Magdalena, which were international rivers within the meaning of the Barcelona definition, and the speaker saw no objection to M. Ito's suggestion that a World Conference should be convened. There were no large rivers in Japan, but there were big fluvial arteries in China, India and Africa. Why should not representatives of all the countries Members of the League be invited to take part in the proposed Diplomatic Conference? Those not interested in the problem would not come. The others, however, would have an opportunity of noting the rules adopted for the Rhine and the Danube and of explaining to the Conference the laws applicable to international rivers in their own particular continents.

M. ROMEIN desired to point out the origin of this question of the unification of river law. It had been raised five or six years before by the Rhine Commission and the Sub-Committee on Inland Navigation (now the Permanent Committee). When it was decided that the League should study the matter, the purpose in view was the unification of European river law, and the resolution adopted on that occasion provided that the enquiry should be extended in order to determine whether similar problems existed in other continents and, if so, the conditions obtaining there; in the event of affirmative information, the Sub-Committee on Inland Navigation and the Advisory Committee were prepared to extend the enquiry to other continents. If, as it now appeared, several members of the Committee felt that similar problems at present existed outside Europe, the Committee might apply to the States concerned, requesting them to say whether they thought it desirable for the question of the unification of river law to be studied, as affecting them, and at the same time asking for their preliminary opinion on the points requiring explanation.

As regards the more general question raised by M. Restrepo, it was certainly important not to lose sight of the universality of the League. That was why, whenever this seemed necessary to satisfy any real interest, general Conferences had been convened, for example, to discuss passports, transit, maritime ports, railways. The same would apply later to buoyage. But it was important, at the same time, to remember that ever since the first general Conference, the possibility had been foreseen of convening so-called regional Conferences, now described as special Conferences, so that States not interested in the particular question might not have to attend. Any attempt to deal with such questions on a more general basis might have the effect of defeating the purpose in view, as extraneous factors would be brought in and it would be more difficult to arrive at solutions. The speaker thought that whenever the study of a question was being undertaken by the Organisation for Communications and Transit, they should decide whether it was of a general character or of more limited interest. If this was always gone into beforehand, there would be no risk of prejudicing the interests of the States concerned.

As regards the question at present under consideration, it originated in the need felt by the Rhine riparian States for some common basis for settling conflicts of laws in the matter of inland navigation. The Advisory Committee had felt that the question was ripe only so far as Europe was concerned, and that it must in any case be confined to the actual situation; as M. Rossetti had pointed out, river law might vary as between one continent and another, just as it varied to-day between one country and another, and the need to settle conflicts of laws might not perhaps apply in the case of districts which had no direct communication with one another by means of inland navigation.

The CHAIRMAN, addressing M. Restrepo, said that all were agreed as regards the general question which he had raised. The Advisory Committee had been set up to determine whether it could do anything, no matter where, to facilitate communications and transit, but that did not prevent the various problems from assuming different aspects. Again, considering that the question at present under discussion had been limited to Europe at the outset, and that the problem was simply to settle conflicts of laws affecting neighbouring systems, the scope of the discussion was bound to be limited.

M. RESTREPO thought that navigation on rivers such as the Amazon and the Plata, which flowed through several States and came under a corresponding number of legislations, might benefit by any rules decided upon at the proposed Conference. All he asked, however, was that the Conference should not be described as "European" and that some description should be found to show that the question under consideration was the settlement of questions of river navigation, on the Rhine and Danube for example.

M. GUERRERO said that if the Conference were a diplomatic Conference for the purpose of establishing general principles of river law, he would agree with M. Restrepo, but the purpose was simply to unify rules for conflicts of laws in a specific area, and the South-American countries had nothing to do with this particular matter. The recent Pan-American Conference had dealt with the codification of private law in America. If the question of private river law were of interest to the American States, the Conference would certainly have settled it, and the fact that the American international code of private law did not include this matter was explained by the fact that there were no conflicts of private river law in America. Everything must be done to ensure the success of the future Conference. Preparatory studies had been carried out only for certain rivers. If other States took part in the Conference, the question would obviously not be settled, or could only be settled with great difficulty, as the American river laws were undoubtedly different from those of Europe. The same applied, to quote an entirely different case, to the question of nationality, already studied by the League. Practically all the American States had adopted the *jus soli* principle, whereas, in Europe, the position was quite different.

M. DE VASCONCELLOS entirely agreed with M. Guerrero. The League had to deal not only with big questions of general interest but sometimes also with local or regional questions. With all deference to M. Restrepo's feelings, the Conference should not, in his opinion, be a World Conference. At the same time, would the Conference be really European? Would the rules adopted apply, for example, to the rivers in the Iberian Peninsula?

M. RESTREPO withdrew his suggestion concerning a World Conference, but explained that in America the criticism too often heard was that the League was of no use to the American States and only concerned itself with European questions. There must be no room for such criticism as regards the future Conference, and that was why he asked that the title should be changed.

The CHAIRMAN said that they would endeavour to find a more suitable title.

M. SINIGALIA pointed out that since the creation of the Committee on Private Law, an event of some importance had occurred, namely, the foundation at Rome under the auspices of the League of Nations of the International Institute for the Unification of Private Law. Might it not be well, before the Conference was convened, for the Committee's work to be examined by the Institute, so as to avoid overlapping? The States invited to take part in the Conference might wish to refer the scheme to the Institute, and this would cause complications.

M. ROSSETTI urged that the Rome Institute dealt with more far-reaching questions of private law relating to commercial, civil and other matters, but not with special questions of private law, such as maritime questions. The International Maritime Committee had been studying this aspect of the problem for the past twenty-five years. It had really been responsible for codifying the system of maritime law, and every three or four years it convened a diplomatic Conference on maritime law at which all the States were represented. The Rome Institute had never intended to do away with these maritime law charges. The same applied to river law. Moreover, the Committee on Private Law had been obliged to touch on questions of public law in connection with the problems of private law with which it was dealing, so that the present issue was not confined to private law.

Mr. BALDWIN thought that the Rome Institute would welcome the proposed Conference. When the latter had unified river law, the Institute would be only too ready to embody the rules thus adopted within the scheme of its more extensive studies.

The SECRETARY-GENERAL of the Committee said that the Rome Institute would no doubt be able to assist the Conference very considerably as regards the study of any special question, but it had been understood on its foundation that it was not to overlap with other bodies, and once the Transit Organisation's Committee on Private Law had carried out a study within its own particular competence, a study begun long before the creation of the Institute, there was bound to be overlapping if this were submitted to the Institute.

*The proposals of the Permanent Committee were adopted, and it was understood that the title of the Conference would be amended on the lines suggested by M. Restrepo.*

The SECRETARY-GENERAL of the Committee pointed out that, as regards the distinction between seagoing vessels and vessels employed in inland navigation, no formal request had been submitted that this enquiry should be begun immediately; it was a very complex, and perhaps not a particularly urgent matter. He interpreted the resolution as meaning that the Committee was free to decide when that study should be begun.

*This was agreed.*

XXV. BUDGET OF THE COMMUNICATIONS AND TRANSIT ORGANISATION FOR 1930  
(Item 19 of the Agenda).

M. POLITIS, Chairman of the Budget Sub-Committee, read the draft Budget for 1930.

The SECRETARY-GENERAL of the Committee pointed out that apart from Item 7 (Cablegrams, telegrams and long-distance telephone communications) no increase of expenditure had been proposed. In view of the general budgetary position and the fact that the decisions of the Third General Conference, which the Assembly had approved, were beginning to have their effect on the 1929 Budget, it had seemed desirable to try to stabilise the Budget and not to increase it in 1930.

*The draft budget was adopted (see Annex 17, paragraph XXVI).*

XXVI. ACTION TAKEN ON THE RESOLUTIONS OF THE CONFERENCE OF PRESS EXPERTS (*continued*).  
(Item 16 of the Agenda).

Identity Cards for Journalists.

*Report of the Sub-Committee.*

M. POLITIS explained that the report had been drawn up on the conclusion of two long sittings of the Sub-Committee appointed the previous day. All the members of the Sub-Committee were agreed, except for a reservation by M. Sinigalia.

The speaker read the report (see Annex 18). To this was annexed a model card, containing a number of drafting amendments to the model submitted two days previously by M. Stephen Valot. Instead of a space for "Visa by the Ministry for Foreign Affairs, Press Service", the Sub-Committee had decided to leave a space for notes or seals to be affixed optionally by official authorities. The question as a whole was very simple and did not involve the responsibility of the Advisory Committee, still less that of the League. It was a reply to a resolution adopted by the Press Conference and referred by the Assembly to the Advisory Committee, which must naturally submit the result of its studies to the League Council.

M. SINIGALIA apologised for not having spoken two days previously in order to make his reservation more precise. They had not then the necessary information before them, and there seemed no reason to raise any objection. At its twelfth session the Advisory Committee had instructed one of its members to study the question of identity cards, with the assistance of the Press organisations, and when the members of the Committee had received the agenda this was accompanied by the Memorandum from the Secretary-General of the Committee (see Annex 15) which simply stated :

"As regards the second point, it appears from information received that the International Federation of Journalists has on its own initiative taken steps to meet the wishes of the Conference of Press Experts. Fuller details can be given to the Committee in the course of its discussions."

The only possible construction to be put on this passage was that the International Federation of Journalists had thought fit, on its own — that is, without the assistance of other persons or other organisations — to frame the document which it had urged the Press Conference to adopt. This view was supported by the fact that the Memorandum of the Secretary-General of the Committee was not accompanied by a report from the member delegated to assist in drawing up the card or by a specimen of the card itself. The speaker had therefore come to the present session under the impression that the International Federation of Journalists had solved the difficulty for itself, and that it only remained for the Advisory Committee, in response to the Assembly resolution, to declare that there was nothing more for it to do, since the matter was already settled. However, from the statements of M. Politis and the representative of the International Federation two days earlier, it appeared that in July 1928 they had agreed on a model identity card. This had not been communicated to members, though the Committee had instructed a smaller Committee to deal with it, a Committee which ought never to have been appointed, in view of the information contained in the Secretariat's Memorandum.

The speaker now found himself, in the Committee, confronted with the actual substance of the question. Instead of simply noting that the International Federation had drawn up the document, which should be used solely under the responsibility of the Federation, the Advisory Committee was asked to give an opinion on its form and contents. The League's responsibility was thus involved to some extent. If the question was really one of substance and not of procedure, how was it that members of the Committee had not been duly informed that the matter was to be gone into fully? The speaker regretted that the Bureau had not been in a position to inform members of the Committee beforehand as usual, and hoped that in future, this would be avoided.

On examining the document submitted to the smaller Committee, he had seen at once that it was not a simple personal identity card but a document of an entirely different character, in view of its size to begin with, the particulars which it contained, the use to which it was to be put, and the formalities in regard to issue. Everyone knew what a simple personal identity card was

like, and the card under discussion was not of that type. The speaker's objections, however, referred not only to the form of the document but to other points.

He did not dispute the right of the International Federation of Journalists for which he had the greatest respect and consideration, to issue to its members any document it liked, or their right to settle what formalities it involved and what particulars it should contain. All the Advisory Committee had to ensure was that, if the issue of such a document implied certain consequences, those consequences should not involve the League's responsibility. According to the Press representative himself, however, the document would involve both immediate and future consequences.

Some of the immediate consequences might possibly cause friction with certain States, and the speaker did not think that the League would wish to be associated with such a result whether involuntarily or for the reasons of expediency which had been advocated. Again, there were more distant effects, which, in the speaker's view, would be inconsistent with the Assembly resolution. The representative of the Federation had said that the present card might take the place of a regular passport. There was no need at present to dwell upon the possible difficulties and consequences of such an arrangement — they were known to everyone. The speaker pointed out that the Assembly resolution distinguished clearly between two questions: the identity card pure and simple and passport visas. The point at issue seemed to be: was the Committee asked to deal with a simple personal identity card for journalists? If so, the League ought not to be asked to deal with such a question; the international and national Press associations were quite capable of framing and issuing a personal identity card without applying for the approval of any other body. If the card was really intended to be of a different character, then the consequences must be considered, and the speaker could not approve the first model card, or even the new draft submitted by the smaller Committee. This draft involved the League's responsibility and required various formalities on the part of certain official authorities, and the possible results of any such intervention might be far-reaching.

The Committee had to examine a document the issue and use of which might perhaps create difficulties for certain Governments, and the speaker urged that this fact should be borne in mind. He did not think that in view of this uncertainty the document could be issued in a form that might involve the League's responsibility, which would hardly desire its great authority to be used to create difficulties instead of to avoid them. If the Committee had to consider the question of a personal identity card it should declare, in reply to the Assembly resolution — as might be seen from the various communications received by the Committee — that the International Federation had itself taken steps to comply with the Press Conference's proposals and that consequently there was no need for the Advisory Committee to discuss the matter. Otherwise the Committee should declare itself incompetent.

Finally, he did not understand why in the draft resolution submitted to the Committee the resolution adopted by the Conference of Press Experts was quoted *in extenso*, and before that of the Assembly, which seemed to have made a clear distinction between the two proposals contained in the resolution of the Conference of Press Experts. The Committee should merely have followed the instructions of the Assembly.

The SECRETARY-GENERAL of the Committee wished to mention one point, which did not affect the substance of the question. M. Sinigalia, had referred to the Secretary general's memorandum, implying that it did not seem to give sufficient data for a proper examination of the question. Referring to the passage mentioned by M. Sinigalia, this statement was quite correct. The International Federation of Journalists had taken certain steps and more detailed information was to be supplied by M. Politis and, more particularly, by representatives of the Federation. It was not for the Secretary-General of the Committee to change questions submitted to the Committee or to restrict examination. As the Advisory Committee was aware, it had to deal with the resolution passed by the Press Conference. In his view, this resolution must be the basis of the Committee's discussion. The Secretariat's memorandum could only be considered as a document supplying information, and the Secretariat could not assume responsibility for the trend of a discussion based on an Assembly resolution.

M. SINIGALIA did not mean that the Bureau, of whose correctness and merits he was well aware, had failed in its duty, but that it was unable to supply members of the Committee with adequate information. This implied no criticism of the Bureau.

Mr. BALDWIN said that he had been present at the first but not at the second meeting of the Sub-Committee. The few objections that he had submitted to the Federation's original proposals were as follows: He did not see — and he still could not see — the need to reproduce, on an identity card issued by private organisations, extracts from resolutions of the Assembly, the Press Conference or the Advisory Committee.

Nor did he think that the identity card should have a space for the visa of the Ministry for Foreign Affairs or any other Government Department. Obviously if journalists could obtain such a visa from their Government it was to their advantage. But if this space were kept on the model identity card, a journalist in one country might obtain the visa of the Ministry for Foreign Affairs, while in another country the Ministry might refuse to have anything to do with the card — this would be a great help to the first-named journalist, but might involve serious difficulties for



his colleague, whose card would contain a blank where the visa ought to be. The smaller Committee had endeavoured to meet his views, and the space for the visa of the Ministry for Foreign Affairs was replaced on the model card by a vaguer formula. He would certainly have preferred to add the words "if any" after "remarks" and to delete the word "official" before the word "authorities", but he was prepared to compromise.

He noted that the draft at present before the Committee contained no mention of the Advisory Committee's resolutions.

M. POLITIS said that this did not figure in the draft, but that the report stated that while the journalists might of course mention some resolution themselves, it must not be the one adopted by the Advisory Committee.

M. Silvain DREYFUS simply wished to make a general observation. On examining the proposals put before the Committee, he noted that the Sub-Committee had not expressed any general opinion on the draft card referred to it. A point to be considered was that the International Federation of Journalists, having noted that the League could not undertake to issue an identity card, could quite well have framed and issued a card without notifying the Transit Organisation. The Federation, however, had wished to obtain the Advisory Committee's opinion on its work and, as regards the form, this procedure was worthy of mention. As regards the substance, the draft established by the Federation appeared to be very sound, and the fact that the Sub-Committee had suggested only slight amendments was a tribute to the model card brought to Geneva by M. Valot. The speaker thought that the Advisory Committee should at its present discussion at least recognise this fact.

The CHAIRMAN asked M. Sinigalia whether he had any objections to raise to the model card.

M. SINIGALIA replied that he had already made his observations on the substance of the card itself, and against the attitude that the League might adopt towards it.

The CHAIRMAN pointed out in reply that the Committee would simply communicate the results of its examination of the question referred to it by the Council. These results would be submitted to the Council, when the various States would have an opportunity of expressing their views. M. Sinigalia had asked whether the League was to deal with the question, but this had already been decided by the very fact that it had been referred to the Committee. In the main the results achieved were satisfactory and there was no great danger in forwarding the resolution to the Council, which would decide what was to be done in the matter.

M. SINIGALIA said that he could not object to the Committee submitting the results of its work to the Council, if this was the desire of the majority. He simply asked that his observations should be recorded in the minutes. He thought that the Committee had exceeded its terms of reference. It had been asked to deal with a simple personal identity card. In his opinion, however, the present draft was, especially in view of the consequences which might arise from its use, something more than an ordinary identity card.

The CHAIRMAN thought that the Committee's discussions did not imply any of the legal consequences which M. Sinigalia seemed to fear.

He noted that the Committee was unanimous in its opinion that its resolution should be forwarded to the Council, together with M. Sinigalia's reservations.

M. GUERRERO did not think that the draft card or the discussions exceeded the Committee's terms of reference or that there was any harm in them. The Committee was simply considering a certificate for persons belonging to the journalistic profession. What was the purpose of the draft card? It was a request to colleagues in foreign countries to assist the holder when visiting those countries. It implied no more than the card issued to a student requesting fellow students in foreign countries to assist him. The document possessed no legal value and could not take the place of a passport or of any other Government document.

M. Silvain DREYFUS thought that the Committee had not exceeded its terms of reference, in view of the wording of the resolution adopted by the Assembly on September 22nd, 1927, which he then read. M. Sinigalia was convinced that the card should be simply a personal identity card. In examining the Assembly resolution, it would be realised that the Assembly had not itself proposed to frame such a card but had simply endorsed the resolution adopted by the Press Conference on August 29th, 1927, which embodied the original purpose of those who wished to have the card in question established. This latter resolution made it clear what was meant by "identity card for journalists" and showed that the Committee had in no way exceeded its terms of reference.

M. DJOURITCHITCH pointed out that the draft stated that the card was valid for one year and that the holder was engaged in journalistic duties. The holder could thus use the card at any time during that year apart from any definite duties, and the speaker agreed to some extent with M. Sinigalia as regards the objections to the draft.

M. POLITIS explained that the draft annexed to the Sub-Committee's report did not reproduce all the remarks to be found in M. Valot's draft. Whenever the holder moved to a different place, the director of the newspaper would have to specify the nature of his duties and give the necessary indications in regard to the date.

*The draft resolution proposed by the Sub-Committee was adopted (see Annex 17, paragraph XXVIII).*

SEVENTH MEETING.

*Held on Thursday, March 21st, 1929, at 4 p.m.*

*Chairman: M. SEELIGER.*

Present : All the members present at the preceding meeting, except M. van den Berch van Heemstede and M. Rossetti.

*Secretariat: M. R. HAAS (Secretary-General of the Committee), Col. HIAM, M. ROMEIN and M. METTERNICH.*

XXVII. REPORT OF THE COMMITTEE FOR THE UNIFICATION OF TRANSPORT STATISTICS  
(Item 20 of the Agenda).

M. ROMEIN explained that the only question to be settled at the moment was whether the Committee thought that the time had come for the final report of the Committee on Unification of Statistics to be examined directly by the Advisory Committee or whether it would be better to refer to the various Committees the particular parts which concerned them.

M. Silvain DREYFUS thought that, in theory, a draft by the Committee on Statistics relating to the three forms of transport ought certainly to be completed by the three competent technical Committees. He wondered, however, whether such a procedure was really practical ; these three Committees might each submit separate and divergent proposals.

It would be better to set up a special Committee consisting either of certain members of the three technical Committees or of specialists competent in the three subjects ; that Committee would be instructed to report to the Advisory Committee.

M. HEROLD thought that the work of the Statistical Committee should be examined by the various permanent Committees.

M. SCHLINGEMANN was of the same opinion, particularly as the Committee on Inland Navigation had already examined the part of the report relating to inland navigation and had decided to postpone discussion until the report was completed.

Mr. BALDWIN said that this was experts' work. The experts, however, would examine the matter as statisticians only. It was essential, at a second stage of the work, that the Committee should make a general study of the question to see whether the final report was in its main features in conformity with the points of view of the permanent Committees on Transport by Rail, Inland Navigation and Ports and Maritime Navigation.

The CHAIRMAN thought this observation well founded. They would therefore obtain the opinion of each Committee on the particular part of the report which concerned it, and later, possibly with the help of expert statisticians, they would examine the report from the general point of view so as to ensure the necessary co-ordination of the different parts.

M. ITO pointed out that there were two aspects which must not be confused. They were dealing with transport statistics ; but railway experts and river navigation experts were not necessarily experts in the special field of statistics. Account must, of course, be taken of the interests of those who supplied the figures to be analysed, but these interests must not be given undue importance.

The CHAIRMAN replied that, in his opinion, the object of statistics was to benefit all means of transport.

M. ROMEIN said that it would be well to avoid a special meeting of each of these Committees. Some of them, like the Committee on Ports and Maritime Navigation, normally met only once in eighteen months or even once in two years. If by chance the three Committees were to meet before the next session of the Advisory Committee, they could, without difficulty, obtain a general opinion representing the interests of communications. If not, he would like to draw attention to the value of M. Silvain Dreyfus' proposal to appoint a Mixed Committee consisting of two or three members of each of the Committees concerned.

M. DJOURITCHITCH felt that the simplest procedure was to refer this special work to the various technical Committees and then to summon them. This procedure, however, would be very expensive. Would it not be possible to request the permanent committees concerned to give in writing their opinion on the work of the specialists?

Mr. BALDWIN thought there was no choice but to summon meetings of the various technical Committees, to be followed later by a meeting of a Mixed Committee.

M. SCHLINGEMANN reminded the Committee that the Secretariat had pointed out the difficulties of convening the Committees at the right moment. But was the question so very urgent?

M. ROMEIN replied that the urgency was only relative, but that a postponement of a year or possibly longer, for reasons of procedure, might appear excessive. The Committee could perhaps ask its Chairman to submit the report by the Committee on Unification of Statistics, as soon as it was completed, to the three technical Committees, if possible before the next session; if not, the Chairman would be authorised to set up a Mixed Committee which could make a preparatory examination, so that the Advisory Committee could then decide with a full knowledge of the facts, the Committee on Statistics being represented on the Mixed Committee.

M. ITO pointed out that, at the recent Diplomatic Conference on Economic Statistics, they had been content to ask the opinion of the International Institute of Statistics at The Hague.

M. HEROLD accepted M. Romein's proposal.

M. ROMEIN thought it was understood that the procedure contemplated would also allow the Chairman to convene a Mixed Committee if the individual examinations by the three permanent Committees revealed important divergencies of view.

*The procedure proposed by M. Romein was adopted.*

## XXVIII. PRESENT STATE OF THE QUESTION OF THE REFORM OF THE CALENDAR (Item 21 of the Agenda).

M. ROMEIN explained how the question stood. He said that national committees had been set up to study the reform of the calendar in different countries, and he thought that it would be interesting to know whether national committees had been or were being formed in other countries. The circulars sent to the Committee showed considerable development in the movement for the study of reform in the United States of America and the interest taken in the question by the Pan-American Conference.

The CHAIRMAN, speaking as a member of the Committee, said that the German Government had taken preliminary measures in accordance with the Committee's recommendation and that national committees were in the course of formation.

M. SCHLINGEMANN announced that the Netherlands Government was also preparing to establish a national committee.

Mr. BALDWIN declared that the British Government had no intention of forming a national committee. Opinion in the country was divided. Some organisations were in favour of reform, but several very important institutions, such as the Federation of British Industries and the Anglo-Jewish Association, were opposed. In these circumstances the British Government, which desired to be guided by public opinion, did not see fit to take any steps in the matter.

As regards the fixing of Easter, the law had been approved by Parliament. When the Government thought the time ripe, it was prepared to fix the date of Easter by law. Mr. Baldwin added, with regard to reform in general, that the value of a fixed calendar from the statistical point of view had been greatly exaggerated. It was perfectly pointless to declare that one day in the year would have no name. People would continue to be born and to die on that day, business would proceed just as usual, and account would have to be taken of this in statistics. There were in fact 365.25 days in the year, and that fact could not be ignored.

M. DE VASCONCELLOS announced that the stabilisation of Easter would cause no difficulties in Portugal, but that learned authorities, when consulted as to the reform of the calendar, had expressed themselves against it.

M. ROMEIN reminded the Committee that a request to Governments to consider the possibility of submitting the question of reform to a national committee was not the same as asking whether Governments had already made up their minds on the matter. For example, the fact that the Netherlands Government was prepared to appoint a national committee in no way implied that it was inclined to support any kind of reform.

M. Romein pointed out, in regard to the question of Easter, that, according to the newspapers, an Ecumenical Council would probably be meeting in Rome next year; the Holy See had some time ago stated, with reference to the Committee's conclusions on the reform of the calendar, that this question would be within the competence of such a Council. The question might some time arise whether it would not be desirable to summon a conference of Government representatives in order to consider whether the civil aspect of the problem of fixing Easter offered difficulties and, if so, how they might be removed. A discussion of this question at the present stage, however, seemed premature.

The CHAIRMAN, in reply to a question from M. Silvain Dreyfus, said that the Secretariat was distributing the text of the law approved by the British Parliament.

M. DUZMANS apologised for appearing reactionary, but he felt bound to associate himself with Mr. Baldwin's protests at a time when the Committee was on the point of adopting an attitude towards this question which would do it no credit. The table of advantages and disadvantages showed at a glance that the latter greatly outnumbered the former. The first solution recommended was of no importance, and the other schemes all offered equally trivial advantages. On the other hand, one and all were calculated to destroy things of value to civilisation. Culture itself and the foundations of civilisation were at stake, and it would seem from the document

before them that it was proposed to sacrifice a large number of matters of real importance on the altar of statistics. Having destroyed a number of exceedingly important traditions and religious landmarks, they would find that the statistical benefits were ridiculously small by comparison. Were the interests of petty trade to involve losses which it was impossible to calculate? M. Duzmans was not speaking as the mouthpiece of his Government, but he desired to unburden his conscience by saying frankly that the results of this pseudo-reform were disastrous and that in this matter the laugh might be with those past-masters whose destructive work was seen in the Third International.

Not only were the practical results doubtful, but he was really upset by this readiness to change certain bases of the traditions of civilisation, and — if he might use the unfortunate neologism — to “Americanise” and mechanise life in this way was like deciding to abolish the name of every street in every town all over the world, and give them nothing but numbers. M. Duzmans had been present before the war at a performance of a satirical play in St. Petersburg, representing existence in the thirtieth century. Everything was catalogued, numbered, regulated and encased in a system of the most frightful uniformity. In Geneva, too, they sometimes embarked upon work which appeared to bear the stamp of this abominable mechanisation.

M. Duzmans had no illusions as to the practical value of these considerations, since the great majority was in favour of this reform, but he had desired to express his humble opinion and to reserve his right in the future to oppose this unfortunate change whenever he had an opportunity.

The CHAIRMAN thanked Mr. Duzmans for having raised the level of the discussion, but the reform was not yet a *fait accompli*; they were still at a stage of enquiry when they were asking whether it might be useful to humanity.

M. DJOURITCHITCH stated that no national committee had been set up in his country, where the position was somewhat special: as far as the observation of holidays was concerned the orthodox part of the population, which was the most important, continued to use the Julian Calendar, whereas for official purposes the Gregorian Calendar was in use. The question of arriving at a reform through the unification of these calendars was now being examined; this would practically result in the general application of the Gregorian calendar. The fixing of Easter was likewise being examined.

That was the present position in the Serb-Croat-Slovene Kingdom, as far as the reform of the calendar was concerned.

The setting-up of a national committee on calendar reform with a different programme would lead to confusion. Moreover, the reform whose study was recommended represented a change too radical to be easily acceptable. The introduction of blank days in the week would do away with all stability and continuity in the popular measuring of time.

The CHAIRMAN declared that *the Committee took note* of the information and suggestions received regarding which each member of the Committee would act as he thought fit.

## XXIX. REPORT OF THE PERMANENT LEGAL COMMITTEE (*continued*) (Item 2 of the Agenda).

### 1. *Question raised by the Letter of February 24th, 1928, from the French Ministry for Foreign Affairs with regard to the Interpretation of Article 20 of the Statute and of the First Paragraph of the Protocol of Signature to the Convention on the International Regime of Railways.*

M. Ito congratulated the Legal Committee upon the text it had finally adopted, which removed all ambiguity.

Mr. BALDWIN drew attention to a passage in the report (see Annex 2, page 67) beginning with the words “this choice necessarily allows. . .” and ending with the words “. . . the sole motive of such discriminations”.

This passage might be misinterpreted as too ready an admission of the legitimate nature of a discrimination based specially upon a difference of flag.

He suggested that the same idea would be better expressed as follows:

“This choice necessarily allows of special treatment in regard to tariffs being granted for perfectly legitimate reasons to goods carried on vessels which in fact may fly a particular flag, which flag will, of course, as a rule be the flag of the country to which the railway administration belongs. The difference in flag would in that case not be the sole motive of such difference of treatment.”

M. SCHLINGEMANN thought that it would be going a little too far to say that this flag would as a rule be the flag to which the railway belongs. In many cases the flag would be that of another country.

M. DUZMANS urged the retention of the word “sole” in the following sentence: “the Statute merely lays down that the flag must not be the *sole* motive of such discriminations”. The use of this word had been strongly urged in the discussions of the Permanent Legal Committee in Paris where he was present, so as to distinguish clearly between a fact and a point of law, and its insertion was considered indispensable. It would be dangerous to alter a single word in a text that had been prepared on so subtle distinctions and after weighing each word judiciously.

M. SINIGALIA said that this passage had been adopted after long and detailed discussions. It was perfectly intelligible. If Mr. Baldwin’s amendment meant the same thing, there was no point in substituting it for this text. If it did not, the Committee would have to examine it closely.

M. Silvain DREYFUS associated himself with M. Ito's praise of the Legal Committee's report, which contained this remarkable formula : " the Statute merely lays down that the flag must not be the sole motive of such discriminations ". He shared M. Sinigalia's hesitation about agreeing to a new text which had not yet been examined, and he begged Mr. Baldwin to agree to maintain the text before them.

Mr. BALDWIN repeated that his amendment did not involve any fundamental difference. He had only wished to avoid a misunderstanding to which the original text might give rise, but he did not press the point and only asked that his amendment should be included in the minutes.

M. GUERRERO declared that the Legal Committee had attempted to give the clearest possible reply and to dispel the French Government's doubts, and he would find it difficult to accept a modification in the terms of a report of which every word had been carefully weighed.

*The Committee adopted the opinion of the Permanent Legal Committee, and ordered its transmission to the French Government in the name of the Advisory Committee (see Annex 17, paragraph XI).*

2. *The Question of which Subjects of International Law fall within the Competence of the Technical Organisations of the League and which should be dealt with by Other Methods.*

M. GUERRERO announced that the Committee of Three Jurists which was instructed by the Ninth Assembly to establish a survey of the subjects in international law suitable for codification would meet on April 15th. The Permanent Legal Committee had thought that this Committee of Three Jurists ought, when establishing this code of multilateral conventions, to take account of what had been done in the matter of communications and transit under the auspices of the League. He therefore requested the Secretary-General of the Committee to communicate a list of all the multilateral conventions concluded in this field.

The SECRETARY-GENERAL of the Committee thought that, in view of the present composition of the Committee of Three Jurists, there was no need for an exchange of letters through the Chairman of the Transit Committee. It was sufficient that the Committee should concur in this idea of establishing touch and should instruct the Secretariat to place itself at M. Guerrero's disposal and to give him all necessary information.

*The proposal was accepted.*

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## EIGHTH MEETING.

*Held on Friday, March 22nd, 1929, at 9.30 a.m.*

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*Chairman: M. SEELIGER.*

Present : All the members present at the preceding meeting except M. Politis.

Secretariat : M. R. HAAS (Secretary-General of the Committee), Colonel HIAM, M. ROMEIN and M. METTERNICH.

### XXX. REPORT OF THE COMMITTEE INSTRUCTED TO CONSIDER THE QUESTIONS OF COMPETITION BETWEEN RAILWAYS AND WATERWAYS (Item 22 of the Agenda).

The CHAIRMAN pointed out that a small Committee had been instructed to consider this question, which originated in Mr. Hines's report. That Committee had drawn up a very full report, to which the annexes were still lacking. The text, which so far was in English only, contained considerations of railway policy, traffic, etc., raising questions so important that it would seem impossible for the Committee to discuss it at that moment. He asked his colleagues to give their opinion on the procedure to be followed.

Mr. BALDWIN thought that the French translation of the document was only a matter of days. In his opinion the normal procedure should be followed with regard to this report; that was to say, it should be treated in the same way as the Hines report. Although it was not final, the Committee could have it distributed, like the Hines report, for information, etc.

M. Silvain DREYFUS approved this suggestion. He thought, however, that in the covering letter to Governments it would be well to mention that the Advisory Committee had not yet discussed the report and that it was communicated with that reservation.

The SECRETARY-GENERAL of the Committee said that this statement could appear in a note to the report itself, the document being for the moment published for information only.

M. SCHLINGEMANN understood that it was not the intention of the Committee to ask the opinion of Governments on the report as yet.

The CHAIRMAN said that that was the case.

The SECRETARY-GENERAL of the Committee added that the report must be regarded as supplementary to the Hines report. When that document was submitted to the Committee it had published it but had decided that it should be examined at a later session (in that particular case, a session of the Committee on Inland Navigation), to which were invited members appointed by all the States concerned.

M. Silvain DREYFUS reminded the Committee that when, in January 1926, the Sub-Committee on Inland Navigation and the Sub-Committee on Transport by Rail had agreed to refer to a special committee the questions on competition of importance to the Rhine and Danube areas, that proposal was discussed in plenary session on July 15th, 1926. M. Silvain Dreyfus enquired whether the present report was final or whether they had to consider the possibility of the Committee adding to it later. As a result of the decision of July 1926, the Advisory Committee had taken a resolution drawing the Special Committee's attention to the importance of including in its work, subject to the approval of the two Sub-Committees concerned, an examination of all other examples of competition which might be reported to it and which were analogous to those to which Mr. Hines had referred in his reports. This was why M. Silvain Dreyfus had asked whether the report was final or not.

The CHAIRMAN thought that this point could not be discussed at the moment, as it contradicted the note in which the Advisory Committee proposed to state that it had not yet examined the report.

The SECRETARY-GENERAL of the Committee said that, in the opinion of the Special Committee, the report, except for information on one or two matters was complete. Nevertheless, it was difficult at the moment to answer the question whether the report dealt with Rhine and Danube problems only. Those constituted the main part of it, but in the course of examination the Committee had been led, with a view to completing its information, to examine the general question of changes in the distribution of traffic in Central Europe. The Secretary-General of the Committee was of the opinion that during the Committee's work no one had drawn its attention to any specific problem other than those of the Rhine and Danube.

The CHAIRMAN agreed that studies of the Rhine formed the basis of that work, but the conclusions arrived at were so general that they were not confined to the Rhine and the Danube. It seemed better to adjourn this very important question until the Committee came to study the report.

M. Silvain DREYFUS said that he had raised this question because it also involved a question of procedure. It was true that, in its resolution of July 1926, the Advisory Committee had stated that the report of the Committee should be submitted, as soon as it was completed, to the two competent Permanent Committees.

The SECRETARY-GENERAL of the Committee observed that the Special Committee had been set up on the combined initiative of the two Permanent Committees; the Hines report had in fact been examined by the Permanent Committee on Inland Navigation and the Permanent Committee on Transport by Rail had been asked to give its opinion on questions within its competence. The Advisory Committee could decide its own procedure and consider whether it would not be best to take charge itself of the whole of the report, which dealt with a general question of economy in transport.

M. Silvain DREYFUS said that this procedure would have the great advantage of improving parts of the resolution of July 1926.

M. HEROLD agreed with the Secretary-General of the Committee, but thought that the report should be submitted not to the two Permanent Committees but to the Advisory Committee.

The CHAIRMAN concluded from this discussion that the Advisory Committee could not examine the report at that stage, and that it reserved the right itself to discuss it and to take a decision at its next session. The document would meanwhile be communicated to Governments for information.

M. BALDWIN said that, when the Special Committee was set up, he had been very pessimistic as to the results. He was bound to say, however, that he considered it a remarkable report and he congratulated the Special Committee.

In reply to a question from the Chairman, the SECRETARY-GENERAL of the Committee said that, in accordance with precedent, the report would be printed, published and dealt with as a non-confidential document of the League of Nations. The procedure would be the same as for the Hines report.

The CHAIRMAN, speaking as a member of the Committee, said that, in his opinion, the situation had been different in the case of the Hines report. He had examined the present report and found that it contained erroneous ideas on the subject of Germany. Personally he would view the publication of the report with no great favour, but would bow to the Committee's decision.

Mr. BALDWIN pointed out that the situation had been exactly the same in the case of the Hines report on the Rhine and Danube. It would be impossible, and indeed dangerous, to distribute documents of such importance to the members of the Committee and at the same time to try to keep them secret.

The CHAIRMAN replied that there was a difference between keeping a document secret and not publishing it. With regard to the Hines report, he would have made the same objection even if at the time there had been a German member on the Committee. As the document was still under consideration, there was no occasion to give it more publicity than was necessary.

The SECRETARY-GENERAL of the Committee thought that it would be somewhat difficult to depart from the usual practice and they might arrive at a result the reverse of that which they desired. Important documents of the League of Nations had only been regarded as secret in quite exceptional cases. There was always a danger of leakage, and this would make a very unfortunate impression. When this duty had been entrusted to the Special Committee, it was understood that they were concerned with a supplement of the Hines report. It was on this understanding that the Committee had examined the question, and the Committee would be surprised if a different procedure were to be adopted for this than for the main report. The Secretary-General of the Committee assured them that, pending discussion by the Committee, there would, of course, be no special propaganda on behalf of this report, but he thought it would be best to consider it as an ordinary League document on the understanding that the sole responsibility for it rested with its authors.

M. DJOURITCHITCH agreed with Mr. Baldwin that they need not fear publicity, which in the present case he even thought an advantage. The authors of the report had had to have recourse to a number of statistics, and it would be a great advantage if the report were seen by persons who had been concerned in the question and who could submit corrections or additions.

M. SCHLINGEMANN added that it was not only Governments who were interested in the report; there were also shipping and commercial undertakings, etc. It would be undesirable to place difficulties in the way of these people seeing the report.

The CHAIRMAN, speaking as a German member of the Advisory Committee, said that he did not quite agree with the Secretary-General of the Committee that the present report was a supplement to the Hines report. The Advisory Committee before deciding on the Hines report had examined two questions; the question of the super-tax and the question of railway competition and, for this purpose, it had required certain information. The Special Committee had now furnished the first part of this information. The Chairman was prepared to defer to the opinion of the majority, but for him the question was still to be regarded as an internal question affecting the Advisory Committee, since the latter formally declared that it had not yet examined the report. When a document was published by the League of Nations, public opinion naturally thought that it represented the opinion of the League. The present document contained, in regard to Germany, conclusions which were quite erroneous, and its publication would have an unfortunate effect in his country. Possibly the publication of the Hines report had produced a similar effect in certain places, and for that reason the Chairman thought that as long as a matter was still under examination it should not be made public.

Mr. BALDWIN thought that, if they followed that procedure, they would be changing the whole system on which the Advisory Committee had hitherto worked. He did not think that any State could take exception to the present report, but, even if they did, the same thing had occurred quite recently in connection with another document, namely, a report by a German expert containing a large number of important inaccuracies which affected the British Government. As, however, the Committee had not been responsible for that document, and as it was only a report by an expert, it was distributed under the responsibility of its author as usual. Mr. Baldwin added that, apart from these inaccuracies, the report was a very interesting one.

The SECRETARY-GENERAL of the Committee pointed out that, generally speaking, League of Nations conferences were rather different from diplomatic conferences, since public opinion, or the opinion of those concerned, was an essential factor in the working of the League. It was very difficult, therefore, to keep documents secret. There might be disadvantages and inaccuracies, but, if these were to be avoided, they would have to keep all documents secret, and that would be dangerous; for, whatever happened, if these documents, were kept secret for as long as would be the case with the present report, there would still be a risk of their becoming practically public, but without the responsibility being clearly indicated.

The CHAIRMAN, speaking as a German member of the Committee, agreed that public opinion played a large part in the work of the League, but for that very reason they must guard against the mischievous effects of inaccuracies in a report, even if the report contained a note stating that the League of Nations did not accept responsibility for it. He asked that his apprehensions might be mentioned in the minutes, since the majority of the Committee appeared to be opposed to him, and he reserved the right to revert on another occasion to the question of general principle. He was in no way opposed to complete publicity in all the Committee's concerns. He had recommended that publicity should be given to the proceedings of the River Commissions, and had not yet given up hope of success. At the same time, when a member of the Committee pointed out that a document contained errors in some serious economic question, the fact of giving greater publicity to this document than was necessary was not a good way of arriving at a solution in accordance with the Committee's views.

In conclusion, speaking as Chairman, he said that, in accordance with the opinion of the majority of the Committee, the report would be published in the manner indicated by the Secretary-General of the Committee.

XXXI. ACTION TAKEN ON THE RECOMMENDATIONS OF THE THIRD GENERAL CONFERENCE ON IDENTITY AND TRAVELLING DOCUMENTS FOR PERSONS WITHOUT NATIONALITY OR OF DOUBTFUL NATIONALITY (*continued*) (Item 6 of the Agenda).

M. DE VASCONCELLOS mentioned that, in document C.C.T.373 (1), in the part relating to Portugal's reply, the word "*législature*" should be replaced by the word "*législation*".

XXXII. COMMUNICATIONS BY THE SECRETARIAT.

1. *Ratification of Transit Conventions.*

The SECRETARY-GENERAL of the Committee said that the Hungarian Government had, on the previous day, deposited the ratification of the Conventions on the international regime of railways and on maritime ports.

2. *International Radio-electric Conference, Prague, April 1929.*

The SECRETARY-GENERAL of the Committee said that he had received from the permanent Czechoslovak delegate accredited to the League a letter informing him that the Czechoslovak Administration of Posts, Telegraphs and Telephones had, in accordance with Article 14 of the International Radio-Telephonic Convention of Washington of 1927, convened a Conference at Prague for April 1929 concerning the frequency and distribution of wave-lengths. The Czechoslovak Administration invited the Committee to send a representative to this Conference in an advisory capacity. In view of the procedure proposed by the Committee for the study of broadcasting questions, he thought that the Committee would like the Secretariat to attend.

XXXIII. ANNUAL REPORT OF THE MEMEL HARBOUR BOARD (Item 23 of the Agenda).

The CHAIRMAN said that the annual report of the Memel Harbour Board had not yet arrived. He communicated to the Committee, however, the information he had received from the member of the Harbour Board appointed by the Chairman of the Committee with regard to the present traffic situation.

XXXIV. COMMUNICATIONS OF IMPORTANCE TO THE LEAGUE AT TIMES OF EMERGENCY (*continued*)  
(Item 8 of the Agenda).

The SECRETARY-GENERAL reminded the Committee that it had already examined certain aspects of this question in connection with air navigation ; as regards railways questions, the Committee's earlier resolution did not provide for any further enquiry, and certain questions in relation to the Conference on Time-tables had already been discussed. It still had to examine in regard to road traffic the simple problem concerning the identification of motor vehicles employed by the League, which was on the agenda of the Permanent Committee on Road Traffic.

On the other hand, telegraphic and radiotelegraphic questions still required further study. The Committee had formerly adopted a general system for the use in times of emergency of the ordinary telegraphic and radiotelegraphic communications in the different countries. After that, the question of an independent wireless station was raised at the Council. Two schemes were submitted to the 1928 Assembly, one providing for a station which would be the property of the League, the other providing for a station belonging to a Swiss company, but operated in times of emergency by the League. The Assembly postponed the examination of these schemes until 1929, and requested the Advisory Committee to make further enquiries. These related especially to the financial aspect of the proposed programme. The Secretariat was seeking information as to the cost and receipts of the station. They could not at the moment give any further information; the Ninth Assembly had been furnished with a large amount of information, but it had come too late for distant countries to be able to give an opinion on the matter.

The Secretary-General of the Committee hoped shortly to be in possession of supplementary information which might perhaps be submitted to the Assembly. The problem also presented legal aspects, which the Council had referred to the Secretary-General of the Committee. The results of the enquiries by the Legal Adviser of the Secretariat were examined by the Council in March with the help of the Swiss Government. An agreement had been reached, and the Advisory Committee would not be required to deal with the legal questions, which related in particular to the presence and duties of an observer on behalf of the Swiss Government and to Swiss neutrality. On this occasion, however, the Swiss Government had further submitted to the Council a new draft *modus vivendi* for the use of a Swiss national station, and this draft had been forwarded to the Committee.

In view of the present situation, which had somewhat changed during the last three weeks, the Secretary-General of the Committee had prepared a memorandum containing suggestions as to the method to be followed in the future.

This memorandum was read (see Annex 17, paragraph XXI).

M. GUERRERO supposed that the Advisory Committee would pursue the enquiries entrusted to it by the Assembly of 1928. It would be well to continue these enquiries, especially into the question of an independent installation. M. Guerrero had been much struck by the cost to the League of the telegrams despatched in connection with the dispute between Bolivia and Paraguay. It would be very useful to furnish the 1929 Assembly with figures which might serve as the basis of a resolution.

The SECRETARY-GENERAL of the Committee pointed out that figures as exact as possible had been submitted in 1928. The Secretariat would endeavour to make these still more accurate by



applying to reliable sources for information as to the cost of a station. It was particularly difficult to estimate receipts, and in this matter it was doubtful whether they could give any more information than in 1928. The question for the Assembly was to decide whether it could accept a responsibility the nature of which it could only estimate roughly. If certain distant countries said that they were already prepared to organise communications in normal times by means of the station proposed, the League could count more surely upon the receipts, and the extent of the risk would be greatly diminished.

The CHAIRMAN thought that it would be very useful for the Committee to have — not now, but whenever the Secretary-General of the Committee thought suitable — a statement or summary of all arrangements which had been made in this important question of the communications of the League in times of emergency. Better use could then be made of the results of the work done by the Secretariat of the Committee, which at the moment were recorded in a number of different documents, difficult to consult.

The SECRETARY-GENERAL of the Committee considered this summary indispensable. If it had not already been made, it was because they had hoped to see their way clearly in these various questions, and in those which still remained to be settled in regard to air navigation. It was important to give a picture of the whole working of the League of Nations in times of emergency. If the various points were sufficiently defined, they would be able to submit a general plan in October or November. The Secretary-General of the Committee proposed, at the last meeting of the Committee, to submit suggestions for obtaining some help in this work of co-ordination.

*The suggestions of the Secretary-General of the Committee were approved (see Annex 17, paragraph XXI).*

#### XXXV. REPORT OF THE SPECIAL COMMITTEE ON THE QUESTION OF THE JURISDICTION OF THE EUROPEAN COMMISSION OF THE DANUBE (Item 24 of the Agenda).

The CHAIRMAN reminded the Advisory Committee of the difficulties which had arisen between France, Great Britain, Italy and Roumania, concerning the jurisdiction of the European Commission of the Danube between Galatz and Braila, which difficulties had been brought before it in 1924.

As the result of a report by a Special Committee which it had set up for this purpose, the Advisory Committee had adopted, on July 28th, 1925, an opinion on the legal situation at that time, and had added, with regard to certain suggestions for the modification of this situation which had been submitted by the Special Committee with a view to conciliation, the following resolution :

“ Having taken note of the suggestions contained in the tenth part of the Report of the Special Committee, and considering that these suggestions, which have been framed with a view to conciliation, are in keeping with the conception which it has always entertained of the nature of its duties, and are calculated to ensure the fullest co-operation between the States concerned ;

“(The Committee) invites the Governments parties to the dispute to give their most favourable consideration to these suggestions . . . and in order to assist them in this examination . . . it authorises the Chairman of the Advisory and Technical Committee to take steps later on, if it thinks it desirable, for the convening of a meeting of the members of the Special Committee and of the delegates on the European Commission of the Danube.”

In conformity with this resolution, meetings had been organised under the presidency of M. Burckhardt, Chairman of the Special Committee, between members of the Special Committee and delegates on the European Commission of the Danube. In order to facilitate these negotiations, the delegates, in accordance with the proposals made to them by the Special Committee, agreed on behalf of their Governments to ask the Council to apply to the Permanent Court of International Justice for an opinion on certain points. The negotiations were then continued.

The Chairman of the Advisory Committee explained that he had just been informed by the Chairman of the Special Committee that, at a last meeting held at Geneva on March 20th, 1929 — the time-limit for these negotiations having been prolonged until that date — the delegates of the Governments represented on the European Commission of the Danube had unanimously accepted a final text submitted to them by the Special Committee set up by the Advisory and Technical Committee, and that that text had been initialled by the four delegates.

The Chairman was sure that the Advisory and Technical Committee would join with him in warmly congratulating Professor Burckhardt, Chairman of the Special Committee, M. Hostie and M. Kröller, members of the Special Committee, and the delegates on the European Commission of the Danube, Mr. Baldwin, M. Contzesco, M. de Lacroix and M. Rossetti, on the happy solution of the difficulties between the four States.

He might perhaps be allowed to add that the Advisory and Technical Committee could itself take great credit for this success and for the patience which it had displayed in the interests of international conciliation. The members of the Committee would shortly receive a copy of the accepted text, and the Chairman proposed that the Committee should adopt the following resolution :

“The Advisory and Technical Committee expresses its satisfaction at the successful conclusion of the negotiations undertaken under its auspices for the settlement of the difficulties between France, Great Britain, Italy and Roumania, with regard to the

jurisdiction of the European Commission of the Danube, and congratulates the Special Committee appointed by it and the delegates to the European Commission of the Danube on the success of their efforts at conciliation.

"It trusts that the agreement reached may soon be put into force."

*The resolution proposed by the Chairman was adopted (see Annex 17, paragraph XXIV).*

Mr. BALDWIN asked whether it was understood that an official English text of the Agreement would be prepared by the Secretariat.

The SECRETARY-GENERAL of the Committee said that this request would, of course, be complied with, since the text in question was the outcome of negotiations conducted under the auspices of the League, and French and English were both official languages of the League.

XXXVI. QUESTION 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 25 of the Agenda).

After an exchange of views at a secret meeting, *the Committee decided to appoint a special Sub-Committee which would submit later a draft report for the Council.* This Sub-Committee would be provided with all the means of organisation and procedure at the disposal of the Advisory Committee. It would consist of the Chairman and Vice-Chairmen of the Committee, the Chairman of the Permanent Committee on Transport by Rail, the Chairman of the Permanent Committee on Maritime Navigation, the Vice-Chairman of the Permanent Legal Committee, and the two members of the Advisory Committee who had been chairmen.

NINTH MEETING.

*Held on Saturday, March 23rd, 1929, at 10 a.m.*

*Chairman : M. SEELIGER.*

Present : All the members present at the preceding meeting.

Secretariat : M. R. HAAS (Secretary-General of the Committee), Col. HIAM, M. ROMEIN and M. METTERNICH.

XXXVII. ADOPTION OF THE RESOLUTIONS.

Draft resolutions on the following questions were adopted in the form annexed hereto (see Annex 17).

- Penal consequences of collisions at sea.
- Customs questions relating to motor traffic.
- Taxes on foreign vehicles.
- Unification of river law.
- Unification of transport statistics.
- Competition between waterways and railways.
- Action taken on the recommendations of the Second Passport Conference.
- Grave occurrences of a general character affecting routes of communication.
- Effect given to the recommendations of the Third General Conference concerning Identity and Travelling Documents for Persons without Nationality or of Doubtful Nationality.
- Collection of information.
- Reform of the calendar.
- Facilities for aircraft effecting transport for the League of Nations in times of emergency.
- Aerodrome in the neighbourhood of the seat of the League.
- Railway communications of importance to the seat of the League.
- Broadcasting questions.
- Question raised by the Council of the League of Nations concerning the freedom of communications and transit.
- Transport of newspapers by air.
- Transport of newspapers and periodicals by rail and Customs questions connected with the transport of newspapers and periodicals.

XXXVIII. REPORT OF THE CHAIRMAN ON THE WORK DONE SINCE THE LAST SESSION  
(Item 26 of the Agenda).

M. SINIGALIA made the following statement :

Apart from decisions taken by the Chairman since the last session on questions constituting the different items on the agenda and already examined by the Committee, the Chairman has exercised his powers, in accordance with the Rules of Procedure, in the following matters :

1. Appointment, on March 15th, 1928, of M. WIDDING as member of the Memel Harbour Board for three years.

2. Proposal, at the Council's request, of two experts (M. KALFF, Director-General of the Netherlands Railways, and M. WERZINGER, Chairman of the Board of Management of Danzas & Co.) for questions relating to the transport of a consignment of machine-guns. These two experts were then appointed by the Chairman of the Committee of Three set up by the Council.

3. The Council, having decided to invite the Communications and Transit Organisation to be represented in an advisory capacity at the Diplomatic Conference on Commercial Statistics held at Geneva from November 26th to December 20th, 1928, M. CLAESSENS, Chairman of the Committee on Unification of Transport Statistics, was appointed to represent the Organisation at that Conference.

4. The President of the International Chamber of Commerce having, in pursuance of a resolution adopted on Senator Crespi's proposal by the World Automobile Congress held at Rome in September 1928, taken steps to appoint an international committee to assist in devising the best system for the combined transport of goods by motor and rail, M. STIÉVENARD, Chairman of the Permanent Committee on Road Traffic, and General DE CANDOLLE, member of the Permanent Committee on Transport by Rail, were appointed to represent the Advisory Committee on that international committee.

*The Committee took note of this statement.*

### XXXIX. ACCOUNT OF GENERAL CORRESPONDENCE RECEIVED (Item 27 of the Agenda).

#### 1. *Letter from the Austrian Federal Chancellor appointing a Successor to M. Reinhardt.*

*The Committee took note of the appointment of M. GRÜNEBAUM as successor to M. Reinhardt, and decided in principle that M. Grünebaum should sit on the same committees as his predecessor, the Chairman being responsible for appointing him to other committees in accordance with his special qualifications.*

#### 2. *Letter from the International Association of Mercantile Marine Officers forwarding the Resolutions of the International Conference of Pilots held at Amsterdam in May 1928.*

*It was decided that this letter should be distributed and communicated to the Permanent Committee on Ports and Maritime Navigation.*

#### 3. *Invitation to the Conference of Tourist Agencies.*

*The Committee was of opinion that there was no occasion for it to be represented at this Conference.*

#### 4. *Invitation from the British Government to the International Conference on Safety of Life at Sea, London, April 16th, 1929, for the Revision of the Convention of 1914.*

The SECRETARY-GENERAL reminded the Committee that it had always followed this question with the closest interest. He imagined that the Committee intended to accept the invitation to be represented at this conference in an advisory capacity. He was of opinion that the Committee should be represented either by a first-class expert or else by its Secretariat, but thought that in any case they should avoid sending a representative having personal weight but who was not an expert.

Mr. BALDWIN proposed that the duty of representing the Committee should be entrusted to the Committee's Secretary-General.

The CHAIRMAN supported this proposal, *which was adopted.*

#### 5. *Appointment of M. Schwob's Successor on the Permanent Committee for Transport by Rail*

The SECRETARY-GENERAL of the Committee announced that M. Schwob, member of the Permanent Committee on Railways and Director of Railways at the French Ministry of Public Works, had been replaced by M. GRIMPRET; M. Grimpret had therefore been invited to attend the last session of the Permanent Committee on Railways.

He thought that this invitation should be regularised by appointing M. Grimpret officially as a member of the Permanent Committee on Railways. Further, M. Grimpret had himself been replaced by M. Colson as Director of Roads, Hydraulic Forces and Distribution of Electric Power.

M. COLSON should therefore be appointed member of the Committee on Electric Questions in place of M. Grimpret.

*This was decided.*

#### 6. *Appointment of an Italian Member on the Permanent Legal Committee.*

*The Committee decided to invite M. Massimo PILOTTI, Adviser to the Court of Cassation at Rome, to accept the office of member of the Permanent Legal Committee.*

**XL. COMMUNICATIONS OF IMPORTANCE TO THE LEAGUE AT TIMES OF EMERGENCY**  
**CO-ORDINATION OF MISCELLANEOUS WORK**  
*(continued) (Item 8 of the Agenda).*

The SECRETARY-GENERAL reminded the Committee that it was necessary to co-ordinate the varied work that had been done in this field and to prepare systematically the measures which it was proposing to take if occasion arose. As things stood at present, it would probably be possible to avoid convening special technical committees. A simpler and less cumbersome procedure would be for the Chairman and Secretary-General of the Committee to provide for the assistance in this work of a few experts. He suggested the names of M. Georges BONNET, formerly assistant to the Chairman of the Committee on Telegraphic Questions and a member of the drafting committee of the second General Conference, and M. JAEGER, formerly a member of the Committee of Technical Experts consulted on the question of establishing a wireless station for the League.

*The Committee approved these suggestions.*

**XLI. CLOSE OF THE SESSION.**

The CHAIRMAN said that, when agreeing to take the chair, he had stated that he did so with much hesitation, but that he hoped that his colleagues would give him their confidence, help and indulgence, and that the Secretary-General would always be ready to help him. That hope had been more than amply fulfilled and he expressed his deep gratitude to his colleagues. He also desired to offer his warm thanks to the Secretary-General of the Committee and to his assistants.

*The Chairman declared the thirteenth session closed.*

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## Section I. — Preparatory Documents.

### ANNEX 1

#### AGENDA.

[C.C.T.380.]

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2. Report of the Permanent Legal Committee.
3. Report of the Permanent Committee on Road Traffic.
4. Cards for Emigrants in Transit.
5. Effect given to the Recommendations of the Second Passport Conference.
6. Effect given to the Recommendations of the Third General Conference relative to Identity and Travelling Documents for Persons without Nationality or of Doubtful Nationality.
7. Collection and Exchange of Information on Communications and Transit.
8. Communications of Importance to the League at Times of Emergency.
9. Co-operation between Civil Aviation Undertakings, and International Organisation of Air Navigation. Effect given to the Resolution adopted by the Committee at its previous Session.
10. Report of the Permanent Committee for Transport by Rail.
11. Combined Transport.
12. Report of the Permanent Committee for Ports and Maritime Navigation.
13. Grave Occurrences of a General Character affecting Routes of Communication : Recommendation submitted by the Hungarian Delegation at the Third General Conference.
14. Rules of Procedure of the Committee.
15. Communications by Rail of Importance to the Seat of the League.
16. Action taken on the Resolutions of the Conference of Press Experts.
17. Distribution of Wireless Wave-lengths.
18. Report of the Permanent Committee for Inland Navigation.
19. Budget of the Communications and Transit Organisation for 1930.
20. Report of the Committee on the Unification of Transport Statistics.
21. Present Position of the Question of the Reform of the Calendar.
22. Report of the Committee instructed to study the Questions of Competition between Railways and Waterways.
23. Annual Report of the Memel Harbour Board.
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25. 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.
26. Report of the Chairman on the Work done since the Last Session.
27. Account of the General Correspondence received.

### ANNEX 2

#### REPORT BY THE PERMANENT LEGAL COMMITTEE ON ITS FIFTH SESSION HELD IN PARIS FROM NOVEMBER 19TH TO 22ND, 1928.

[C.C.T./C.J./14.]

The Permanent Legal Committee held its fifth session from November 19th to 22nd, 1928, in Paris. His Excellency M. Urrutia was in the chair.

All the members of the Committee were present except Professor van Eysinga, who was unable to attend.

The Committee discussed in turn the following questions :

(1) The question raised by the letter of February 24th, 1928, from the French Minister for Foreign Affairs with regard to the interpretation of Article 20 of the Statute on Railways and the first paragraph of the Protocol of Signature to the Convention on the International Regime of Railways ;

(2) The summary procedure before the Permanent Court of International Justice in cases relating to communications ;

(3) The question of which subjects of international law fall within the competence of the technical organisations of the League and which should be dealt with by other methods (resolution adopted by the Ninth Assembly of the League of Nations on September 24th, 1928).

\* \* \*

1. The Legal Committee considered the question raised by the letter of February 24th, 1928, from the French Minister for Foreign Affairs (see Appendix) with regard to the interpretation of Article 20 of the Statute on Railways, and of the first paragraph of the Protocol of Signature to the Convention on the International Regime of Railways.

The Committee takes the view that — although the French Government appears to fear the contrary — there is no contradiction between these two texts ; that the object and effect of the second is to define the meaning and scope of the first, and that, taken together, they should (like Articles 4, 21 and 22 of the Statute) furnish the following interpretation, which is also corroborated by the preliminary discussions leading up to the Convention.

By Articles 4 and 20 of the Statute, the contracting States undertake to refrain from all discrimination of an unfair nature directed against the other contracting States, their nationals or their vessels, first as regards the normal working of international traffic, and secondly as regards both the amounts and the conditions of application of transport tariffs.

This undertaking is not restricted to traffic which constitutes international railway traffic within the meaning of the Convention. In accordance with the spirit of Article 23 (*e*) of the Covenant (*cf.*, the statement of M. ISABELLE, Rapporteur, at the eighth meeting of the Railway Committee, November 27th, 1923 (document C.28.M.14, page 48)), the Statute extended the field of application of this rule to transport made up of successive stages by rail, by sea or by any other mode of transport traversing the territory of more than one contracting State, and to the treatment of imported or exported goods remaining in port.

What is meant by discrimination of an unfair nature? This expression is in no way defined in the Statute, but its meaning is clearly shown by paragraph 1 of the Protocol to the Signature of Convention :

“It is understood that any differential treatment of flags based solely on the consideration of the flag should be considered as discrimination of an unfair nature in the sense of Articles 4 and 20 of the Statute on the International Regime of Railways.”

This text, which originated in a British amendment to Article 5 of the International Convention on Maritime Ports, has the effect of prohibiting discrimination — on the basis of differential duties for the rail transport of goods which have been, or are to be, conveyed by sea — according to the flag under which they have been, or are to be, carried. If this prohibition, which forms one of the surest foundations for the equitable treatment of international trade, is respected, then the obligation imposed upon the Contracting States by Article 20 of the Statute must inevitably be respected in the special case dealt with by paragraph 1 of the Protocol.

The meaning of these provisions is thus perfectly clear. Paragraph 1 of the Protocol gives an illustration of what is meant by discrimination of an unfair nature in a particularly clear instance in which discriminations might occur, based upon the nationality of one of the means of transport. This is, of course, only one example out of many of a practice that was held to be inexpedient and forbidden in fairly clear terms by the Statute : it would obviously be unlawful, therefore, for a contracting State to introduce passenger fares at differential rates based entirely on the nationality of the passenger.

So far, therefore, from being inconsistent with Article 20 of the Statute, the clause in the Protocol of Signature simply illustrates it in a particularly practical case. It remains to show, in order to dispel the French Government's apprehensions, first that the clause is in conformity with the view adopted by the Railway Committee of the second Transit Conference, and secondly that it does not prevent the establishment of combined rail and sea tariffs, provided they comply with the principles laid down in Article 20 of the Statute.

On the first point, the Legal Committee observes that the preparatory documents for the Statute and Convention contain nothing inconsistent with the interpretation of the words “discrimination of an unfair nature” given in paragraph 1 of the Protocol of Signature, and consequently nothing that can throw doubt on the authenticity of this interpretation of the Protocol, which itself contains the statement that it has the same force, effect, and duration as the Statute, of which it is to be considered as an integral part. On the contrary, the Committee would point out that this question was raised very definitely in the course of the general discussion on the fourth part of the draft Statute (Tariffs) by the delegate of the British Empire (Seventh Meeting of the Railway Committee, November 23rd, 1923 (document C.28.M.14, page 43)). It was considered by the Sub-Committee appointed at that meeting, which reported at the following meeting, submitting texts which became Articles 20, 21 and 22 of the Statute, and no objection was raised to the prohibition of discriminations which the delegations unanimously agreed to forbid as contrary to the spirit and the letter of Article 23 (*e*) of the Covenant. Further, if an instance of the unfair discrimination prohibited in future by the Statute was given only in the Protocol of Signature, the reason is that, as has already been stated, it was in the Maritime Ports Committee of the Conference that the question was first raised. It was later referred to a joint Sub-Committee (*cf.* document C.29.M.15, page 37), which drafted the text finally inserted in the Protocol of Signature at the suggestion of the Drafting Committee of the plenary Conference.



In these circumstances, the Committee is of opinion that, although the actual text of the Protocol of Signature was never discussed by the Railway Committee as a whole, the fact remains that the case with which it deals was brought up several times in that Committee, and that the rule it lays down for that special case is consistent with the intentions of the Committee when it adopted Articles 18-24 of the Statute.

The last point to be considered is that of combined rail and sea tariffs. Here, again, the Committee is of opinion that there is no difficulty in interpreting the provisions of the Statute, and that the Protocol of Signature in no way restricts the right of contracting States to establish or authorise special tariffs, provided they respect the principles laid down in Article 20 of the Statute.

As the Rapporteur of the Railway Committee repeated several times in this Committee (Eighth Meeting, November 27th, 1923 (document C.28.M.14, pages 47 and 48); Ninth Meeting, November 28th, 1923 (document C.28.M.14, page 59)) and wrote in the report to the plenary Conference (document C.28.M.14, page 82), combined rail and sea tariffs imply contractual relations, mutual confidence, and divided responsibilities, which justify a railway administration in making a free choice of the shipping companies with which it will establish combined tariffs. This choice necessarily allows, as is pointed out in the report referred to above, "perfectly legitimate discrimination in favour of vessels flying a particular flag, as a rule the national flag"; the Statute merely lays down that the flag must not be the sole motive of such discriminations.

Paragraph 1 of the Protocol of Signature does not, therefore, in any way restrict or contradict the terms of Article 20 of the Statute concerning combined rail and sea tariffs, and these can always be established in all the countries which have signed the Convention.

The Legal Committee is of opinion that the Advisory Committee for Communications and Transit can entirely reassure the French Government by replying on the lines of the foregoing observations to the question put by the Minister for Foreign Affairs.

2. The Permanent Legal Committee, whose attention has been called to the fact that the present wording of Article 27 of the Statute of the Permanent Court of International Justice presents a certain ambiguity, would ask the Advisory and Technical Committee to bring to the notice of the Council a number of difficulties involved in the application of this article.

Article 27 provides for the appointment of a special Chamber for cases relating to communications, and lays down that "if the Parties so demand, cases will be heard and determined by this Chamber", and that "in the absence of any such demand, the Court will sit with the number of judges provided for in Article 25".

This last phrase seems capable of two interpretations, between which the Committee prefers not to decide.

On the one hand, if the words are taken in their literal sense, it would appear that in cases relating to communications, notwithstanding the fact that agreement may have been reached between the parties, reference of the case to the Chamber for Summary Procedure provided for in another article of the Statute (Article 29) would be impossible. That, at any rate, is how the Court seems to have interpreted this text. Paragraph 3 of Article 35 of the Rules of the Court lays down that the Court shall comply with a request that the case be referred to the Chamber for Summary Procedure, "provided that the Parties are in agreement" on such request, but makes an exception to the rule in regard to cases relating to communications in the words: "compliance with the latter request is, however, subject to the condition that the case does not relate to the matters dealt with in Articles 26 and 27 of the Statute".

Further, in the Third Committee of the First Assembly, Sir Cecil Hurst called the Committee's attention to the fact that "the special Communications and Transit Chamber would in no case have jurisdiction except by virtue of an agreement between the Parties". The freedom of the parties would no longer be complete, however, if in an urgent case (assuming that Article 30 allowed the Court to organise a special summary procedure before the Communications and Transit Chamber) the parties, not wishing to have recourse to the special Communications and Transit Chamber, were in consequence obliged to resort to the ordinary procedure before the Court in its normal composition and were unable to take advantage of the facilities offered by the Chamber for Summary Procedure provided for in Article 29.

It should be added that the literal interpretation of the text of Article 27, limiting the composition of the Court to the number of judges specified in Article 25, may have the effect of rendering the presence of national judges impossible, and such a result would be inconsistent both with the intentions of the Statute and with the Court's practice in the various transit cases with which it has already had to deal.

The Committee therefore thinks that if the institution of the special Chamber provided for in Article 27 is to be maintained, all ambiguity should be removed, and the parties should be given the option of choosing the procedure before the Chamber for Summary Procedure. Such an agreement between the parties may be reached in regard to an existing dispute, or it may take the form of a treaty provision covering all future disputes of any particular class. Certain members have observed that in their opinion Article 8 of the Statute on the International Regime of Maritime Ports, which is now in force, contains such a provision.

The parties may, it will be observed, have a legitimate interest in choosing the summary procedure and the composition of the Court as provided in Article 29 of the Statute. This Chamber may be particularly useful in cases relating to communications on account of the growing demand for regularity and speed in transport, and on account of the possible effect of any interruption or delay in communications on all economic activity.

Generally speaking, however, the Committee thinks it would be preferable for the Committee which is to deal with the question of the revision of the Statute of the Court to consider whether the reasons for the establishment of the special Chamber provided for in Article 27 still hold good.

Although the Court has had before it a certain number of cases covered by Article 27, it has never yet had recourse to this special Chamber. Moreover, no similar institution exists for economic disputes such as those which may be referred to the Court under the Conventions relating to the simplification of Customs formalities, import and export prohibitions, etc. It may also prove very difficult to determine exactly what classes of dispute are covered by Article 27, as distinguished from economic disputes or those which cannot be settled without consideration of general legal questions exceeding the sphere of communications.

The Committee would add that no use has been made of the other option provided for in Article 27 — the option to add technical assessors to the Court. The arguments set out in the previous paragraph would seem to apply equally to this clause of Article 27. In cases of a specialised technical character — the very class of case for which it might seem at first sight that assessors might be useful — it would certainly be extremely difficult for the Court to find the qualified specialists required in the list of assessors drawn up in advance; it could find them more easily by the elastic and general method of appointing experts, which is provided for in the Statute of the Court.

The Committee is of opinion that the Advisory and Technical Committee might with advantage lay these observations before the Council in case they may be of value in any further investigations undertaken.

3. The Permanent Legal Committee has noted that, in pursuance of the resolution adopted by the Ninth Assembly of the League on September 24th, 1928, a Committee of Three Jurists is to establish a survey of the subjects in international law suitable for codification, and at the same time to determine which of these subjects fall within the competence of the technical organisations of the League and which should be dealt with by other methods.

The Legal Committee requests the Chairman of the Advisory and Technical Committee to point out to the Secretary-General of the League how obviously important it is that in making this classification the Committee of Three Jurists should be constantly in touch and in consultation with the representatives of the technical organisations concerned.

#### Appendix.

#### LETTER FROM THE FRENCH MINISTRY FOR FOREIGN AFFAIRS TO THE SECRETARY-GENERAL OF THE LEAGUE OF NATIONS, GENEVA.

[Translation.]

Paris, February 24th, 1928.

In connection with the current examination of the Bill for the ratification by France of the Convention on the International Regime of Railways, my Government has been struck by the apparent contradiction between Article 20 of the Statute on Railways and the first paragraph of the Protocol of Signature.

While the right of the signatory States to establish or authorise the establishment of combined tariffs between railway companies and shipping companies is explicitly recognised by Article 20 of the Statute, the interpretation given to that article and to Article 4 by the first paragraph of the Protocol of Signature would seem to restrict, if not to deny, the principle thus laid down in the Statute, inasmuch as it declares that "any differential treatment of flags based solely on the consideration of the flag" should be considered as "discrimination of an unfair nature" and is prohibited. I would point out that this last clause was introduced into the Protocol of Signature by the Drafting Committee without discussion by the Railway Committee, and is not entirely consistent with the views which had been adopted during the preliminary discussions (see Minutes of the seventh meeting of the Railway Committee, November 23rd, 1923).

My Government is anxious to ratify the Convention as soon as possible, but desires, before doing so, to ascertain the view taken by the Communications and Transit Committee with regard to this contradiction.

I have therefore the honour to request you to lay the question before the Communications and Transit Committee at its next session, and to ask for an opinion as to which interpretation is to prevail.

For the Minister for Foreign Affairs :

(Signed) CORBIN,  
Minister Plenipotentiary, Director of Political and  
Commercial Affairs.

#### ANNEX 3

#### REPORT OF THE COMMITTEE OF CUSTOMS EXPERTS ON TRANSPORT QUESTIONS ON ITS SESSION HELD IN PARIS FROM DECEMBER 20TH TO 22ND, 1928.

The Committee of Customs Experts, consisting of :

M. S. HAEUSERMANN (Inspector-General of Swiss Customs), [C.C.T.370.]  
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 (Recommendations of the Conference of Press Experts and Memorandum from the Messageries Hachette (documents Conf.E.P./13 and 9)).
2. Resolution of the Permanent Committee on Road Traffic concerning the general adoption and simplification of the triptych system for touring motor vehicles.

The Committee examined the first question with the assistance of :

M. G. GLATT (Head of the Foreign Department of the Messageries Hachette),  
M. H. W. VON HERWARTH (Bookseller and Publisher, of Georg, Stilke & Co., Berlin),  
Mr. A. E. POPE (representing Messrs. W. H. Smith & Son, London).

In dealing with the second question, the Committee had the assistance of Colonel PERRON, General-Secretary of the International Association of Recognised Automobile Clubs. The International Touring Association was also invited to send a representative to the meeting, but was unable to do so.

## I. 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 in 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 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 of 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.

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.

## II. GENERAL ADOPTION AND SIMPLIFICATION OF THE TRIPTYCH SYSTEM FOR TOURING MOTOR VEHICLES. — RESOLUTION OF THE PERMANENT COMMITTEE ON ROAD TRAFFIC.

The Committee of Experts was asked to consider the recommendations made by the Permanent Committee on Road Traffic with regard to the general adoption and simplification of the triptych system for touring motor vehicles. The Committee feels that there is no possibility of putting those recommendations into practice without preliminary enquiries by the Customs administrations of the various countries into their respective laws and the possibilities of administrative action.

Accordingly, to pave the way for an agreement, the Committee suggests that a preliminary enquiry should be made among the administrations concerned. This would throw light on the essential difficulties, and would show on what points agreement could easily be secured, and on what points further discussion is necessary.

### A. Examination of Customs Documents at Frontiers.

From the point of view of tourist traffic, it would obviously be very convenient for motorists to be able to cross frontiers at any hour of the day or night, even on first arrival or final departure. This, however, would involve the presence at the points of arrival and departure of officials familiar with the complicated formalities entailed by the passage of a motor-car and its occupants through the Customs. The Committee of Experts unanimously takes the view that in its present form the recommendation of the Permanent Committee on Road Traffic is too general. Few administrations would be in the position to allow cars to cross at any time, in any circumstances, and by any road. Only a few roads are of any real importance to the tourist, and the others are scarcely used at all except by people living in the frontier districts. Moreover, it rests with the Customs administrations to decide what arrangements they would have to make to carry out the recommendation, and the Committee does not feel that special methods should be suggested to them.

In view of these considerations, the Committee of Experts suggests that the question might be put in the following terms :

“With regard to the crossing of frontiers by motor-cars, would the administrations concerned agree to the following measures, which seem desirable?

“(a) In the case of roads forming the principal means of communication between different countries and roads on which the international traffic is particularly important, administrations to arrange for the arrival and departure formalities, including those of recording the first arrival and first departure, to be carried out at any time and at any hour without any special fees being charged.

“(b) In the case of roads on which the volume of traffic is not large except at certain periods, administrations to provide the above facilities during those periods.”

It would be desirable that the administrations of adjoining countries should make such measures, and all measures designed to secure the same objects, concord as far as possible, and that in particular, as recommended in paragraph 18 of the annex to Article 14 of the Geneva Convention of November 3rd, 1923, relating to the Simplification of Customs Formalities, agreements should be made in regard to international motor traffic to establish concordance between office hours of Customs offices situated opposite one another on the frontiers.

The Committee of Experts wishes to point out that one of the chief difficulties which certain Customs administrations will be found to encounter in their enquiries will be due to the existence

of internal taxes, for the collection of which the Customs authorities themselves are directly or indirectly responsible. It is a well-known fact that in some countries the collection of these taxes involves motorists in formalities or special journeys which are sometimes much more vexatious than the Customs formalities themselves.

There can be no doubt that if an international agreement could be reached to abolish, or at any rate to simplify, the formalities entailed by the collection of these taxes, it would be a great benefit to international motor traffic.

### B. *The Triptych System.*

The Committee of Experts, while recognising that the triptych system was originally introduced for the primary purpose of encouraging tourist traffic, finds that, in practice, most countries have allowed extensions of the system, either to all foreigners whose fixed and permanent residence is not in their own territory, or even to those who possess estates or businesses there.

From the point of view of international motor traffic, it has been thought very important not to deny the benefit of the triptych system to touring cars belonging to persons who have to pay a *temporary visit* to a foreign country, even if touring is not the sole object of the journey (holidays, medical treatment, business, etc.). It has been thought, however, that precautions should be taken to prevent owners of foreign cars permanently resident in a country from evading revenue or protective duties established in that country under the pretext that they are only temporary residents.

The Committee of Experts considers that the conditions laid down in the resolution of the Permanent Committee on Road Traffic on this point should be upheld — namely, that a motorist applying for a triptych should not have his domicile or principal occupation in the country into which he desires to take his car.

The enquiries to be made of the Customs administrations of the various countries should relate primarily to the following points :

1. Can the establishment of a *de facto* residence in the importing country be regarded as preventing the issue of a triptych, if such residence is merely temporary?
2. Is a residence to be regarded as temporary if it implies that a specified period, such as four or six months, be spent continuously abroad each year?
3. Do the Customs administrations consider that the period spent annually abroad is in itself a sufficient criterion, or that further facts as to the actual nature of the temporary residence should be required (permanent establishment or, on the contrary, residence in an hotel or in a mere *pied-à-terre*, etc.)?
4. Can the advantages of the triptych be granted to :
  - (a) Persons actually in charge of a commercial or industrial business established in the country, as administrators, managing directors, managers, etc., if they are not continually present in the country?
  - (b) 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?

## ANNEX 4

### DECISION BY THE INTERNATIONAL RAILWAY UNION ON THE INTERNATIONAL STANDARDISATION OF WARNING SIGNS TO BE PLACED ON ROADS IN THE VICINITY OF UNGUARDED LEVEL-CROSSINGS.

[*Translation.*]

#### I. COMPULSORY REGULATIONS.<sup>1</sup>

1. When a guarded level-crossing is converted into an unguarded level-crossing users of the road shall be informed of the existence of the level-crossing by a permanent "warning sign" set up in its immediate vicinity.
2. This sign shall take the form of a Saint Andrew's cross the arms of which are equally inclined to the horizontal plane. It must be of such a size and be placed at such a height as to be distinguishable at as great a distance as possible.
3. It is permissible to employ a single sign for both directions when the nature of the ground permits of its being set up in such a way that it can be clearly seen from the road in either direction. Where this is not possible, a sign must be erected on each side of the level-crossing, at the point where vehicles and animals usually stop.
4. The arms to the cross shall be painted in the same colours in each country. The colours shall be those used in painting the gates and barriers.<sup>2</sup>

<sup>1</sup> These are only recommendations in the case of the Japanese State, Chosen and South Manchurian Railways.

<sup>2</sup> This regulation is not compulsory for Spain, Sweden and the U.S.S.R. In the case of other countries, it must be complied with when the signs are repainted.

5. If a permanent illuminated (flashing or non-flashing) sign of one colour only is used along with the Saint Andrew's cross, such illuminated sign must be orange-coloured.

6. When it is decided to put up signs at level-crossings which were previously unguarded or only guarded from time to time and which are not already provided with signs, the foregoing provisions shall apply.

7. If it is decided to set up in the immediate vicinity of guarded level-crossings provided with gates or barriers any devices intended to indicate their presence to persons using the road, such devices may in no case take the form of the complete Saint Andrew's cross. <sup>1</sup>

## II. RECOMMENDATIONS.

8. It is recommended that the lower arms of the Saint Andrew's cross should be duplicated when there are two or more lines of rail at the level-crossing.

9. If signs indicating alternatively "Caution" (line clear) or "Danger" (train approaching) are used in addition to the Saint Andrew's cross, it is recommended that precautions be taken to ensure that, if the signs fail to work properly, the indications given shall not be such as to lead to confusion whether by day or night.

10. In the case of level-crossings which are at present unguarded or are only guarded from time to time and which are provided with signs of a type other than those defined in paragraphs 2 to 5 above, it is recommended that signs of this latter type should be substituted for the existing ones.

## III. SUGGESTIONS.

11. Where an "advanced" sign is placed by a roads department at a distance of about 250 metres in front of a guarded or unguarded level-crossing, it is desirable that this sign — which must of necessity take the form of the triangular plate prescribed in the International Convention on Motor Traffic — should be painted in the same colour as the barriers and the Saint Andrew's cross.

12. The International Railway Union expresses the desire that Governments should ask the administrations of secondary railways not belonging to the International Railway Union to comply with the foregoing provisions regarding level-crossing signs.

## ANNEX 5

### NOTE ON THE COLLECTION AND EXCHANGE OF INFORMATION ON COMMUNICATIONS AND TRANSIT.

[C.C.T.383.]

The Secretary-General of the Committee has the honour to communicate herewith a list of documents received from certain Governments in reply to a circular letter which was sent to them on March 21st, 1928, in conformity with the resolution adopted by the Advisory Committee at its twelfth session (see document C.216.M.72.1928.VIII, p. 150).

#### UNITED STATES OF AMERICA.

Treaties, Conventions, International Acts, Protocols and Agreements between the United States and other Powers. — 1776-1909, 2 volumes. 1910-1923, 1 volume.

*Treaty Series*, Nos. 668-761, 1923-1928.

The Interstate Commerce Act, revised to August 1st, 1926. Forty-first Annual Report of the I.C.C., December 1st, 1927. Interstate Commerce Commission. Conference Rulings issued November 1st, 1917.

Tariff Act of 1922, with Index.

Antidumping Act (sixty-seventh Congress).

Treasury Department. Annual Report of the Secretary on the State of the Finances for the Fiscal Year ended June 30th, 1927.

Tr. Dpt. Division of Customs. Customs Regulations of the United States, as amended. Edition of 1923.

#### *Railways.*

A Preliminary Abstract of Statistics of Common Carriers for the Year ended December 31st, 1926. Text of the Fortieth Annual Report on the Statistics of Railways in the United States for the Year ended December 31st, 1926.

A Statistical Analysis of Carriers' Monthly Hours of Service Reports for the Year ended June 30th, 1927.

Tabulation of Statistics pertaining to Signals, Automatic Train Control, and the Telegraph and the Telephone for Transmission of Train Orders as used on the Railroads of the U.S.A., January 1st, 1927.

Comparison of Selected Items of Freight Service Operating Averages on Steam Railways, for the Years 1920 to 1927.

<sup>1</sup> This last regulation is not compulsory for Norway and Sweden.

- Comparative Statement of Operating Averages, Class 1, Steam Railways in the U.S.A. Six Years, 1916-1921.
- Freight Commodity Statistics, Class 1 Steam Railways in the U.S.A. Year ended December 31st, 1927.
- Preliminary Statement of Capitalisation and Income, Class 1 Steam Railways in the U.S.A. Year ended December 31st, 1927.
- Orders in the Matter of Regulations for the Transportation of Explosives and other Dangerous Articles by Freight. Effective May 1928, with supplements.
- Report of the Director of the Bureau of Safety to the I.C.C. for the Fiscal Year ended June 30th, 1927.
- Sixteenth Annual Report of the Chief Inspector, Bureau of Locomotive Inspection to the I.C.C. Fiscal Year ended June 30th, 1927.
- Rules governing Monthly Reports of Railway Accidents. Effective on January 1st, 1922.
- Accident Investigation Reports, 1926.
- Summary of Accident Investigation Reports, July-December 1927.
- Single Reports of the Director of the Bureau of Safety in Re-investigation of Accidents occurring on U.S.A. Railways.
- Accident Bulletin No. 95. Calendar Year 1926.
- Electric Railways. Year ended December 31st, 1926. Selected Financial and Operating Data from Annual Reports.
- Supplying Drinking Water on Trains operating in Interstate Traffic. By A. Gorman (Public Health Reports).
- Safeguarding the Sanitary Quality of Drinking and Culinary Water supplied on Interstate Carriers. By E. C. Sullivan (Public Health Reports).
- I.C.C. Bureau of Statistics. Items for period June 1927-February 1928 :
- Operating Revenues and Operating Expenses of Large Steam Railways. Selected Items.
  - Operating Statistics of Large Steam Railways.
  - Operating Revenues and Operating Expenses of Class 1 Steam Railways.
  - Revenue Traffic Statistics of Class 1 Steam Railways.
  - Freight and Passenger Service Operating Statistics of Class 1 Steam Railways.
  - Summary of Freight Commodity Statistics of Class 1 Steam Railways.
  - Summary of Accidents reported by Steam Railways.
  - Fuel for Locomotives (charged to Operating Expenses) Class 1 Steam Railways.
  - Wage Statistics, Class 1 Steam Railways.

#### *Navigation.*

- Eleventh Annual Report of the U.S.A. Shipping Board. Fiscal Year ended June 30th, 1927.
- Rules and Regulations relating to the Navigable Waters of the U.S.A. Revised to July 1st, 1927.
- Carriers by Water. Year ended December 31st, 1926. Selected Financial and Operating Data from Annual Reports.
- The American Merchant Marine. An Independent Report by H. N. Lawrie, E.M.M.A. (2 volumes).
- Port Series (prepared by the Board of Engineers for Rivers and Harbours, War Department) Nos. 3-17 and 19-21.
- Shore Control and Port Administration (War Department Corps of Engineers, U.S.A. Army).
- Laws of the U.S.A. relating to Improvement of Rivers and Harbours, from June 23rd, 1913, to March 4th, 1925.
- Report of the Chief of Engineers, U.S.A. Army 1927 (War Department). Part 1. Rivers and Harbours. Survey of Original Condition, Constructions, Improvements. Part 2. Commercial Statistics of Rivers and Harbours.
- Transportation on the Great Lakes.
- Survey of Northern and North-western Lakes.
- Water Borne Commerce of the U.S.A., January 1st to December 31st, 1925.
- Water Borne Foreign Commerce of the U.S.A., Fiscal Year ended June 30th, 1926.
- Report on Volume of Water Borne Foreign Commerce of the U.S.A. by Ports of Origin and Destination. Fiscal Years 1925 and 1926.
- Comparative Summary of Water Borne Foreign Commerce, with Graphic Charts. January 1st, 1921, to December 31st, 1926.
- Ocean Borne Passenger Traffic of the U.S.A. (Great Lakes excluded). Calendar Year 1926. Summary.
- Intercoastal Traffic. Calendar Year 1926.
- U.S.A. Water Borne Intercoastal Traffic, by Ports of Origin and Destination and Principal Commodities. Fiscal Year ended June 30th, 1926.
- Imports and Exports of Commodities by U.S.A. Coastal Districts and Foreign Trade Regions. Fiscal Year ended June 30th, 1926. Summary by U.S.A. Coastal Districts. July 1st, 1925, to June 30th, 1926, and July 1st, 1926, to January 31st, 1927.
- Quarterly Report on the Employment of American Merchant Vessels of 1,000 Gross Tons and over. July 1st, 1927.
- Comparative Statement. Foreign Commerce of U.S.A. Ports handling Cargo Tonnage of 100,000 Long Tons and over. Calendar Year 1925 and Calendar Year 1926.
- Comparative Statement. Foreign Commerce of U.S.A. Ports by States. Calendar Year 1925 and Calendar Year 1926.
- The Water Supplies of Ships. By H. de Valin (Public Health Reports).
- The Supplying of Drinking Water to Vessels in the U.S.A. By J. Connolly and A. E. Gorman.

Sanitary Methods for Supplying Vessels with Water for Drinking and Culinary Purposes when obtained from Sources Ashore. By A. Gorman and E. Sullivan (Public Health Reports).  
Fumigation of Vessels from Plague-infected Ports. By S. Grubbs (Public Health Reports).  
Ship Fumigation determined by Observed Rodent Infestation. By C. V. Akin and G. C. Sherrard (Public Health Reports).  
Report on the Disposal of Zyklon-B Residue following the Fumigation of the Holds of Vessels. By G. C. Sherrard (Public Health Reports).  
Sewage Disinfection for Vessels and Railway Coaches. By L. C. Frank (Public Health Reports).  
The Rat-proofing of Vessels. By S. Grubbs and B. Holsendorf (Public Health Reports).  
Communicable Diseases and Travel. By T. R. Crowder (Public Health Reports).  
A Word to Ship Captains about Quarantine. By L. E. Cofert (Public Health Reports).  
Quarantine Laws and Regulations of the U.S.A. Revised edition June 1920.  
Interstate Quarantine Regulations of the U.S.A. Revised edition May 1921.

#### *Road Traffic.*

State Regulation of Motor Vehicle Common Carrier Business. 1928 edition.  
Motor Carrier Regulations by Certificates of Necessity and Convenience. By D. E. Lilienthal and I. S. Rosenbaum.  
Motor Carrier Regulation, Federal, State and Municipal. By I. S. Rosenbaum and D. E. Lilienthal  
State Restrictions on Motor Vehicle Sizes, Weights and Speeds. 1928 edition.  
Special Taxation for Motor Vehicles. 1928 edition.  
I.C.C. Report on Motor Bus and Motor Truck Operation. Submitted February 10th, 1928. Decided April 10th, 1928.  
Motor Vehicle Registrations, 1927.  
Manual and Specifications for the Manufacture, Display and Erection of U.S.A. Standard Road Markers and Signs. January 1927.  
Truck Facts for 1927.  
Bus Facts for 1928.  
Facts and Figures of the Motor-Bus and Truck Industry.  
Official Road Maps (for each State).  
Official Tour Book : North Central, North-eastern, South Central and South-eastern States.  
Detour Maps, Monthly Issue, May 1928 : North Central, North-eastern, South Central and South-eastern States.  
Official Handbooks, published by American Automobile Association, showing Road Types, Highway Mileage, Numbers, Points of Interest, Hotels, etc.

#### *Telegraph — Telephone.*

Telegraph and Cable Companies. Year ended December 31st, 1926 (I.C.C.). Selected Financial and Operating Data from Annual Reports.  
Telephone Companies. Year ended December 31st, 1926 (I.C.C.). Selected Financial and Operating Data from Annual Reports.  
Summary of Monthly Reports of Large Telephone Companies (I.C.C.). June 1927-February 1928.

#### *Electric Questions.*

Power Capacity and Production in the U.S.A. By C. R. Daugherty, A. H. Horton and R. W. Davenport.  
Production of Electric Power by Public-Utility Power Plants in the U.S.A. in 1927.

#### *Department of Agriculture.*

U.S.A. Warehouse Act, as amended July 25th, 1919, and February 23rd, 1923.  
Regulations of the Secretary of Agriculture under the U.S.A. Warehouse Act of August 11th, 1916, as amended.  
Publications of the Federal Horticultural Board.  
Publications of the Bureau of Animal Industry.  
Publications of the Food, Drug, and Insecticide Administration.  
Publications of the Bureau of Biological Survey.  
Regulations of the Secretary of Agriculture under the U.S.A. Grain Standards Act of August 11th, 1916.  
Handbook of Official Grain Standards, in effect on September 15th, 1927.  
Railway Rates on Grain. Report of the I.C.C. adopted by the Senate, May 14th, 1928.  
The Plant Quarantine Act, August 20th, 1912, as amended.  
Bureau of Plant Industry. Service and Regulatory Announcements, July 1926.

#### FRANCE.

##### *Railways.*

Statistique des chemins de fer français (Intérêt général) au 31 décembre 1925 et au 31 décembre 1926.

##### *Navigation.*

Statistique de la navigation intérieure. Année 1924. (Ministère des Travaux publics. Direction des voies navigables.)



Statistique de la navigation intérieure. Recensement de la batellerie, du 29 mai 1926. (Ministère des Travaux publics. Direction des voies navigables.)

GREAT BRITAIN.

*Navigation.*

Acts of Parliament and Regulations relating to Merchant Shipping :

Acts (1894-1925) with Index.

Statutory Rules and Orders (1904-1927).

Regulations and Instructions.

Board of Trade Annual Statement of the Navigation and Shipping of the United Kingdom for the Year 1926, with Comparative Tables for the Years 1922 to 1926.

Annual Statement of the Trade of the United Kingdom with Foreign Countries and British Countries, 1926, compared with the Years 1922-1925. Volume IV.

Reprints from Board of Trade Journal :

1. March 22nd, 1928. Passenger Movement from and to the United Kingdom. Details for 1927.

2. August 16th, 1928. Passenger Movement from and to the United Kingdom. Statistics for the first half of 1928.

*Air Navigation.*

Statutory Rules and Orders. 1921. No. 1286. Air navigation.

Order in Council under the Air Navigation Act, 1920, applying with adaptations, the provisions of the Merchant Shipping Act, 1894, as to Wreck and Salvage, to Aircraft.

ITALY.

*Railways.*

Relazione per l'anno finanziario 1926-1927. (Ministero delle Comunicazioni. Amministrazione delle ferrovie dello Stato.)

Ferrovie dello Stato. Bollettino statistico. Febbraio-Marzo-Aprile-Maggio-Giugno-Luglio-Agosto, 1928. (Ministero delle Comunicazioni.)

*Navigation.*

Sullè condizioni della marina mercantile italiana dal 1915 a tutto il 1925 : Relazione del direttore generale della Marina mercantile a S.E. il Ministro delle Comunicazioni.

*Air Navigation.*

Statistica delle linee aeree civili italiane. Anno 1927 (VI) Ministero dell' Aeronautica.

KINGDOM OF THE SERBS, CROATS AND SLOVENES.

*Railways.*

Statistique des chemins de fer du Royaume des Serbes, Croates et Slovènes, exploités par la Direction générale des Chemins de fer de l'État, pour l'année 1925, avec les données comparatives de l'année 1924.

SWITZERLAND.

*Railways.*

Collection des lois fédérales sur les chemins de fer, publiée par le Dr J. Oetiker. 4 volumes (en allemand).

Collection des lois, ordonnances et règlements concernant les chemins de fer suisses.

Diverses prescriptions concernant le transport par chemins de fer. Loi sur les transports du 29 mars 1893, avec ordonnance d'exécution et règlement de transport, et les arrêtés fédéraux ultérieurs.

Entreprises suisses de transport. Prescriptions générales de tarif, valables à partir du 1<sup>er</sup> novembre 1925, et classification des marchandises.

Rapport de gestion et comptes des Chemins de fer fédéraux pour l'exercice 1926. (Tableaux statistiques en annexe.)

Statistique des chemins de fer suisses, 1926.

*Road Traffic.*

Textes de lois, règlements et ordonnances en vigueur dans chaque canton.

*Navigation.*

Arrêté du Conseil fédéral, du 4 avril 1923, concernant les cours d'eau navigables ou pouvant être rendus navigables.

Loi fédérale du 28 septembre 1923 sur le registre des bateaux, avec ordonnance d'exécution du 24 mars 1924.

- Arrêté du Conseil fédéral, du 26 septembre 1924, modifiant l'ordonnance d'exécution (du 24 mars 1924) de la loi fédérale du 28 septembre 1923 sur le registre des bateaux.  
Ordonnance du Conseil fédéral, du 1<sup>er</sup> août 1924, concernant la délivrance des patentes de bateliers du Rhin.  
Ordonnance du Conseil fédéral, du 1<sup>er</sup> juillet 1927, concernant le jaugeage des bateaux de navigation intérieure.

*Electric Questions.*

- Législation suisse en matière d'installations électriques. (Recueil publié par le Département fédéral des Postes et des Chemins de fer.)  
Loi fédérale du 22 décembre 1916 sur l'utilisation des forces hydrauliques.  
Ordonnance du Conseil fédéral, du 4 septembre 1924, sur l'exportation de l'énergie électrique.

ANNEX 6

MEMORANDUM BY THE SECRETARY-GENERAL OF THE COMMITTEE ON  
COMMUNICATIONS OF IMPORTANCE TO THE LEAGUE OF NATIONS AT TIMES  
OF EMERGENCY.

[C.C.T.376.]

A. TRANSPORT BY AIR.

The International Air Navigation Commission is continuing the examination of the questions submitted to it. At its next session, which will be held immediately after that of the Advisory and Technical Committee, it intends to study the proposed additions to the International Convention of 1919 on Air Navigation. The aim of these additions is to define the status of aircraft registered with the League of Nations or attached to the League at ordinary times or at times of emergency.

B. AERODROME NEAR THE SEAT OF THE LEAGUE.

No new communication has been received from the Swiss authorities since the Advisory and Technical Committee's last meeting. In any case it appears certain that no entirely satisfactory solution is at present likely unless certain expenditure, amounting to several hundred thousand francs, can be undertaken by the League. The Committee will perhaps think it advisable not to make a more detailed examination, until it knows whether the Assembly of the League is prepared to consider incurring expenditure in this matter.

C. RADIO-TELEGRAPHIC STATION.

Since the resolutions of the Council and the Assembly mentioned in the Report of the Polish Representative adopted by the Council on September 26th, 1928, (see appendix), the Secretary-General of the Committee has endeavoured to obtain certain additional information. He hopes to be in a position to give the Committee further particulars verbally.

Appendix.

WIRELESS STATION TO BE CREATED WITH A VIEW TO PROVIDING THE LEAGUE OF NATIONS WITH  
INDEPENDENT COMMUNICATIONS IN TIME OF EMERGENCY.

*Report by the Polish representative.  
Adopted by the Council on September 26th, 1928.*

[C.514.1928.VIII.]

On September 24th, 1928, the Assembly voted the following resolution :

"The Assembly :

"With a view to enabling Members of the League of Nations to proceed to a full examination of the proposals submitted with regard to the creation of a wireless station for the purpose of providing the League with independent communications in time of emergency, and also with a view to allowing time for the additional technical, and legal studies considered desirable,

"Decides to place this question on the agenda of its Tenth Session,

"And requests the Council to take all necessary measures for a further study of these questions."

The report submitted by the Third Committee to the Assembly explains what additional studies will have to be made before the next Assembly can decide on the question of the creation of a wireless station. These additional studies are technical, financial and legal in character. It seems advisable that the Council should immediately forward the report and resolution adopted

by the Assembly to the Advisory and Technical Committee for Communications and Transit, and ask the latter to take the necessary steps for a further study of the technical and financial questions involved (cost of construction, profits, arrangement with receiving posts, facilities for retransmission, etc.).

At its next session the Council could consider the procedure to be followed so that the study of the legal questions raised might be undertaken in sufficient time.

I therefore beg to move the following resolution :

“The Council decides to transmit to the Advisory and Technical Committee for Communications and Transit the report and resolution adopted by the Assembly with regard to the creation of a wireless station to provide the League of Nations with independent communications in time of emergency, and requests the Committee to undertake, as soon as possible, the additional technical and financial studies mentioned, and to submit a report on this subject to the Council in time for transmission to the next Assembly.”

## ANNEX 7

### REPORT OF THE PERMANENT COMMITTEE ON TRANSPORT BY RAIL ON ITS SEVENTH SESSION, HELD AT GENEVA FROM MARCH 13TH TO 15TH, 1929.

[C.C.T./V.F./103 (1).]

The Permanent Committee on Transport by Rail is at present composed as follows :

M. HEROLD, *Chairman*.

M. DJOURITCHITCH

M. POLITIS

M. SINIGALIA

} *Administrative Section.*

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, President of the Board of Directors of the Canadian State Railways.

Dr. VOGEL, Geheimer Oberregierungsrat at the German Ministry of Communications.

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.*

There were present : All the members of the Committee with the exception of Dr. O. Lankas, Dr. G. Leguizamon and M. P. Wolf, who sent apologies for absence, M. Ouang-Hang, whose place was taken by M. TCHANG-TCHIAO of the Office of the Chinese Ministry of Communications in Paris, and Sir Henry Thornton, whose place was taken by M. P. A. CLEWS, Director of Traffic for Europe of the Canadian State Railways.

The following also took part in the work of the session : M. J. GURTNER, M. M. NORDBERG and M. P. WOHL, representing the International Chamber of Commerce, and M. COLOMB, Assistant Director of the Central Office for International Transports by Rail at Berne.

#### *Secretariat :*

M. R. HAAS, Secretary-General of the Advisory and Technical Committee for Communications and Transit.

Colonel T. A. HIAM, Secretary of the Permanent Committee on Transport by Rail.

On the proposal of the CHAIRMAN, the Committee elected M. SINIGALIA Vice-Chairman.

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#### 1. STANDARDISATION OF RAILWAY TARIFF NOMENCLATURE.

The Committee noted the communication received from the International Railway Union and the draft nomenclature of goods for railway tariffs framed by the Union. The representatives of the International Chamber of Commerce pointed out the importance which they personally attached to the framing of a nomenclature in the form of a general list, with a system of references,

to be taken as a basis in establishing Customs and railway tariffs in different countries and ensure their comparability ; this would be of practical value not only to European but also to extra-European countries.

The Canadian member of the Committee also spoke of the interest which would be taken in such a study by the railways of North America.

The Permanent Committee adopted the following resolution :

“ The Permanent Committee on Transport by Rail decides to request its Chairman to form a Committee of Experts to examine the results, so far to hand, of the work of the International Railway Union, bearing in mind the efforts which are now being made to standardise Customs nomenclature and transport statistics, and the general importance of the question for European and extra-European countries.

“ The Committee of Experts will examine the Memorandum submitted by M. Sinigalia.

“ The International Railway Union and the International Chamber of Commerce will be invited to send representatives to this Committee.

“ This Committee will make a report to the Permanent Committee on Transport by Rail.”

## 2. ACTION TO BE TAKEN AS A RESULT OF THE RESOLUTIONS OF THE CONFERENCE OF PRESS EXPERTS (AUGUST 1927).

- (a) Reductions of transport rates for foreign journalists ;
- (b) Transport of newspapers.

The SECRETARY-GENERAL of the Advisory and Technical Committee reminded the Permanent Committee that the Advisory Committee had adopted at its twelfth session a resolution concerning measures to be taken to give effect to the resolutions of the Conference of Press Experts.

Copies of these resolutions were forwarded to the International Railway Union, and the following reply was received from the Secretary-General of the Union :

“ 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 of the proposed system :

“ (a) *Handing over for Transport.* — The consignor should hand in his packages and the C.I.M. waybill 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.).

“ 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, 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 only of daily newspapers (including the free supplements of these newspapers) and financial newspapers appearing only on Stock Exchange days :

“(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 contemplated.

“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.

“As regards :

“(a) The granting to foreign journalists, on giving proof of their professional status, of reductions of railway rates equivalent to those granted to nationals ;

“(b) The extension, under the supervision of the national and international organisations, of the same facilities to journalists obliged to travel for the purpose of representing their colleagues at meetings concerned with professional conditions, it has been recognised that the International Railway Union is not competent to give an opinion on this matter since the question must be regarded as purely domestic in character and each country retains full freedom to make any arrangements on the subject which appear suitable to it.”

After an exchange of views, the Permanent Committee for Transport by Rail adopted the following resolutions :

“(a) *Reduction of Transport Rates for Foreign Journalists.*

“The Permanent Committee for Transport by Rail :

“Having noted the reply of the International Railway Union to the request to consider the action which may be taken as a result of the resolution of the Conference of Press Experts to the effect that the reduced transport rates accorded to national journalists should also be accorded to foreign journalists ;

“Considering that, as the procedure for the identification of journalists proposed elsewhere in the resolutions of the Conference of Press Experts would afford, in the matter of the identification of foreign journalists, guarantees equivalent to those which the various countries possess for the identification of their own journalists, the request submitted does not involve any technical difficulties which would necessitate its examination by the Committee for Transport by Rail ;

“Considering also that the Committee for Transport by Rail is not called upon to give an opinion on the principle of equality of treatment as between national and foreign journalists ;

“Suggests that the Advisory and Technical Committee for Communications and Transit should, for the above reasons, refer the matter to the Council in order that the latter may consider what action should be taken in connection with this resolution of the Conference of Press Experts, so that it may, if necessary, follow, in respect of this resolution, the procedure that it has already followed in the case of resolutions not directly affecting communications problems.”

“(b) *Transport of Newspapers.*

“The Permanent Committee for Transport by Rail :

“Having noted the preliminary work carried out by the International Railway Union in regard to facilities which might be given for the transport of newspapers and periodicals ;

“Noting in addition that the questions raised affect not only the railway administrations but also the postal, Customs and police administrations, and

“Adopting the suggestion of the Committee of Customs Experts for a joint meeting of all parties concerned ;

“Proposes that the Advisory and Technical Committee for Communications and Transit should arrange for convening a Conference of the Governments and administrations concerned, to 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.”

### 3. UNIFICATION OF STATISTICS OF TRANSPORT BY RAIL.

The SECRETARY of the Committee on the Unification of Transport Statistics made a statement on the work of the Committee, whose terms of reference were made wider as the result of a resolution passed by the Advisory and Technical Committee at its twelfth session.

The Committee adopted the following resolution :

“The Permanent Committee for Transport by Rail :

“Having noted the resolution adopted by the Advisory and Technical Committee at its twelfth session, and having heard the explanations given by the Secretariat in regard to the work of the Committee for the Unification of Transport Statistics ;

“Having been informed, moreover, that work for the publication of standardised railway statistics in regard to rolling-stock, the systems operated, traffic in general, etc, is at present being successfully prosecuted by the International Railway Union ;

“Recognising, nevertheless, the importance, apart from these statistics of an administrative and technical character, of establishing statistics of rail transport for the different categories of goods, on a uniform basis which would ensure the comparability both of the rail transport of the various countries *inter se* and with statistics of other methods of transport ;

“Considers that the Committee for the Unification of Transport Statistics, with the addition of experts more particularly qualified in railway matters, might undertake with advantage the examination of the question of the unification of statistics relating to transport by rail.”

### 4. CONVENTION AND STATUTE ON THE INTERNATIONAL REGIME OF RAILWAYS : RATIFICATIONS AND ACCESSIONS.

The SECRETARY of the Committee summarised the position in regard to such ratifications and accessions.

M. DJOURITCHITCH informed the Committee that the Serb-Croat-Slovene Government would ratify the Convention at an early date.

M. SINIGALIA stated that measures had been taken in Italy with a view to the ratification of the Convention.

### 5. NEGOTIABILITY OF RAILWAY TRANSPORT DOCUMENTS.

The representatives of the International Chamber of Commerce reported to the Permanent Committee the results already obtained by the International Chamber of Commerce from its study of the question of the negotiability of railway transport documents.

The Committee adopted the following resolution :

“Whereas great importance attaches to the study of the question of the negotiability of railway transport documents ;

“The Permanent Committee on Transport by Rail ;

“Noting that the Committee on Negotiable Railway Transport Documents of the International Chamber of Commerce has recognised the utility of such documents from an economic and financial standpoint ;

“Requests the Committee for Communications and Transit to ask its Chairman to set up a special Committee of enquiry in consultation with the Chairman of the Permanent Committee on Transport by Rail, on the understanding that the last-named Committee will later be asked to examine the report of the special Committee.

“The International Chamber of Commerce and the International Railway Union would be invited to send representatives to sit on this Committee.”

### 6. SERIOUS OCCURRENCES OF A GENERAL CHARACTER AFFECTING ROUTES OF COMMUNICATION.

The Committee, having noted the report prepared by the Small Committee on this question (*vide* document C.C.T./371), adopted the following resolution :

“The Permanent Committee for Transport by Rail, after examining the Memorandum by the Secretary-General of the Committee on the question of serious occurrences of a general character affecting routes of communication, considers that, in order to comply with the recommendation adopted by the Third General Conference on Communications and Transit, the only practical course would be to propose a new contractual undertaking of a quite general nature. This undertaking would simply lay down general rules involving, however, a more definite obligation than at present, and would ensure effective co-operation, for the re-establishment of international traffic, on the part of States bordering on the region in which traffic has been temporarily interrupted.

“The following text gives an idea of this solution :

“Should a serious occurrence of a general character interrupt international transit by rail over the territory of a State, those contracting States whose systems might be used in re-establishing the interrupted communications undertake, each for its part, to co-operate in re-establishing such communications.

“Subject to the provisions of the international agreements on transport by rail, transport shall be effected over another route ; every effort shall be made, however, to reduce the length of the alternative route as far as the interests of the transported passengers or goods allow.”

“The final text should include certain of the restrictions contained in the Convention on the Freedom of Transit, particularly provisions identical with or similar to those of Articles 5, 7, 8 and 9 of the Statute on the Freedom of Transit.

“The Permanent Committee for Transport by Rail has naturally only considered questions connected with railway transport.”

#### 7. APPLICATION FROM THE SOPRON-POZSONY RAILWAY COMPANY.

The CHAIRMAN reminded members that the Council of the League of Nations, which considered this application, decided, at its fifty-fourth session, to ask the opinion of the Advisory and Technical Committee.

After examining the request from the Railway Company, and the correspondence between the Secretary-General of the League of Nations and the Austrian and Czechoslovak Governments, the Permanent Committee adopted the following resolution :

“After examining the request from the Sopron-Pozsony Railway Company, which claims the application of Article 304 of the Treaty of Peace of Trianon and Article 320 of the Treaty of Peace of St. Germain, together with the correspondence received from the Austrian and Czechoslovak Governments, the Committee is of opinion that the case of this Company is similar to that of the Maramarosi Company, which formed the subject of previous reports to the Council.

“Accordingly, the Committee considered that there was no occasion for the Council to examine a request for the appointment of arbitrators so long as it was still possible that a friendly agreement might be reached by the parties concerned. From information supplied to the Committee, it appears the negotiations are at present proceeding. A reasonable period should be allowed to enable the Governments and Company concerned to conduct these negotiations.

“The Committee therefore considers that it would be desirable for the Council to adjourn consideration of this question until its December session.”

#### 8. COMMUNICATIONS BY THE SECRETARIAT.

The Secretariat of the Committee informed the Committee of the various railway questions dealt with by the Council or by the Secretariat since the sixth session of the Permanent Committee.

### ANNEX 8

#### MEMORANDUM BY THE SECRETARY-GENERAL OF THE COMMITTEE ON COMBINED TRANSPORT. [C.C.T./378.]

Since the Committee's last session no work has been undertaken on the question of combined transport.

The Committee no doubt remembers that recommendations have already been adopted concerning the question of combined transport between air navigation and other methods of transport. On the other hand, the initial work of the Committee on Combined Transport and of its Sub-Committee which specially studied the question of combined transport between railways and inland navigation has not led to any definite results.

In these circumstances, there seemed no object in convening the Combined Transport Committee again before the Advisory and Technical Committee had discussed the matter further. The conclusion to be derived from past studies seems to be that the principal purpose of the Advisory and Technical Committee's work is not generally to promote the organisation of combined transport but to make such transport juridically and administratively possible in cases where the need for it arises and where traffic can utilise it. It was also found that there was a preliminary question which placed many obstacles in the way of the organisation of combined transport between railways and river or maritime navigation, at any rate in Europe, namely that of the non-negotiability of railway transport documents.

The Committee will perhaps consider that before studying further the general question of combined transport it would be better to have a detailed report on this question of the negotiability of railway transport documents. A certain amount of information on the subject has already been collected both by the International Chamber of Commerce and by the Secretariat of the Committee.

Although this question does not concern only transport by rail, the Permanent Committee for Transport by Rail has been informed of the procedure whereby this question may be brought before the Advisory and Technical Committee, so as to give it an opportunity of making any suggestions.

ANNEX 9

REPORT OF THE PERMANENT COMMITTEE ON PORTS AND MARITIME NAVIGATION  
ON ITS FOURTH SESSION, HELD IN LONDON FROM FEBRUARY 25<sup>TH</sup> TO 27<sup>TH</sup>, 1929.

[C.C.T./P. & M./45.]

The Permanent Committee on Ports and Maritime Navigation held its fourth session in London from February 25<sup>th</sup> to February 27<sup>th</sup>, under the Chairmanship of Sir Norman HILL.

There were present all the members of the Committee with the exception of : Sir Allan Anderson (replaced by Mr. CLEMINSON), M. Büger, M. Dens, M. Hansen, M. Watier (replaced by M. DE ROUVILLE) ; who were unable to attend.

The following also attended the meeting :

M. VAN DRIEL, Chairman of the Technical Committee for Maritime Tonnage Measurement ;

Mr. FLUX, of the Statistical Department of the Board of Trade, Member of the Committee for the Unification of Transport Statistics ;

Mr. BICKLE, Chief Surveyor for Tonnage at the Board of Trade, assisting Mr. Baker ;

M. J. YASUDA, Secretary at the Ministry for Communications at Tokio, assisting M. Ito.

The Committee discussed the following questions :

1. Report of the Technical Committee for Maritime Tonnage Measurement.
2. Report of the Technical Committee for Buoyage and Lighting of Coasts.
3. Request from the Committee for the Unification of Transport Statistics concerning information relating to the utilisation of vessels.
4. Questions relating to the penal consequences of collisions at sea.
5. Agenda of the First Conference for the Progressive Codification of International Law : Territorial Waters.
6. Commercial understandings in maritime industry.
7. Present state of ratifications of the Convention on the International Regime of Maritime Ports.
8. Lighthouse Dues.

1. MARITIME TONNAGE MEASUREMENT.

The Committee, after an exchange of views, took certain decisions (see Appendix 1) with regard to points on which the Technical Committee had not been able to reach a unanimous agreement. It adopted the following resolution :

“The Permanent Committee for Ports and Maritime Navigation expresses its thanks to the Technical Committee on Tonnage Measurement for the remarkable work it has accomplished, approves its report and resolves that the following action be taken thereon :

“1. That the Chairman of the Technical Committee be requested to nominate a small Drafting Committee to draw up :

“(a) Instructions to Surveyors giving effect to the Recommendations embodied in the Report (document C.138.M.31.1928.VIII) ;

“(b) A uniform type of tonnage papers referred to in the same document ;

“(c) Provisions for transitory measures.

“2. That the Drafting Committee in preparing these Draft Instructions shall give effect to the views expressed by the Committee for Ports and Maritime Navigation as embodied in Appendix 1.

“3. That when such Draft Instructions, tonnage papers and provisions for transitory measures have been approved by the Technical Committee they shall be referred to the Transit Committee as embodying the steps that should be taken to secure practical equality for ships under all flags under the existing systems of tonnage measurement, with a view to their submission to the Maritime Governments for such action as may be necessary to secure their adoption. The Chairman of the Permanent Committee is instructed to advise the Transit Committee as to the procedure to be followed in this respect.

“4. The Committee agrees with the Recommendation of the Technical Committee that in each country the tonnage surveyors should be under the control of a central office, where the calculations would be checked and the tonnage certificates issued.

“5. The Committee, having considered the point raised by the Technical Committee as to the settlement of future disputes concerning the application of the new regulations, points out that, if such cases occur, the Transit Organisation of the League of Nations, and particularly the Committee for Ports and Maritime Navigation, is at the disposal of the Governments and authorities concerned to help in the settlement of such disputes in accordance with the normal procedure and practice of the Committee.



"Note. — With regard to the question whether or not an allowance for sail-room in addition to an allowance for propelling power should be granted in the case of sailing vessels with auxiliary mechanical propulsion, Mr. Baker said he could not accept the recommendation made that an allowance should be granted in those cases for the space occupied by sails."

## 2. BUOYAGE AND LIGHTING OF COASTS

The Committee adopted the following resolution :

"The Permanent Committee for Ports and Maritime Navigation congratulates the Technical Committee on Buoyage and Lighting of Coasts on the open mind with which it has carried out its work and on the results which it has achieved, approves the report submitted by the Technical Committee and suggests that the Advisory and Technical Committee for Communications and Transit present it for examination to an international conference of maritime countries.

"The Committee is of opinion that such a conference should not meet before the second half of 1930, so as to give all Governments the time necessary for a detailed examination of the report.

"The Committee draws the attention of the Advisory and Technical Committee to the fact that it is desirable that the invitations to the Conference should be worded in such a manner as to make it possible for Governments, which might desire to do so, to provide in whatever manner they think most suitable for the representation at the Conference of autonomous organisations responsible for buoyage and lighting of coasts."

## 3. UNIFICATION OF TRANSPORT STATISTICS : ENQUIRY INTO THE UTILISATION OF SHIPPING.

The Committee heard the explanations given by Mr. Flux on the proposal brought forward at the preceding session of the Committee on the Unification of Transport Statistics (see Appendix 2).

As a result of the discussion that took place, the Committee adopted the following resolution :

"The Committee does not desire to increase the burden already borne by shipping in supplying information to Customs and Port authorities, by imposing any fresh work on the shipping staffs. It understands that the information which the Committee for the Unification of Transport Statistics proposes to collect by way of experiment is to be based on information already in the hands of the Customs and Port authorities, and that nothing confidential will be published. It also understands that valuable information will be furnished concerning the demands upon and the supply of tonnage in service, which may be considered of practical value and of genuine public interest."

## 4. PENAL CONSEQUENCES OF COLLISIONS AT SEA.

The Committee noted the memorandum by the Secretary-General of the Advisory and Technical Committee on this question (see Appendix 3).

The Committee, after an exchange of views, adopted the following resolution :

"The Committee, having been consulted as to whether it would be expedient to examine the question of the penal consequences of collisions at sea, with a view to the preparation of an international agreement, does not think that it can take the responsibility of recommending the Advisory and Technical Committee for Communications and Transit to consider this question, which would appear to fall within the sphere of international criminal law, and which furthermore, as international law at present stands, would seem to give rise to very divergent opinions.

"Desirous of defending the interests of the free exercise of navigation, the Committee is nevertheless of opinion that the following points might with advantage be brought to the attention of the Governments without touching on the legal questions at issue :

"1. Strict observance of the international regulations for the prevention of collisions is of the utmost importance to the safety of life and property at sea.

"2. Such observance can be best attained without recourse to criminal law by :

"(a) Establishing and maintaining a high standard of professional skill and conduct among those entrusted with the duties of navigation ;

"(b) Within the limits recognised by international maritime law, holding the owners of a vessel responsible to other vessels met with in the course of the voyage for loss resulting from the breach of such regulations by those in their employment.

"3. It is the duty of each nation to establish and maintain such standards of professional skill and conduct among those it entrusts with the navigation of vessels under its own flag. Apart from the question as to what, if any, may be the conditions under which the criminal jurisdiction of a country may be exercised over the crew of a vessel under another flag, it is desirable that under the comity of nations, and in

accordance with the rules of international courtesy, there should be left exclusively in the hands of the nations whose flag the vessel flies the enforcement of disciplinary measures for the purpose of establishing and maintaining such standards of professional skill and conduct, such as suspension of the national certificate of competency given to an officer or other disciplinary action.

"4. Maritime law already provides means by which the owners of vessels may be made responsible to other vessels met with in the course of the voyage for loss resulting from a breach of the collision regulations by those in their employ.

"The above considerations and recommendations in no way affect the question of collisions due to criminal intention or criminal neglect, and the Committee is fully aware that the distinction between cases of disciplinary character and those of a criminal nature may sometimes be difficult to make, and in the rare cases when this question arises it could only be settled after criminal proceedings have been set on foot. It is nevertheless expedient, even in such cases, that all efforts should be made by the States concerned to avoid any measures which might be liable either to infringe the principle of the disciplinary responsibility of the State whose flag the ship flies, or which might involve difficulties or delays affecting the carrying on of navigation.

#### 5. TERRITORIAL WATERS.

The Committee noted the draft agenda of the First Conference for the Progressive Codification of International Law and thought it desirable that certain views on the codification of international law with regard to territorial waters, as expressed in the following resolution, should be brought to the attention of the Governments concerned and of the forthcoming Conference for the Codification of International Law :

"In the codification of international law, it is desirable in the interests of international communications and transit that due consideration be given to the following points :

"(a) In exercising its sovereignty the State must respect the limitations imposed by international law.

"(b) The ship merely passing through territorial waters should have the fullest possible freedom.

"(c) Territorial waters should be kept within as narrow limits as possible.

"(d) A State, even within territorial waters, should not interfere with the rights, duties and obligations of those on board a foreign ship, as established under the laws of the flag of that ship.

"(e) The State should be responsible for the infringement of the rights of a foreign ship under international law."

#### 6. COMMERCIAL UNDERSTANDINGS IN MARITIME INDUSTRY.

The Committee noted the discussions which took place at the twenty-seventh session of the Economic Committee (see Appendix 4) with regard to an enquiry into commercial and industrial understandings. The Committee is informed that a certain amount of information concerning Great Britain had been received. It was decided, after an exchange of views, that this information should be circulated to all the members of the Committee, with a request that they should furnish the Secretariat with any information available concerning their own country. The Committee was also informed by its Chairman of the forthcoming publication of the Report of the British Committee on Industry and Trade containing very detailed information on the question of shipping conferences. The Committee adopted the following interim report, which contains some of the data available with regard to Great Britain, and decided that, when all the information had been collected from the various countries, this information would be held at the disposal of the Economic Committee for the purpose of its enquiry into commercial and industrial understandings.

(1) The method by which Freight Agreements amongst Shipping Companies are established and maintained is known generally as the *Conference System*. Such conferences are combinations or agreements, sometimes national, and sometimes international, amongst steamship lines in particular trades, and their object is to secure regularity of support from the shippers of cargo in return for which the Conference Lines offer regularity of service at fixed and uniform rates.

(2) The tie with the shippers of the goods which the Conference Lines seek to establish is secured in a variety of ways. Sometimes it is based on the fact that a considerable part of the earnings of the Lines on a particular route are derived from passenger traffic, or from freights on special classes of cargo (e.g., refrigerated produce), requiring vessels specially constructed or fitted for their safe carriage, or from both these sources. Sometimes it is based on port facilities provided by the Lines, mainly in the less developed countries, for the handling of cargo carried before or after the voyage, without the use of which the trade would be difficult or impossible. But very often the tie is based on what is known as the *deferred rebate system*, under which traders who can show that during a certain period already expired they have given all their custom to a

Conference Line, obtain a rebate usually of 10 per cent of the freights they have paid. Another form of ties is a contract whereby a trader undertakes during a certain future period to give all his custom to the Conference Lines and in return is charged a lower rate of freight than the shippers who have entered into no such agreement.

(3) A thorough investigation into the working of this deferred rebate system was made by the Imperial Shipping Committee at the instance of the Australian Government. The inquiry was confined to the Australian and other "inter-imperial" trade routes, but the findings appear to be equally applicable to ocean routes generally. The final report of the Imperial Shipping Committee, which was issued in 1923, was conclusive as to the necessity of a tie between shipper and shipowner if the advantages of regular, frequent and efficient services were to be realised, together with stability of freights and equality of treatment as between different shippers. The Committee observed that :

"There is a clear mutual obligation — the shipper wants the ship on the berth without fail and the shipowner wants the goods on the berth without fail."

(4) Recently the subject has again been reviewed by the Committee on Industry and Trade. Its report is not yet issued, but it is believed that it is finding that the views generally held by manufacturers and traders are in favour of the maintenance of the Conference System, and that in this view the Committee concurs.

(5) Upon the question of whether the existence of Shipping Conferences has raised the cost of ocean transport to the detriment of British trade, the Committee on Industry and Trade report :

"This is a question which cannot be solved by comparative statistics, since, if, as we believe, the existence of some form of combined action is a necessary condition for the continued provision of regular and efficient liner services, it is obvious that there are no means of comparing like with like."

(6) As to the freights actually charged, the British Shipping Industry placed before the Committee on Industry and Trade a detailed statement showing the current freights charged in 1925 by all the principal Conference Lines running services from this country. And, on the basis of the figures given, they estimated that such freights represented, on the average, 2.7 per cent of the value of the cargoes carried. On the basis of these figures, the British Shipping Industry maintained that Conference freights could have no appreciable influence on price, and that no reductions in such freights could overcome the barriers to trade created by even moderate Customs tariffs.

## 7. PRESENT STATE OF RATIFICATIONS OF THE CONVENTION ON THE INTERNATIONAL REGIME OF MARITIME PORTS.

The Committee was informed of the present state of ratifications of the Maritime Ports Convention. It noted the declaration made by General Ingianni (see Appendix 5) and the explanations given by the Secretary-General of the Advisory and Technical Committee in reply to this declaration (see Appendix 6).

## 8. LIGHTHOUSE DUES.

The Committee took note of a proposal by Mr. Norton, head of the Portuguese Lighthouse Service, forwarded to it by the Technical Committee for Buoyage and Lighting of Coasts, for establishing uniform lighthouse dues in the various maritime countries (see Appendix 7).

The Committee decided that this question should be adjourned till the next session of the Committee and that in the meantime the Secretariat might collect information in different countries on the existence or non-existence of lighthouse dues, the level of such dues, the date of their coming into force or their abolition, and whether the revenue of such dues is solely or partially spent on maritime signalling.

## Appendix I.

### TONNAGE MEASUREMENT. — DECISIONS ON THE REPORT OF TECHNICAL COMMITTEE (SEE DOCUMENT C.138.M.31.1928.VIII).

It was decided that the reservation (page 11) in respect of the proposed method of measuring tonnage depth in the case of the top-lines of floor rise from middle-line to wrings should be dealt with by the Drafting Committee, as this reservation concerns purely a question of technique of measurement.

With regard to the question (page 24) whether or not an allowance for sailroom should be granted in the case of sailing vessels with auxiliary mechanical propulsion, it was thought essential

not to depart from the principle that no double deduction should be allowed. The tonnage principle allows two distinct deductions as regards the means of propulsion employed : (1) for vessels mechanically propelled ; (2) for vessels propelled solely by sails.

A class of vessel has come into existence, viz., a vessel which is essentially a sailing ship, but has in addition auxiliary means of mechanical propulsion.

In view of the fact that in the great majority of these vessels the space set aside for propelling power is comparatively small and does not entitle the vessel to the full benefit as regards tonnage which would accrue to her if propelled solely by mechanical means, it was thought that a limited allowance for the space occupied by sails might be granted. The total allowance, however, in these cases would be much less than in a mechanically propelled vessel wherein the space set aside for propelling power would entitle the vessel to the full benefit of the usual propelling power allowance.

Consequently, the following provision was adopted :

“In the case of vessels having both sails and engines as means of propulsion and whose machinery space does not exceed 13 per cent of the gross tonnage, the space strictly necessary for and exclusively and actually used for the storage of sails will be allowed as deduction up to a maximum of 2 per cent of the gross tonnage.”

It was decided to replace (page 29) the provision relating to spare rooms by the following :

“Spare rooms will not be deducted. The existence, however, of one spare room for the use of a pilot or extra officer will not be considered as rendering the vessel a passenger-vessel and thereby cancelling the allowance for messroom and other similar crew spaces, provided that no paying passengers are carried in such spare room.”

It is understood that the crew space for which deduction has been granted will be checked with the members of the crew entered in the ship's articles ; and that the necessary corrections to the tonnage certificate will be made according to whether the crew is smaller or larger than provided for in the deduction previously granted.

It was decided (page 29) to lay down the principle that the deductible crew space may include the space properly constructed, strictly necessary and exclusively used for the storage of liquid and solid provisions for the crew. The deduction thus allowed shall, however, not exceed a certain percentage of the other deductible crew space. The Technical Committee is requested to determine this percentage, taking into consideration all available information in this respect.

The reservation (page 29) relating to the non-deduction of a pilot's cabin has been withdrawn.

With regard to the question (page 30) of access to deducted or exempted spaces, the following alteration of the provision contained in the report was adopted.

Add to the end of the first sentence, the following :

“Such passageways may still be deducted when serving at the same time as access to other deducted or exempted spaces.”

## Appendix 2.

### EXTRACT FROM THE REPORT OF THE COMMITTEE FOR THE UNIFICATION OF TRANSPORT STATISTICS CONCERNING MARITIME NAVIGATION.

[C.C.T./381.]

#### *Utilisation of Vessels.*

It was proposed that the statistics should indicate in percentage form, the extent to which ships are utilised, employing for this purpose both the returns of goods carried (weight and, if necessary, volume) and the returns of the movement of ships, with particulars of their cargo capacity. It was realised, however, that this method could not produce satisfactory results even if unified statistics were available in the future. One of the members of the Committee proposed another method, namely, to establish co-operation between the States concerned in a particular traffic, so that by the comparison and arrangement of the data collected by the various statistical services, monographs could be compiled giving a much more accurate and complete idea of the traffic on a given route.

The same member thought that it would be wise to try this procedure for one particular traffic movement only, as an experiment, rather than to attempt forthwith to apply it to the whole maritime trade of the world. He suggested as a subject for such an experiment, the trade of Europe with the Atlantic Coast of North America, exclusive of the Gulf of Mexico. In reply to a question he observed that in his opinion the main desideratum was that the information collected by each of the countries concerned regarding the traffic of their ports should be utilised, rather than that fresh enquiries should be made from shipowners.

Two other members explained what was done in their own countries to ascertain how far the home country's vessels were utilised in navigation between foreign ports. It was recognised that

these studies, being made for national purposes, might prove of great help in the work proposed by their colleagues, provided that the Governments concerned had no objection to communicating the information they had collected.

The Committee ultimately decided that this proposal should be adopted, and that the Chairman of the Advisory and Technical Committee should be requested to obtain on this particular point, which more especially concerned the shipping industry, the opinion of the Permanent Committee for Ports and Maritime Navigation as to the usefulness and expediency of the proposed experiment. The Transport Statistics Committee, after hearing this preliminary opinion, would then be able to issue a subsequent report suggesting what proposals should be laid before the Governments concerned.

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Appendix 3.

QUESTIONS CONCERNING AN INTERNATIONAL AGREEMENT ON THE PENAL CONSEQUENCES OF COLLISIONS AT SEA.

*Memorandum by the Secretary-General of the Advisory and Technical Committee.*

[C.C.T./P.&M./40.]

The Secretary-General of the Advisory and Technical Committee has received from the International Association of Mercantile Marine Officers, a communication regarding the expediency of an international agreement on the penal consequences of collisions at sea.

The International Association of Mercantile Marine Officers pointed out that incidents such as those of the *Lotus* have shown the drawbacks of the present position, as regards possible difficulties between States, the exercise of the calling of officer in the merchant service and navigation facilities. According to this communication, the International Association seems to consider it advisable that maritime countries should conclude an international agreement which would leave on one side the general questions of the application of penal law and confine itself to determining the penal consequences of collisions.

This communication was forwarded to the Advisory and Technical Committee for Communications and Transit at its last session, which adopted the following resolution :

“The Advisory and Technical Committee :

“Having taken note of the statement by the Secretary-General of the Committee relating to a communication from the International Association of Mercantile Marine Officers regarding the expediency of an international agreement on the penal consequences of collisions at sea ;

“Decides that a memorandum by the Secretary-General, prepared on the basis of that statement, shall be transmitted to the Permanent Committee for Ports and Maritime Navigation which is requested to give an opinion to the Advisory Committee on the desirability of examining this question and, if necessary, submitting any suggestions as to the procedure to be followed.”

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Appendix 4.

EXTRACT FROM THE MINUTES OF THE 7TH MEETING OF THE TWENTY-SEVENTH SESSION OF THE ECONOMIC COMMITTEE OF THE LEAGUE, HELD ON FRIDAY, JANUARY 18TH, 1929, AT 10.30 A.M.

[C.C.T./P.&M./43.]

M. BARBOZA CARNEIRO wondered whether it would be possible to complete the work of international agreements by investigating agreements allocating freights among the various shipping companies. This was a matter of great importance to overseas countries.

The CHAIRMAN in summing up the discussion said that the Committee was agreed on the following procedure :

As to the suggestion of M. Barboza Carneiro in regard to freight agreements, the Chairman would point out that a certain amount of information was already available on this point in the literature concerned. The Committee could return to the question of the economic consequences of freight agreements when it had more facts in connection with the whole question in general at its disposal, though he quite agreed that its task should not be interpreted in a restricted sense.

M. BRUNET thought that, in regard to the question of freight agreements, this matter was being dealt with by the Advisory Committee on Communications and Transit. It would appear therefore to be outside the terms of reference of the Economic Committee.

Mr. LOVEDAY suggested that the question raised by the observations of M. Barboza Carneiro might be brought to the notice of the Section of Communications and Transit.

M. BARBOZA CARNEIRO considered it necessary to emphasise the effects that freight agreements might produce on the prices of imported goods. He hoped this matter would be studied, but he was quite prepared to fall in with the suggestion of Mr. Loveday and would not press for an immediate examination of the matter by the Economic Committee.

The CHAIRMAN thought that the matter of freight agreements could therefore be left over until the Advisory Committee on Communications and Transit had had an opportunity of considering the matter.

The proposals of the Chairman were *adopted*.

#### Appendix 5.

#### RATIFICATION OF THE CONVENTION ON THE INTERNATIONAL REGIME OF MARITIME PORTS.

##### *Declaration by General Ingianni.*

The Italian Government would already have ratified the Convention on the International Regime of Maritime Ports if the statements made by the French Government had not caused it some anxiety.

As you are aware, gentlemen, the French Government at the time of acceding to the Convention, subject to ratification, made the following declaration :

“France shall have the power, in conformity with Article 8 of the Statute, of suspending the benefit of equality of treatment as regards the mercantile marine of a State which, under the provisions of Article 12, paragraph 1, has itself departed from equality of treatment in favour of its own marine.”

The reasons for this declaration were not very easy to understand, since it is difficult to imagine that one State would take sanctions against another State which had availed itself of a right provided for in an international convention and was therefore acting within its rights.

Later an interpretative declaration was made at the Advisory and Technical Committee's meeting on July 13th, 1926, on behalf of the French Government, which made it clear that the previous declaration was in no way a modification of the terms of the Convention or of the Statute. But the declaration confirmed that if a State availing itself of the facilities provided by Article 12 failed to regulate its action as far as possible in accordance with the principles of the Statute, France might, in conformity with Article 8, suspend the benefit of equality of treatment in so far as the merchant marine of that State was concerned.

There is, moreover, a very important document which explains still more clearly the sense of the French reservations on Article 8 and 12 of the Statute and the interpretation resulting from the French Government's declarations.

In the Protocol of Signature of the Commercial Agreement between France and Germany, signed at Paris on August 17th, 1927, *ad* Article 35, the French Government declares that it maintains the counter-reservation made by it on signing the Statute and Convention on the International Regime of Maritime Ports as well as its right, based on the aforesaid counter-reservation, to take any compensatory action it may consider expedient. The Protocol further lays down that the French counter-reservation refers mainly to cases of discrimination and the total or partial exclusion of foreign shipping resulting therefrom.

It is, of course, clear that plurilateral conventions do not permit of any modification or interpretation by a Government wishing to accede thereto. Their text may satisfy the different points of view to a varying extent, and may even be open to criticism, but, once concluded, a Government must either accede to it as it stands or refrain from acceding to it. Governments must take or leave these conventions as they find them.

If each State wished to interpret a convention according to its own interests or even according to its own opinions, we should have many interpretations of a single text since the interests and the way of interpreting a provision may differ not only from one individual to another but from one country to another. This would give rise to uncertainty, and no Government would know what interpretation was the most accurate. The body competent to deal with any disputes would itself be embarrassed, especially if it had an interpretation only from one Government, and if the other Governments had not had an opportunity of opposing that interpretation by explaining their own points of view. Leaving on one side the general considerations of which I have spoken, the Italian Government as a party concerned cannot accept the interpretation of the provisions of the Convention as given by the French Government. Those who took part in the Conference at which the Convention and Statute on the International Regime of Maritime Ports were drawn up will remember the discussions which took place before a conclusion in regard to emigration was reached.

Both the date on which Article 12 was adopted, which was later than that of the adoption of Article 8, and the order in which the two articles were placed by the Drafting Committee and

by the Conference, and also the spirit of the discussions themselves, clearly indicate that Article 8 is applicable to the case referred to in the articles which precede it and which impose various obligations on the contracting States, but not to the ensuing articles which give the contracting States various powers of derogation and deal with exceptions to the general regime of equality of treatment.

Italian legislation, like the legislation of other countries gives the Italian Government a discretionary power in regard to granting special authorisation for the transport of emigrants. This discretionary power was recognised by Article 12 of the Statute and no other Government can oppose it. Otherwise this power would not only be recognised as belonging to States referred to in Article 12, but to all States without exception, and the meaning of Article 12 would thus be completely reversed.

The Italian Government's preoccupations are therefore fully justified. It would be willing to ratify the Convention, particularly as all the principles of the Statute are as a matter of fact applied equally to all flags in its ports. But in a question of such importance and delicacy it must also safeguard the rights guaranteed to it by the Convention.

I am not authorised to pledge my Government, but I hope that it will be possible to find a solution which will permit the Italian Government to ratify the Convention and to avail itself freely and without any danger of all the rights recognised to it by the Convention itself.

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#### Appendix 6.

#### RATIFICATION OF THE CONVENTION ON THE INTERNATIONAL REGIME OF MARITIME PORTS.

[Extract from C.C.T./P.&M./45.]

#### *Explanations by the Secretary-General of the Advisory and Technical Committee.*

The following particulars may be given on the existing practice as regards certain of the questions raised by General Ingianni's declaration :

1. The question whether reservations could be accepted from States signing, ratifying or acceding to Transit Conventions was discussed by the Barcelona Conference, which expressed the opinion that the only reservations which could be accepted were those previously approved by the Conference drawing up the Conventions.

The question has, at the request of the Council, been studied on a more general basis by the Committee for the Codification of International Law, when the question of reservations to general Conventions was laid before the Council by the British Government. The conclusion adopted by the Council was the same as that of the Committee for Codification of International Law. No reservation, *i.e.*, no declaration modifying the rights and obligations of States in virtue of a general Convention, is acceptable unless expressly stipulated at the time of the conclusion of the Convention, or, of course, unless subsequently accepted by all contracting States. Consequently, a State having made such reservations on signing, ratifying, or acceding to a general Convention, would not be regarded *ipso facto* as a signatory or contracting State.

2. It may also happen that, without wishing to make reservations in the sense defined above, States may, at the time of ratification or accession, submit declarations indicating their intentions as regards the application of the Convention or their interpretation of any particular provision. Such declarations are communicated for information to all the States having taken part in the Conference or having been called upon to sign a Convention or to accede thereto, in the same way as any official correspondence which might be received concerning a Convention even after signature, ratification or accession. But in view of what has been said above, it goes without saying that if such declarations contain an interpretation of any part of a Convention, this interpretation can in no way be adduced against the contracting States nor can it modify in any way the rights and obligations of the State making the declaration towards the contracting States.

The text of the Convention alone has a legal value.

3. In the case of conventions like the Convention on the International Regime of Maritime Ports, which provide a procedure for the settlement of disputes regarding the interpretation or application of the Convention, it is only by this procedure that the Convention can be authentically interpreted, in the absence of agreement between the contracting parties.

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#### Appendix 7.

#### COMMUNICATION FROM THE TECHNICAL COMMITTEE FOR BUOYAGE AND LIGHTING OF COASTS CONCERNING A PROPOSAL RELATING TO LIGHTHOUSE DUES SUBMITTED DURING ITS LAST SESSION BY ONE OF ITS MEMBERS.

[C.C.T./P.&M./44.]

The Technical Committee for Buoyage and Lighting of Coasts has taken note of a proposal submitted by M. NORTON, Head of the Portuguese Lighthouse Service, with regard to the establishment of uniform lighthouse dues in the various maritime countries. The Committee has decided to forward this proposal to the Permanent Committee for Ports and Maritime Navigation.

*Proposal submitted by M. Norton, Head of the Portuguese Lighthouse Service,  
concerning the Establishment of Uniform Lighthouse Dues in the Various Maritime Countries.*

As a result of the progress made during the last thirty years in the various branches of maritime signals, navigation can at present be carried on under conditions of very considerable security in the neighbourhood of coasts, without danger on the high seas, and in all weathers. The most important improvements are of recent date and are mainly due to the various methods of using Hertzian waves. We may therefore expect that these improvements will continue to increase, closely following the further discoveries which will certainly be made in this field.

Naturally these improvements in the system of maritime signals can only be achieved through new acquisitions of material and the replacement of existing material when it no longer meets modern requirements. Nevertheless, these acquisitions and replacements involve a much larger outlay than that required for maritime signals in former times, and this circumstance explains why certain countries have not yet a signal and coastal lighting system which takes full advantage of modern technical appliances and thus meets the requirements of navigation. It is obvious that the present developments would be of much greater value if they were applied throughout the world.

For these reasons we are of opinion, particularly in view of the essential characteristics of the lighthouse service in the various countries, that is to say, its international aspect, its humanitarian purpose and the economic advantages which it ensures, that all maritime countries should undertake to establish and maintain in their territory and on their coasts a signal system which would at all times be as closely in line as possible with technical progress and the requirements of navigation.

We therefore beg to propose the convening of an international conference to which all States concerned, whether or not Members of the League of Nations, would be invited. The purpose of this Conference would be to draw up a Convention in accordance with the following general principles :

(1) To unify the amount of lighthouse dues to be levied in the various countries and in their colonies ;

(2) To fix the percentage of the sums levied as lighthouse dues which should be compulsorily and exclusively earmarked in each country for the maintenance and development of the maritime lighting and buoyage service. This amount should in no case be less than 50% ;

(3) To decide on the best procedure to ensure that the sum corresponding to that percentage should be placed at the disposal of the respective lighthouse services in as direct and speedy a way as possible ;

(4) To set up a Permanent Committee composed of not less than three and not more than five members chosen from among the delegates to the conference. This Committee would be instructed to supervise the application of the provisions of the Convention and to submit a report to the next conference in order that the latter might be fully informed and therefore in a position to take the necessary decisions when fully acquainted with all the facts, and to adopt any modifications in the existing system which it might think desirable.

(5) Conferences should be held once every three years and each conference would reconstitute the Permanent Committee ; the members of that Committee would, however, be re-eligible.

ANNEX 10.

MEMORANDUM BY THE SECRETARY-GENERAL OF THE COMMITTEE ON GRAVE OCCURRENCES OF A GENERAL CHARACTER AFFECTING ROUTES OF COMMUNICATION. [C.C.T./371.]

The Advisory and Technical Committee at its last session requested its Secretary-General to make a preliminary enquiry into the means for giving effect to the recommendation, adopted by the Third General Conference on Communications and Transit. This recommendation, which was proposed by the Hungarian delegation, relates to the measures to be taken in the event of grave occurrences of a general character affecting routes of communication.

The recommendation adopted by the Conference was as follows :

“The Conference :

“Recognising how extremely important it is that freedom of transit should not be interfered with by the effects of grave occurrences of a general character affecting lines of communication, and

“Considering that the Advisory and Technical Committee for Communications and Transit has been entrusted with the duty of studying and proposing suitable measures for securing freedom of communications and transit *at all times* :

“Recommends that the Advisory and Technical Committee for Communications and Transit should make an exhaustive study of the best means of ensuring as far as possible, in the event of grave occurrences of a general character affecting lines of communication, the maintenance of international transit by the preconcerted utilisation of alternative routes in place of the routes through any territory through which transit has temporarily become impossible.”



After considering this recommendation, the Advisory and Technical Committee adopted the following resolution :

“The Secretary-General of the Committee is instructed to submit at the next session of the Committee a report on the recommendation adopted by the Third General Conference on the Hungarian delegation's proposal. In preparing this report he may, if necessary, be assisted by one or more members of the Advisory and Technical Committee, or of the permanent Committees, designated for this purpose by the Chairman of the Committee.”

In pursuance of this resolution, a preliminary survey of the question was made at a meeting held under the chairmanship of the President of the Committee and attended by its Secretary-General and the following persons :

M. Dietrich VON SACHSENFELS (Member of the Permanent Committee on Inland Navigation),

M. HEROLD (President of the Permanent Committee on Transport by Rail),

M. René MAYER (Member of the Permanent Legal Committee).

The report which follows was drawn up and is now submitted to the Transit Committee. The report deals primarily with questions of railway communication, and points out that question of road transport — and, no doubt, of air transport also — are of a different character; that is to say, that they give rise to problems of organisation rather than of general international regulation. These problems appear to have been almost solved as regards air navigation and the same result will be attained in regard to motor traffic when the enquiries undertaken by the Committee on Road Traffic into the international regulation of commercial motor transport have been brought to a successful conclusion. Having regard, however, to the conclusions reached in regard to railway transport, it may prove desirable, later on, to consider how far it would be advisable to use commercial motor transport to supplement railway transport.

*Text adopted.*

The main purpose of the recommendation adopted by the Third General Conference on Communications and Transit, on the Hungarian delegation's proposal, seems to have been to facilitate the execution of the provisions of Article 7 of the Convention on the International Regime of Railways, and particularly to guarantee international traffic in cases where that traffic is impeded over a large area — possibly an entire State.

It would seem that the first steps to be considered for the practical application of this resolution should be in relation to railways. The development of wireless telegraphy and the greater ease with which telegraphic and telephonic communications can be diverted to another route make enquiry into telegraph and telephone communications less urgent. The part that road transport might play in international traffic under the circumstances referred to in the recommendation gives rise to problems which are mainly legal. Facilities would be required in respect of Customs and frontier police control, but these have no direct connection with the special difficulties which the Committee is considering.

As regard railways, two solutions can be considered. They are not of equal value, but for various reasons they both deserve the attention of the Advisory and Technical Committee. Both contemplate the conclusion of a convention between States which would complete the provisions of Article 7 of the Geneva Convention.

According to the first solution, the new contractual undertaking would merely lay down general rules which, however, would involve a more definite obligation than has yet been accepted, since it would provide that States, whose territory adjoined the territory in which traffic was for the moment blocked, should give effective assistance in re-establishing international traffic. The following text gives some idea of this first solution :

“Should a grave occurrence of a general character totally or partly interrupt international traffic through the territory of any State, those of the contracting States whose lines could be of help in re-establishing the interrupted traffic, undertake, each in their respective territories, and under the conditions laid down in the Convention on Freedom and Transit, to co-operate in the re-establishment of such traffic.

“Subject to the provisions of international undertakings concerning transport by rail, the transport of passengers and mails will be provided for by the shortest and speediest route and transport of goods by the most economical route. In all cases, traffic will be made to rejoin its normal route as close as possible to the point at which it has had to be diverted.”

According to the second solution, the Convention would include an annex containing a certain number of examples of hindrances to traffic affecting the principal routes of international concern. For the moment such examples would only be given for Europe; mention would also be made of the various auxiliary routes which the contracting States would undertake to offer for transport of passengers and goods.

This second solution might be expressed as follows :

“Should a grave occurrence of a general character totally or partly interrupt international traffic on the main routes enumerated in the annex attached to the present Convention, the contracting States undertake in their respective territories and under the conditions laid down in the Convention on Freedom of Transit, to ensure the re-establishment of traffic by offering the use of the auxiliary lines mentioned in the annex.”

The Advisory and Technical Committee will realise that the second solution is the only one which fully meets the intentions of the authors of the Hungarian resolution, proposed at the Third General Conference on Communications and Transit. In this case previous technical investigations would, however, be necessary so as to determine whether it would be possible in practice to draw up such an annex in view of the number of different examples to be given and of solutions to be proposed. Such an annex would naturally have to be revised periodically and kept up to date by the organisation responsible for the application of the new Convention.

## ANNEX 11

### DRAFT RULES OF PROCEDURE OF THE COMMITTEE.

[C.C.T./375.]

#### Article 1.

The Committee shall elect from among its members a Chairman and two Vice-Chairmen, who shall remain in office from the date of their appointment until the beginning of the first session of the Advisory and Technical Committee in the calendar year following that of their appointment. They shall not be immediately re-eligible.

#### Article 2.

The Committee shall be convened by the Secretary-General of the Committee acting on the Chairman's instructions.

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. The Chairman's decision to convene the Committee, as laid down in the present paragraph, shall be subject to consideration of the funds available, which shall be notified to the Chairman by the Secretary-General of the Committee.

The Advisory and Technical Committee shall hold at least one session annually. Except in special circumstances, it shall meet at the seat of the League of Nations.

Notices convening the Committee's sessions shall be sent out, except in urgent cases, at least one month before the opening of each session.

#### 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 fifteen days before the opening of the session, inform the Committee, through the Secretary-General of the Committee, of any question that he desires placed on the agenda of the session.

At the beginning of each session the Advisory and Technical Committee shall decide upon the final agenda.

The Committee 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 8th, 1920.

#### Article 4.

The Committee shall exercise the powers conferred upon it under Article 13, paragraph 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 action.

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.

#### Article 5.

The Advisory and Technical Committee may set up temporary or permanent sub-committees composed of its own members as laid down in the Statute; it may avail itself of the assistance of experts and, in particular, may appoint temporary committees of experts to report to it upon specific questions; and it may set up permanent committees, in accordance with the provisions of Article 15 of the Statute.

The continuous examination of questions relating to transport by rail, inland navigation, ports and maritime navigation, road traffic and electric power shall be entrusted to five permanent committees.

The composition of these committees, which may include, in addition to members of the Advisory and Technical Committee, persons appointed individually by it, shall be freely determined by the Advisory and Technical Committee so as to ensure the best possible representation of the various interests involved.

The Advisory and Technical Committee shall also set up permanently a legal committee.

All resolutions of these committees involving recommendations to Governments or proposals to the Council or the Assembly must, before being forwarded to these authorities, receive the approval of the Advisory and Technical Committee in plenary session.

As an exception, in cases 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 disputes submitted to the Advisory and Technical Committee for settlement in virtue of international conventions. The Advisory and Technical Committee in plenary session shall alone be competent to express an advisory opinion in such a case.

In case of urgency or necessity, the Chairman of the Committee may appoint experts in the interval between sessions and may set up temporary committees of experts, when such a measure seems necessary to prepare the Advisory and Technical Committee's work.

#### Article 6.

The present rules shall be applicable to permanent and temporary committees and to sub-committees ; but the Chairman 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, 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.

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-Chairmen 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.

#### Article 8.

The present Rules of Procedure may at any time be altered by a majority of the votes of the members present.

### ANNEX 12

#### REPORT BY M. A. POLITIS, REPRESENTATIVE OF THE ADVISORY AND TECHNICAL COMMITTEE AT THE EUROPEAN TIME-TABLES CONFERENCE, HELD AT VIENNA, OCTOBER 22ND TO 27TH, 1928.

[C.C.T./382.]

In accordance with the decision taken by our Committee at its twelfth session, held at Geneva, February 27th to March 2nd, 1928, and in response to the invitation sent by the Swiss Federal Political Department by letter dated August 20th, 1928, to the Secretary-General of the League of Nations, I proceeded to Vienna and represented the Committee at the European Conference on Time-Tables and Through Carriages which was held there on October 22nd to 27th last.

In a letter dated July 5th, 1928, the Secretary-General of our Committee requested the President of the Managing Board of the Swiss Federal Railways, the administration responsible for the arrangements of the Conference, to place on its agenda the following two questions :

1. Organisation of a through sleeping-car service between Geneva and Berlin,
2. Acceleration of the Geneva-Berlin train which at present leaves Geneva at 11.8 and stops at Basle for 2 hours 10 minutes (15.28 to 17.38).

In reply, the Managing Board of the Swiss Federal Railways informed the Secretary-General of our Committee, by letter dated August 8th, 1928, that it could only accept Question No. 1 and place it on the agenda of the next European Conference on Through Carriages. As regards Question No. 2 it replied that train 113/313, which leaves Geneva at 11.8, has a connection for Berlin after a stop of 29 minutes at Basle station (the connecting train arrives at Basle at 15.28, leaves at 15.57 and arrives at Berlin at 7.25) ; that the departure of train 113/313 from Geneva cannot be delayed in order to make it connect with the train leaving Basle at 17.38 and reaching Berlin at 8.50, on account of the connections which would be missed as a result ; and that accordingly it would not place this second question on the agenda of the European Time-Tables Conference.

I thus had to deal only with Question No. 1, regarding the establishment of a through sleeping-car service between Geneva and Berlin. On arriving at Vienna, I got into touch with the delegates of the administrations concerned, and requested them to consider this question very carefully and to find an appropriate solution. I pointed out that it would be most unfortunate if the present situation were to continue and if both the public of the different countries and persons connected with the League of Nations were, for no serious reason, deprived of a sleeping-car service on the Berlin-Geneva route, which is one of the most important in Europe.

The Sleeping Car Company at once declared that it was at all times ready and willing to provide this service if the administrations concerned asked for it. The delegates of the Reich and Swiss Federal Railways, however, informed me that such a service could not be instituted at present for the reasons set forth in the attached minute (Appendix No. 1), and that consequently they regretted that they could not accede to the League of Nations' proposal. In my opinion these administrations' refusal is not unconnected with the antagonism existing between the Mitropa and the Compagnie des Wagons-Lits. In these circumstances all I can do is to repeat the proposal I made in my last year's report that the matter should be referred to the Council of the League to take such steps as it may think fit in the proper quarters.

I attach to the present report the speech (Appendix No. 2) I delivered at the plenary meeting of the European Conference on Time-Tables and Through Carriages held on October 24th.

The next session of the Conference on Time-Tables and Through Carriages will be held at Warsaw, October 22nd to 27th, 1929.

#### Appendix 1.

##### PROPOSAL NO. 106 OF THE CONFERENCE ON THROUGH CARRIAGES.

###### *Minute.*

The representative of the League of Nations proposed that a sleeping-car should run between Berlin and Geneva on trains D.2/318/118-113/313/DI. The representatives of the Reich and Swiss Federal Railways are of opinion that there is no need for a sleeping-car on the above-mentioned trains. Train D.2 leaves Berlin at 21.56, and train 118 arrives at Geneva at 20.12. In the opposite direction, train 113 leaves Geneva at 11.08 and reaches Berlin at 7.25. These trains thus run between Basle and Geneva during the day, *i.e.*, at a time when no sleeping-cars are used. The stops at Basle station are long enough to enable passengers to change trains. There is a stop of 127 minutes on the journey from Berlin to Geneva, and of 29 minutes in the other direction. The trains concerned, moreover, are carrying their maximum load on the German section of the journey and on part of the Swiss section also. It may be observed that the German delegation, when proceeding to meetings of the League of Nations, generally uses on both journeys a special sleeping-car which runs to and from Geneva.

The representatives of both railway administrations regret, therefore, that they cannot accede to the League of Nations' proposal.

(Signed) DORPMULLER.  
FINGADO.  
MATTER.  
MARGOT.

#### Appendix 2.

##### SPEECH DELIVERED BY M. A. POLITIS, REPRESENTATIVE OF THE ADVISORY AND TECHNICAL COMMITTEE AT THE EUROPEAN TIME-TABLES CONFERENCE, HELD AT VIENNA, OCTOBER 22ND TO 27TH, 1928.

Mr. President, Gentlemen, — Last year at Prague you were good enough to revise and supplement your Statutes so that, in accordance with the recommendation made by the Council of the League of Nations, a representative of the League's Advisory and Technical Committee for Communications and Transit, should regularly attend sessions of the European Time-Tables Conference.

When thanking you for the measure taken, I explained why the League of Nations is interested in your work, and I showed how that work can help to ensure world peace.

I venture to add to-day that, at a moment when so many are working strenuously towards rendering any conflict between the nations, if not impossible, at any rate increasingly difficult by exerting all available moral pressure, at a time when efforts are everywhere being made to limit armaments, for the twofold purpose of reducing the expenditure they entail and of decreasing the risks of fresh wars, it is the duty of every commercial, industrial and technical organisation to afford all the practical assistance in its power, thereby helping both in its own and in the general interest, towards the completion of the work which has been begun under the auspices of the League of Nations.

As I have just said, and as we all know, efforts are being made to disarm the nations and so to take away from them the means of harming each other. This is indeed a praiseworthy and humanitarian work, but progress will be slow and difficult until mistrust has been dispelled by wide mutual understanding. In order to succeed we must, in my humble opinion, begin by disarming men's minds and we may help to do so by bringing the nations into ever closer contact with each other, since often a deeper knowledge of one another in itself lessens dislike, if it does not bring esteem and love; and there could be no better way of bringing about this contact between peoples, or, I should say, this intermingling of peoples, than by constantly facilitating international communications through increased speed, improved services, additional comfort and reduced fares, and also by removing or at any rate mitigating impediments such as passports and police and Customs formalities at frontiers.

The development of communications in general will undoubtedly help to improve economic conditions and thereby to reduce poverty, which, as we all know, is the most evil of counsellors and almost invariably lies at the root of disputes both in private life and in public and international affairs.

It is here that the railway administrations in general and the European Time-Tables Conference in particular may, each within its own sphere, afford valuable assistance and contribute in a practical and effective manner towards the achievement of the aim we are pursuing.

I will now pass from these brief general considerations to the particular question of railway communications between Geneva and the chief capitals. At your Prague session I submitted two proposals, one relating to the improvement of the London-Paris-Geneva service and the other regarding the establishment of a through sleeping-car service between Geneva and Berlin.

Thanks to the goodwill and far-sightedness of the administrations concerned, the first of these proposals was met most satisfactorily by the introduction of a fast night train with single-berth sleeping-cars and a fast day train with Pullman saloon cars. It is my duty and pleasure to thank and to congratulate the Managing Boards of the P.L.M. Company and of the International Sleeping-Car Company, more particularly on behalf of the Advisory and Technical Committee for Communications and Transit of the League of Nations and also on my own behalf, for what they have done in that connection. The journey between Paris and Geneva will be shortened by about another thirty minutes when the French Customs are transferred from Bellegarde to Geneva, though this measure, I know, depends not upon the railway administrations but wholly upon the Governments concerned. The Swiss Federal Government, I know, will not raise any objection, and the realisation of this project will thus depend upon the French Government alone. I therefore appeal to M. Maison, who represents the French Minister of Public Works at this Conference, and I beg him to ask his Government to take a decision enabling this scheme to be carried into effect as soon as circumstances allow.

As regards the second proposal, relating to the establishment of a through sleeping-car service between Geneva and Berlin, all that I did last year at Prague in this direction unfortunately failed. The proposal has therefore been placed, at the request of the Secretary-General of the Advisory and Technical Committee for Communications and Transit, on the agenda of the present session of the Conference. No one, I feel sure, will fail to realise the importance of this question, and I venture to hope that the administrations concerned, and more particularly the Reich Railway Administration, will give it their most careful attention and will find a suitable solution for it. It would be very unfortunate if the existing situation were to continue and if the public of the different countries and persons connected with the League of Nations were to be deprived, without any serious reason, of a sleeping-car service on the Berlin-Geneva route, which is one of the most important in Europe.

Another question which has not been placed on the agenda of the present session, but to which I should like the Swiss Federal Railway Administration to give favourable consideration, is that regarding the postponing of the departure from Geneva of train 113/313, which at present leaves at 11.8, so as to make it connect with the train leaving Basle for Berlin at 17.38. It would be very convenient if a time-table could be arranged enabling persons connected with the League of Nations to leave Geneva at about 13.0, so that they could attend international meetings in the morning and reach Berlin the next morning. I know the objections raised by the Federal Railways and I admit their soundness, but I know, too, the goodwill and the progressive spirit which characterise that administration, and I am sure it will do all in its power to improve the service in question.

In concluding these brief remarks there is one very important matter to which I should like to draw special attention, an event which will mark an epoch in the improvement of international rail transport. I refer to the entry into force, on the first of the current month, of the conventions drawn up at Berne on May 1st to June 8th, 1923, and signed at Berne on October 23rd, 1924, one relating to international goods transport (C.I.M.) and the other relating to the international transport of passengers and baggage (C.I.V.).

The first of these conventions is not new. It is based on the Berne Convention of 1890, the terms of which it reproduces, though in a modified and amplified form, taking into account the experience acquired and the fresh needs which have arisen in regard to international communications: It provides *inter alia* for the participation of undertakings other than railways, such as regular automobile services and shipping lines, the limitation by agreement of the amount payable as compensation for loss or damage, and the consignee's right to take action against an administration responsible for delivering goods.

The second of these conventions is quite new. Like the first, and in the same way, it regulates all conditions relating to the international transport of passengers and baggage.

I will not further analyse these juridical instruments, these international transport codes; others better qualified than I will certainly do so at the proper time and place. My own intention was to point out the importance of what has been done, and I beg you to join me in paying a sincere tribute, in the first place to our colleagues of the railway administrations of twenty-five European States who spent six weeks at Berne in 1923, devoting all their energies, knowledge and ability to the establishment of these two conventions; next to the Government of the French Republic, which took the initial step in July and August 1922 of inviting experts from a number of countries to Paris to draw up the preliminary drafts; and further to the Swiss Federal Government, which, having been since 1890 the vigilant guardian of the Berne Convention, offered the generous

hospitality of its capital and the wide facilities available there to the distinguished experts who drew up these two juridical instruments, which will rightly continue to be called "the Berne Conventions".

### ANNEX 13

## MEMORANDUM BY THE SECRETARY-GENERAL OF THE COMMITTEE ON TRANSPORT OF NEWSPAPERS BY AIR.

[C.C.T./365.]

In conformity with the decisions adopted by the Committee at its last session, the questions concerning the transport of newspapers by air, raised at the Conference of Press Experts which met at Geneva in August 1927, were submitted for the opinion of the International Air Traffic Association, which includes the majority of European air transport concerns. This Association appointed a sub-committee of enquiry, which held its first meeting in Paris at the end of June and a further meeting in Berlin on October 12th last. The main object of the first meeting was to review the problem as a whole. Particulars as to the requirements of the newspaper transport agencies were supplied by M. Schoeller, the Managing Director of the "Messageries Hachette". The members of the Sub-Committee then got into touch with the other members of the International Air Traffic Association, which held a plenary meeting in London at the beginning of August. The meeting in Berlin, which was attended by M. Wronsky (Director of the "Luft Hansa") (Chairman), M. Bastaki (of the International Air Navigation Company) (Rapporteur), M. Florman (Director of the "A.B. Aerotransport", Stockholm), M. de Vries (Head of the Foreign Department of the "K.L.M." at The Hague), M. Schoeller (Managing Director of the "Messageries Hachette") and M. von Herwarth (representing the firm of Stilke & Co.), was intended to prepare the results of the investigation in the form in which they were to be submitted to the forthcoming meeting of the International Air Traffic Association. The Secretariat of the League of Nations was represented at these various meetings. The Secretary-General of the Advisory and Technical Committee was present at the Berlin meeting, and he considers that the Advisory and Technical Committee should now be kept informed of the situation as it exists at present.

Certain questions raised in the Memorandum of the "Messageries Hachette" which was submitted to the Conference of Press Experts, and in the new report submitted to the Sub-Committee, have not yet been exhaustively studied, because their solution in no way depends upon the action taken by the air navigation companies. These are questions concerning the simplification of Customs formalities and the dropping of packets of newspapers from aeroplanes in actual flight. The Secretary-General of the Advisory and Technical Committee proposes to submit them to the Committee of Experts which is to consider all the Customs questions affecting the transport of newspapers, whatever may be the method of transport used. If need be, the question of the regulations concerning the dropping of parcels by aeroplanes in flight might also be submitted to the International Commission on Air Navigation.

The report submitted by the "Messageries Hachette" also pointed out that progress might be made in the matter of newspaper transport by air by improving the organisation of combined air and rail transport, and it mentioned arrangements which had already been made with regard to the matter in Germany. This question was not again discussed. The Advisory and Technical Committee for Communications and Transit, acting upon the report of its Combined Transport Committee, has already recommended to the various Governments arrangements facilitating such combined transports, and there appears to be no necessity for further discussion of this question.

The two fundamental questions for discussion were the regularity of air transport and the rates. The transport of newspapers must be absolutely regular. Further, the aim of the Conference of Press Experts, which was to promote the dissemination of foreign newspapers and to increase the points of contact between public opinion in the various countries, would in no wise be attained if the cost of carrying newspapers by air was prohibitive or very seriously hampered their diffusion.

The Sub-Committee, at its first meeting in Paris, showed a tendency to adopt absolutely pessimistic and negative conclusions with regard to these two questions. It was said that at present, and probably for another three years, air navigation was not and would not be in a position to guarantee the regularity necessary for the transport of newspapers, and, as the question of rates was connected with the weight transported and hence with the regularity of the transports, it was suggested that the discussion of the problem as a whole should be adjourned for three years. This was not the trend of opinion at the Berlin meeting. But, although a somewhat different opinion was put forward at this meeting by at least a certain number of members with regard to the regularity of air transport, no progress whatever was made concerning the essential question of some unification of the transport rates on a basis acceptable to the carrying agencies.

#### 1. REGULARITY OF TRANSPORT.

Definite examples were quoted during the Berlin meeting to show that, during the summer season, *i.e.*, for about five months of the year, air navigation, when well organised, was even now perfectly capable of guaranteeing adequate regularity of transport. Though it is undoubtedly premature to attempt to make permanent arrangements which would hold good throughout the year, it is on the other hand clear that even now, during almost half the year, there is no technical reason why newspapers should not be transported by air. Newspaper carriers appear to be ready

to make arrangements for such a period and to attempt to organise the transport of large quantities of newspapers by this means during the summer period of 1929, if satisfactory tariff arrangements can be arrived at.

## 2. QUESTIONS RELATING TO RATES.

The Sub-Committee of the International Air Traffic Association was unhappily not in a position to offer any satisfactory suggestions with regard to questions of rates, nor even to make any definite proposals. These members of the Sub-Committee who represented the air navigation companies were unanimous in considering that, given the variety of types of aircraft in service and the differences in the cost of transport by the various lines, a single basic tariff to be used by all European lines was at present impossible; this argument should not, however, hinder the definite study of conditions applicable at least upon certain lines between the large capitals, or the establishment of general conditions as to rates and the fixing of a minimum and maximum upon the basis of which negotiations might be conducted with the air navigation companies concerned in each particular instance. The general principles relating to the tariffs might at any rate have been established, but no attempt was made in this direction. According to the representatives of the air navigation companies who were present at the Berlin meeting, the transport of newspapers could only be effected at the ordinary commercial tariff, which, according to them, already entailed a loss, the difference between the tariff and the cost of transport being met out of the subsidies granted to the companies. In actual practice, newspapers would in the majority of cases, have to be transported at a rate higher than the ordinary tariff; otherwise the air navigation companies would reserve the right to refuse some portion of the consignment to be carried if they had other and more remunerative freight to handle.

The views of the representatives of the air navigation companies thus contributed nothing towards the solution of the problem. Indeed, they meant nothing more than a continuance of the present state of tariff anarchy, and indicated no progress either as regards the reduction of tariff rates, or even — independently of any appreciable reduction of tariffs — as regards guarantees for the stability of tariffs and the priority of transport necessary for the development of the carriage of newspapers by air.

It is possible that the opinions of the various air transport companies with regard to the matter are not identical. It is also possible that those Governments which as a rule are watching the development of air navigation very closely, may have different opinions as to the general interest presented by an increased use of air transport for the circulation of newspapers. But even from the purely commercial point of view the transport of newspapers represents regular freight for air navigation concerns, and thus offers great advantages. In itself it constitutes an important form of advertising for air navigation enterprises, as any reader of a foreign newspaper receiving his paper earlier than he would receive it by rail must know that it travelled by air. The members of the Sub-Committee representing air navigation companies were apparently aware of these advantages; but they could not see their way to giving the newspaper carriers, and indirectly the European press, the necessary guarantees in return.

There would appear to be no reason why the Organisation for Communications and Transit should take part in a discussion of this nature if it is likely to be conducted on purely commercial lines and with a view to individual agreements only. The Conference of Press Experts and the Assembly of the League of Nations requested the Organisation for Communications and Transit to study the question, chiefly because they saw in the development of the circulation of newspapers between the various countries a public international interest and a means of promoting closer relations between the nations. Thus, as soon as it became evident that the idea of public interest did not enter into the discussion, the Secretary-General of the Committee saw no need for continuing it, more especially as the Sub-Committee of the International Air Traffic Association was making no effort to bring forward concrete proposals.

The International Air Traffic Association is to hold a plenary meeting before the next meeting of the Advisory and Technical Committee. The Committee will not be informed of the views of the Association until after that meeting. The Secretary-General of the Committee, however, considers that the measures which might be adopted to enable the Advisory and Technical Committee to continue the investigation of the question by some other procedure should be examined forthwith, and that an attempt should be made in the first place to ascertain the views of the various air navigation companies concerned and, if need be, those of the responsible Governments.

## ANNEX 14

### LETTER FROM THE DIRECTOR-GENERAL OF THE INTERNATIONAL AIR TRAFFIC ASSOCIATION TO THE SECRETARY-GENERAL OF THE COMMITTEE ON TRANSPORT OF NEWSPAPERS BY AIR.

[C.C.T./385.]

[Translation.]

The Hague, February 27th, 1929.

In pursuance of the request contained in your communication of January 12th, 1928, No. 9A/528/374, the International Air Traffic Association appointed a special Committee to study the question of the transport of newspapers by air. This Committee met in Paris on June 29th, 1928, and in Berlin on October 12th, 1928.

After taking note of the report submitted by the Committee to the Assembly, the Conference of the International Air Traffic Association, which met in Rome on February 19th and 20th, 1929, requested us to convey to the Advisory and Technical Committee for Communications and Transit the hope of the International Air Traffic Association that the world's Press will recognise the serious efforts that air transport services are prepared to make by offering the following facilities for the transport of newspapers by air :

1. The establishment without further delay of a winter service, and the organisation, as from January 1930, of a daily service throughout the year.
2. A regular service (about 95 per cent) from April 15th to September 15th (possibly until October 15th).
3. Immediate delivery in towns of newspapers on arrival, by motor-buses carrying passengers and mail.
4. Immediate reduction of rates on certain less congested lines, to be fixed by separate agreements.
5. Possible reduction, to be fixed by separate agreements, even on certain busy lines or parts of lines, on condition that newspaper agencies guarantee a minimum tonnage (about 500 kilogrammes per diem) in each direction.

Further, the air transport services have definitely decided to increase their efforts to create night services on certain lines at an earlier date than that originally contemplated.

(Signed) VAN DEN BERCH VAN HEEMSTEDÉ.

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#### ANNEX 15.

#### MEMORANDUM BY THE SECRETARY-GENERAL OF THE COMMITTEE ON THE ACTION TAKEN ON THE RESOLUTIONS OF THE CONFERENCE OF PRESS EXPERTS.

[C.C.T./377.]

At its last session the Advisory and Technical Committee drew up a plan of the work required to give effect to the resolutions of the Conference of Press Experts relating to communications questions. The chief questions concerned are :

1. Telegraphic and radiotelegraphic facilities ;
2. Identity documents for journalists to facilitate the exercise of their profession when abroad ;
3. Transport of newspapers.

As regards the first point, the Committee of Experts referred to in the Advisory and Technical Committee's resolution has met, and the Committee has received its report (see Annex 17, § XXIX).

As regards the second point, it appears from information received that the International Federation of Journalists has on its own initiative taken steps to meet the wishes of the Conference of Press Experts. Fuller details can be given to the Committee in the course of its discussions.

As regards the third point, the questions raised by the carriers of newspapers related, first to transport by rail, secondly, to transport by air, and lastly, to Customs formalities.

The Committee referred the question of transport by air to the International Air Traffic Association. The situation at the end of the proceedings of the special Sub-Committee appointed by that Association is explained to the Committee (see Annex 13). The International Air Traffic Association is at present holding a plenary session. The results of its present discussions are not yet known.

The questions relating to Customs formalities were examined at a meeting of Customs experts, as recommended by the Advisory and Technical Committee. The report of these experts has been sent to the Committee (see Annex 3).

The International Railway Union has made a preliminary study of the questions concerning railways. The Union's views have been communicated to the Permanent Committee for Transport by Rail, which will report on this subject to the Advisory and Technical Committee.

The report of the Committee of Customs Experts states that there are certain difficulties which could probably be solved more easily by a conference comprising both railway carriers and Customs experts.

Such a conference, at which the postal administrations might also be represented, might be the best means of discovering a way out of the difficulties which attend the international transport of newspapers by rail in certain countries on account of the postal monopoly.

It would seem preferable to defer considering the special question of the transport of newspapers by "trains de luxe" until the more general questions have been settled. The companies running these trains should no doubt be invited to attend the conference if convened.



ANNEX 16

LETTER FROM THE DIRECTOR OF THE INTERNATIONAL BUREAU OF THE  
TELEGRAPHIC UNION TO THE SECRETARY-GENERAL OF THE COMMITTEE  
ON THE DISTRIBUTION OF WIRELESS WAVE-LENGTHS.

[C.C.T./389.]

[*Translation.*]

Berne, March 8th, 1929.

In your letter of the 4th inst., you asked for the opinion of our Bureau on the following passage from a report of the Second Committee of the Ninth Assembly of the League of Nations — a report of which, it may be remarked, the Assembly took note :

“Viewing the question from a general standpoint, the Second Committee thinks it would be desirable that the Committee for Communications and Transit should try to discover some means of establishing international agreements to ensure an equitable distribution of wireless wave-lengths among the various countries, in order to diminish the probability of disturbances in wireless broadcasting.”

It is with great pleasure that we accede to your request.

As you are aware, the Radiotelegraphic Conference of Washington (1927) dealt in great detail with the distribution of wave-lengths (see Article 5 *et seq.* of the General Regulations attached to the Convention). It may therefore be said that the Convention and Regulations of Washington form the legal basis for the distribution of wave-lengths, as indeed for the regulation of all radiotelegraphic traffic throughout the world, since the States in all the five continents which have radiotelegraphic installations are members of the Radiotelegraphic Union and accept its decisions.

Since our Union comprises all the States concerned as well as the large private radiotelegraphic companies, there would be a certain risk in creating a new organisation for the regulation of international radiotelegraphic traffic. Moreover, the Convention and Regulations of Washington indicate the procedure to be followed in the matter of future developments.

In conformity with Article 13 of the Regulations of Washington, our Bureau is at present preparing the publication of Nomenclatures I to V, which will give the necessary information on the existing distribution of wave-lengths. In this connection our Bureau, whenever it is asked to do so, draws the attention of those concerned to the disturbances or possible disturbances resulting from this distribution. It is of course not for our Bureau to take decisions, but, in accordance with Article 20 of the Convention, States have the right, in default of an agreement, to appeal to arbitration. Thus the Convention offers a legal means accepted by all States Members of the Union for the solution of any disputes that may arise in connection with the distribution of wave-lengths. It must be admitted that in practice States cannot have recourse to arbitration for all their difficulties and that it will be necessary to find ways and means of attaining the aim in view more speedily. Even in this respect, however, the first steps have already been taken.

The International Union of Radiophony has drawn up a scheme for the distribution of wave-lengths which will be discussed by the international conference convened by the Czechoslovak Government to meet at Prague from April 4th to 13th next. The Prague Conference, at which nearly all European countries will be represented, will deal more particularly with the distribution of wave-lengths.

Next September the International Advisory and Technical Committee on Radio-Electric Communications, provided for in Article 33 of the General Regulations, will meet for the first time at The Hague ; the States Members of the Union are now being invited to give notice of the proposals they intend to submit to the Committee. It is already certain that the question of the distribution of wave-lengths will figure prominently at that meeting.

Accordingly, the Committee is the obvious body to submit to States belonging to the Union proposals best suited to solve the question of an equitable distribution of wave-lengths. Membership of the Committee is open not only to the authorised specialists of the 103 States Members of the Union, but also to the representatives of radiotelegraphic companies and of industries concerned. The Committee therefore includes the foremost technical experts, and their competence in the question at issue is beyond dispute. The proposals for the distribution of wave-lengths which the Advisory Committee will formulate on behalf of the Members of the Union will therefore be particularly likely to obtain general assent.

We do not doubt that you will learn with pleasure of the preparatory work already done by our Union regarding the distribution of wave-lengths, and that you will agree with us that our Union is the organ best suited to discharge these duties satisfactorily, since it is the only body which includes all the States concerned and all private companies, and which is able, under the terms of the Convention and Regulations, to ensure the enforcement of its decisions. Further, the report of the Second Committee shows that the aims of the Radiotelegraphic Union and of the League of Nations are identical as regards the substance of the question. This we greatly appreciate, for we can only congratulate ourselves on receiving such valuable moral support as that of the Assembly. It seems to us, however, to be in conformity with the spirit of the League of Nations that duties which lie within the province of international organisations already in existence and recognised by the League should be discharged by those organisations, and duplication of work thus avoided.

(Signed) RÄBER.

## Section II. — Results.

### ANNEX 17

#### RESOLUTIONS ADOPTED BY THE ADVISORY AND TECHNICAL COMMITTEE AT ITS THIRTEENTH SESSION.

[C.143.M.55.1929.VIII.]

[C.C.T.395(1).]

[C.143(a).M.55(a).1929.VIII.]

[C.C.T.395(1)(a).]

#### I. *Maritime Tonnage Measurement* (Item 12 of the Agenda).

The Advisory and Technical Committee for Communications and Transit approves the resolution adopted by the Permanent Committee on Ports and Maritime Navigation concerning maritime tonnage measurement.

#### II. *Buoyage and Lighting of Coasts* (Item 12 of the Agenda).

The Advisory and Technical Committee for Communications and Transit associates itself with the congratulations offered by the Permanent Committee on Ports and Maritime Navigation to the Technical Committee on Buoyage and Lighting of Coasts on the open mind with which it has carried out its work and on the results which it has achieved.

The Committee approves the report submitted and proposes that the Council should present it for examination to an International Conference of Maritime Countries.

The Committee is of opinion that such a Conference should not meet before the second half of 1930, so as to give all Governments the time necessary for examining the report.

In its opinion, invitations to the Conference should be worded in such a manner as to make it possible for Governments which might desire to do so to provide, in whatever manner they think most suitable, for the representation at the Conference of autonomous organisations responsible for buoyage and lighting of coasts.

#### III. *Penal Consequences of Collisions at Sea* (Item 12 of the Agenda).

The Advisory and Technical Committee for Communications and Transit has considered, at the request of the International Association of Merchant Marine Officers, whether it would be advisable to study the question of the penal consequences of collisions at sea, with a view to the preparation of an international agreement. The Committee does not think it should undertake examination of this question of international criminal law.

Nevertheless, in its desire to defend the interests of the free exercise of navigation, the Committee is of opinion that the following points might with advantage be brought to the attention of the Governments without touching on the legal questions at issue :

1. Strict observance of the International Regulations for the Prevention of Collisions is of the utmost importance to the safety of life and property at sea.
2. Such observance can be best attained without recourse to criminal law by :
  - (a) Establishing and maintaining a high standard of professional skill and conduct among those entrusted with the duties of navigation ;
  - (b) Within the limits recognised by international maritime law, holding the owners of a vessel responsible to other vessels met with in the course of the voyage for loss resulting from the breach of such regulations by those in their employment.
3. It is the duty of each nation to establish and maintain such standards of professional skill and conduct among those it entrusts with the navigation of vessels under its own flag. Apart from the question as to what, if any, may be the conditions under which the criminal jurisdiction of a country may be exercised over the crew of a vessel under another flag, it is desirable that, under the comity of nations and in accordance with the rules of international courtesy, there should be left exclusively in the hands of the nations whose flag the vessel flies the enforcement of disciplinary measures for the purpose of establishing and maintaining such standards of professional skill and conduct, such as suspension of the national certificate of competency given to an officer, or other disciplinary action.
4. International maritime law already provides means by which the owners of vessels may be made responsible to other vessels met with in the course of the voyage for loss resulting from a breach of the collision regulations by those in their employ.

The above considerations and recommendations in no way affect the question of collisions due to criminal intention or criminal neglect ; and the Committee is fully aware that the distinction between cases of a disciplinary character and those of a criminal nature may sometimes be difficult to make and, in the rare cases when this question arises, it could only be settled after criminal

proceedings had been set on foot. It is nevertheless expedient, even in such cases, that all efforts should be made by the States concerned to avoid any measures which might be liable either to infringe the principle of the disciplinary responsibility of the State whose flag the ship flies or which might involve difficulties or delays affecting the carrying on of navigation.

#### IV. *Territorial Waters* (Item 12 of the Agenda).

The Advisory and Technical Committee for Communications and Transit,  
Having taken note of the inclusion of the question of territorial waters in the draft agenda of the First Conference for the Progressive Codification of International Law, and having regard solely to the interests of communications and transit :

Draws the Conference's attention to the following points to which it thinks consideration should be given in the codification of international law :

(a) In exercising its sovereignty, the State must respect the limitations imposed by international law ;

(b) The ship merely passing through territorial waters should have the fullest possible freedom ;

(c) Territorial waters should be kept within as narrow limits as possible ;

(d) A State, even within territorial waters, should not interfere with the rights, duties and obligations of those on board a foreign ship, as established under the laws of the flag of that ship ;

(e) The State should be responsible for the infringement of the rights of a foreign ship under international law.

#### V. *Negotiability of Railway Transport Documents* (Item 10 of the Agenda).

The Advisory and Technical Committee for Communications and Transit,  
Recognising the importance attaching to the study of the question of the negotiability of railway transport documents ;

Noting that the Committee on Negotiable Railway Transport Documents of the International Chamber of Commerce has recognised the economic and financial utility of such documents :

Invites its Chairman, in accordance with the request submitted by the Permanent Committee on Transport by Rail, to appoint a special Committee of Enquiry, the composition of which will be determined in agreement with the Chairman of the Permanent Committee on Transport by Rail. The report of this special committee will be addressed to the Advisory and Technical Committee, it being understood, however, that it will first be examined by the Permanent Committee on Transport by Rail.

The International Railway Union and the International Chamber of Commerce will be invited to send a representative to this Committee.

#### VI. *Customs Questions relating to Motor Traffic* (Item 3 of the Agenda).

The Advisory and Technical Committee for Communications and Transit has noted the report of the Committee of Customs Experts and decides to consult the Governments, as proposed by the Committee of Customs Experts, regarding the frontier visas and the triptych system.

A copy of the report of the Committee of Customs Experts will be annexed to the questionnaires sent to Governments.

#### VII. *Taxes on Foreign Motor Vehicles* (Item 3 of the Agenda).

The Advisory and Technical Committee for Communications and Transit has noted the resolution of the Permanent Committee on Road Traffic concerning taxes on foreign motor vehicles and requests its Chairman to take all the necessary steps for the joint examination of this question by the Permanent Committee on Road Traffic and the Fiscal Committee recently appointed by the Council of the League of Nations.

#### VIII. *Unification of River Law* (Item 17 of the Agenda).

The Advisory and Technical Committee for Communications and Transit decides to ask the Council of the League of Nations to convene in the spring of 1930 a Conference of the States interested in the unification of river law applicable to navigation on the main systems of navigable waterways in Continental Europe.

With a view to enabling the Conference to meet at this period, the Chairman of the Advisory and Technical Committee will arrange to forward direct to the Governments concerned the texts decided upon by the Committee for the Unification of River Law at the session which it proposes to hold in June 1929.

These texts, which are intended to serve as a basis for the work of the Conference, will be annexed to the latter's draft agenda.

For the purposes of the present resolution, the States interested shall be taken to mean the States which were invited to the Conference on the Measurement of Vessels in Inland Navigation held in Paris from November 20th to 27th, 1925.

IX. *Report by Mr. Hines concerning Navigation on the Rhine (Chapter : "The French Super-tax")*  
(Item 17 of the Agenda).

The Advisory and Technical Committee for Communications and Transit has noted resolution II of the Permanent Committee for Inland Navigation dated January 28th, 1926, concerning Mr. Hines's Report on Rhine Navigation, and also the reply of the Central Commission for Rhine Navigation dated January 24th, 1928.

The Committee has resumed and concluded its discussions on the part of the Hines Report devoted to the French super-tax.

The Central Commission is making strenuous efforts to reach solutions to end the present difficulties, and has already achieved certain results ; there is, moreover, reason to hope that a final solution will be reached satisfactory to all the interests involved.

The Committee is accordingly concerned that every effort will be made to reach a solution on the lines already indicated, and decides to take no other action on the documents referred to in the present resolution.

X. *Article 27 of the Statute of the Permanent Court of International Justice*  
(Item 2 of the Agenda).

The Advisory and Technical Committee for Communications and Transit, having been informed that work is at present proceeding in connection with a possible revision of the Statute of the Permanent Court of International Justice, considers it necessary to draw attention to the following point :

Article 27 of the Statute of the Permanent Court of International Justice lays down that the Court shall hear and determine cases relating to transit and communications under the special conditions described in that article. This article makes provision for the hearing of cases by a special Chamber and for the assistance of technical assessors.

The Advisory and Technical Committee feels that, in the interests of the satisfactory settlement of communications disputes, it would be desirable for the ordinary procedure of the Court to be applied in the case of such disputes without any other arrangement.

Although the Court has had laid before it a number of cases coming within the scope of Article 27, resort has never been had hitherto to the special Chamber provided for in that article. Moreover, no similar arrangement exists for the settlement of any disputes of an economic character which may be laid before the Court under the Conventions relating to the Simplification of Customs Formalities, Import and Export Prohibitions, etc. It may, moreover, be very difficult to decide exactly what kind of disputes come under Article 27, as distinct from disputes of an economic character, or disputes the settlement of which involves consideration of general juridical questions outside the domain of communications.

Nor has any use been made of the other option allowed under Article 27, namely, the addition of technical assessors to the Court. The considerations set out in the preceding paragraph also apply to this provision of Article 27.

In so far as disputes regarding communications call for the solution of juridical questions, it is desirable that, except in urgent cases necessitating the application of the summary procedure, the authority called upon to render a decision should be the Court hearing and determining such disputes *in pleno*, since juridical questions relating to communications raise problems which it is difficult to isolate from the law as a whole. When these disputes require an examination of technical questions, the latter are always of so highly specialised a character that any resort to assessors, whose names appear on a limited list prepared in advance, is not at all likely to afford the Court any real assistance. In such cases the Court can obtain, in each instance, the necessary technical assistance only through the much more elastic procedure indicated in Article 50 of the Statute.

If the questions raised in Article 27 could be regarded merely as questions affecting the internal organisation of the Court, the Advisory and Technical Committee would naturally think it unnecessary to give any opinion whatever on this matter ; but seeing that, apart from labour disputes, no special procedure has been provided except in the case of disputes relating to communications and transit, it would appear obvious that the intention was to lay stress on the special character of these disputes. As an advisory organ of the League of Nations on questions of communications and transit, the Advisory and Technical Committee accordingly thinks it desirable to put forward the present observations.

Alternatively, it would at all events be desirable, if the special Chamber provided for in Article 27 is retained, to remove certain difficulties which may arise in connection with this Article, particularly as regards the summary procedure, and to allow the parties, without the possibility of opposition, to choose, should they so desire, the procedure before the Chamber of Summary Procedure even for disputes covered by Article 27.

XI. *Question raised by the Letter of February 24th, 1928, from the French Minister for Foreign Affairs with regard to the Interpretation of Article 20 of the Statute and the First Paragraph of the Protocol of Signature to the Convention on the International Regime of Railways (Item 2 of the Agenda).*

The Advisory and Technical Committee on Communications and Transit considered the question raised by the letter of February 24th, 1928, from the French Minister for Foreign Affairs with regard to the interpretation of Article 20 of the Statute and of the first paragraph of the Protocol of Signature to the Convention on the International Regime of Railways.

The Committee takes the view that, although the French Government appears to fear the contrary, there is no contradiction between these two texts ; that the object and effect of the second is to define the meaning and scope of the first, and that, taken together, they should (like Articles 4, 21 and 22 of the Statute) furnish the following interpretation, which is also corroborated by the preliminary discussions leading up to the Convention.

By Articles 4 and 20 of the Statute, the contracting States undertake to refrain from all discrimination of an unfair nature directed against the other contracting States, their nationals or their vessels, first as regards the normal working of international traffic, and secondly as regards both the amounts and the conditions of application of transport tariffs.

This undertaking is not restricted to traffic which constitutes international railway traffic within the meaning of the Berne Convention. In accordance with the spirit of Article 23 (*e*) of the Covenant (*cf.* the statement of M. Isabelle, Rapporteur, at the eighth meeting of the Railway Committee, November 27th, 1923 — document C.28.M.14.1924, page 48), the Statute extended the field of application of this rule to transport made up of successive stages by rail, by sea or by any other mode of transport traversing the territory of more than one contracting State, and to the treatment of imported or exported goods remaining in port.

What is meant by “discrimination of an unfair nature”? This expression is in no way defined in the Statute, but its meaning is clearly shown by paragraph 1 of the Protocol of Signature to the Convention :

“It is understood that any differential treatment of flags based solely on the consideration of the flag should be considered as discrimination of an unfair nature in the sense of Articles 4 and 20 of the Statute on the international Regime of Railways.”

This text, which originated in a British amendment to Article 5 of the International Convention on Maritime Ports, had the effect of prohibiting discrimination — on the basis of differential duties for the rail transport of goods which have been or are to be conveyed by sea — according to the flag under which they have been or are to be carried. If this prohibition, which forms one of the surest foundations for the equitable treatment of international trade, is respected, then the obligation imposed upon the contracting States by Article 20 of the Statute must inevitably be respected in the special case dealt with by paragraph 1 of the Protocol.

The meaning of these provisions is thus perfectly clear. Paragraph 1 of the Protocol gives an illustration of what is meant by “discrimination of an unfair nature” in a particularly clear instance in which discriminations might occur, based upon the nationality of one of the means of transport. This is, of course, only one example out of many of a practice that was held to be inexpedient and that was forbidden in fairly clear terms by the Statute ; it would obviously be unlawful therefore for a contracting State to introduce passenger fares at differential rates based entirely on the nationality of the passenger.

So far, therefore, from being inconsistent with Article 20 of the Statute, the clause in the Protocol of Signature simply illustrates it in a particularly practical case. It remains to show, in order to dispel the French Government's apprehensions, first that the clause is in conformity with the views adopted by the Railway Committee of the Second Transit Conference, and, secondly, that it does not prevent the establishment of combined rail and sea tariffs, provided they comply with the principles laid down in Article 20 of the Statute.

On the first point, the Committee observes that the preparatory documents for the Statute and Convention contain nothing inconsistent with the interpretation of the words “discrimination of an unfair nature” given in paragraph 1 of the Protocol of Signature, and consequently nothing that can throw doubt on the authenticity of this interpretation of the Protocol, which itself contains the statement that it has the same force, effect and duration as the Statute, of which it is to be considered an integral part. On the contrary, the Committee would point out that this question was raised very definitely in the course of the general discussion on the fourth part of the draft Statute (Tariffs) by the delegate of the British Empire (Seventh Meeting of the Railway Committee, November 23rd, 1923 — document C.28.M.14.1924, page 43). It was considered by the Sub-Committee appointed at that meeting, which reported at the following meeting, submitting texts which became Articles 20, 21 and 22 of the Statute, and no objection was raised to the prohibition of discriminations which the delegations unanimously agreed to forbid as contrary to the spirit and the letter of Article 23 (*e*) of the Covenant. Further, if an instance of the unfair discrimination prohibited in future by the Statute was given only in the Protocol of Signature, the reason is that, as has already been stated, it was in the Maritime Ports Committee of the Conference that the question was first raised. It was later referred to a joint Sub-Committee (*cf.* document C.29.M.15.1924, page 37), which drafted the text finally inserted in the Protocol of Signature at the suggestion of the Drafting Committee of the Plenary Conference.

In these circumstances, the Advisory and Technical Committee is of opinion that, although the actual text of the Protocol of Signature was never discussed by the Railway Committee as a whole, the fact remains that the case referred to by the Advisory and Technical Committee was brought up several times in the Railway Committee, and that the rule the Advisory and Technical Committee lays down for that special case is consistent with the intentions of the Railway Committee when it adopted Articles 18-24 of the Statute.

The last point to be considered is that of combined rail and sea tariffs. Here, again, the Advisory and Technical Committee is of opinion that there is no difficulty in interpreting the

provisions of the Statute and that the Protocol of Signature in no way restricts the right of contracting States to establish or authorise special tariffs, provided they respect the principles laid down in Article 20 of the Statute.

As the Rapporteur of the Railway Committee repeated several times in this Committee (Eighth Meeting, November 27th, 1923 — document C.28.M.14.1924, pages 47 and 48 ; Ninth Meeting, November 28th, 1923 — document C.28.M.14.1924, page 59) and wrote in the report to the Plenary Conference (document C.28.M.14.1924, page 82), combined rail and sea tariffs imply contractual relations, mutual confidence, and divided responsibilities, which justify a railway administration in making a free choice of the shipping companies with which it will establish combined tariffs. This choice necessarily allows, as is pointed out in the report referred to above, "perfectly legitimate discrimination in favour of vessels flying a particular flag, as a rule the national flag"; the Statute merely lays down that the flag must not be the sole motive of such discriminations.

Paragraph 1 of the Protocol of Signature does not therefore in any way restrict or contradict the terms of Article 20 of the Statute concerning combined rail and sea tariffs, and these can always be established in all the countries which have signed the Convention.

## XII. *Unification of Transport Statistics (Item 19 of the Agenda).*

The Advisory and Technical Committee for Communications and Transit has noted the report submitted to it by the Committee for the Unification of Transport Statistics on the statistics of inland navigation and maritime navigation.

It confirms the resolution adopted at its last session concerning the continuation of the study of the unification of statistics, including railway transport statistics.

The Committee decides itself to examine the general section of the final report which will be drawn up by the Committee for the Unification of Transport Statistics.

Nevertheless, this report will be submitted to a preliminary examination either by each of the three competent permanent Committees or, if in the circumstances the Chairman of the Committee thinks it preferable, by a mixed committee appointed by him and consisting of two members of each of these Committees.

## XIII. *Competition Between Waterways and Railways (Item 22 of the Agenda).*

The Advisory and Technical Committee for Communications and Transit desires at once to thank the special Committee for Competition between Waterways and Railways for its important work and decides to examine the Committee's report at its next session, it being understood that the procedure laid down in Article 13, § 5, of the Statute will be employed.

## XIV. *Action taken on the Recommendations of the Second Passport Conference (Item 5 of the Agenda).*

The Advisory and Technical Committee for Communications and Transit, having examined the replies of Governments to the questionnaire concerning the action taken on the recommendation of the Second Passport Conference, is gratified at the substantial progress achieved, particularly in connection with the abolition of visas.

It is confident that further progress will be made as speedily as possible.

## XV. *Grave Occurrences of a General Character affecting Routes of Communication (Item 13 of the Agenda).*

The Advisory and Technical Committee for Communications and Transit instructs its Secretary-General to prepare for its next session one or more draft agreements or recommendations, based upon the proposals of the Permanent Committee on Transport by Rail, but applying to all the means of transport concerned.

## XVI. *Effect given to the Recommendations of the Third General Conference on Communications and Transit concerning Identity and Travelling Documents for Persons without Nationality or of Doubtful Nationality (Item 6 of the Agenda).*

The Advisory and Technical Committee has noted the replies received from the various Governments on the effect given to the recommendations of the Third General Conference on Communications and Transit concerning identity and travelling documents for persons without nationality or of doubtful nationality.

It notes with satisfaction that nearly all the Governments concerned have stated that they have either already put into practice, or were ready to put into practice, these recommendations.

XVII. *Collection of Information* (Item 7 of the Agenda).

The Advisory and Technical Committee for Communications and Transit approves the scheme submitted by the Secretary-General of the Committee for the collection and exchange of information concerning communications and transit.

XVIII. *Reform of the Calendar* (Item 20 of the Agenda).

The Advisory and Technical Committee for Communications and Transit notes the information supplied concerning the present position in regard to the formation of National Committees for the Reform of the Calendar.

XIX. *Facilities for Aircraft effecting Transport for the League of Nations at Times of Emergency* (Item 8 of the Agenda).

The Advisory and Technical Committee for Communications and Transit notes the statements made by the Secretary-General of the International Commission for Air Navigation and by the Secretary-General of the Advisory and Technical Committee concerning the procedure adopted with a view to the international settlement of this question.

XX. *Aerodrome in the Neighbourhood of the Seat of the League of Nations* (Item 8 of the Agenda).

Whereas the installation of an aerodrome in the neighbourhood of the seat of the League of Nations will in any case necessitate a financial contribution from the League amounting to several hundred thousands of francs, the Advisory and Technical Committee for Communications and Transit decides, before proceeding with its investigations into the question, to wait until the Assembly has had an opportunity of determining whether, in principle, it would be prepared to approve such a contribution.

XXI. *Establishment of a Wireless Station for the Purpose of ensuring Independent Communications for the League at Times of Emergency* (Item 8 of the Agenda).

The Advisory and Technical Committee adopts the following provisions :

I.

The resolutions already adopted by the Assembly provided for the study of the means of ensuring absolute independence for the wireless communications of the League of Nations in times of emergency. For this purpose, two proposals were submitted to the Assembly at its last ordinary session, the first providing for the equipment of a station of worldwide range belonging at all times to the League of Nations, and the second for the establishment of a similar station belonging to a Swiss company and operated in times of emergency by the League of Nations. The Assembly postponed the examination of these proposals to its next session, and asked that certain points should be further investigated, a task which the Secretariat of the Committee is endeavouring to carry out.

It does not appear that the Committee can add anything to the material which it supplied last year on the whole question, though any supplementary information which the Secretariat may be able to obtain will of course be forwarded to the Assembly by the Chairman of the Committee.

II.

The proposals submitted to the Assembly at its last ordinary session provided in principle for the absolute independence of the wireless communications of the League of Nations in times of emergency. Furthermore, the Council has just submitted to the Committee a draft *modus vivendi* proposed by the Swiss Government and providing for the utilisation of a Swiss national station under certain conditions.

The Committee considers that the details of this *modus vivendi* could only be usefully examined in the event of the next Assembly not adopting one or other of the two previous proposals, which alone come strictly within the scope of its previous resolutions.

It would be useful for the Secretary-General of the Committee to proceed forthwith to a preliminary study, in conjunction with the authorities concerned, of the questions liable to be raised in connection with this *modus vivendi*, or with similar arrangements which might be concluded for the utilisation of national stations in different countries in times of emergency. It would seem desirable to consider the value to the League of Nations of a series of arrangements permitting of communications all over the world in the most satisfactory conditions, and also the undoubted advantage to the League — both from the technical point of view, and in order that it might enjoy at least relative independence — of being in direct communication with several national stations belonging to different countries. These direct communications between the League and certain national stations available to re-transmit messages might be ensured either by means of an auxiliary wireless post belonging to the League or by direct wires between a central telegraph office, established at the offices of the League, and the above-mentioned stations. In

these cases, as in those referred to under I, the Advisory and Technical Committee and its Secretary-General are, of course, not called upon to express an opinion on any legal questions which might arise, the Council of the League of Nations having adopted another procedure for the study of these questions.

The result of these preliminary studies will be communicated by the Chairman of the Committee to the Assembly for information, the Committee reserving its opinion on the details of the proposed *modus vivendi* or of a series of such arrangements.

**XXII. *Railway Communications of Importance to the Seat of the League of Nations***  
(Item 15 of the Agenda).

The Advisory and Technical Committee for Communications and Transit considers that a large number of connections between Geneva and the principal capitals have already been materially improved, but that an effort must be made to improve the connection between Geneva and Berlin.

It accordingly requests the Secretary-General of the Committee to ask the railway administrations of Germany and Switzerland, on behalf of the Committee, whether they are prepared to facilitate the introduction of a through sleeping-car service between Geneva and Berlin, and instructs the Secretary-General of the Committee to report to the Committee on the results obtained.

**XXIII. *Broadcasting Questions*** (Item 21 of the Agenda).

The Advisory and Technical Committee for Communications and Transit has noted the report adopted by the Assembly at its last ordinary session concerning the study of the distribution of broadcasting wave-lengths and also the statements submitted to it by the Director of the International Bureau of the Telegraphic Union and by the representative of the International Broadcasting Union.

The Committee feels that it would be difficult for it to intervene in the examination of a specific broadcasting question without having a general view of the problems raised by the international organisation of broadcasting.

It reaffirms its anxiety not to interfere with the international organisations established by international conventions in the exercise of the functions provided for in these conventions.

It requests the Secretary-General of the Committee to prepare for a future session a report on the international problems connected with the organisation of broadcasting, obtaining, if necessary, the assistance of experts appointed at his request by the Chairman of the Committee.

The Committee regards it as essential, in order to ensure the necessary co-ordination between the various organisations interested in broadcasting, that the Advisory and Technical Committee should be kept in constant touch with these organisations and should be represented in an advisory capacity at the conferences held under their auspices, it being understood that these organisations will also be invited to send representatives to the Advisory and Technical Committee when the latter discusses questions relating to broadcasting.

**XXIV. *Jurisdiction of the European Commission of the Danube*** (Item 24 of the Agenda).

The Advisory and Technical Committee expresses its satisfaction at the successful conclusion of the negotiations undertaken under its auspices for the settlement of the difficulties between France, Great Britain, Italy and Roumania with regard to the jurisdiction of the European Commission of the Danube, and congratulates the Special Committee appointed by it and the delegates to the European Commission of the Danube on the success of their efforts at conciliation.

It trusts that the agreement reached may soon be put into force.

**XXV. *Question raised by the Council of the League of Nations concerning the Freedom of Communications and Transit*** (Council Resolution of December 14th, 1928)  
(Item 25 of the Agenda).

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 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.

**XXVI. *Draft Budget of the Communications and Transit Organisation for 1930, adopted by the Committee*** (Item 18 of the Agenda).

	Swiss francs
1. General Conference. . . . .	
2. Meetings of the Communications and Transit Organisation (sessions of the Advisory and Technical Committee, temporary committees and technical work of experts, special conferences) . . . . .	136,000



	francs
3 (formerly 5). Printing of documents :	
(a) For the meetings of the Committee and temporary committees. . . . .	18,000
(b) <del>For the collection and exchange of information on communications and transit (including miscellaneous expenses). . . . .</del>	<del>14,000</del>
4 (formerly 6). Conciliation of disputes submitted to the Committee (fees to technical advisers and experts, and other expenditure arising out of the enquiries) and examination of similar questions submitted to the Committee by the Council. . . . .	20,000
5 (formerly 7). Salaries of the Secretariat (approx.) . . . . .	145,000
6 (formerly 8). Travelling and removal expenses of the Secretariat. . . . .	24,000
7 (formerly 9). Cablegrams, telegrams and long-distance telephone communications. . . . .	4,000
8 (formerly 10). Miscellaneous petty expenses and unforeseen contingencies. . . . .	500

It has been thought necessary to combine in a single item the former items 2, 3 and 4. The normal meetings of the Transit Organisation, with the exception of the General Conferences, should be regarded as a single unit. The same questions are discussed successively by committees of experts, by the permanent committees and by the Advisory and Technical Committee, and may be submitted to special conferences. When a question is not sufficiently ripe to call for a meeting of the permanent Committee, or of the Advisory and Technical Committee, fresh meetings of the temporary Committee must be held, which involves a further increase in 4 (old) and a decrease in the expenditure of 3 (old). Similarly, a special conference is delayed, involving a decrease in the expenditure of 2 (old), when a question has to be further discussed by the temporary committee, the permanent committee, or the Advisory and Technical Committee, the expenditure under Nos. 3 and 4 (old) being thus increased. The Sub-Committee believes that the budget would give a much clearer and more accurate picture of the true situation if these three items were merged, and that this would even provide an opportunity of avoiding increases of expenditure.

The heading of No. 4 (formerly 6) has been completed to answer more exactly to the present position, as certain questions may be submitted by the Council exactly similar to those provided for in the former No. 6, without, however, properly constituting an endeavour to conciliate disputes between States.

Item 7 (formerly 9) has been increased owing to the information supplied on the expenditure effected in 1928, and particularly the increase in the expenditure on cablegrams due to closer co-operation with countries outside Europe.

**ACTION TAKEN ON THE RESOLUTIONS OF THE CONFERENCE OF PRESS EXPERTS.**

**XXVII. Reduction of Transport Rates for Foreign Journalists (Item 16 of the Agenda).**

The Advisory and Technical Committee for Communications and Transit has noted the reply of the International Railway Union to the Committee's request to consider what action could be taken on the resolution of the Conference of Press Experts recommending that the reduced transport rates accorded to national journalists should also be accorded to foreign journalists.

So far as the procedure for the identification of journalists (proposed in the resolutions of the Conference of Press Experts) would afford, in the matter of the identification of foreign journalists, guarantees equivalent to those which the various countries possess for the identification of their own journalists, the request submitted does not appear to involve any technical difficulties which would necessitate its examination by the Committee.

It is not for the Committee to give an opinion on the principle of equality of treatment as between national and foreign journalists.

For these reasons, the Committee considers that it is for the Council of the League of Nations to consider what action should be taken in connection with this resolution.

**XXVIII. Identity Cards for Journalists (Item 16 of the Agenda).**

The Advisory and Technical Committee for Communications and Transit has, at the request of the Assembly of the League of Nations, considered the question of identity cards for journalists, in accordance with the resolution adopted by the Conference of Press Experts on August 29th, 1927.<sup>1</sup>

The Committee is of opinion that a card on this model<sup>2</sup>, issued by a qualified international or national organisation, would constitute a good means of professional identification for journalists travelling from one country to another, it being always understood that such a card would not take the place of a passport where the latter is required.

<sup>1</sup> "The Conference declares that it would be of the greatest advantage to institute an international identity card for journalists which should, at the same time, be a means of professional identification, and particularly designed also to facilitate travelling and the general exercise by journalists of their profession abroad."

<sup>2</sup> See model card on pages 106 and 107.

[Recto]

The Editor-in-Chief .....

certifies that Mr .....

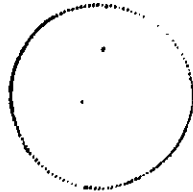
is a permanent member of the staff of this newspaper and as such

is required to perform duties at .....

from ..... to .....

Signature of Editor-in-Chief

Stamp of the Newspaper



# Identity Card for Journalist

on duty abroad.

(Space reserved for remarks or stamps of official authorities.)

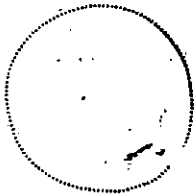
The exact dimensions of the card should be 20 x 26 cm.

[Name of international or national organisation.]

The ..... of the (name of national organisation, whether affiliated to an international organisation or not) certifies that Mr. ....  
born at ..... on .....  
resident at .....  
of ..... nationality, is a journalist by profession and is travelling on duty as such.

Date .....

Stamp of the Organisation :



The ..... of the (name of international organisation, or repetition of name of national organisation if not affiliated to an international organisation) requests the national organisations in whose territory the holder of this card travels in the course of his journalistic duties to assist him in obtaining the necessary facilities on the usual conditions.

Signature of President :

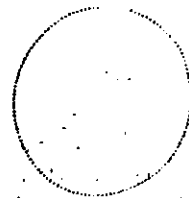
No. of Card : 

Stamp of international organisation, or national organisation if not affiliated to an international organisation :

DESCRIPTION :

Photograph

Height .....  
(Shape of) Face .....  
Hair .....  
Mouth .....  
Distinguishing marks .....



This card is available for one year

from ..... to ..... 19.....

Signature of Holder :

XXIX. *Telegraphic Questions* (Item 16 of the Agenda).

The Advisory and Technical Committee for Communications and Transit approves the following report of the Special Committee of Telegraph Experts and Press Experts, which met at Paris from May 22nd to 24th, 1928.

REPORT.

The Advisory and Technical Committee for Communications and Transit, at its twelfth session, held at Geneva from February 27th to March 2nd, 1928, decided to set up a special Committee of Telegraph and Press Experts, presided over by M. Ito, member of the Advisory and Technical Committee appointed by the Japanese Government, in order to give effect to the resolutions of the Conference of Press Experts (August 1927) relating to Chapter I [Sections A, B, C, paragraphs (a) and (b)], to Chapter II and to Chapter III [paragraph (a)] (see Final Report of the Conference of Press Experts, document Conf. E.P.13).

The Special Committee is composed as follows :

M. N. ITO (*Chairman*).

M. O. ARENDT, Head of Department of the German Ministry of Posts.

M. P. L. BOULANGER, Director of Telegraphic Communications in the French Department of Posts and Telegraphs.

M. G. GNEME, Head of Division in the Telegraphic Department of the Italian Ministry of Communications.

Mr. F. W. PHILLIPS, Assistant Secretary of the General Post Office of Great Britain.

M. J. RÄBER, Director of the International Telegraphic Union.

Mr. F. J. BROWN, Representative of the International Cable Companies' Association.

Mr. H. L. ROOSEVELT, European Manager, Radio Corporation of America, Paris.

M. H. GESELL, Editor-in-Chief of the "Telegraphen Union", Berlin.

Mr. T. W. McARA, Secretary, Newspaper Proprietors' Association, London.

M. A. C. MEYNOT, Managing Director of the "Agence Havas", Paris.

The Special Committee met in Paris from May 22nd to 24th, 1928. The following were present : All the members of the Committee, with the exception of Mr. Roosevelt, who was unable to attend. Mr. McARA was assisted by Mr. T. Darbyshire, Director of the Australian Press Association, and Mr. F. Lloyd Dumas, Editor and Director of the Cable Service of the Australian Newspapers in London.

The Committee unanimously adopted the following report. Nevertheless, Mr. Brown made a reservation on the following points : (1) Urgent Press telegrams and radiotelegrams ; (2) rates of wireless-telegraph messages.

The Committee has considered the resolutions of the Conference of Press Experts which were referred to it with a view to ascertaining from the declarations of the representatives of telegraph administrations and companies, members of the Committee, what action might be taken in pursuance of these resolutions. The Committee arrived at the following conclusions with regard to the different points on its agenda.

A. TELEGRAPH AND RADIOTELEGRAPH.

(a) *Priority for Press Telegrams and Radiotelegrams.*

The representatives of the telegraph administrations and companies were of opinion that it was not at present possible to contemplate even the principle of priority for Press telegrams over private telegrams of the same category. They particularly referred to the fact that the Press already received preferential treatment from the point of view of charges and that this treatment had been recently improved by the 1925 Conference. Telegraph administrations and companies have generally a monopoly and are therefore bound to ensure equitable treatment for all categories of public. The same observations naturally apply to the other resolutions of the Conference of Press Experts in which the question of priority is mentioned.

(b) *"Urgent Press" Telegrams and Radiotelegrams.*<sup>1</sup>

The Committee recommends that the Telegraphic Conference of 1930 should approve of the establishment of a category of telegrams to be known as "Urgent Press", subject to the same general conditions as urgent private telegrams, the rate for such telegrams to be three times that charged for ordinary Press telegrams.

(c) *Long-distance Communications.*

The Committee is of opinion that charges for Press telegrams should be as low as possible. It is not in a position to state that the rates in any given case are excessive when all circumstances are taken into account, but it recommends that the administrations and companies concerned should consider the possibility of reducing charges in certain cases to which its attention has been drawn, particularly in respect of traffic between the Far East and North America and Europe and also between Europe and South America.

<sup>1</sup> Mr. Brown made a reservation in respect of this paragraph.

The Committee recommends that the administrations and companies concerned should favourably consider the question of introducing a "deferred" Press service on long-distance routes whenever the circumstances would appear specially to justify such a step; this service would be carried out at a lower charge than the ordinary Press rate.

The Committee sees no necessity at present for the introduction of a new category of special cable letters for Press messages. The extension of the ordinary telegram-letter service to the greatest possible number of routes will certainly render to the Press such services as it appears to have in mind, and this point might be brought to the notice of the various administrations and companies.

In connection with the recommendation of the Conference of Press Experts which appears in the second paragraph (c), the attention of the Committee has been drawn to certain terminal charges levied in certain countries.<sup>1</sup> While refraining from expressing any opinion on the questions of domestic policy involved, the Committee suggests that the resolution of the Press Conference should be considered by the Governments concerned with a view to ascertaining whether any modification of these charges may be found possible.

(d) *Regional Telephone Agreements.*

The Committee is of opinion that the examples given in the resolution of the Conference of Press Experts refer to cases which are obviously exceptional and that, from the general international point of view, it is impossible to go further than the text of the Telegraph Regulations concerning agreements between certain members of the Union.

B. TELEPHONE.

The Committee noted that, on account more particularly of the high initial costs of the long-distance telephone system recently set up or in process of construction, the representative of the administrations on the Committee hold that it is at present impossible to contemplate a reduction of rates for Press messages. Should later a system of preferential treatment appear to be acceptable in certain cases, the present text of the Telegraph Regulations, without any alteration being necessary, would at least provide a means by which such a reduction could be made, since the provisions of the Regulations in respect of "subscription" calls fix neither the amount of the reduction for "subscription" calls nor the hour at which such calls should be made. Should it appear during the development of the long-distance telephone system that certain lines could handle more traffic, there is no doubt that the telephone administrations would endeavour to increase such traffic and would particularly bear in mind the possibilities of meeting the requirements of the Press.

The Committee considered the resolution, paragraph (3) of B, concerning the readjustment of rates whenever the rate applied on the basis of an international scale is greater than that which would result from adding the national rates of the countries through which the communication passes. The Committee noted: (1) that the differences to which attention has been drawn are explained by the fact that national charges are necessarily calculated on a basis which is different from that on which international rates are fixed; (2) that the cases in which this point arises are becoming more and more rare; and (3) that the Telephonic Administrations concerned are constantly endeavouring to remedy such cases.

C. QUESTIONS EXCLUSIVELY CONCERNING WIRELESS TELEGRAPHY.

(a) *Authorisation to receive Press Messages by Wireless.*

The Committee noted that Article 5 of the Washington Radiotelegraphic Convention provides for measures to prevent the unauthorised reception of Press radiotelegraphic and radiotelephonic messages. So far as the issue of licences is concerned, the Committee is of opinion that the solution of this question depends on national considerations and should be left to the discretion of each Government.

(b) *Rates of Wireless-Telegraph Messages.*<sup>2</sup>

The Committee noted that, in certain cases, the cost of a long-distance wireless-telegraphic transmission service is less than the cost of a similar service by cable. The Committee recommends that, as far as circumstances permit, the rates for the transmission of Press messages by long-distance wireless should be as low as the cost of transmission allows.

(c) *Code Telegrams.* [II]

The Committee did not unanimously endorse the recommendation of the Conference of Press Experts in respect of wireless messages in code. Code is at present allowed for messages to a number of addressees, as provided in Article 69 of the Paris Regulations, but up to the present the Telegraphic Regulations have maintained the principle that messages sent at reduced rates must be in clear. Under these circumstances, the Committee, without expressing any opinion on this matter, merely suggested that the question raised in the Recommendation of the Conference of Press Experts should be submitted for examination to the administrations and companies concerned.

<sup>1</sup> Australia and other countries.

<sup>2</sup> Mr. Brown made a reservation in respect of this paragraph.

(d) *Inter-Continental Communications.* [III (a)]

The Committee associated itself with the recommendation of the Conference of Press Experts to the effect that it would be desirable to establish better facilities for telegraphic and radiotelegraphic communications between Eastern countries and countries in Europe and America (North and South). It noted, however, that, since this recommendation was voted, considerable progress had already been made.

\* \* \*

XXX. *Transport of Newspapers by Air* (Item 16 of the Agenda).

The Advisory and Technical Committee for Communications and Transit has noted the request of the newspaper-distributing agents and the proposals put forward on behalf of the air-transport companies.

It appears, from the statement made on behalf of these companies and from the recent experience of newspaper-distributing agents, that the technical progress of air navigation makes it possible to ensure the regular transport of newspapers by air, at any rate during the summer.

On the other hand, the proposals made on behalf of the various air-transport undertakings in regard to the rates they intend to charge do not seem to give sufficient facilities for the transport of newspapers by air.

The Committee has noted, however, the statement according to which much greater reductions in rates have been granted in practice on various lines, and hopes that these reductions will gradually be extended and thereby permit increased transport of newspapers by air, which is a matter of public interest, since it enables rapid contact to be established between public opinion in the different countries.

The Committee therefore invites the organisations interested in air transport and in the distribution of newspapers to keep the Committee informed of all future developments.

It draws the attention of the Governments to the importance of the problem, and requests them to assist in reaching a solution and to inform the Advisory and Technical Committee of any important improvements.

XXXI. *Transport of Newspapers and Periodicals by Rail and Customs Questions connected with the Transport of Newspapers and Periodicals* (Item 16 of the Agenda).

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.

It has considered the memorandum submitted to this Conference by the representative of the newspaper-distributing agencies.

It has noted the report submitted by the Permanent Committee for Transport by Rail after examination of the investigations made by the International Railway Union and the Special Committee of Customs Experts.

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.

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ANNEX 18.

REPORT BY THE SUB-COMMITTEE ON IDENTITY CARDS FOR JOURNALISTS.

[C.C.T./393.]

The Sub-Committee has considered the question of identity cards for journalists. Having come to the conclusion that the Advisory and Technical Committee is not competent to offer any opinion as to the class of facilities that should be available to the holders of such cards, but only to decide whether the form submitted can be regarded as satisfying the requirements of profes-

sional identification stated in the resolutions of the Conference of Press Experts and of the Assembly of the League, the Sub-Committee proposes that the Committee adopt the resolution hereunder. To this resolution would be attached the corrected form which might be issued by the proper international or national organisations. It is realised that neither the League of Nations nor any other official international organisation can itself undertake to issue such cards.

If the international or national organisations issuing the cards should wish to mention on the first page, after the title, a resolution passed by one of the League organisations, the Sub-Committee is of opinion that, in order that the limits of the responsibility accepted by the League may be clearly defined, the only resolution to be quoted should be that which is now submitted to the Advisory and Technical Committee, and which refers in a note to the resolution of the Conference of Press Experts.

*Draft Resolution*

**"The Advisory and Technical Committee for Communications and Transit :**

**"Having, at the request of the Assembly of the League of Nations, considered the question of identity cards for journalists in accordance with the resolution adopted by the Conference of Press Experts on August 29th, 1927 ;<sup>1</sup>**

**"Is of opinion that a card on this model,<sup>2</sup> issued by a qualified international or national organisation, would constitute a good means of professional identification for journalists travelling from one country to another, it being always understood that such a card would not take the place of a passport where the latter is required."**

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<sup>1</sup> " The Conference declares that it would be of the greatest advantage to institute an international identity card for journalists which should, at the same time, be a means of professional identification, and particularly designed also to facilitate travelling and the general exercise of journalists of their profession abroad. "

<sup>2</sup> See pages 106 & 107.

(Communiqué au Conseil et  
aux Membres de la Société.)

C.216. M.81. 1929.VIII.  
(C.C.T. (13ème session) P.V.).  
ERRATUM.

Genève, le 5 novembre 1929.

SOCIÉTÉ DES NATIONS

COMMISSION CONSULTATIVE ET TECHNIQUE DES  
COMMUNICATIONS ET DU TRANSIT.

Procès-verbal de la treizième session

tenue à Genève du 15 au 23 mars 1929.

(avec annexes).

ERRATUM.

Page 101, avant-dernier paragraphe, troisième ligne, lire:

"..... il n'en demeure pas moins que l'hypothèse visée par  
ce Protocole a été plusieurs fois évoquée devant la Commission des voies  
ferrées et que la règle qu'il formule pour ce cas particulier ....."

LEAGUE OF NATIONS

ADVISORY AND TECHNICAL COMMITTEE FOR  
COMMUNICATIONS AND TRANSIT

Minutes of the thirteenth session

held at Geneva from March 15th to 23rd, 1929.

(with annexes).

ERRATUM.

Page 101, last paragraph but one, third line, should read:

"..... the fact remains that the case referred to by this  
Protocol was brought up several times in the Railway Committee, and that  
the Rule which it lays down for that special case....."



Geneva, July 1st, 1929.

**LEAGUE OF NATIONS**

**Organisation for Communications and Transit.**

**DOCUMENTS**

RELATING TO

**FURTHER STUDIES CONCERNING THE ESTABLISHMENT OF A  
WIRELESS STATION FOR THE PURPOSE OF ENSURING  
INDEPENDENT COMMUNICATIONS  
FOR THE LEAGUE IN TIMES OF EMERGENCY**

**A. LEGAL STUDIES.**

**I. REPORT BY THE REPRESENTATIVE OF POLAND, AND RESOLUTION ADOPTED BY THE COUNCIL  
ON DECEMBER 11TH, 1928.**

[C.641.1928.VIII.]

The Assembly, in its resolution of September 20th, 1928, decided to place on the agenda of its tenth session the question of the creation of a wireless station with a view to providing the League of Nations with independent communications in times of emergency.

It requested the Council to take, meanwhile, the necessary steps to pursue the technical, financial and legal studies which might be considered desirable.

At its last session the Council decided, on the basis of the Assembly's resolution, to entrust the study of the technical and financial aspects of the question to the Communications and Transit Organisation.

On the other hand, it proposed to consider at a later session the procedure to be followed to facilitate the study of the legal questions raised during the Assembly session. These questions are of very real importance, owing to the fact that they can be regarded not only from the point of view of the operation of a wireless station but also in relation to the working of all the means of communication at the League's disposal in time of emergency.

It therefore seems advisable to undertake by stages the investigation recommended by the Assembly.

The Council might forthwith ask the Secretary-General to instruct the Legal Adviser to the Secretariat to draw up a statement on the different legal points arising both out of the notes and documents submitted to the Assembly and out of the discussions to which the question gave rise in the Third Committee.

On the basis of the data thus collected, the Legal Adviser will be able to prepare preliminary suggestions to lay before the Council.

In order, however, that the Council may be able to take into account the Swiss Government's views when examining these suggestions, the Secretary-General might be asked to forward to this Government the memorandum drawn up by the Legal Adviser of the Secretariat as soon as it has been completed.

The Federal Government would thus be able to communicate to the Council before its session any remarks suggested to it by this memorandum.

If it thinks fit, too, the Swiss Government might then inform the Secretary-General, in forwarding to him its observations, of its desire to take part in the discussion of this question before the Council.

The method which I have proposed has, I think, the advantage of supplying the Council with the fullest possible material for forming a judgment. It would thus be in a position either to adopt, at its March session, sufficiently definite conclusions for submission to the Assembly, or decide upon the procedure to be followed to complete the investigation, for example, by setting up a special Committee for the purpose.

If the members of the Council accept the views set forth above, I venture to propose the adoption of the following draft resolution:

“ The Council;

“ Having heard its Rapporteur's proposals for giving effect to the Assembly's resolution of September 20th, concerning the study of the legal questions relative to the establishment of a wireless station to provide the League of Nations with independent communications in times of emergency;

“ Approves this report and adopts the procedure suggested therein;

“ It therefore requests the Secretary-General to take the necessary steps, and to instruct the Legal Adviser to the Secretariat to undertake a preliminary study, the results of which should be communicated to it at its next session.

“ Further, it asks the Secretary-General to notify the Swiss Government of the course adopted so as to enable it to forward its observations in good time.

“ It accordingly decides to place the question on the agenda of its fifty-third session. ”

2. (a) REPORT BY THE REPRESENTATIVE OF POLAND SUBMITTED  
TO THE COUNCIL ON MARCH 8TH, 1929.

[C.116.1929.VIII.]

The Council, when considering at its last session the action to be taken on the Assembly resolution of September 20th, 1928, concerning the study of the legal questions relating to the establishment of a wireless station for the purpose of ensuring independent communications for the League in times of emergency, decided to ask the Secretary-General to instruct the Legal Adviser to the Secretariat to undertake a preliminary study, the results of which should be communicated to it at the present session, and asked the Secretary-General to notify the Swiss Government of the course adopted, so as to enable it to forward its observations in good time.

The Council has received the memorandum by the Legal Adviser to the Secretariat (see Annex 1) and a note dated March 4th, 1929, from the Swiss Government (see Annex 2). These documents have enabled it to realise the importance of the questions raised, which concern the whole working of the League of Nations in times of emergency and also the independence and the secrecy required under certain conditions for League communications at such times.

The memorandum by the Legal Adviser to the Secretariat deals first with the questions of principle raised in previous discussions and documents, and suggests a practical solution with due regard for the Swiss Government's requests concerning a guarantee, in the event of the League of Nations being in permanent possession of a wireless station or operating such a station in times of emergency. The Council will remember that the Swiss Government proposed that an observer should be attached to the wireless station, and that the Assembly should adopt a resolution recognising that Switzerland can incur no responsibility for the working of the station in times of emergency.

The Swiss Government states in its note that it would have to make express reservations concerning several of the legal arguments on questions of principle in the Legal Adviser's memorandum. On the other hand, it agrees to the practical solution suggested by the Legal Adviser concerning the definition of the role of the observer—the latter being appointed to verify the official origin or destination of messages; it also agrees that a resolution should be submitted by the Council to the Assembly. The Swiss Government communicates with its note a draft *modus vivendi* between the League of Nations and a Swiss company to be used if the League does not administer a station permanently or in times of emergency. The Federal Government expresses a strong preference for this solution.

The Legal Adviser's opinion appears to differ from that of the Swiss Government on matters of principle, but it seems unnecessary, in view of the agreement reached on the practical solution, that the Council should go into these questions.

The Council will note with satisfaction that the Legal Adviser and the Swiss Government are agreed on a practical solution and the Council no doubt will recommend the Assembly to define, as suggested in the Legal Adviser's memorandum, the duties of the observer to be attached by the Swiss Government to a station operated by the League, and also to adopt a resolution on the lines indicated in the Legal Adviser's memorandum.

Further, the enquiries demanded by the Assembly into the technical and financial aspects of the problem were referred by the Council to the Advisory and Technical Committee for Communications and Transit (Council resolution of September 26th, 1928, see page 9). I therefore think it best to propose that the Council should communicate the present report, together with the Legal Adviser's memorandum and the Swiss Government's note, to the Advisory and Technical Committee for Communications and Transit, with a request that it examine, apart from their legal aspects, the questions raised and the proposals formulated therein.

If the Council agrees with my views, it might adopt the following resolution:

“ The Council agrees to the solution suggested by the Legal Adviser to the Secretariat to meet the Swiss Government's request for guarantees, if the League operates a wireless station in times of emergency, and notes with satisfaction the Swiss Government's acceptance of this solution.

" The Council decides to forward to the Assembly the Legal Adviser's memorandum and the Swiss Government's note;

" It recommends the Assembly:

" (a) To agree, in the event of the creation of a wireless station operated by the League of Nations in times of emergency, to the Swiss Government's demand that an observer, whose duties are defined in the Legal Adviser's memorandum, shall be attached to the station;

" (b) To agree to the adoption of a resolution concerning the question of Switzerland's responsibility in the sense indicated in the memorandum by the Legal Adviser.

" The Secretary-General is instructed to bring the present report to the notice of the Advisory and Technical Committee for Communications and Transit, together with the Legal Adviser's memorandum and the Swiss Government's note, including the draft *modus vivendi* attached thereto. "

2. (b) SUPPLEMENTARY REPORT BY THE REPRESENTATIVE OF POLAND AND RESOLUTION ADOPTED BY THE COUNCIL ON MARCH 9TH, 1929.

[C.116(a).1929.VIII.]

The Council will remember the observations made at its meeting yesterday morning when I submitted the draft resolution on the legal questions concerning the establishment of a wireless station for the purpose of ensuring independent communications for the League in times of emergency.

The Council appointed a Committee to re-model the draft resolution which I had submitted in accordance with the suggestions made to the Council.

After an exchange of views, this Committee proposes to the Council the adoption of a new resolution. This draft resolution contains all the references to the Federal Government's Note of March 4th, 1929, as requested by M. Motta. The text of certain passages of this Note now reads as follows (see Annex 2):

The paragraph beginning: " With regard to the first solution . . . " should now read:

" With regard to the first solution, the Swiss Government has already stated the reasons why it considers it essential to have an observer attached to the station in times of emergency to follow the work. The Federal authorities will be willing in principle that the duties of this observer should be confined to satisfying himself that the origin or destination of wireless messages are duly verified, but it must be understood that the organs of the League will refrain from transmitting through the station any message prejudicial to our regime of neutrality as defined by the Declaration of London, dated February 13th, 1920. "

The rest of the paragraph remains unchanged.

The paragraph beginning: " There is no need to add that in this case, as in the other, the League would abstain . . . " should now read as follows:

" There is no need to add that in this case, as in the other, the League would abstain from sending any communication which might prejudice our regime of neutrality as defined by the Declaration of London, dated February 13th, 1920, and that the Federal Council could also intervene in the circumstances considered above. "

Consequently, the references mentioned in the new draft resolution which I submit below to the Council should be considered as relating to the Federal Government's Note dated March 4th, 1929, modified as above.

RESOLUTION.

The Council takes note of the solution suggested by the Legal Adviser to the Secretariat to meet the Swiss Government's request for guarantees, if the League operates a wireless station in times of emergency.

The Council notes with satisfaction the Swiss Government's acceptance, as recorded in the Note, of these practical solutions and decides to forward to the Assembly the Legal Adviser's Memorandum and the Swiss Government's Note.

The Council recommends the Assembly:

(a) To agree, in the event of the establishment of a wireless station belonging to the League of Nations or operated by it, that in time of emergency an observer shall be attached to the station as requested by the Swiss Government (the duties of this observer are defined in the Memorandum of the Legal Adviser to the Secretariat and in the Swiss Government's Note);

(b) To consider favourably the adoption of a resolution concerning the question of Switzerland's responsibility in the sense indicated in the Legal Adviser's Memorandum and in the Swiss Government's Note.

The Secretary-General is instructed to bring the present report to the notice of the Advisory and Technical Committee for Communications and Transit, together with the Legal Adviser's Memorandum and the Swiss Government's Note, accompanied by the draft *modus vivendi* attached to the latter.

#### Annex 1.

*Note by the Secretary-General.*

[C.102.1929.VIII.]

The following memorandum is circulated for the consideration of the Council, in accordance with the Council's decision of December 1928.

#### MEMORANDUM.

Under the Council resolution of December 11th, 1928, and the report which preceded this resolution, the Legal Adviser to the Secretariat was instructed to draw up "a statement on the different legal points arising out of the notes and documents submitted to the Assembly and out of the discussion to which the question gave rise in the Third Committee". Under the above decision, the Legal Adviser is also called upon to prepare preliminary suggestions to be laid before the Council.

\* \* \*

It would seem, to judge by the documents connected with this case, that the legal considerations to which the question has given rise are all contained in the official documents received from the Swiss Government and in the statements on the subject made by the representatives of the Swiss Confederation.

The Swiss Government has not raised any objection to the principle of independent wireless communications for the League of Nations. The message from the Federal Council to the Swiss nation at the time of Switzerland's entry into the League explicitly admits the principle that the League is entitled to its own communications by wire and by wireless. In its note of August 21st, 1928, the Swiss Government declared that it was ready to give its full support to the proposal that a wireless station should be established under the most favourable conditions possible. The Swiss Government, however, asked the last Assembly to accord it various "guarantees", founded on the following considerations, which are, it must be admitted, very general in scope, so that their effects would not be limited to the single case of a wireless station owned or directly administered by the League of Nations.

The territorial sovereignty of a State involves responsibility. No sovereign State can allow acts, by which its responsibility towards other nations may become involved, to take place in its territory without any control on its part. In particular, no State can disregard the activities of a wireless station situated in its territory. Though it is quite legitimate that the League of Nations should, in time of emergency, have a station of this kind at its disposal, it is equally legitimate for the country in which the station is established to require the guarantees essential to safeguard its sovereignty.

In addition, the interests of national defence must also be taken into consideration. In case of general mobilisation, or of war, the existence of a station of this kind might not always be compatible with military necessity.

To these considerations, which apply to any State, must be added others regarding the international status of Switzerland herself and the special position she occupied within the League of Nations.

Switzerland only joined the League on the basis of Article 435 of the Treaty of Versailles and as a result of the declaration made by the Council on February 13th, 1920. The effect of the latter was to re-affirm Switzerland's neutrality within the framework and under the regime of the League. Switzerland is therefore entitled to assume that the status of the wireless station will be compatible with the obligations arising out of the Declaration of London and the Hague Convention of October 18th, 1907, regarding the rights and duties of neutral Powers and persons in time of war. But although, according to Article 8 of the Hague Convention, "a neutral Power is not called upon to forbid or restrict the use, on behalf of belligerents, of telegraph or telephone cables or of wireless telegraph apparatus belonging to it or to companies or private individuals", it was unanimously

agreed at the Hague Conference that the recognised freedom of neutral States in this respect "does not connote the right to use or allow the use of such apparatus for the clear purpose of assisting any of the belligerents". It should also be observed in this connection that, according to Article 9 of the above Convention, every measure of restriction or prohibition taken by a neutral Power regarding, *inter alia*, the use of a wireless station established in its territory "must be impartially applied by it to both belligerents".

Consequently, pleading her sovereignty, neutrality and the necessities of national defence—but without opposing on these grounds the idea of providing the League with a wireless station—Switzerland claims to be allowed, in times of emergency, to maintain an observer at the wireless station at Geneva. It would be the observer's duty to keep his Government constantly informed of the activities of the station. The Confederation does not claim to exercise a right of veto, but desires to know what is done, because it feels that the supreme interests of the country might be at stake.

Further, in order to avoid all misunderstanding, the Federal Council would esteem it of great value if the Assembly would pass a formal resolution recognising that the use to be made of the station by the League, in times of emergency and under the conditions contemplated, could not be adduced in any way as involving the international responsibility of Switzerland.

\* \* \*

The Council might possibly desire to discuss on their merits the arguments brought forward by the Swiss Government in support of its requests, or it might prefer merely to consider the extent to which it would be possible in practice to meet these requests.

#### A.

Should the Council decide to consider the theoretical aspect of the question as submitted by the Swiss Government, it may be opportune to draw its attention to the following juristic considerations:

The sovereignty of the various Members of the community of nations is limited by the mere existence of an international juridical system and by the obligations which the various Members have specially assumed. A State which enters into engagements is necessarily responsible towards third States for the compatibility of its new engagements with its situation in respect of those States. In other terms, every subject of international law is responsible for its acts; a State is not entitled in principle to invoke in mitigation of this responsibility its sovereignty and the duties attaching thereto.

A State cannot become a Member of the League and yet claim to be exempt from the limitations imposed by the League's own constitution. These limitations are incidental to the aims of the League and to the means of attaining those aims. It need hardly be pointed out that one of the essential and undeniable rights of the League is that of freely expressing and transmitting its will and communicating as rapidly as possible, by the means it holds to be most appropriate, with the various Members of the international community. Communications between the Secretary-General of the League and the various Governments, or between the Secretary-General and the various agents of the League, as well as communications between the representatives of the Members of the League, or States to which an invitation is addressed under Article 17 of the Covenant and their Governments, are one of the essential factors in the working of the League, particularly in times of emergency. The resulting obligations for Members of the League in the particular case of an urgent meeting of the Council in a time of emergency were stated by the Assembly on September 26th, 1927.

These obligations, which bind every Member of the League, are at least equally binding on that Member which has undertaken to allow the League to establish in its territory the seat in which the will of the League is normally formed and whence it should be transmitted.

The special juridical position of the Swiss Confederation within the League would not seem to warrant the conclusion that this State, which shelters the seat of the League, enjoys, from the present standpoint, a status different from that of any other Member—a status, that is, which would entitle it to limit in actual practice, by exercising supervision, the League's right freely and without control to send, receive and transmit such messages as may be necessary in the accomplishment of its purpose, and to maintain its communications in the manner it deems to be most expedient. The Federal Government's note of August 28th, 1928, which deals exclusively with this question, seems to suggest, by referring to the Hague Conventions, that in times of emergency (or war) the Swiss Confederation would not be legally bound to authorise the use of its telegraph or telephone cables or wireless telegraph apparatus situated in its territory, for the clear purpose of assisting any of the belligerents.

If interpreted strictly and carried to a logical conclusion, this theory might paralyse the whole mechanism of the League at the very moment when rapid and independent working of that mechanism would be most necessary. Switzerland's status as a Member of the League is not of the same essence as her status as an ordinary member of the community of nations. By becoming a Member of the League, Switzerland necessarily forfeited her right, as regards other Members, of insisting on all these special aspects of her situation as a neutral State which the Declaration of London of February 13th, 1920, failed to confirm. A message of the Swiss Federal Council to the Federal Assembly of August 4th, 1919, contains certain allusions to this twofold status, and observes that "the State which shelters the seat of the League cannot prohibit, restrict or censor . . . communications through any channel between the League and foreign countries". In the same connection, we should note the formal stipulations made at the time of the admission of the Swiss

Confederation into the League. The above-mentioned Declaration of London lays down that "Switzerland recognises and proclaims the duties of solidarity which membership of the League of Nations imposes on her, including therein the duty of co-operating in such commercial and financial measures as may be demanded by the League of Nations against a covenant-breaking State".

B.

Should the Council, however, prefer not to consider these theoretical points, but rather to seek a practical solution, taking into account the requests put forward by the Swiss Government, such a solution might perhaps be discovered on the following lines.

The official traffic of the wireless station would be, on the one hand, transmitting messages received from officials or organs of the League or from delegations of States Members or States invited to participate under Article 17 of the Covenant; and, on the other, receiving messages intended for these organs, officials or delegations. Clearly, the responsibility for seeing that the station is in times of crisis utilised solely for official correspondence lies with the Secretary-General; but it is equally clear that Switzerland also has a particular interest in keeping watch over the manner in which this responsibility is borne. Consequently, an agent appointed by the Swiss Government might be allowed to verify the origin or destination of official messages; such verification would be purely objective and external, would in no way affect the secrecy of communications *en clair* or in cipher, and would not involve any delay. The agent of the Swiss Government might also be instructed by his Government to remain in permanent contact with the organs of the League; in so doing, Switzerland would merely be availing herself of a right open to every Member of the League. Any difficulties arising might be submitted to the Council of the League, particularly as regards the compatibility of the working of this station with the rights and international status of Switzerland.

With a view to completing the future arrangement on the lines and in the direction desired by the Swiss Government, the Council might propose that the Assembly should in a resolution formally recognise that the organisation—to ensure the proper working of the League—of means of communication and transmission (in this case, a wireless-station) serving the seat of the League and administered independently by the latter is in keeping with the rights and obligations of Switzerland as a Member of the League towards her fellow-members, and that the unfettered use of these means to ensure the proper working of the League does not in any way involve a special responsibility for the Swiss Confederation.

(Signed) J. A. BUERO.

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Annex 2.

LETTER FROM THE SWISS GOVERNMENT TO THE SECRETARY-GENERAL

[C.103.1929.VIII.]

Berne, March 4th, 1929.

[Translation.]

We beg to acknowledge receipt of your letter of March 2nd communicating to us the text of the report to be submitted to the Council by the Legal Adviser to the Secretariat on the legal questions involved in the establishment of a wireless station to be administered by the League in times of emergency.

In reply to this communication, we forward to you a memorandum (see text hereafter) containing the observations which the Federal authorities desire to make at this moment.<sup>1</sup> We should be greatly obliged if you would bring this document to the notice of the Members of the Council.

We thank you for your invitation to us to be present when the question of the wireless station is discussed by the Council.

(Signed) MOTTA,  
Federal Political Department.

MEMORANDUM.

[Translation.]

The Federal authorities are of opinion that it should be possible to seek a satisfactory solution of the problem without first going into a detailed examination of the rights and obligations of Switzerland as a Member of the League of Nations. In view of the delicate questions which such an examination would inevitably raise, it would be better to avoid such an examination as long as there is a chance of reaching a practical arrangement acceptable to the parties concerned. If, however, the Council is not of this opinion and considers it necessary to settle the questions of principle first, the Federal Council will have to make express reservations in regard to several of the legal arguments contained in the memorandum by the Legal Adviser to the Secretariat.

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<sup>1</sup> The final text of the memorandum is annexed to this letter. The original text of the passages modified as a result of the discussion in the Council has been given in footnotes.

On the other hand, the practical solution proposed in this memorandum seems to constitute the basis of a possible agreement between the League of Nations and Switzerland. It remains, however, to be seen whether this solution, which provides for a station controlled by the League in times of emergency, is considered by the Council or Assembly preferable to the simpler and in many respects more advantageous solution mentioned by the Swiss delegation at the last session of the Assembly. According to this solution, the League of Nations would be content with a station operated and administered at all times by the Société Radio-Suisse.

With regard to the first solution, the Swiss Government has already stated the reason why it considers it essential to have an observer attached to the station in times of emergency to follow the work. The Federal authorities will be willing in principle that the duties of this observer should be confined to satisfying himself that the origin or destination of wireless messages are duly verified, but it must be understood that the organs of the League will refrain from transmitting through the station any message prejudicial to our regime of neutrality as defined by the declaration of London dated February 13th, 1920.<sup>1</sup> It would also be understood that the Federal Council could at any time obtain explanations from the Council of the League if the work of the station appeared to imperil Switzerland's essential interests. Lastly, the Assembly would have to recognise by a formal resolution that the use of the station by the League in times of emergency, and under the conditions agreed upon, would in no case engage Switzerland's international responsibility.

In spite of the mutual goodwill of the parties, there seem to be practical difficulties in the way of this solution. The Federal authorities are therefore wondering whether the second solution alluded to above does not contain the elements of a more satisfactory arrangement, and one which is really more advantageous to the League of Nations. This second solution would consist in granting the League the use of the station already constructed by the Radio-Suisse on the outskirts of Geneva, together with such facilities as would enable it without disadvantage to abandon the idea of a station placed under its authority in times of emergency. In agreement with the Radio-Suisse, the Federal Council has prepared the attached draft *modus vivendi* (see Appendix) containing all necessary information concerning the conditions under which the League of Nations could use a station that would remain at all times under Swiss administration.

As appears from this draft, the station will, for the time being, have only a medium-wave post. Although its construction will cost Switzerland a large sum, it is not impossible that it may later be supplemented by one or two short-wave transmitting posts, which would be constructed at Switzerland's expense. As, however, this post or these two posts would be specially constructed for the particular needs of the League of Nations, it would be only fair if the League were to contribute up to, say, 50 per cent towards covering the possible deficit from the working of the short-wave station. The advantages of this solution to the League of Nations would be substantial. There is no need to add that in this case, as in the other, the League would abstain from sending any communication which might prejudice our regime of neutrality, as defined by the Declaration of London dated February 13th, 1920, and that the Federal Council could also intervene in the circumstances considered above.<sup>2</sup>

If this solution were adopted, the Assembly would also have to make the declaration already referred to.

## Appendix.

### I. — INSTALLATION.

[Translation.]

1. The Société Radio-Suisse shall erect in the neighbourhood of Geneva and in agreement with the Swiss Government, which is the principal holder of its share-capital, a wireless installation including:

(a) An operating-office situated in the Central Telegraph Office at Geneva for the direct transmission and reception of messages;

(b) A transmitting station consisting, for the present, of a short-wave transmitter having an aerial-power of 50 kw. situated at Prangins, near Nyon, permitting direct communication with all the European capitals;

(c) A receiving station, including several long, medium and short-wave receivers, at Colovrex.

2. The Swiss Government shall cause the Société Radio-Suisse to provide this station, hereinafter referred to as the Geneva station, with all improvements shown to be practicable

<sup>1</sup> In the memorandum considered by the Council at its sixth meeting, the text of this passage ran as follows:

"With regard to the first solution, the Swiss Government has already stated the reasons why it considers it essential to have an observer attached to the station in times of emergency to follow the work. The Federal authorities would be willing in principle that the duties of this observer should be confined to verifying the origin and destination of wireless messages, but it must be understood that the organs of the League will refrain from transmitting through the station any message contrary to the interests of our national defence or affecting our regime of neutrality."

<sup>2</sup> In the note considered by the Council at its sixth meeting, the text of this passage ran as follows:

"There is no need to add that in this case, as in the other, the League would abstain from transmitting any messages which might injure Switzerland's essential interests, and that the Federal Council could also intervene in the circumstances considered above."

and suitable for the Geneva service, so that the station shall at all times keep fully abreast of the most recent technical improvements.

3. The Société Radio-Suisse shall, at its own expense, provide the station with a number of additional receivers if these are required for the execution of any special "listening-in" programme which the League of Nations may eventually desire to carry out.

## II. — WORKING OF THE STATION IN NORMAL PERIODS.

1. The Société Radio-Suisse is prepared to conclude with the League of Nations, in respect of the working programme; an agreement to include the following measures:

(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 Geneva station and the corresponding stations possess an adequate technical equipment and consent to this course;

(b) A weekly exchange of communications at a preconcerted 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 by means of transmitters suitable for a broadcasting service, in order to establish daily contact with the stations which come into consideration for the reception of Geneva broadcasting;

(d) A "listening-in" time-table. Every day at a given time the Geneva station will "listen-in" for the stations specified by the League of Nations, and will receive any communications intended for the League.

2. League of Nations telegrams transmitted by the Geneva station will pay the usual charges. It is, however, understood that, following on an agreement between the League of Nations and the foreign authorities, special facilities may be granted for official telegraphic communications of the League. This refers in particular to the communication of documents and circular letters between the various Governments and the League.

3. Official telegrams of the League passing through the station shall be granted the same reduced rates as are granted to this category of telegram when passing over other lines of communication.

4. The Société Radio-Suisse shall take all necessary steps to facilitate co-operation with the competent organs of the League as regards the utilisation of the Geneva station, and the Company's other installations, for the official communications of the League.

## III. — FREEDOM OF AND GUARANTEES REGARDING LEAGUE COMMUNICATIONS IN TIMES OF EMERGENCY.

Should the Assembly of the League of Nations recognise by a formal resolution that the utilisation, under the agreed conditions, of the Geneva station by the League of Nations in time of emergency can in no circumstances be adduced as involving the international responsibility of Switzerland, the Swiss Government would be prepared to give the following guarantees:

1. The station shall not be requisitioned by the military authorities, but shall continue to be utilised primarily for League communications. In the event of mobilisation of the Swiss Army, the station shall be provided with the staff necessary for its operation according to the requirements of the case.

2. The Swiss Government will take all necessary steps to ensure the reliable and uninterrupted working of the station in times of emergency.

3. All messages sent by or addressed to the Secretariat of the League of Nations, the International Labour Office, the official representatives of States Members of the League, and the official delegations of States non-Members will be transmitted under the same conditions as in normal periods, *i.e.*, without any restriction and with the same priority rights, by the Geneva station and by all other telegraphic and telephonic means of communication at the disposal of the Swiss Government.

4. In times of emergency, the Société Radio-Suisse shall immediately establish direct wireless communication with the countries specified by the Secretary-General of the League with which it is not already in direct wireless communication, provided this be practically possible and the corresponding station agrees to such a course.

5. The Secretary-General may appoint, as his representative, a delegate attached to the director of the Société Radio-Suisse and the Geneva station. This delegate shall be accorded every facility for verifying that the station is working in the manner laid down above.

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## B. TECHNICAL AND FINANCIAL STUDIES.

### I. REPORT BY THE POLISH REPRESENTATIVE AND RESOLUTION ADOPTED BY THE COUNCIL ON SEPTEMBER 26TH, 1928.

[C.514.1928.VIII.]

On September 24th, 1928, the Assembly voted the following resolution:

“ The Assembly:

“ With a view to enabling Members of the League of Nations to proceed to a full examination of the proposals submitted with regard to the creation of a wireless station for the purpose of providing the League with independent communications in times of emergency, and also with a view to allowing time for the additional technical and legal studies considered desirable;

“ Decides to place this question on the agenda of its tenth session;

“ And requests the Council to take all necessary measures for a further study of these questions. ”

The report submitted by the Third Committee to the Assembly explains what additional studies will have to be made before the next Assembly can decide on the question of the creation of a wireless station. These additional studies are technical, financial and legal in character. It seems advisable that the Council should immediately forward the report and resolution adopted by the Assembly to the Advisory and Technical Committee for Communications and Transit, and ask the latter to take the necessary steps for a further study of the technical and financial questions involved (cost of construction, profits, arrangement with receiving posts, facilities for re-transmission, etc.).

At its next session, the Council could consider the procedure to be followed so that the study of the legal questions raised might be undertaken in sufficient time.

I therefore beg to move the following resolution:

“ The Council decides to transmit to the Advisory and Technical Committee for Communications and Transit the report and resolution adopted by the Assembly with regard to the creation of a wireless station to provide the League of Nations with independent communications in times of emergency, and requests the Committee to undertake, as soon as possible, the additional technical and financial studies mentioned, and to submit a report on this subject to the Council in time for transmission to the next Assembly. ”

### 2. LETTER FROM THE SECRETARY-GENERAL OF THE ADVISORY AND TECHNICAL COMMITTEE FOR COMMUNICATIONS AND TRANSIT TO THE MARCONI WIRELESS TELEGRAPH COMPANY, LONDON, TO THE “ COMPAGNIE GÉNÉRALE DE TÉLÉGRAPHIE SANS FIL ”, PARIS, AND TO THE “ TELEFUNKEN GESELLSCHAFT FÜR DRAHTLOSE TELEGRAPHIE ”, BERLIN.

Geneva, December 29th, 1928.

I have the honour to inform you that, as a result of investigations undertaken at the request of the Council of the League of Nations by the Advisory and Technical Committee for Communications and Transit, the last Assembly considered the possibility of the League of Nations establishing a wireless station under the conditions set forth in the reports of the Advisory and Technical Committee attached to the present letter. The schemes submitted to the Assembly included the establishment of a short-wave post, as briefly described in the Annex to document A.22.1928.

The Assembly referred this question to its next session, asking that further investigations should be carried out, particularly in respect of the establishment of a short-wave post. Before I submit precise information to the Advisory and Technical Committee, I should be very grateful if, after studying the above-mentioned documents, you would give me your views on the cost of construction of the short-wave post in question and also on the various expenditure for maintenance and working.

As no definite programme has been laid down and as the Assembly may see fit to consider the possibility of establishing a less powerful post solely for the purpose of providing communication with certain important stations to act as relay stations, I should be very grateful for any comments or suggestions which might assist the League of Nations in solving the problem of independent wireless communication for it.

I am at your disposal for any further information which you may desire.

This letter, which is obviously only a preliminary consultation, has also been sent to the Director-General of the Telefunken Company in Berlin and to the Director-General of the Compagnie générale de télégraphie sans fil in Paris.

(Signed) Robert HAAS,

Secretary-General of the Advisory and Technical  
Committee for Communications and Transit.

3. LETTER FROM THE GENERAL MANAGER OF THE MARCONI WIRELESS TELEGRAPH COMPANY, LONDON, TO THE SECRETARY-GENERAL OF THE ADVISORY AND TECHNICAL COMMITTEE FOR COMMUNICATIONS AND TRANSIT.

London, January 2nd, 1929.

We have the honour to acknowledge the receipt of your letter of December 29th, together with enclosures documents A.22.1928.VIII and A.23.1928.VIII.

We note that you ask us to give you our views on the cost of construction of a short-wave station as briefly described in the Annex to document A.22, and on the estimated expenditure for the maintenance and working of such a station.

Further, that you would be glad to have any comments or suggestions which might assist the League of Nations in solving the problem of independent wireless communication.

After the necessary consultation with our technical and traffic experts, we will submit in due course our reply.

Marconi's Wireless Telegraph Co. Ltd.:

(Signed) H. A. WHITE,  
General Manager.

4. JOINT LETTER FROM THE "COMPAGNIE GÉNÉRALE DE TÉLÉGRAPHIE SANS-FIL, PARIS", AND THE "TELEFUNKEN GESELLSCHAFT FÜR DRAHTLOSE TELEGRAPHIE, BERLIN", TO THE SECRETARY-GENERAL OF THE ADVISORY AND TECHNICAL COMMITTEE FOR COMMUNICATIONS AND TRANSIT OF THE LEAGUE OF NATIONS.

May 18th, 1929.

[Translation.]

With regard to your application dated December 29th, 1928, for tenders in respect of the erection at Geneva of a wireless telegraphic and wireless telephonic centre for the League of Nations, which you were good enough to address to the *Compagnie générale de télégraphie sans fil* in Paris and the Telefunken Gesellschaft in Berlin, we have the honour to inform you that the two companies have thought it preferable to submit to you the joint proposal enclosed in this letter (see Annex)<sup>1</sup>.

Close technical co-operation between the German and French wireless industries is the best possible guarantee for the effective operation of the proposed League wireless station. Engineers from the two companies will hold themselves at your disposal for any further information you may require.

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#### Annex.

### LEAGUE OF NATIONS WIRELESS CENTRE.

#### I. — GENERAL OBSERVATIONS.

The Wireless Centre hereinafter specified will make it possible for the League of Nations to keep in touch with all European countries, and with countries outside Europe also. Communications will be effected by means of short waves, and the transmitting and receiving sets will be equipped accordingly; moreover, long-wave receivers will make it possible to maintain contact with and listen-in to stations using long-wave lengths.

The Wireless Centre will be able to ensure telegraphic as well as telephonic communications. For the latter purpose, it will be so arranged as to allow conversation to take place from any office of the League of Nations headquarters by means of an ordinary telephonic connection; the wireless telephonic service might also, if necessary, be maintained from any ordinary telephone exchange forming part of the International System (long-distance telephone cables).

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<sup>1</sup> The Annex reproduces an extract from the proposal, viz., the chapter "General Observations" and "Costing List". The complete specification of the station as forwarded by the two companies may be consulted at the Secretariat.

The various constitutive parts of the Wireless Centre will be equipped with apparatus that has already acquired excellent repute, including the most modern improvements and sufficient accessories and spare parts to maintain a satisfactory service at all times. In particular, the power-feed of the transmitting and receiving stations, which is normally provided by local power-stations, can also be supplied from separate generating-plants, thus ensuring full independence for the Wireless Centre of the League.

The Centre will include:

(a) A short-wave *transmitting station*, with quartz-stabilised transmitters, aerials suitably connected with the transmitters, feed apparatus and adjuncts;

(b) A short- and long-wave *receiving station*, with receivers specially suited to the purpose in view, suitable aerials, feed apparatus and adjuncts. This station would be situated outside the City of Geneva, in order to avoid all disturbances, and at a distance of about 15 kilometres from all other existing transmitting stations or stations likely to utilise long waves subsequently.

(c) A *Central Bureau* (situated provisionally in the receiving station premises), properly equipped to deal with messages to or from League headquarters and to cope with the wireless traffic;

(d) *Connecting cables*, connecting the League headquarters with the Central Bureau (receiving station) and this Central Bureau with the transmitting station.

This organisation would meet the desiderata of the Advisory and Technical Committee for Communications and Transit and, if ever the need arose, would allow the easy transfer of these installations from the Central Bureau to the Headquarters of the League of Nations.

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## II. — WORKING OF THE WIRELESS CENTRE.

The League of Nations Wireless Centre will allow of *two simultaneous both-ways communications* with stations in or outside Europe. The communications may be both telegraphic, or one telephonic and the other telegraphic.

In addition to this, the receiving station can undertake *two control listenings-in*.

### A. Central Bureau.

Telegrams will be transmitted by teletype from the League headquarters to the Central Bureau. The staff of the Bureau will deal with the wireless telegraphic communications as a whole. Telegrams received will be retransmitted by teletype from the Central Bureau to the Headquarters of the League.

Telephonic communications from the headquarters of the League will come through first of all to the central switchboard at the League's headquarters, whence they will be relayed to the special apparatus at the Central Bureau, connected with the transmitting and receiving stations.

### B. Transmitting Station.

This station will be able to deal with two streams of communications simultaneously:

(a) One, for *distant correspondents outside Europe*, would, in principle, utilise waves of about 16 metres by day and waves of about 25 metres by night. In the case of communications outside Europe, provision is made for four aerials of a slightly directional quality;

Two, one for the day and the other for the night wave-length, will allow communication with South America, West Africa, Northern Asia and Australia;

The other two, arranged for the same day and night waves, will allow communication with North America, Southern Asia and East Africa. These results will be obtained by a simple system which will only necessitate the erection of two masts.

(b) The other, for *European correspondents*, will utilise in principle a wave-length of about 36 metres by day, and about 55 metres by night. Two ordinary non-directional, but well-separated, aerials will be provided for European communications. These aerials will be carried by the same masts that carry the aerials referred to above.

For this purpose, provision is being made for two transmitters covering a range of 15-30 metres and 15-60 metres, respectively.

### C. Receiving Station.

I. This station can *listen-in to correspondents* on the two above-mentioned transmitting systems, whether the latter be working on long or short wave-lengths. For this purpose, it will utilise two long-wave and two short-wave length receivers, such as are at present installed in the principal wireless centres. As these receivers cover *the range of wave-lengths normally*

utilised by the principal stations at the present time (10-50 and 2,000-23,000 metres), they will ensure both telegraphic and telephonic service.

The long-wave receivers will utilise a high-powered direction-finding aerial.

The short-wave receivers will utilise ordinary aerials, two of which will possess a slightly directional quality.

2. The receiving station can also maintain two other listening-in services. As the apparatus provided for this purpose covers the wave-ranges 10/170 and 170/2,000 metres, the Wireless Centre will in short be technically equipped to keep in touch with all existing transmissions within the 10/23,000 metre range.

### III. — PARTICULARS OF THE WIRELESS CENTRE.

The following are the particulars of each of the constitutive parts of the Wireless Centre:

#### A. — *Transmitting Station.*

All the feeds and transmitting apparatus with their accessories and adjuncts will be assembled in a single building. To this building will come the electric power feed-line and the Central Bureau connection lines. From the building will go out the high frequency feed-lines connecting the transmitters with the aerials.

##### 1. *Power-supply.*

The station will be supplied with electric power by the local high-voltage power-stations, and by an electric generating-plant, the generator of which can be used in case the local supply is interrupted.

(a) *High-voltage cabin.* — This will contain two power-transformers connected with the local supply, of a unit-force of 100 KVA under 220 volts at 50 periods per second. The high-voltage cabin will also be supplied with the usual safety devices and meters.

This installation can ensure a satisfactory feed for the wireless transmitters, if the voltage variations of the local power supply are less than 10 per cent and its frequency variations less than 2 per cent; otherwise—though the case is unlikely—a voltage regulator (for which no provision has been made at present) would also have to be fitted to the high-voltage cabin apparatus. Voltage and frequency variations less than the above would not seriously disturb the wireless transmission.

(b) *Electric-power plant.* — This includes a Diesel motor operating direct a three-phase generator with its exciter. The plant is normally capable of supplying 200 KVA under 220 volts at 50 periods per second with a stability fully in keeping with the above specifications for the high-voltage cabin. The installation includes accessories, starting apparatus, fuel tanks and piping. There will be a switchboard for regulating the generator and exciter (Annex I<sup>1</sup>).

##### 2. *Transmission.*

The station will include two complete independent transmitting sets capable of working simultaneously. Each of these will include a transmitter with its own adjuncts.

(a) *Transmitter.* — Each transmitter, stabilised with piezo electric quartz, will have a power of 20 kw. in the primary oscillation circuit; one of these will be able to transmit successfully on two previously selected wave-lengths within the range 15 to 30 metres; the other will be able to transmit successfully on two previously selected wave-lengths within the range 15 to 60 metres. The transmission will be absolutely stable and free from harmonics; the constancy of the frequency is guaranteed to about 1/100,000°. Telegraphic transmission can be effected at a speed of from 10/200 words per minute. Each set will also be able to effect telephonic transmission. Each set can be changed over from telegraphy to telephony instantaneously; transfer from one wave-length to another may be effected within a few minutes.

Attached hereto is a specification of the transmitters (Annex II<sup>1</sup>).

(b) *Auxiliary apparatus.* — Each set is fed by groups of transformers and accumulators as set out in the specification (Annex II). This auxiliary apparatus is controlled and regulated from a general switchboard, including the necessary safety devices and meters.

##### 3. *Transmission aerials.*

These are described in the attached specification (Annex III<sup>1</sup>). They are carried on the two 75-metre masts described in the attached specification (Annex IV<sup>1</sup>).

The number and size of these aerials has been selected in view of the special use to which they will be put.

<sup>1</sup> May be consulted in the archives of the League of Nations.

## B. — *Receiving Station.*

In the first building are assembled all the receiving apparatus and the whole power-feed for the receivers. In another building, about twenty metres distant, are the various offices of the Central Bureau. To this latter building the power-supply line and lines connecting up with the League headquarters and the transmitting station are brought underground. Between the two buildings the power-supply and connecting lines are underground.

### 1. — *Power-supply for the Station.*

The station is supplied with electric power from the local low-tension supply, and by a generating plant, the generator of which can produce current if the local supply fails.

This three-phase lay-out will be used:

(a) To supply current to the motor of the charging set for a stationary 120-volt battery feeding the teletype, the motors of the undulator, the lighting and the annexes of the station;

(b) To supply the motors of the charging sets for the stationary batteries which provide current for:

The heating of the receiver valves and apparatus connecting with the telephone system;

The plate circuit for these lamps;

The power circuits for the teletypes and registration relays.

The apparatus for controlling and regulating these sets, for charging and discharging batteries is grouped on a general switchboard, together with the necessary safety devices and meters.

### 2. *Receiving Sets.*

The station will include:

(a) *Two long-wave receiving sets* (range: 2,000/23,000 metres) of the type in use in the principal wireless centres. These sets include all the self-adjusting apparatus required when dealing with high-speed telegraphic traffic (Annex V<sup>1</sup>);

(b) *Two short-wave receiving sets* (range 12/50 metres) of the type in use in the principal wireless centres. These sets include all the self-adjusting apparatus required when dealing with high-speed telegraphic traffic. They also provide telephonic communication (Annex VII<sup>1</sup>);

(c) *Two medium-wave receiving sets* (range 170/2,000 metres). The ease with which these can be tuned-in facilitates supervisory listening-in with headphones. These receivers are also used for telegraphic registration and telephonic listening-in (Annex VIII<sup>1</sup>);

(d) *Two short-wave receiving sets* (range 10/170 metres). The ease with which these can be tuned-in facilitates supervisory listening-in with headphones. These receivers are also used for telegraphic registration and telephonic listening-in (Annex IX<sup>1</sup>).

### 3. *Receiving Aerials.*

The station will include:

(a) *A direction-finding aerial* for the 2,000/23,000 metre long-wave receivers. This aerial will simultaneously feed the two receiving sets which can operate at the same time on two different wave-lengths. It will be mounted on a single 75-metre mast (Annex IV<sup>1</sup>) to be erected near the building in which the receiving sets are housed. A description of the aerial is given in Annex V.

(b) *Two "dipole" vertical aerials with reflector* for about 15-metre wave-lengths. These aerials, which will feed the short-wave telegraphic and telephonic receivers, include wires and reflector, two transformer-boxes for feeding and changing the direction of the aerial, feed-connections, etc.

(c) *A vertical "dipole" aerial* for about 25-metre wave-lengths. The aerials referred to in paragraphs (b) and (c) are intended for trans-oceanic communications.

(d) *Two ordinary "dipole" aerials* for about 35 to 50-metre wave-lengths. These aerials will feed the simple receivers for European communications.

A summary specification of the receiving aerials is given in Annex VI<sup>1</sup>.

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<sup>1</sup> May be consulted in the archives of the League of Nations.

C. — *Central Bureau.*

The Central Bureau will be built next the general offices of the receiving station. It will include:

- (a) *Teletypes* for the exchange by wire of in and out telegraphic communications with the headquarters of the League (Annex XI<sup>1</sup>).
- (b) *The necessary telephonic apparatus* to connect the transmitting and receiving stations with the League of Nations and the general telephone system (Annex X<sup>1</sup>).
- (c) *Two traffic switchboards*, including all the automatic control apparatus necessary for dealing with messages to be transmitted and the reception of messages received (Annex XI<sup>1</sup>).
- (d) *Two registration sets* for supervisory work.

In addition to the above apparatus, all operators will be provided with telephones in order to expedite service matters.

COSTING LIST.

A. *Equipment.*

	Swiss francs
I. Feed for the transmitters mentioned below, through a high-voltage cabin supplied by local power and a Diesel engine. . . . . (One hundred and thirty thousand Swiss francs.)	130,000
II. Two complete telegraphic and telephonic short-wave transmitters for wave-lengths ranging between 15 to 30 metres and 15 to 50 metres—power 20 kilowatts . . . . . (Seven hundred and forty thousand Swiss francs.)	740,000
II (a). Two sets of spare parts and various accessories for the two above-mentioned transmitters . . . . . (One hundred and sixteen thousand Swiss francs.)	116,000
III and IV. A set of transmitting aerials on two 75-metre masts (with a minimum of stay lines) including: 1. Four slightly directional aerials, the direction being reversible, and supply feeders; 2. Two "dipole" symmetrical radius aerials with supply feeders (Two hundred and sixty thousand Swiss francs.)	260,000
V and VI. Two receiving sets for 2,000-23,000 metre wave-lengths, with a direction-finding frame on a 75-metre mast . . . . . (One hundred and twenty-eight thousand Swiss francs.)	128,000
VII. Two short-wave receiving sets for high speed wireless telegraphy and telephony (Seventy-seven thousand and two hundred Swiss francs.)	77,200
VIII. Two ordinary receiving sets for 150-200 metre wave-lengths . . . . . (Seven thousand seven hundred Swiss francs.)	7,700
IX. Two ordinary short-wave receiving sets . . . . . (Three thousand six hundred Swiss francs.)	3,600
IX (a). "Dipole" type short-wave receiving aerials. The "dipoles" for the day service are provided with reflectors . . . . . (Thirty thousand Swiss francs.)	30,000
X. Special apparatus connecting the telephone system with the above transmitting sets either from the League headquarters or from the apparatus of any subscriber to the Swiss national system or the international system, with a complete installation for duplex telephony . . . . . (One hundred and twenty-three thousand Swiss francs.)	123,000
XI. A central wireless bureau, with all the apparatus and various accessories required to ensure two simultaneous sets of communications and four teletypes connecting the League headquarters with the Central Bureau. . . . . (One hundred and seventy-five thousand Swiss francs.)	175,000

<sup>1</sup> May be consulted in the archives of the League of Nations.

	Swiss francs
XII. Complete installation for supplying the station with current and batteries for supplying all the receivers . . . . . (Forty-three thousand two hundred Swiss francs.)	43,200
XIII. 15 kilometres of reinforced subterranean cable for telegraphic and telephonic connections, with two special pairs for broadcasting, 15 joint casings, 15 special "pupin" coils, 2 terminal boxes . . . . . (One hundred and twelve thousand seven hundred Swiss francs.)	112,700
Total . . . . .	1,946,400
(One million nine hundred and forty-six thousand four hundred Swiss francs.)	

These prices are for apparatus in the workshop, packing not included.  
*Conditions of payment:* 33 per cent on order; 33 per cent on delivery in the workshop; the balance after the apparatus has been set up.  
*Time-limits for manufacture in workshop:* seven months as from receipt of order.

### B. Assembling of Parts.

Packing parts, transport to Geneva as far as the site (without Swiss Customs duties), assembling parts, putting apparatus into working order, including adjustments and cost of labour, tools and fuel, not including buildings, current required for testing, or the laying-on or pumping-out of water.

Total in Swiss francs 272,000 (two hundred and seventy-two thousand Swiss francs) payable one month at the latest after the apparatus has been satisfactorily assembled.

*N.B.* — The above-mentioned prices for connecting cables have been calculated on the prices for copper and lead at the time of this proposal. They will vary according to the variations of the price of copper and lead on the date of order.

In calculating the cost of laying the cable, only normal conditions for such work have been taken into consideration. If the work and cost of transport to the site prove to be exceptionally heavy, the charge would be proportionally increased.

### 5. LIST OF THE STATIONS AT PRESENT TECHNICALLY EQUIPPED FOR THE EXCHANGE OF TELEGRAPHIC COMMUNICATIONS WITH THE LEAGUE OF NATIONS WIRELESS CENTRE.

(Communicated on July 1st and 2nd, 1929, by the "Compagnie Générale de Télégraphie sans fil" of Paris and by the "Telefunken Gesellschaft für Drahtlose Telegraphie".)

As nearly all the countries owning wireless stations of any importance have been provided during the last few years with equipment for short wave-lengths, it will be technically possible for the proposed League of Nations Centre to carry out a both-ways service on short wave-lengths with a very large number of countries.

The list hereunder gives the stations using these wave-lengths for transmitting and receiving, classified by countries.

We have not mentioned in this list those few stations not yet provided—but about to be provided—with short-wave transmitting equipment. All these stations have short-wave receivers.

While waiting for the stations in question to obtain additional plant, it will be possible for the League of Nations Centre, and in particular for European countries not yet provided with short-wave installations, to work with these stations by transmitting communications with special transmitters on short waves and to receive on long waves, by using the receivers intended for the interception of Press transmissions.

Abyssinia: Addis-Ababa.	Canada: Drummondville.
Angola: Loanda.	Chile: Santiago.
Argentine: Buenos Aires.	China: Mukden.
Australia: Applecross.	Shanghai.
Rosewater.	Colombia: Bogota.
Townsville.	Czechoslovakia: Prague.
Austria: Vienna.	Denmark: Syngby Radio.
Belgium: Machelem.	Egypt: Abuzabal.
Ruysselede.	Estonia: Tallinn.
Uccle.	Finland: Helsinki.
Brazil: Rio de Janeiro.	France: Paris.
Santa Cruz.	Lyons.
British India: Kirkee.	Pontoise.
British Somaliland: Adem Radio.	Ste. Assise.
Bolivia: Yacuiba.	French Congo: Brazzaville.

French Guiana: Cayenne.  
French Somaliland: Djibouti.  
French Sudan: Bamako.  
Germany: Nauen.  
Königswusterhausen.  
Great Britain: Bodmin.  
Dorchester.  
Grimsby.  
Ongar.  
Hawaii: Honolulu.  
Indo-China: Hanoi.  
Saigon.  
Iraq: Basra Radio.  
Italy: Rome.  
Italian Somaliland: Jogadiscio.  
Japan: Iwaki.  
Osaka.  
Tomioka.  
Kenya Colony: Mombasa Radio.  
Latvia: Libau.  
Riga Radio.  
Malta: Rinella Radio.  
Madagascar: Antanarivo.  
Malabar: Bandoeng.  
Martinique: Fort de France.  
Mexico: Mexico City.  
Mozambique: Lourenço Marques.

Netherlands: Kootwijk,  
The Hague.  
Netherlands Indies: Malabar Radio.  
New Caledonia: Numea.  
New Zealand: Awarna Radio,  
Wellington Radio.  
Norway: Bergen.  
Oslo.  
Persia: Teheran.  
Philippine Islands: Manila.  
Porto Rico: San Juan.  
Portugal: Alfragidas.  
Russia: Various stations in Russia-in-  
Europe and Russia-in-Asia.  
Senegal: Dakar.  
Siam: Bangkok Radio.  
South Africa: Kliphenval.  
Spain: Madrid.  
Straits Settlements: Singapore.  
Sweden: Karlsborg.  
Switzerland: Berne.  
Syria: Beirut.  
United States: Bolinas,  
New Brunswick,  
New York,  
Rocky Point.

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Geneva, July 5th, 1929.

**LEAGUE OF NATIONS**

**WIRELESS STATION FOR THE PURPOSE OF ENSURING  
INDEPENDENT COMMUNICATIONS FOR THE LEAGUE  
IN TIMES OF EMERGENCY.**

**BRIEF GENERAL REPORT BY THE ADVISORY AND TECHNICAL  
COMMITTEE FOR COMMUNICATIONS AND TRANSIT.**

The Assembly adopted the following resolution at its last session:

“ The Assembly,

“ With a view to enabling Members of the League of Nations to proceed to a full examination of the proposals submitted with regard to the creation of the radiotelegraphic station for the purpose of providing the League with independent communications in time of emergency, and also with a view to allowing time for the additional technical, financial and legal studies considered desirable,

“ Decides to place this question on the agenda of its tenth ordinary session,

“ And requests the Council to take all necessary measures for a further study of these questions. ”

The Council requested the Advisory and Technical Committee for Communications and Transit to undertake supplementary technical and financial studies, while reserving for itself the examination of the legal aspects of the question. The present report indicates the results of these additional technical and financial studies, which the Committee has had carried out. The elements of the problem submitted to the Assembly are at present contained in a number of different documents, viz., the first Report of the Advisory and Technical Committee (document A.22.1928.VIII), the Supplementary Report of the Committee (document A.23.1928.VIII) and the Note and Memorandum from the Swiss Federal Government submitted to the last Assembly (document A.31.1928.VIII), to which must now be added the detailed texts relating to further studies carried out since the last Assembly, and dealt with in a separate document (document A.13.1929.VIII). It has therefore seemed advisable to summarise in the present report all the proposals submitted to the Assembly, and explain the nature of those proposals, the results they may be expected to give in normal times and in times of emergency, the manner in which they could be carried out and the financial consequences involved.

*1. General Characteristics of the Proposed Station.*

The proposed station, which would be of the same type as the large stations recently constructed, would consist of a short-wave wireless post with two transmitters, equipped for providing the most efficient telegraphic service yet evolved with the various stations of the world, European and non-European. It would also be able to effect long-distance radiotelephonic communications. Most of the stations in the world are now equipped for communication with a station of this kind.

If the arrangement referred to below with the Société Radio-Suisse, for the working of the station in normal times is agreed to, the station would be supplemented, for European communications, by a medium-wave post.

*2. Services which the Station would render in Times of Emergency.*

In times of emergency, the station would allow of permanent communication being maintained between the seat of the League and countries threatened by a conflict. It would ensure direct communications between the Secretariat or the delegations at Geneva and the Governments of most of the States Members of the League or any special missions which the Council might send to study the situation on the spot in times of emergency. It would, in general, make it possible

to avoid utilising the services of third countries, and would ensure for the League the same measure of independence with regard to its telegraphic communications as is ensured to the Governments of the various countries by their national wireless stations. As, in times of emergency, the laws of most countries provide for national communications to come under the military or naval authorities, the existence of such a station would be the only means of rendering communications connected with the work of the League independent of these authorities. It would also ensure more rapid communications, in times of emergency, as at such times it is inevitable that national communications should be devoted primarily to meeting the requirements of national defence in the various countries.

### 3. *Services which the Station would render in Normal Times.*

In normal times, the station would be responsible for the service of telegrams between the Secretary-General and the delegations and as many non-European Governments as possible, either direct, or by relaying at a fixed rate of payment established in advance. To begin with, two or three main areas would be chosen, such as the Far East and America, where the additional studies already carried out justify the conclusion that the necessary facilities could be immediately obtained either for a transmitting service only, or for a transmitting and a receiving service. If the working arrangement with the Radio-Suisse mentioned below is accepted, the service of State telegrams would be supplemented by Swiss business communications, except for North America. The station would also provide—to the extent necessary to meet the requirements of the League and the States Members—a service for the broadcasting of circular telegrams for the information of Governments and administrations and—in certain cases—of the Press. Most of the big national stations have a service of this kind; it would not only help to make the work of the League known, but would be instrumental in tightening the bonds between the League and the non-European States. As things are at present, these non-European States are placed at a disadvantage by distance, and often receive information and documents late by post, whereas they could receive them by wireless, free of charge, once such a service was organised. The League would not have to bear any additional cost, the expense of the service being covered by the overhead costs for the working of the station. A service of letter-telegrams at very low rates could also be organised with any States which so desired it.

Finally, the development of short-wave wireless telephony will no doubt make it possible to utilise the station both for broadcasting League proceedings to the general public, and also for establishing, in case of need, direct telephonic communication with far-distant countries.

### 4. *Proposed Working Arrangements.*

(a) *Station owned by the League of Nations.* — The first solution contemplated was that the League should permanently own and work the station, which should only be utilised for official communications. This solution has the advantage of giving the station a simple Status exactly corresponding to that of the military or naval stations of the various countries. Some of the experts prefer this solution in principle, while others consider that the efficiency of the station in normal times would suffer, because it would have no commercial service.

(b) *Station worked in Normal Times by the Société Radio-Suisse and in Times of Emergency under the Exclusive Authority of the League of Nations.* — The arrangement, proposed by the Swiss Government and submitted by the Committee of Experts together with solution (a), is briefly as follows: The Radio-Suisse would shortly establish a medium-wave post near Geneva, which would be supplemented by a short-wave station intended primarily to meet the requirements of the League. This station would be constructed and organised in accordance with the proposals of the League, and would carry out the programme desired by the League, the Secretary-General being represented on the Board of Directors of the Radio-Suisse and having also an agent at the station, in normal times. In times of emergency, the station would pass under the exclusive authority of the Secretary-General of the League, and in practice, as soon as the Secretary-General notified a period of emergency, the position would be exactly the same as in the case of solution (a). In times of emergency, solution (b) would have one advantage over solution (a) from the point of view of the League, namely, that not only the short-wave station but also the medium-wave post would be at its disposal. The League would bear all the expenses of the short-wave station and would be credited with all the receipts. The Radio-Suisse would advance the capital required and would receive a yearly payment corresponding to the difference between the expenditure in respect of interest and Sinking Fund on the capital, and the receipts for the year. (For details, see documents A.23.1928.VIII and A.31.1928.VIII). This solution has the following considerable advantages from a financial point of view:

(1) The receipts would be more considerable, as they would be derived both from official and business communications.

(2) Certain expenses which the League would have to incur if it had a station of its own, in accordance with solution (a), would not arise if the medium-wave post were merely added to the station, the former being entirely in the hands of the Swiss Administration (elimination of cost, of purchasing land and constructing the telegraphic centre, reduction in expenses for staff, etc.).

### 5. *Financial Consequences of the Proposals.*

The additional studies have made it possible more exactly to estimate the cost of constructing the station. The principal building companies in the States Members of the League had been

requested to submit estimates of probable costs. The French Compagnie générale de Télégraphie sans fil and the German Telefunkengesellschaft made a common and definite tender for equipment; the prices indicated may be therefore regarded as constituting at the present time the maximum expenditure to be incurred. The additional studies have also confirmed the approximate estimate of receipts submitted to the last Assembly. The cost of the proposals may thus be given as follows:

(a) *Station belonging to the League of Nations.*

	Swiss Francs
Cost of building and purchase of land (capital): Total price mentioned in the estimate, submitted jointly by the Compagnie de Télégraphie sans fil and the Telefunkengesellschaft . . . . .	1,946,400
Expense of construction . . . . .	272,000
Land and buildings . . . . .	150,000
Unforeseen . . . . .	31,000
	2,400,000
Total price . . . . .	2,400,000
Yearly payment on a basis of 13 per cent of capital (6 per cent interest and amortisation in ten years): So as to permit of comparison with solution (b)	312,000
Working expenses . . . . .	230,000
	542,000
Total annual expenditure. . . . .	542,000
Receipts (official service) estimated at between 50,000 francs and . . . . .	100,000
Net expenditure to be incurred annually, about . . . . .	450,000

(b) *Station worked in Normal Times by the Société Radio-Suisse and passing in Times of Emergency under the Exclusive Authority of the League of Nations.*

Cost of building the station on the basis of the joint estimate of the Compagnie de Télégraphie sans fil and the Telefunkengesellschaft, minus the cost of the telegraphic centre and the price of the cables (the hiring of which is included in upkeep expenses) and taking account of the possible reduction in the number of communications received owing to the receivers of the medium-wave receiving station . . . . .	1,650,000
Expense of construction reduced by 272,000 to . . . . .	250,000
	1,900,000
Total cost of construction . . . . .	1,900,000
Yearly payment on a basis of 13 per cent of the capital . . . . .	247,000
Maintenance and working expenses . . . . .	130,000
	377,000
Total annual expenditure. . . . .	377,000
Probable receipts . . . . .	200,000

Under these conditions, the annual financial charge assumed by the League of Nations for the establishment of the wireless station, on the basis of the arrangement with the Société Radio-Suisse, might be estimated at about 175,000 francs a year, to which must be added the salary of the League's agent at the station and the salaries for probationary or supernumerary staff provided for in the draft arrangement, making a total financial charge estimated at 200,000 francs.

Account has only been taken, in calculating the receipts, of normal years, like 1927, but it should be pointed out that the station might in some cases indirectly benefit the League by reducing telegraph expenditure. If the number of telegrams sent increased, the total additional expenditure for the League would be less owing to the existence of the station, some of whose receipts would accrue indirectly to the budget of the League. Furthermore, if the information service were organised, much of the expenditure on telegrams dispatched during special periods to inform the Members of the League could be saved. The Secretary-General has, at the instance of the Supervisory Commission, informed the Chairman of the Advisory and Technical Committee for Communications and Transit of the amount expended on telegrams in connection with the settlement of the dispute between Bolivia and Paraguay during 1928: 138,218 francs. The greater part of this expenditure—probably something like 100,000 francs—would have been avoided if this service had been organised.

6. *Effect on the 1930 Budget of the League.*

If the Assembly should decide to establish the station in accordance with solution (a) or solution (b), it would most probably not be necessary to provide credits in the 1930 budget of the League for this purpose; in view of the periods allowed for construction, it would no doubt suffice to authorise the Secretary-General to enter these credits in the 1931 budget, but, to meet the cost of inviting tenders, technical studies and supervision, a credit of 50,000 francs would have to be inserted in the 1930 budget.

7. *Legal Questions.*

The legal questions raised in the note of the Swiss Government to the last Assembly have not been examined by the Advisory and Technical Committee for Communications and Transit. They are mentioned by way of information as having been dealt with by the Council. It should be noted that they raise the question of an observer of the Swiss Government at the station in times of emergency—his duties having been defined in a note from the Swiss Government and in a memorandum by the Legal Advisor of the Secretariat (document A.13.1929.VIII)—and also that of a resolution to be adopted by the Assembly relating to the responsibility of Switzerland.

8. *New Modus vivendi proposed by the Swiss Government for the Establishment of a Swiss Station.*

The Council has forwarded to the Advisory and Technical Committee for Communications and Transit a draft *modus vivendi* of the Swiss Government relating to the utilisation, under certain conditions, of a Swiss national station. It has seemed to the Committee that no useful purpose could be served by the examination of such a *modus vivendi* save in the event of the Assembly not being prepared, for financial or other reasons, to adopt the proposal for the establishment of a station ensuring independent communications for the League in times of emergency. The proposals submitted to the last Assembly, and referred by it to the next Assembly for examination, alone offer—both in normal times and in times of emergency—the advantages enumerated at the beginning of the present report and alone fall strictly within the limits of the previous resolutions of the Assembly.

The Secretary-General of the Advisory and Technical Committee for Communications and Transit—assisted, if necessary, by experts appointed by the Chairman of the Committee—has been authorised to furnish the Assembly with any additional information required on the questions mentioned in the present report.

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Geneva, July 5th, 1929.

**LEAGUE OF NATIONS**

**EUROPEAN CONFERENCE  
ON TRANSPORT OF NEWSPAPERS**

**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 2<sup>1</sup> 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.

**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*.

<sup>1</sup> Paragraph 2 reads :

"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."

Series of League of Nations Publications

✓ VIII. TRANSIT ✓  
1929. VIII. 11.

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 kind—that 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.

These 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 Latécoère	Paris-London	10.00
	Spain-Morocco	17.00
Compagnie internationale de navigation aérienne	Central Europe (Germany)	4.75
	Turkey (Budapest)	5.25
Farman (Société générale de transports aériens)	Belgium	3.50
	Denmark	16.00
	Netherlands	6.00
	Sweden	17.00
	Germany (Berlin)	9.30
	Moscow	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 Berlin, 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
Belgium	Hungary	Kingdom of the Serbs, Croats and Slovenes
Bulgaria	Latvia	Soviet Russia
Czechoslovakia	Lithuania	Spain
Estonia	Luxemburg	Turkey
Finland	Morocco (not Spanish)	
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	1.50
	Paris-Netherlands	2.50
	Paris-Germany	5.00
	Paris-Sweden-Norway-Denmark	7.50
	Paris-Moscow	20.00
Compagnie internationale de navigation aérienne . . . . .	Paris-Czechoslovakia	10.00
	Roumania-Kingdom of the Serbs, Croats and Slovenes	
	Poland, Turkey	
Latécoère . . . . .	Paris-Toulouse-Tangier	3.00
	Paris-Toulouse-Oran	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 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.

1. *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 transshipment at stations where trains meet.

4. *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 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 reimport 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 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 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 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.).

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, 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 contemplated.

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. HAEUSERMANN, Inspector-General of Swiss Customs,
- M. A. L. J. JANSSEN, Director-General of Belgian Customs,
- M. E. LÉCUYER, 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).

2.

The Committee examined the first question with the assistance of:

- M. G. GLATT (Head of the Foreign Department of the Messageries Hachette),
- M. H. W. VON HERWARTH (Bookseller and Publisher, of Georg Stilke & Co., Berlin),
- Mr. 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 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.

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## **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.

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[Distributed to the Council and  
the Members of the League.]

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Geneva, July 25th, 1929.

LEAGUE OF NATIONS

ORGANISATION FOR COMMUNICATIONS AND TRANSIT

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EUROPEAN CONFERENCE

on

CARDS FOR EMIGRANTS IN TRANSIT

Held at Geneva, June 10th to 14th, 1929

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RECORDS AND TEXTS

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FIRST MEETING.

*Held on June 10th, 1929, at 3 p.m.*

Present :

*For Belgium :*

M. J. DE RUELLE, Legal Adviser at the Ministry for Foreign Affairs.

*For Czechoslovakia :*

M. A. PAPIRNIK, Ministerial Counsellor at the Ministry for Foreign Affairs ; Head of Passports Department.

*For the Free City of Danzig :*

M. B. NAKONIECZNIKOFF, Director of the Polish Emigration Office ; President of the Delegation.

Dr. H. A. KLUCK, Councillor, Senate of the Free City of Danzig.

*For Finland :*

M. E. GYLLENBÖGEL, Finnish Chargé d'Affaires p.i. at Berne ; Delegate.

M. P. HJELT, Attaché of the Permanent Finnish Delegation accredited to the League of Nations ; Assistant Delegate.

*For France :*

M. E. DE NAVAILLES, Assistant Director at the French Ministry for Foreign Affairs.

*For Germany :*

Dr. H. H. VÖLCKERS, German Consul-General at Geneva.

*For the United Kingdom of Great Britain and Northern Ireland :*

Sir William Haldane PORTER, Chief Inspector, Home Office ; Delegate.

Mr. F. BUSTARD, Passenger Traffic Manager of the White Star Line ; Expert.

*For Greece :*

M. D. BIKELAS, Greek Chargé d'Affaires at Berne.

*For Hungary :*

Dr. L. DE GÖMÖRY-LAIML, Ministerial Counsellor at the Hungarian Ministry for Foreign Affairs.

*For Italy :*

M. P. LANDUCCI, Chief of the Passport Bureau at the Italian Ministry for Foreign Affairs ; Delegate.

M. I. E. VERRANDO, Passenger Traffic Manager of the Lloyd Sabauda ; Expert.

*For Latvia :*

His Excellency M. C. DUZMANS, Envoy Extraordinary and Minister Plenipotentiary ; Permanent Delegate accredited to the League of Nations.

*For the Netherlands :*

M. J. F. BOER, Director, Ministry for Foreign Affairs.

*For Poland :*

M. B. NAKONIECZNIKOFF, Director of the Emigration Office ; President of the Delegation.

M. S. JANKOVSKI, of the Emigration Office ; Delegate.

*For Portugal :*

M. F. CALHEIROS, Head of the Portuguese Chancellery accredited to the League of Nations.



*For Roumania:*

M. J. SETLACEC, Director-General of Labour.

*For the Kingdom of the Serbs, Croats and Slovenes:*

M. B. DIMITCH, Secretary of the Permanent Delegation accredited to the League of Nations.

*For Switzerland:*

M. H. ROTHMUND, Chief of Federal Police, Foreigners' Department.

*For the Governing Commission of the Saar Territory (in an advisory capacity):*

M. X. FABIANI, Head of the Saar Traffic Service.

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Attending in an advisory capacity:

*For the Committee of Experts for Cards for Emigrants in Transit:*

M. H. F. DEROOVER, Chairman of the Committee; Director, Head of Section at the Belgian Ministry for Foreign Affairs.

*For the Permanent International Conference of Private Organisations for the Protection of Migrants:*

M. L. WOLF, Member of the Executive Committee.

*Secretariat:*

M. J. M. F. ROMEIN, Secretary-General of the Conference.

Dr. METTERNICH.

*For the International Labour Office in the capacity of Experts of the Secretariat of the Conference:*

Dr. FUSS, Head of Section in the Research Division.

M. J. LEGOUIS, Member of Section.

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**I. Opening of the Conference.**

The SECRETARY-GENERAL of the Conference opened the meeting and, on behalf of the Secretary-General of the League of Nations, welcomed the delegates present. He regretted that the Secretary-General and the Head of the Communications and Transit Section were unable to follow the work of the Conference owing to their absence in Madrid. He hoped, however, that the latter would be able to return to Geneva before the end of the Conference.

He wished to state that, as Secretary, he was entirely at the Conference's disposal and could assure the delegates that the Secretariat would give them all the assistance in its power.

**II. Election of President.**

The SECRETARY-GENERAL of the Conference added that the Conference's first duty was to elect a President, and asked whether the delegates had any suggestions to make on this matter.

Proposed by M. BOER (Netherlands) and seconded by M. VÖLCKERS (Germany), Sir William Haldane PORTER (United Kingdom of Great Britain and Northern Ireland) *was unanimously elected President of the Conference.*

On taking up his duties, the PRESIDENT thanked the delegates for the honour they had done him in electing him President. He thought that the fact that he had been one of the initiators of the system of transit cards for emigrants might have helped to determine the Conference's choice. He would do his utmost to bring their work to a successful conclusion, in order that additional facilities might be created for emigrants through the general application of the transit-card system.

**III. Election of Rapporteur.**

The PRESIDENT then proposed that M. DE NAVAILLES (France) should be elected Rapporteur.

This proposal was supported by the HUNGARIAN, LATVIAN and ITALIAN DELEGATES. M. DE NAVAILLES *was unanimously elected Rapporteur.*

#### IV. Rules of Procedure for the Conference.

The SECRETARY-GENERAL of the Conference read the list of countries represented. He did not think it would be necessary to draw up special rules of procedure for the Conference. If any difficulties arose, the Conference would probably agree to apply the Rules of Procedure adopted by the general Communications and Transit Conferences.

*Agreed.*

#### V. Discussion of the Draft Agreement concerning the Preparation of a Transit Card for Emigrants.

The PRESIDENT opened the general discussion on the draft Agreement which was on the agenda (see Annex I, Appendix).

M. LANDUCCI (Italy) said that, as far as the Italian Government was concerned, all the objections raised during the meeting of the experts to the proposed establishment of a central organisation for printing and distributing transit cards still held good. The object of the Conference was, by means of an international Agreement, to regulate and facilitate, as far as possible, the journeys of emigrants going overseas. They desired to organise a simple and effective form of control which would replace the long and complicated formalities at present imposed. For this purpose, a central organisation was not necessary.

Such an institution raised a question of principle. In practice, the duty which would fall to this organisation might be entrusted to each Government in accordance with common rules and a common standard.

From the technical point of view, no country would find any difficulty in printing identity cards. All countries already arranged for the printing of national passports and numerous administrative documents of that kind. Passport offices and other services already in existence might therefore very well assume responsibility for printing the transit cards proposed and for supplying them to shipping companies.

From the moral and political point of view, it was undesirable to weaken, even indirectly, the power of control each Government possessed over emigration and the operations of shipping companies.

The emigrant was a special kind of traveller, particularly the emigrant proceeding overseas. Such journeys entailed dangers for the emigrants and responsibilities, not only for them and their families, but also for the public authorities. For that reason, special account was taken of emigrants in all modern legislation, and the assistance which should be given to them constituted a very important branch of international law. Thus it would be readily understood that a Government should be unwilling to agree to abandon to others that supervision which it was its duty to exercise in the matter of emigration.

For that reason, the Italian delegate thought it preferable to adopt the national solution, by which each Government would be responsible for printing transit cards and for supplying them to shipping companies in accordance with rules to be laid down in the Convention and the model annexed to it.

The PRESIDENT asked the Italian delegate who he proposed should distribute the transit cards after they had been printed by each Government concerned.

M. LANDUCCI (Italy) replied that the transit cards should be distributed by the shipping companies, as proposed in the first draft.

M. CALHEIROS (Portugal) said that he merely wished to add to the objections raised by certain experts to the transit-card system, as set forth in the report of the Committee of Experts (see Annex I), and to the sagacious remarks made by M. Krause, the German expert, a few observations with reference to the special situation of his country.

The Portuguese Government considered that, in accordance with the recommendations made by the International Conferences on Emigration, to which recommendations Portugal had adhered, the present Conference should do its utmost to facilitate the international movement of emigrants. The existing formalities should therefore be reduced to a minimum.

Consequently, although the transit card proposed under the draft Agreement to be discussed by the Conference was to be granted free of charge to emigrants, it would still constitute an additional document. Emigrants in transit would be obliged to have the card in their possession, because it would not replace the national passport. In any case, the latter was not sufficient by itself to enable emigrants to enter certain emigration countries which required them to produce other documents as well.

Owing to Agreements concluded by the Portuguese Government with the Governments of certain neighbouring countries, the new transit card as proposed would not be of any practical utility to Portugal. Nevertheless, Portugal would welcome any measure which, in the form of an international Agreement or Convention, would enable an international Agreement abolishing visas, where these still existed, to be drawn up. His country was sympathetically disposed towards any measure calculated to protect emigrants.

M. VÖLCKERS (Germany) stated the views of his Government. He fully realised that it was desirable, for moral and humanitarian reasons, that the system of free circulation should be re-established in Europe. The second Passport Conference had already adopted the principle

of the abolition of consular visas and considerable progress had been made in all countries ; still greater progress would doubtless be made in the near future. Germany had already abolished the German consular visa for twenty-six countries, including Estonia, where the visa for German nationals was recently abolished.

As M. Krause had already informed the Committee of Experts, Germany had also proposed to several Governments the general abolition of consular visas by international agreement, and the Roumanian Government had informed the German Government that it was favourably disposed to this course. The German Government therefore considered that the adoption of the proposed transit card would both hamper and delay governmental action with a view to improving and facilitating international traffic.

If consular visas were universally abolished, the adoption of the proposed transit card would be unnecessary. On the other hand, if the present system of visas were maintained, the adoption of the transit card would hamper the improvement of the present system, for, once this partial facility had been secured, the need for further simplification would become less urgent. For all these reasons, the German Government was not in favour of the draft Agreement submitted to the Conference.

M. ROTHMUND (Switzerland) : We cannot express an opinion on the draft submitted to us without referring to the Passport Conference in May 1926 and the "resolution" it adopted. This "resolution", you will remember, contained, among other recommendations, the general abolition of visas and the facilitation of frontier traffic by means of agreements between the various countries ; the value of the passport as an identity document and a document for travellers was, however, confirmed.

In the light of these recommendations, the draft International Agreement in regard to transit cards for emigrants is rather incomprehensible, particularly as, since 1926, great progress has been made in the matter of abolishing passport visas. Indeed, it may be said that in most countries there is now a greater readiness to adopt this principle and take further steps to facilitate travel and encourage relations between the various countries. Switzerland grants transit visas free of charge, and only requires such visas in the case of nationals of a few countries, namely, Albania, Bulgaria, Greece, Hungary, Latvia, Poland, Roumania, the Kingdom of the Serbs, Croats and Slovenes, Turkey and the Union of Soviet Socialist Republics and from persons "having no papers". Persons who still need a visa can obtain it at the frontier, on entering the country. Thus, emigrants can pass in transit through Switzerland without any difficulty, because they, and above all the emigration agencies, have acquired the habit of complying with these very mild formalities.

And now it is proposed to establish a new document, in addition to the many existing ones, which emigrants will be bound to obtain. We already have the passport, the good-conduct certificate, the occupational certificate, the vaccination certificate, the medical certificate, the luggage bulletin, the railway ticket, the coupon for the boat-ticket, the boat bulletin, the traveller's contract, the coupon for the overseas railway journey, and so on. Emigrants will soon not know where they are or what to do. When, however, these same persons travel with only their passports, generally in groups and accompanied by a representative known to the authorities, everything proceeds quite smoothly and without the slightest trouble.

There are other objections to the draft. Is it admissible, for instance, that an emigrant should not be allowed to travel, like any other person, on his passport alone, without being labelled "emigrant" and being marked off as a person of an inferior class owing to the card ?

As a matter of fact, what is an emigrant ? The conception of what constitutes an emigrant differs widely from country to country. Consequently, many misunderstandings and difficulties are bound to arise. How, in these circumstances, can anyone conceive that, with a uniform transit card, supervision can be carried out without friction ?

Then again, in what languages will the card be drawn up ? The Passport Conference decided that passports ought to be drawn up in the national language and at least one other language. Will it be the same with the transit card ? It can hardly be otherwise. But, in that case, what complications will be involved in the separate printing for each State of a uniform model card to be issued by a central organisation !

I have up to the present only submitted a few practical objections to the introduction of a transit card for emigrants. There is another and far more important objection—indeed, I think it is a fundamental one, and, if I may say so, it is also a question of ideals. Since the 1920 Conference in Paris, the continual trend of the work of our various meetings has always been to return to complete freedom of travelling and, as I have already pointed out, these efforts have not been entirely unsuccessful. What we wish is to make it possible for everybody, as soon as circumstances allow, to travel about without being constantly pestered, and to cross frontiers without any formalities. It has been our constant aim to overthrow the barriers erected during the war—many of which are still standing. Are we now to go back on all that we have done, and raise another barrier ourselves by creating a new travelling document, the introduction of which will be contrary to all our efforts and to the principles we have ourselves proclaimed ? For that is just what we shall be doing if, in order to abolish the transit visa wherever it still exists (a transit visa which can now be obtained with such ease), we set up in its place a far more complicated formality. Switzerland has, by unilateral action, abolished passport visas for the nationals of all non-European countries. She has also proposed

to all European countries the conclusion of agreements on this subject, based on reciprocity. As soon as this question has been settled, she will proceed to deal with the abolition of frontier passport control. Switzerland keenly desires to revert as soon as possible in the matter of travelling to something like pre-war conditions, when people could cross the frontier without any identity documents at all. Until then, a passport without a visa should be sufficient as the only identity document and also as the safest and most useful document both for travellers and officials.

In view of these considerations, the Swiss Government cannot agree to the draft Agreement for the establishment of a transit card for emigrants.

M. DUZMANS (Latvia) explained that, under the system at present in force in his country, any emigrant wishing to pass through Latvia in transit had to be provided with : (1) a passport, (2) a transit visa ; (3) a transit card issued by a shipping company with the approval of the Latvian Government.

In this way, they had already realised most of the essential features of the draft Agreement.

The introduction of transit cards had not caused emigrants any serious difficulties, and it was entirely justified from the political point of view by reasons of an international nature. The Latvian Government must be in a position to control emigrants coming from the east and proceeding to western countries. In addition to political reasons, there were also reasons of health. It was important, not only for Latvia, but for all the other countries, that emigrants should be controlled from the point of view of health, and it was even desirable that the present system of control should be made still more effective.

The system at present in force enabled the Latvian Ministry of the Interior to keep emigration statistics very comprehensive and up to date. Every emigrant's entry counterfoil was sent to the Ministry of the Interior and every exit counterfoil was also retained. It was thus possible to control emigration movements as a whole. If this system was replaced by the transit-card system, as proposed in the draft Agreement, the Latvian Government thought that control would be more difficult from the point of view of public health and security. More particularly, it would be impossible to check the length of the emigrant's stay in the countries which he passed in transit, this being a matter which was restricted by the domestic legislation of each country and by agreements. The Latvian delegate concluded by declaring that, for these reasons, the draft Arrangement proposing the institution of transit cards seemed to him to be highly inconvenient.

The PRESIDENT said that, in view of the declarations made by several delegates, he intended to submit a new proposal, but, before referring to it, he thought it advisable to study the present situation. There were four countries from which emigrants mostly embarked : France, Belgium, the Netherlands and Great Britain. The utility of the transit card, he thought, should not be considered so much from the point of view of the transit country, which the emigrant merely passed through and left, as from the point of view of the country of embarkation, where he waited for his steamer. This system had been introduced in the above-mentioned countries of embarkation largely as a check on arrival and departure, and Great Britain wanted it to be maintained.

He fully appreciated the objections raised regarding the sovereign rights of the various States in the matter of issuing transit cards, but he did not think that this should give rise to serious difficulties. It would be quite permissible for the Italian Government to issue transit cards. The chief aim of the Conference was to facilitate the conveyance of emigrants who would, under existing conditions, be holders of a passport, of through tickets issued by a particular shipping company and of transit cards for the country of embarkation if they intended to embark at a British, French, Belgian or Netherlands port. It would thus be clear what shipping company was responsible for any incidents that might arise during the journey. Under the system which he proposed to substitute for the last draft, there would be one transit card only for the last transit country, *i.e.*, the country of embarkation. The emigrant should thus be able to pass freely without a consular visa, as it was clear that he was genuinely in transit and that he would be admitted into the last transit country. He thought that the possession of these various proofs should satisfy the transit countries, and that in such cases there was no need whatever to provide transit cards covering the journey through the intermediate countries.

M. BOER (Netherlands) heartily supported the President's proposal. He was a little sceptical of the possibilities of achieving forthwith the complete abolition of all visas, as advocated by the German and Swiss delegates. The sole object to be pursued at present should be to facilitate the emigrant's journey.

After dealing with the questions of several delegates, the PRESIDENT stated the terms of his proposal, and suggested that transit countries should give free passage to all emigrants holding a passport, a through ticket issued by a shipping company and a transit card issued by the country of embarkation.

M. ROTHMUND (Switzerland) thought that the President's proposal would be one which would meet Swiss requirements to a certain extent and might therefore possibly be accepted by the Federal Government. Replying to the remarks of the Netherlands delegate, he wished

to make it clear that he had by no means proposed that the present Conference should draw up an agreement for the complete abolition of all visas. He had simply pointed out that this was the object to be aimed at—and never lost sight of.

M. DE GÖMÖRY-LAIML (Hungary) asked whether the President's proposal applied to emigrants considered as ordinary single travellers as well as to those travelling in groups organised by shipping companies. In Hungary, such groups were at present given visas at a reduced rate at the frontier: Roumanians, for example, only paid one-twelfth of the normal fee. Emigrants travelling separately, on the other hand, were treated as ordinary travellers. Naturally, groups of emigrants could be more easily controlled than single travellers. The emigrant considered as an ordinary traveller also frequently journeyed second class and might very well think it humiliating to have to undergo special formalities.

The PRESIDENT replied that his proposal was intended to cover all emigrants without distinction holding the transit cards proposed, whether they travelled in groups or singly. As a matter of fact, many groups of emigrants travelled second class, so that the introduction of the card in question would not in any way be humiliating to them.

M. DE NAVAILLES (France) thought it was desirable to clear up a misunderstanding regarding the scope of the measure proposed. It had been alleged that the institution of a special transit-card system would introduce a new administrative document which would complicate the existing state of affairs. That was not the case. The use of the transit card did not prevent a country from allowing an emigrant or any other traveller to pass through its territory without production of this document. All that the proposal involved was the undertaking to allow an emigrant to pass on presentation of that card. That could in no way inconvenience a country which granted greater facilities; the system constituted a simplification, because the card in question exempted its holder from all other formalities.

To the objection that they should avoid wounding the emigrant's susceptibilities, they might answer that the emigrant who did not want a transit card would not ask for one and would travel as an ordinary passenger. Emigrants passing through France, Belgium and the Netherlands were at present provided with transit cards, which proved that they found the document useful.

It was further objected that the adoption of the transit card would mean abandoning the recommendations made in 1926 on the necessity for simplifying traffic formalities. On this point they should remember that the institution of transit cards was the outcome of strict immigration laws introduced in certain countries. If the United States, for example, allowed emigrants to enter without restriction, as previously, provisions such as those which had been adopted and an Agreement like the present would have been unnecessary.

There were emigrants who preferred to remain in Europe rather than go overseas. The transit card made control easy. It also made it possible to hold the shipping company responsible. The card itself was a sufficient proof that the emigrant had his ticket and complied with the requirements of the countries of destination. The card, therefore, was of great use. States might allow whom they would to pass, but they should also accept emigrants holding the transit card issued by the country of embarkation. For those reasons, the delegate of the French Government endorsed the proposal made by the President of the Conference.

M. VÖLCKERS (Germany) asked for some explanations. Taking the special case where the vessel conveying the emigrant from the country of embarkation was a German one leaving a French port, how would the proposal apply? Who should supply the cards? Suppose a transit country refused to recognise these cards as valid, what would happen?

The PRESIDENT replied that a large number of emigrants embarked at the present time in France. The present cards were issued by the authorities of the countries of embarkation to all shipping companies using their ports, who supplied them to the emigrants. It was, moreover, to be hoped that all transit countries would agree to the new proposal. He was convinced that it would facilitate to the greatest possible extent the movement of emigrants. At the last meeting of the Committee of Experts, it had been proposed that the Atlantic Conference, which meets at Brussels, should distribute the transit cards suggested; but it seemed impossible to ask the Conference to undertake such distribution, seeing that the German shipping companies represented thereon declared themselves opposed to the introduction of the transit-card system. They had further to consider the objections made by certain Governments. For these reasons, the provision in the draft for setting up a central organisation to distribute the cards had proved impracticable. In such circumstances, the new proposal was a very considerable simplification, while maintaining an already familiar system.

M. DIMITCH (Kingdom of the Serbs, Croats and Slovenes) stated that the new proposal seemed to produce an entirely different situation. His Government, of course, had not yet had an opportunity of studying this proposal from the standpoint of the real value of the advantages that would be secured by the introduction of transit cards, and he could not, therefore, express a final opinion on the point. As regarded the old proposal, he thought the objections raised by certain delegates well founded.

He thought that there were two advantages in the draft agreement: (1) it abolished the obligation on emigrants to obtain expensive visas; (2) it provided documentary proof and a safeguard against complicated formalities, and it obviated the inconvenience involved in having recourse to transport agents.

They should not, however, exaggerate the importance of such an agreement. It was certainly not of fundamental interest to his country, in view of the special situation arising from the conditions of national legislation and their geographical situation.

M. DEROOVER (Chairman of the Committee of Experts) pointed out that almost all shipping companies already held licences in transit countries.

It was objected that, under the special provisions of this Convention, differential and humiliating treatment would be applied to emigrants. The fact was that many emigration countries themselves created special conditions for their national emigrants before authorising them to leave the country. In all those countries, the emigrant who wanted to leave was obliged to comply with formalities which were sometimes humiliating, since they were not imposed on other travellers.

Similarly, the introduction of foreign labour was subject to strict regulations, both on departure and on arrival.

Regarding statistics, if the proposed transit-card system was adopted, the utility of the card would be unaffected. It would still be possible to have the counterfoils of the cards removed by the competent authorities on entering and on leaving.

In the matter of health, the rule was for the shipping company to arrange for the emigrant to undergo a medical examination before issuing the cards. It seemed improbable that the emigrant would fall ill shortly after such an examination.

As a matter of fact, the card proposed would furnish an additional guarantee; it would prove that the emigrant had undergone the necessary examination at departure, and it would also determine the responsibility incurred if the emigrant were found to be ill on the journey or on arrival at the port of embarkation.

M. DUZMANS (Latvia) thought that health regulations depended on the possibility of keeping the emigrant under supervision during his stay in the transit country. Should the efficacy of the supervision be lessened at any particular stage, it meant that the emigrant evaded supervision to a certain extent. That was a very important point to be considered.

M. WOLF (Permanent International Conference of Private Organisations for the Protection of Migrants) emphasised the importance of the health question for emigrants themselves. It was essential that the medical examination at the point of departure should be conducted very efficiently, in order that the emigrant should not be refused admission on arriving at the country of destination. As an example, he mentioned some details regarding cases which had occurred of emigrants travelling from Syria to France. The Marseilles medical authorities refused to recognise the medical examination made in Syria. Cases could be mentioned of emigrants from Syria having been refused permission to continue their journey by the health authorities because they were trachoma suspects. He thought it desirable that steps should be taken to remedy this state of affairs.

M. DE NAVAILLES (France) said that this matter had been considered by the French Government. It had happened that doctors examining emigrants from Syria on their arrival at Marseilles had been stricter than those of the shipping companies in Syria. These differences would not greatly surprise those who knew how delicate was the matter of diagnosis, particularly in the case of trachoma. The French Government had requested the French High Commissioner at Beirut to arrange for these difficulties to be obviated, and for steps to be taken to protect emigration in the most effective way possible, from a medical point of view.

Mr. BUSTARD (United Kingdom of Great Britain and Northern Ireland), representing British shipping companies, said that the shipping companies would be very pleased to accept the President's proposal. It was, indeed, likely to assist emigration, for its adoption would lead to a diminution in the number of documents required for the transit of emigrants. He wished to give a little information concerning the formalities that had to be observed. As the law stood, emigrants would, for instance, require an entry visa in order to enter the following destination countries: the United States and Canada. Tickets for these countries would not be issued to emigrants until it had been ascertained that the passenger would be accepted.

Tickets would be issued by the shipping company. That was a fact of the highest importance. The ticket had, in fact, a legal value as evidence in courts of law and it proved the shipping company's responsibility; the model for the ticket would, moreover, have to be approved by the emigration authorities of the country of enrolment.

The card, too, was very useful, although it could not be said to have the legal value of the ticket.

He did not think that the proposed abolition of consular visas would give rise to any difficulty for, in practice, visas were issued without difficulty, thanks to the good relations existing between the companies' agents and the staff of passport offices.

Whether there were a visa or not, the shipping company would be responsible throughout the transit. The question should not be complicated by relating it to that of health control. Consuls were never concerned with emigrants' health; in most cases, consuls personally did not see the emigrants. In that respect, therefore, the adoption of the transit-card system would make no change in the existing situation.

(The meeting adjourned at 5.20 p.m. and reopened at 6 p.m.)

The PRESIDENT thought that, during the adjournment, the delegates had had good opportunity to consider the new proposal. He asked whether the Conference was prepared to accept that proposal as a basis for discussion. In that case, they would have to draw up a revised draft Agreement.

M. DE NAVAILLES (France) thought it would be desirable to circulate the text of the new proposal so as to make the matter quite clear. That text would contain two chief provisions: (1) emigrants' embarkation countries will be able to supply transit cards to shipping companies; (2) transit countries will allow emigrants holding these cards to pass without any other formality. It was important to know whether the delegates who had raised objections thought their respective countries would undertake to allow emigrants holding these cards to pass freely through their territory.

M. LANDUCCI (Italy) stated that, in principle, the Italian Government would doubtless approve the scheme for the issue of transit cards. The objections previously stated by Italy referred to the former proposal, but it seemed that the new scheme might be accepted in principle.

M. DUZMANS (Latvia) thought that, when the new text was drawn up, a clear explanation should be given of the respects in which the new scheme differed from the former one.

The PRESIDENT supported the Latvian delegate's suggestion.

M. VÖLCKERS (Germany) said that his Government opposed the former proposal on principle, but that the proposal submitted introduced a new element. Although he was not in a position to state immediately the German Government's opinion, he thought that the new formula was much more acceptable than the old one. He felt, however, bound to withhold the final decision which would be taken on this point by the German Government. It would depend on the exact terms of the draft Agreement then submitted to the Conference.

M. DIMITCH (Kingdom of the Serbs, Croats and Slovenes) agreed with the German delegate's point of view.

#### **VI. Constitution of a Special Committee to draw up a Revised Draft Agreement.**

After an exchange of opinions, in which several delegates took part, the PRESIDENT concluded that the Conference was prepared to take as a basis for discussion the proposal which he had had the honour to make. It therefore seemed desirable to appoint a small Committee to draw up a revised draft Agreement. He suggested that that Committee should include, in addition to the President and the Rapporteur of the Conference, the following delegates:

- M. PAPIRNIK (Czechoslovakia).
- M. VÖLCKERS (Germany).
- M. LANDUCCI (Italy).
- M. NAKONIECZNIKOFF (Poland).

*The proposal was accepted.*

#### **VII. Constitution of Credentials Committee.**

The PRESIDENT further proposed that, following the usual practice, a Committee on Credentials should be set up.

*It was decided that this Committee should consist of:*

- M. DE RUELLE (Belgium).
- M. DE GÖMÖRY-LAIML (Hungary).

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### SECOND MEETING.

*Held on June 11th, 1929, at 5 p.m.*

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*President:* Sir William Haldane PORTER (United Kingdom of Great Britain and Northern Ireland).

*Present:* All those who attended the preceding meeting.

#### **VIII. Report of the Credentials Committee.**

M. DE RUELLE (Belgium), Rapporteur of the Credentials Committee, stated that, from the Committee's examination of the credentials, the latter could be divided into two categories:

First, certain delegates had received plenary powers authorising them, on behalf of their Governments, to negotiate, conclude and sign a Convention. The delegates in question were those of Belgium, the Free City of Danzig and Poland, France, Germany, Great Britain,

Hungary, Roumania and the Saar, with the reservation in the case of Roumania that M. Setlacec could only sign the Convention *ad referendum*. The Roumanian Government would thus not be regularly bound until it had confirmed its delegate's signature, and the point was of importance, as the Convention to be framed by the Conference would probably not require ratification. For Switzerland, the Federal Government had appointed M. Rothmund "with the status of delegate". The speaker thought that a wide interpretation might be placed on these words, in view of the purpose of the Conference: it was not a technical Conference, but a diplomatic Conference convened to frame a Convention, so that M. Rothmund might be regarded as being furnished with full powers, and the Swiss delegate should thus be included in the first category of members.

The second category of Government representatives consisted of members of the Conference who had been appointed as delegates, though without full powers. The delegates in question were those of Finland, Greece, Italy, Latvia, the Netherlands, Portugal, the Kingdom of the Serbs, Croats and Slovenes, and Czechoslovakia.

M. LANDUCCI (Italy) said that he would telegraph to Rome in order to ascertain the scope of his powers.

M. BOER (Netherlands) stated that his powers would enable him, if necessary, to sign a Convention; but that, in order to obviate any misunderstanding, he would request his Government to confirm by telegraph the implicit authorisation already conferred on him.

M. BIKELAS (Greece) said that the powers which he had received would enable him to affix his signature to a Convention, and that he would request his Government to inform the Conference of the exact position.

#### **IX. Discussion of the Draft Agreement submitted by the Special Committee. (see Annex 2).**

The SECRETARY-GENERAL of the Conference read the whole of the draft submitted by the Committee.

##### **ARTICLE I.**

M. BOER (Netherlands) thought that it would be well to supplement this article by a clause providing that each State should communicate to the Secretary-General of the League of Nations a list of the shipping companies authorised to take emigrants on board in its ports. This would make it possible for every State to know exactly the names of the companies which had received authorisation to this effect from any other State.

The PRESIDENT explained that, so far as Great Britain was concerned, it seemed to him impossible to adopt such a clause. Great Britain placed no limit on the number of companies authorised to take emigrants on board in British ports.

He pointed out, further, that Article 3 of the draft model Agreement contained a provision similar to that proposed by M. Boer. The Committee had discussed whether this clause should be inserted in the Agreement, but had decided, after mature consideration, that the provision in question was not of sufficient importance to justify its retention.

M. BOER (Netherlands) said that he would not insist on his proposal.

M. ROTHMUND (Switzerland) pointed out that Article 1 provided that only States possessing ports of embarkation would be called upon to supply transit cards. Article 9, however, laid down that:

"The present Agreement shall in no way imply the withdrawal of facilities greater than those allowable under its provisions which may have been accorded by autonomous action or under special agreements between the co-signatory Governments."

From these two texts, taken in conjunction, he concluded that the transit card would not be instituted for Swiss emigrants passing in transit through Great Britain and certain countries in the immediate vicinity of Switzerland, as agreements had been concluded between Switzerland and those countries abolishing entrance and transit visas in favour of a more liberal system.

The PRESIDENT thought that the transit card would not involve supplementary formalities or drawbacks so far as the emigrants were concerned, since it would be given them free of charge by the shipping companies. He pointed out, further, that emigrants in transit were required to produce a transit card on arrival in Great Britain, so that the Swiss delegate was mistaken in saying that this was not required.

Mr. BUSTARD (United Kingdom of Great Britain and Northern Ireland) explained that, under the present system, a Swiss emigrant passing in transit through France and England required two cards, whereas if the draft Convention were adopted he would need only one.

M. ROTHMUND (Switzerland) repeated that the Berne Emigration Office had stated that no transit card was required at present for France. If France insisted on the shipping companies issuing a transit card to Swiss emigrants, the latter would have one more formality to comply with. They must remember that emigrants were poor people, with very little education for the most part, and with only a very vague idea of the relative importance of the papers handed to



them. Under the terms of the draft Agreement, however, a person not in possession of a transit card would be prohibited from landing. In the speaker's view, the provision laid down in Article I simply amounted to a quite superfluous form of control. At present, if a Swiss emigrant settled in French territory instead of passing through, the French authorities knew with whom they had to deal, since the shipping company, under the terms of its licence, was responsible for the presence of the emigrant on French territory. The transit card would not alter the situation. The emigrant did not need it unless he had to cross at least one country which required a transit visa.

M. DE NAVAILLES (France) reminded members that the purpose of the draft Agreement was to simplify the formalities for emigrants in transit. He took the case of a Swiss national emigrating to America. If the emigrant appeared at the French frontier without an emigrant card, he was asked whether he had come to France for purposes of work. A special visa was affixed to his passport noting his declaration that he had not come to France with that object. He was then free to enter the country. Once in France, there was nothing to prevent him from purchasing a passage to America.

On this point, therefore, M. Rothmund's views appeared to be fully met ; but quite possibly the Swiss citizen might have obtained in Switzerland, from the agency of a shipping company, his passage to America. In such case, the agency would have issued the transit card, which simplified the formalities required of the emigrants and facilitated supervision.

The PRESIDENT said that the system adopted by Great Britain was similar to the one just described by M. de Navailles.

M. DE RUELLE (Belgium) said that Belgium had no intention of modifying in any way the bilateral treaties in existence between herself and other countries if such agreements contained more liberal provisions than those laid down in the Agreement. He thought, however, that the time had not yet come to examine the scope of these provisions. The agreements between Switzerland and Belgium, more particularly, did not abolish transit cards. The latter were of the greatest assistance to Swiss emigrants, as they simplified the formalities required for transit through Belgium and were easy to carry.

M. LANDUCCI (Italy) noted that Article I provides : " This card may be prepared . . . " This implied a possibility and not an obligation, and, unless the card was required, it could not be thus prepared.

M. ROTHMUND (Switzerland) did not agree with the French delegate. The emigrants he had in mind were persons leaving Switzerland as emigrants, and the transit card did not facilitate matters for them. It simply meant that the control of the authorities in the country of disembarkation was facilitated. Accordingly, he had every right to say that the question had assumed a fresh aspect : instead of simplifying the formalities required of emigrants, they were now engaged in simplifying the work of control in countries through which the emigrants passed. He noted that the transit card would in future be required of emigrants passing, not only through countries which still demand a visa, but also through countries which have abolished it, and this was certainly not an improvement.

It had been suggested the day before that the countries of embarkation might find the emigrant remaining in their territory instead of going abroad. He had asked the opinion of the competent authorities at Berne on the point, and they had replied that this danger might have existed before the war, when the shipping companies had not got sufficient vessels to ensure the rapid transport of emigrants. But this was not the case at present, and there was no longer any delay in embarkation. Was the transit card simply designed for the idle pleasure of compiling impressive statistics ? The shipping companies could supply all the statistics desired without any recourse to a system of transit cards.

Previous speakers had not convinced him that the transit card was in the interest of the emigrants or even of emigration.

The PRESIDENT stressed the advantage of transit cards from the standpoint of emigrants in Switzerland. It was agreed that a Swiss passenger wishing to enter England did not require a visa, but he could not land without permission from the Immigration Officer. He must prove that he had funds to continue his journey, that he could satisfy the sanitary regulations, etc. Moreover, before allowing an emigrant to land in Great Britain, the British authorities made a point of seeing that he fulfilled the conditions laid down for admission by the country of destination. If the emigrant had a transit card, however, he was not subject to any inspection or enquiry, and could continue his journey in peace.

M. BOER (Netherlands) pointed out that, so far, M. Rothmund had dealt only with Swiss emigrants starting from Switzerland. The card, however, would be of special use to emigrants starting from a country far from the port of embarkation, and would do away with the need for transit visas for the countries of transit.

Mr. BUSTARD (United Kingdom of Great Britain and Northern Ireland) directed the Swiss delegate's attention to the fact that the special agreements concluded between Switzerland and France did not apply necessarily to non-Swiss emigrants leaving Switzerland. Under the present system, for example, a Swiss family including non-nationals, which decided to emigrate

to America, would find that half its members had to obtain a transit visa for France, while the others would be exempt. The transit card proposed under the draft Agreement would standardise and simplify formalities.

M. DE RUELLE (Belgium) said that, even if agreement existed abolishing visas, it did not follow that foreigners were exempt from all control at the frontier. Any emigrant in possession of a transit card would be in the happy position of being able to get through the formalities so quickly that one might almost say there were no formalities!

M. ROTHMUND (Switzerland) declared that he was still not convinced of the utility of the transit card provided for in the Agreement. It was quite clear from the Italian delegate's statements that Swiss nationals wishing to enter Italy would not, after the institution of the card, have to comply with any more formalities than those required at present; it was true, further, as the President had said, that emigrants were obliged to present a transit card before they could enter Great Britain, but he did not quite see what difference the introduction of the card would make as regards the formalities required of Swiss emigrants starting their journey in Switzerland who wished to pass through France and Belgium.

M. DE NAVAILLES (France) traced the history of the question of transit cards. The present Conference was the result of a recommendation made by the 1926 Conference on the International Regime of Passports. When that recommendation was made, the system of cards for emigrants had for a long time existed in several countries, and France desired to continue the application of that system, but without wishing to create any new formalities. What the French Government desired was that, on presentation of a transit card, any emigrant might without difficulty travel through any country on his route. There would be no change in France in that respect.

If, as the Berne Emigration Office had stated, Swiss emigrants had been able to travel through France without transit cards, that was because, for reasons of which he was not aware, the shipping company responsible for their transport had not supplied them with any. Personally, he was not absolutely convinced that the Swiss who travelled through France on their way overseas had no transit cards. It was difficult to be certain in such cases, especially as an emigrant might hold a transit card without showing it.

The transit card might be very useful in many countries to emigrants passing through them. For a long time past, all emigrants coming from the Orient were furnished with this card. There was no more reason to abolish it in such cases than to introduce it where it served no useful purpose.

Mr. BUSTARD (United Kingdom of Great Britain and Northern Ireland) stated that, to the best of his knowledge, all Swiss emigrants who purchased tickets received the French transit card if they were going to embark in a French port or if they were going to travel through French territory. Those emigrants were also supplied with the British transit card if they passed through British ports. The introduction of the transit card provided for by the Agreement would in that case result in substituting one document for the two documents which had been necessary in the past.

M. VÖLCKERS (Germany) said that he understood the Swiss delegate's hesitation. That delegate's argument was, moreover, not essentially different from the point of view which he himself had expressed the day before. He proposed, in order to satisfy M. Rothmund, to insert in the Protocol of Signature a sentence to the effect that Article 1 applied only to the case of countries which had not yet abolished the formality of the visa, and would not apply to countries where that formality had been abolished, and that the system of transit cards should disappear when obligatory visas were suppressed.

The PRESIDENT felt bound to state forthwith that such a solution was impracticable as regards Great Britain. Great Britain had never required the visa for emigrants in transit, and yet emigrants passing in transit through Great Britain had to be supplied with a transit card.

M. ROTHMUND (Switzerland) stated that the instructions he had received allowed him to accept an arrangement which would not add any formality to those already existing; but he thought that that was not the case with the draft submitted. The statements of the Berne Emigration Office and of M. de Navailles were contradictory. He would therefore telegraph to Berne for further information. He could nevertheless state there and then that acceptance of the German proposal would greatly facilitate the accession of Switzerland, but, unfortunately, they had just heard that Great Britain could not accept that proposal.

Great Britain's situation was different from that of any other country. Traffic through her territory might be supervised with greater ease than was the case in any other country. No country except Great Britain, and perhaps Italy, exercised a really effective supervision over immigration traffic. It was always possible to enter any country, either by the help of a forged passport or by evading the vigilance of frontier posts. The only efficacious supervision of foreigners was that in the interior of the country. It was certain that, through the force of circumstances, any countries where the form of supervision was inefficient—and the Swiss delegate had just shown that to be the case almost everywhere—would sooner or later be led

to abolish the necessity for passports. Why, then, should transit cards be introduced? In conclusion, the Swiss delegate asked the Conference to consider further whether it were possible to accept the proposal made by the German delegate.

M. DE RUELLE (Belgium) said that, in view of the statements made by the Swiss and German delegates, he felt bound to repeat what he had already said, namely, that the members of that Conference had to draw up a general Convention, and could not enter upon a detailed examination of particular bilateral agreements in force between specific countries. The case in which those agreements might accord more liberal measures than the Convention which was to be drawn up was provided for under Article 9, and, if there were differences of opinion concerning the interpretation of that article, there were in Article 8 provisions for settling disputes. Further, if a country abolished the necessity for passports and for visas to cross its frontiers, and if it did not desire to introduce a regulation by which the emigrant must hold a transit card, it would always be at liberty not to ask for that card. The text of the Convention presented no difficulty in that respect.

The PRESIDENT said that, for reasons which seemed to them important, embarkation countries thought that emigrants ought necessarily to be supplied with transit cards. Personally, he thought that he had clearly shown the advantages of such cards. If consideration were given to the case of emigrants coming from European countries which were distant from the embarkation ports, it would be seen that such emigrants would probably have to pass through two categories of countries, namely, those which had abolished the necessity for a visa and those which had retained it. The emigrant would perhaps derive no benefit from the card in countries of the first category; but if, in spite of the regulations, he endeavoured to establish himself in one of those countries, the national authorities would, thanks to the issue of the card, be able to trace the shipping company responsible. In countries which had retained the visa, the transit card would be very useful to the emigrant. It introduced no new formality.

MR. BUSTARD (United Kingdom of Great Britain and Northern Ireland), explaining the view held by the shipping companies, said that the introduction of the transit card would not entail any inconvenience for emigrants. They were not burdened with the duty of drawing it up; it cost them nothing. All they were asked to do was to carry it with them and, in return for that very slight trouble, they passed freely in transit through all countries. The shipping companies alone might experience some inconvenience from the introduction of transit cards. It was quite possible that the Berne Office was not very accurately informed of the formalities which had to be observed by emigrants, for it was usually the emigration agencies which dealt with such matters. Mr. Bustard thought, moreover, that the question of greatest importance to Switzerland was that of emigrants passing in transit through her territory, for there was no country through which transit was more frequent. Now, the introduction of the transit card would, in the case of Switzerland, lead to a great simplification of all the formalities of supervision. Mr. Bustard had previously mentioned the new burdens which the introduction of the card imposed on shipping companies. He desired to state that the shipping companies gladly accepted those burdens, for they felt sure that they were thus acting in the best interests of the emigrants.

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### THIRD MEETING.

*Held on June 12th, 1929, at 10 a.m.*

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*President:* Sir William Haldane PORTER (United Kingdom of Great Britain and Northern Ireland).

*Present:* All those who attended the preceding meeting.

#### **X. Discussion of the Draft Agreement submitted by the Special Committee (See Annex 2).**

##### ARTICLE I (*continued*).

M. DE NAVAILLES (France) desired briefly to explain two main ideas in this connection:

1. Under the new Agreement, countries in which emigrants were to embark could, if they desired, print the transit cards to be issued to the shipping companies concerned. This was merely a possibility given and not an obligation. The signature of the Agreement would in no way oblige the countries of embarkation to print and issue the transit cards. The present position, as it existed in four countries (Belgium, France, Great Britain and the Netherlands), would not be changed. Those four countries had not waited for the meeting of the Conference before putting the system of transit cards into force. Whether the Agreement was signed or not, they would continue that system without anything being changed in practice. It was also understood that signature of the Agreement would in no way oblige embarkation countries to issue transit cards.

2. Under the terms of the Agreement, countries of transit and embarkation undertook to allow the passage of emigrants provided with a transit card.

It was true that it had been objected that the proposed scheme involved a complication. This was not so. The delegate of Switzerland had explained that the main desire of his Government was to facilitate the transit of emigrants so as to arrive gradually at the abolition of the regime of passports, but it would seem that it was not to the real interest of any State to object to the free passage of an emigrant holding a transit card; this was, indeed, allowed at present.

They must not think that Swiss emigrants were not obliged to be provided with a transit card. In fact, Great Britain required that document from Swiss emigrants passing through its territory. There was, therefore, no question of introducing an additional document. It did not inconvenience the emigrant if he received a ticket and a transit card simultaneously.

M. ROTHMUND (Switzerland) said that he had got in touch by telephone with the Federal Emigration Office at Berne, in order to ascertain whether all Swiss emigrants passing through the territory of Great Britain really had to be provided with a transit card. It appeared from the information given by the Federal Office that Great Britain had in practice required this card. But the number of Swiss who were obliged to ask for this card every year was very small. An average of about ten persons a year needed the transit card. In a general way, the situation was as follows: after consideration of the first draft Agreement, the Swiss Government had raised certain objections. M. Rothmund, however, did not think that it would be possible for him to sign even the new Agreement. Nevertheless, he desired to make the situation quite clear and find a solution which would enable him, on returning to Berne, to recommend the adoption of the Agreement to his Government, so that his Government might sign later. After careful consideration, M. Rothmund was obliged to state that he was not convinced of the absolute necessity of concluding an Agreement with regard to the issue of a transit card for emigrants. He was bound to say, however, that this did not seem to him a question of life or death.

M. DE RUELLE (Belgium) said that they had heard from M. Rothmund that, under the present conditions, Swiss emigrants who passed in transit through Belgium and who embarked in that country were not obliged to have a visa. It would seem that such, indeed, was the position; but, above all, it should be remembered that the proposed Agreement would not involve any additional formality for Swiss emigrants passing in transit through Belgium, and would in no way oblige them to be provided with a visa. The present Agreement was not a bilateral Convention. As M. de Navailles had said, they must remember that the present system of transit cards was based on a humanitarian idea. The emigrant was entitled to all assistance from the public authorities. He was often illiterate, and not acquainted with the language of the country through which he was passing. Giving him, if not a talisman, at least a small ticket which would enable him to comply with the somewhat severe legislation regulating immigration in some countries was simply equivalent to removing his difficulties. It must not be forgotten, for example, that, in certain countries, laws for the protection of labour contained regulations which might embarrass emigrants. Naturally, countries not concerned with the issue of transit cards would abstain from preparing any.

M. CALHEIROS (Portugal) explained that his country was in a similar position to Switzerland. He would therefore accept the proposed Agreement, should it be of any advantage to Portugal.

M. SETLACEC (Roumania) said that, in principle, his country was favourable to the Agreement. Whereas, in the case of certain countries, the Agreement did not appear to be of any great value, in the case of other countries which were not prepared to abolish the regime of passports it was of considerable assistance. Roumanian emigrants were often obliged to request transit visas which involved expenditure.

The Emigration Conference, which had met at Rome, had already laid down a most important principle. Should the present Conference succeed in concluding this Agreement, very real progress would have been made.

For all these reasons, the delegate of Roumania declared himself in favour of the proposal. He then asked the President whether the new draft provided that transit cards should be issued by countries of embarkation and not by all countries.

In reply, the PRESIDENT said that, in order to make this point clear, a document would be circulated to the Conference; it would show the route that a Roumanian emigrant was obliged to take from Bucarest to the port of embarkation and the transit visas which he required. For the sake of simplicity, it was desirable to keep the system already in force in certain embarkation countries. The best solution would therefore be for those countries to issue cards to the shipping companies, which in their turn would hand them to the emigrants. They would therefore have a simple system, without complicating the question of distribution.

Mr. BUSTARD (United Kingdom of Great Britain and Northern Ireland) thought that they must consider the question from a general point of view. In his turn, he laid stress on the difficulties at present encountered by Bulgarian and Roumanian emigrants, particularly when they desired to obtain transit visas in consulates before having the French or Belgian transit card, but he said that the shipping companies were fully aware of the difficulties which these formalities at present involved. M. Rothmund had considered the question solely from the point of view of Swiss emigrants taking tickets on departure from Switzerland to embark at a French port; but, in order to understand the value of the Agreement, they must consider the question from an international point of view. As an example, he quoted the case of a Roumanian emigrant obliged, in order to reach Antwerp, to obtain Hungarian, Czech, Austrian and German visas, and of a Bulgarian obliged to obtain Serb-Croat-Slovene,

Italian and Swiss visas in order to reach a French port. For the Kingdom of the Serbs, Croats and Slovenes, an emigrant was obliged to apply personally to the consulate and to submit his passport and two photographs. The obtaining of a visa might take twenty-four hours. The fees to be paid for the various visas were sometimes fairly high. An emigrant had then to obtain the French or Belgian transit card. It was true that the transit visa for Switzerland was given free of charge, but it must not be forgotten that it still had to be obtained — that is to say, that the shipping company had to have staff in their service to carry out these formalities. It was clear in these circumstances that the Agreement constituted considerable progress by abolishing a number of these formalities.

M. ROTHMUND (Switzerland) once more raised the idea brought forward on the previous day by the German delegate, and suggested that they should insert in the Convention a clause to the effect that transit cards should only be given to emigrants obliged to pass through the territories of countries whose authorities at present required a transit visa.

The PRESIDENT declared that the British Government could not accept the insertion of such a clause, since Great Britain had a system, not of visas, but of transit cards. The second part of the proposal which he had had the honour to make might therefore very well be agreed to by the Conference. The British authorities had always endeavoured to facilitate transmigration. The present methods of control dated from before the war, and they showed a passive policy which was extremely favourable to emigrants in transit.

The SECRETARY-GENERAL of the Conference pointed out that it would appear from the discussions that the question of visas was not the only obstacle. The existence of a control over emigrants exercised by certain countries would indeed appear to make the existence of a special document necessary, even should the regime of consular visas be subsequently abolished. Nevertheless, in order to meet all possibilities, they might perhaps include a clause providing for a future revision of the Agreement with a view to considering whether greater facilities for travel of emigrants could be granted. This clause might lay down that not less than a third of the contracting Governments should have the right to ask at any time for the Agreement to be submitted to a procedure of revision.

The PRESIDENT said he understood that this would be a clause providing for the possible revision of the Convention.

M. DE RUELLE (Belgium) thought that it would only be possible to convene a Conference for revision should the obligation for emigrants to be provided with certain consular visas be abolished. The apprehensions of the Swiss and German delegates would disappear if they remembered Article 9 of the draft Agreement. It was said in that article that the Convention to be concluded should not prevent the granting of greater facilities resulting from the national legislation of the various States or from bilateral international agreements.

The delegate of Belgium expressed the hope that one day the frontiers of European States would be wide open. Nevertheless, whatever might be their desires with regard to this matter, it would unfortunately appear that this prospect was still a distant one. There was no doubt that control would still be exercised at the frontiers for a considerable period. They must also not forget that the necessity for certain States to protect national labour gave a new aspect to the control of emigration.

The PRESIDENT suggested that the Conference should consider the possibility of accepting a clause providing for revision of the Agreement at the request of a third of the contracting States.

M. ROTHMUND (Switzerland) suggested that the wording of such a clause should be considered when they voted on the text of the Agreement as a whole. The suggestion of the Secretary-General of the Conference was based on an idea more or less the same as that which had previously been expressed by the delegate of Germany, but in a less imperative form. He nevertheless agreed that this suggestion should be further considered.

#### ARTICLE 2.

The PRESIDENT, in reply to a question from M. de Gömöry-Laiml (Hungary), concerning the possibility of altering Article 2 of the draft Agreement, suggested that the proposed amendment should be discussed later and afterwards inserted in the draft Agreement.

*This proposal was adopted.*

#### ARTICLE 3.

M. WOLF (Permanent International Conference of Private Organisations for the Protection of Migrants) stated that, in principle, the organisations which he represented were favourable to the draft Agreement.

M. DE RUELLE (Belgium) said that the idea they were endeavouring to express was that there was an obligation for countries to accept emigrants holding transit cards unless the emigrants contravened the laws and regulations. The shipping company which had issued the card could not be held responsible for every fact which might go against the admission

of the holder. For instance, the company would not be expected to be aware of criminal records. It would be sufficient for transit countries simply to maintain their right to refuse to accept an emigrant holding a card should it be proved that he had a criminal record. They should therefore seek a better wording of the article under consideration.

M. DIMITCH (Kingdom of the Serbs, Croats and Slovenes) said that the suggestion of the German delegate might come in in paragraph 3 of Article 3; it would be thus laid down that transit cards should be issued by the emigration offices and not by the shipping companies; this would remove the difficulties which might arise for those companies by reason of the fact that it was impossible for them to be acquainted with each individual case.

Mr. BUSTARD (United Kingdom of Great Britain and Northern Ireland) said that, even when the emigrant was provided with a transit card, it was impossible for the shipping companies to know whether he had contravened this or that regulation. It would be sufficient, if they did not desire to complicate the proposed system, that the emigrant should be provided with the ticket for his journey, and that he should comply with the conditions required for admission to the various countries, the transit countries retaining their right to reject him in case of any contravention.

M. DE NAVAILLES (France) proposed to strike out of Article 3 the words "and not contravene the police and health regulations in the transit countries". In the case of Article 4, they should lay down an obligation for each Government to allow the transit through its territory of an emigrant holding a transit card issued by the embarkation country, without requiring a visa, so long as the emigrant did not contravene the police regulations of the country.

The PRESIDENT said that this suggestion was exactly the same as that which he had intended to make.

*The Conference accepted the proposal of M. de Navailles.*

M. DE GÖMÖRY-LAIML (Hungary) asked whether, among emigrants who might be undesirable, they should include those belonging to certain categories which were obliged by special laws to have special entry and transit permits. They were not, strictly speaking, undesirables, but they were persons belonging to a special category.

M. DE RUELLE (Belgium) thought that the question raised by the delegate of Hungary was a somewhat delicate one. What was to be avoided was any possibility of systematically hampering transit for economic reasons; such action would be contrary to the humanitarian aims of the Conference. The only case they should consider would be reasons of general security connected with the public order of the State. By the term "police regulations" they particularly referred to provisions of a penal character.

The SECRETARY-GENERAL of the Conference said that Article 5 of the Statute of Barcelona on Freedom of Transit had defined the cases in which States were not bound to provide for free passage of persons through their territory; that was to say, when admission was forbidden on grounds of public health or security. They might base their Agreement on the same lines.

M. DE GÖMÖRY-LAIML (Hungary) pointed out that the Graz Convention contained a similar clause.

M. DE RUELLE (Belgium) examined the last paragraph of Article 3, which provided for the possibility of returning an emigrant to the point of departure, with his transit card. It was possible that difficulties might arise at the moment when he was sent back. For instance, a Roumanian emigrating from Switzerland to America might very possibly desire to return not to Switzerland but to Roumania.

M. WOLF (Permanent International Conference of Private Organisations for the Protection of Migrants) said that the private organisations frequently had cases of emigrants admitted into an immigration country and desiring to return to their own country.

The PRESIDENT said that the question which had been raised was not on the agenda of the Conference. This Conference was only dealing with cases of emigrants proceeding from Europe to countries overseas. The question as to whether they desired to return to Europe after reaching their destination had nothing to do with the proposed Agreement. The most they could do was to consider the case of those rejected on arrival.

M. WOLF (Permanent International Conference of Private Organisations for the Protection of Migrants) asked what responsibility the shipping companies had as regards emigrants rejected at the moment of arrival in the country of immigration.

Mr. BUSTARD (United Kingdom of Great Britain and Northern Ireland) replied that these emigrants were not necessarily returned to the place at which they commenced their journey. To take a concrete case: a Roumanian, having last passed through France before arriving in the United States, was rejected at New York by the American authorities. The French Government in its turn reserved its right not to admit him unless he took a through ticket to his country of origin. In such a case, the emigrant would receive a ticket from the shipping company. Very often these companies even carried the emigrant beyond the place at which he began his journey, which proved their solicitude for emigrants. It would be desirable for the emigrant's card to be recognised by transit countries in order to provide for a return journey.

The PRESIDENT reminded the Conference that the delegate of Germany had already raised two problems—one concerning the point of departure of emigrants, and the other the port of embarkation.

M. DE NAVAILLES (France) thought that it would be easy to draw up a form of words which would meet the wishes expressed by the delegate of Germany. It would be sufficient to say, in the last paragraph of Article 3, that the shipping companies should take the necessary steps, if an emigrant was obliged to abandon his journey *en route* or was rejected on arrival at the immigration country, to enable him to return either to his point of departure or to the country of which he was a national.

M. ROTHMUND (Switzerland) said that the difficulty lay in another field, that of the responsibility of the shipping companies. It was necessary that they should take the requisite steps to enable the emigrant to return either to his point of departure or to his own country. There were persons, without papers and without nationality, who had given up their return visa before leaving the country of domicile, and who would not be able to return there without permission.

The PRESIDENT said that, when drawing up a general text, it was impossible to provide for all the cases that might arise. Individual cases should rather be settled by arrangement between the countries concerned and the shipping companies.

M. DE NAVAILLES (France) thought that it was easy to settle the question as to who should decide whether the emigrant should be taken back to the point of departure or to the country of which he was a national. Should a shipping company carry emigrants from France to New York and those emigrants be rejected, the company in question was obliged by the American Authorities to send them back to France. If the French Government accepted these foreign emigrants, the responsibility of the shipping company would be at an end. If not, the company must provide for the emigrants' return to the country of which he was a national. If such emigrant, when brought back to France and granted permission to stay there, desired to return to his own country, he would himself have to pay the cost of his journey home.

Mr. BUSTARD (United Kingdom of Great Britain and Northern Ireland) thought that the question was not a practical one. Shipping companies had always taken the necessary steps to provide for the return of emigrants. There had been no case in which a company had refused to assume its responsibility and to return emigrants to the place where they desired to go. There had even been cases in which emigrants had remained chargeable to the shipping companies. Thus, at Liverpool, they had cases of insane women detained there and who eventually had been taken back to their own country across Europe at the expense of the company.

M. DE GÖMÖRY-LAIML (Hungary) said that, in his opinion also, the question which had been raised was outside the scope of the Agreement, which had nothing to do with the question whether and how far a State was obliged to accept in its territory an emigrant rejected on arrival in the country of immigration.

#### ARTICLE 4.

M. DE NAVAILLES (France) proposed that they should add to this important article a final amendment, taken from the third paragraph of Article 3, to the effect that the emigrant must comply with the police and health regulations of States parties to the present Agreement in order to be allowed to pass freely in transit through the territories of these States.

*This was agreed.*

M. DE GÖMÖRY-LAIML (Hungary) explained that the Hungarian Government desired that they should allow the levying by the Hungarian State of a tax of 1 gold franc should the visa for emigrants travelling in groups be abolished as a result of signature of the proposed Agreement. He urged in support of this suggestion the fact that the shipping companies already paid this sum at the present time for visas given at the frontier. The revenue yielded by this tax was intended to cover expenses of supervision.

Mr. BUSTARD (United Kingdom of Great Britain and Northern Ireland) replied that, in practice, the shipping companies did not pay that tax at present. The rates charged by these companies for tickets were based on the expenditure involved by the transport of the emigrants, and therefore in such cases the prices were raised accordingly.

M. DE GÖMÖRY-LAIML (Hungary) said that, when emigrants passed in transit through his country in groups, control was considerably simplified.

Mr. BUSTARD (United Kingdom of Great Britain and Northern Ireland) replied that the tax levied on a group passing through Hungary in transit was 1 gold franc, but that Roumanian emigrants passing through that country in transit paid \$2.85 when they travelled as individuals. Furthermore, it was not easy now, as it was before the war, to know whether a person would travel individually or in a group. Hence, in most cases, the agents of the shipping companies levied the duties connected with the obtaining of the transit visa at the rate for individuals.

M. BOER (Netherlands) said that the establishment of a transit tax of 1 gold franc at the Hungarian frontier would be contrary to the general tendency of the draft Agreement to the effect that transit cards should be issued to shipping companies at cost price and free of any tax or charge whatever and should be supplied free of charge to emigrants. This would result indirectly in the introduction of dues to be paid by the emigrant.

The SECRETARY-GENERAL of the Conference pointed out that the text of Article 4 of the draft Agreement made no distinction between an emigrant travelling alone and an emigrant travelling in a group. The control at present exercised at the frontiers was carried out by the Governments free of charge; indeed, if this were not the case, the advantages of the abolition of visas would be considerably decreased.

M. DE GÖMÖRY-LAIML (Hungary) urged, in support of his contention, that at present Roumanians in Hungary do not even pay the equivalent of a Roumanian tax levied on Hungarians entering Roumania. The charge of 1 gold franc at the Hungarian frontier on emigrants in transit was not a tax on entry, but a fee for control which would compensate the Hungarian Government for the sacrifices involved by the suppression of the fees for consular visas.

M. DE NAVAILLES (France) objected to this suggestion. Since the Agreement laid down that the States undertook to allow emigrants without visas to pass freely, there could be no question of making them pay a tax. They must not insert in the Agreement a clause providing for the establishment of such a tax. It remained understood, however, that, apart from the Agreement, countries remained free to levy any taxation they desired.

M. DIMITCH (Kingdom of the Serbs, Croats and Slovenes) said that, if each State was free to levy whatever taxes it desired on emigrants, the object of the Conference would not have been achieved; on the contrary, they should guarantee that no tax would be levied.

Mr. BUSTARD (United Kingdom of Great Britain and Northern Ireland) pointed out that the Hungarian railways derived profit from the passage of emigrants in transit. The obligation to pay a tax of 1 gold franc, small though that charge was, certainly did not encourage emigrants to pass through Hungary in great numbers.

M. DE NAVAILLES (France) said that Governments could always levy internal dues if these were not incompatible with establishment treaties. For instance, at the present time, any foreign national remaining more than two months in France had to obtain an identity card, for which a charge was made, except in the case of paupers. The proposed Agreement should not interfere with the exercise of this right by the French Government.

The PRESIDENT regretted that he did not agree with what had just been said. He stated that they should aim at the abolition of all consular charges on emigrants. Furthermore, difficulties would arise in connection with the levying of the tax in Hungary when they had to define what constituted a group of emigrants (two or three persons, for instance). The intention to do away with consular dues was equivalent to an intention to abolish all taxation, including taxes levied on entrance of a country in transit.

M. ROTHMUND (Switzerland) said that he agreed with the President. He thought that it was outside the sphere of the Conference to examine possible cases of interruption of transit of emigrants. The present case referred to a stay in the country, and Governments should remain free to levy the usual taxes on residence in the country.

From the legal point of view, the tax proposed by the Hungarian delegate was contrary to Article 4 of the draft Agreement. If it were possible to levy a tax, the Agreement would lose half its value.

M. SETLACEC (Roumania) agreed with the President. They must not get back indirectly to the regime of consular visas for emigrants.

M. DE RUELLE (Belgium) was also of opinion that it was contrary to the spirit of the Agreement to levy any tax on transit, for there was danger that this might lead to abuses arising out of fiscal reasons. It might be possible, therefore, to ask the Hungarian delegate to withdraw his proposal; to complete the work which had been undertaken, certain slight sacrifices had to be accepted.

The PRESIDENT noted that the Conference had thus made an almost unanimous appeal to the delegate of Hungary to withdraw his suggestion.

M. DE GÖMÖRY-LAIML (Hungary) said that he had first desired, in the name of his Government, to ask for the insertion of the proposed clause in order to meet expenditure which might arise in the case of Hungary through the abolition of consular fees levied on emigrants in transit. Nevertheless, in conformity with humanitarian principles, he would certainly inform his Government that the Conference had been almost unanimous in expressing its desire that this clause should not be inserted in the Agreement.

He added that, since the Conference was agreed that the levying of a tax should not be permitted, he, like the delegate of the Kingdom of the Serbs, Croats and Slovenes, would consider favourably the insertion of a clause to that effect in the agreement.

The PRESIDENT agreed with M. de Gömory-Laiml on this point.



## FOURTH MEETING.

*Held on June 12th, 1929, at 3.30 p.m.*

*President:* Sir William Haldane PORTER (United Kingdom of Great Britain and Northern Ireland).

Present : All those who attended the preceding meeting.

### XI. Discussion of the Draft Agreement submitted by the Special Committee (See Annex 2).

#### ARTICLE 4 (*continued*).

The PRESIDENT noted that the Conference had before it two proposed amendments : one from the delegate of the Kingdom of the Serbs, Croats and Slovenes, and the other from the delegate of France. The first proposed to insert, after the words " consular visa ", the following text : " and without levying any tax whatever on the emigrant by reason of such transit ". M. de Navailles suggested that they should merely have a clause inserted in the report.

M. DE NAVAILLES (France) explained that the French Government levied no special tax on emigrants in transit, but that the insertion in the Agreement of a clause worded in such general terms raised a delicate question. They must avoid the possibility of anyone's being able to infer from such a clause that the emigrant would be exempted from charges levied on the whole population. Even if they used a restrictive form of words, there might be very great inconvenience attached to the use of a clause thus worded. If the Agreement were to include exemption from certain charges of any section of foreigners, it would have to be submitted to Parliament. That would entail delay, and they were seeking to avoid delay.

The SECRETARY-GENERAL of the Conference thought that it would doubtless be easy to find a form of words which would clearly define what kind of taxation was referred to.

It would, however, seem desirable, in the circumstances, not to leave any possibility of misunderstanding. If they inserted no clause in the text of the Agreement, what would happen ? Either a Government would understand the Agreement to mean that it was intended to prevent the levying of any taxation on an emigrant in transit, and it would then be necessary for that Government, before the Agreement was put into force, to ask its Parliament to vote a law abolishing taxation levied on foreign nationals in transit, or else the Government would continue to levy taxes in transit as in the past, and the object of the Conference would not be achieved.

On the other hand, it would seem preferable not to insert so important a clause in the report, which had no legal value.

M. DE NAVAILLES (France) said that there was a considerable difference between the two proposals before the Conference. If a clause forbidding the levying of certain taxes on emigrants were inserted in the Agreement, it would delay its immediate ratification in so far as it would involve a modification of existing legislations. If, on the other hand, the clause were inserted in the report, it would constitute a mere recommendation. In that case, there would naturally be no question of a change in legislation, but the States would be fully aware that the intention of its recommendation was the abolition of taxes, particularly those levied on emigrants where such taxes existed ; and it was probable that the States would take the necessary steps to abolish them. Furthermore, if the clause were inserted in the report, States intending to establish taxes on emigrants in transit would doubtless refrain from doing so, as it would be contrary to the spirit of the Agreement.

The PRESIDENT asked the delegate of Hungary whether in his country the transit taxes in question were levied as the result of legislation voted by the Parliament, or simply under an administrative regulation.

M. DE GÖMÖRY-LAIML (Hungary) replied that it was solely an administrative question and that the tax could be implemented by an ordinary Decree.

M. DIMITCH (Kingdom of the Serbs, Croats and Slovenes) said that, in order to arrive at a compromise between the Serb-Croat-Slovene and French amendments, the Conference might adopt the following amended text : " without requiring the emigrant to pay any supervision tax at the time of his journey in transit ".

The PRESIDENT thought that that proposal might be accepted. It was undesirable that the article they were considering should contain a form of words which would refer to any residence taxes should the emigrant be prevented from continuing his journey.

M. DE NAVAILLES (France) said that, with a view to conciliation, he would raise no objection to the amendment thus proposed.

M. DIMITCH (Kingdom of the Serbs, Croats and Slovenes) thought that there was still some doubt. Would the emigrant be certain of protection by the shipping company? Would the price of the ticket be lowered as a result of the reduction in the cost of transport due to the abolition of the transit visa? Was there not a danger that emigrants might suffer from an increase in the company's transport rates?

Mr. BUSTARD (United Kingdom of Great Britain and Northern Ireland) explained that the shipping companies quoted through prices for the emigrant on departure. The emigrant was then free to choose the route by which he would travel. For instance, when proceeding from Roumania to a country overseas, he could proceed in transit to the port of embarkation, which might be Bremen or Antwerp or Rotterdam or Le Havre. The transport rates were calculated on the basis of the cheapest route. The British shipping companies would do everything in their power to reduce the present transport rates, and any reduction in taxation would eventually be passed on to the emigrant himself. At the present time, it was to the emigrant's advantage to take a ticket the price of which was calculated on through rates, rather than to proceed to the port of embarkation and take his steamer ticket there.

#### ARTICLE 5.

M. LANDUCCI (Italy) said that, in his opinion, every State should have the right to exclude from the list of authorised shipping companies any company which had committed faults in the exercise of its business; it should, however, be understood that the measure for exclusion would only come into force after a period of sixty days from its notification to all the other contracting Governments. It was indeed undesirable that an emigrant might later suffer indirectly from such a measure of exclusion during a journey which had already been commenced.

M. DIMITCH (Kingdom of the Serbs, Croats and Slovenes) supported the views of the delegate of Italy.

M. DE NAVAILLES (France) also suggested that they should lay down in Article 5 that the measures of exclusion taken against a shipping company at fault could only come into force, so far as emigrants were concerned, sixty days after notification.

M. LANDUCCI (Italy) thought that the time-limit of sixty days was sufficient to enable the shipping companies to comply with such current engagements towards departing emigrants as they had entered into before the date of notification of exclusion.

M. NAKONIECZNIKOFF (Poland) was of opinion that it would perhaps be possible to allow a time-limit, after notification of exclusion, of one month and not of two months. It was always possible that travellers might commence their journey after the date of notification of exclusion; nevertheless, the intention of the transit countries would doubtless be to stop departure in such cases.

M. DE NAVAILLES (France) thought that they should not have too long a time-limit. Exclusion in practice meant that the transit country which had taken that measure no longer desired emigrants transported by a company to pass through its territory. It was desirable that the measure should be notified as soon as possible. There might be a discussion between the Governments on the question whether such a measure is justified, but the emigrants should not suffer; they should still be able to pass freely in transit. The time-limit of sixty days would seem to be necessary and sufficient.

The PRESIDENT reminded the Conference that it was desired to facilitate free transit for emigrants, who often had to wait a considerable time collected in groups.

M. ROTHMUND (Switzerland) proposed that a restriction should be inserted concerning the possibility of separate treatment for emigrants recruited before the notification of a company's exclusion.

M. DE NAVAILLES (France) objected that in that case they would have to be acquainted with the exact date of the issue of tickets to such emigrants.

The SECRETARY-GENERAL of the Conference said that, in his opinion, the reasons for which a State might feel obliged to exclude this or that company should be based on past experience and on actual facts. He asked the Conference whether it would see any objection to the text of the article reading as follows: "Any Contracting Government which has (*aurait*) serious reasons for debarring . . ."

M. DE NAVAILLES (France) said he had no objection to make.

*The Conference decided to replace the word "a" by the word "aurait" in the first line of Article 5 of the French text.*

M. WOLF (Permanent International Conference of Private Organisations for the Protection of Migrants) referred to cases of emigrants detained in transit countries and the responsibility of the shipping companies towards those countries. He referred to emigrants detained by the health authorities of the transit countries. In such cases, the responsibility was divided, and it would seem that a medical inspection would settle the question in a satisfactory way. The transit card should certify the state of health of the emigrant, and it would be well to

insert in the Agreement provisions to the effect that, should the disease which made it necessary for the emigrant to give up his journey be such that it could have been diagnosed before the journey, the shipping company concerned should be obliged to repay all and not part of the price of transport.

Mr. BUSTARD (United Kingdom of Great Britain and Northern Ireland) was very glad to have an opportunity of explaining in detail difficulties which shipping companies often met with. He assured M. Wolf that no one desired more than those companies that all measures should be taken for emigrants to be subjected to a medical inspection providing all desirable guarantees. Nevertheless, it was doubtful whether this question came within the scope of the work of the Conference. It was provided that a transit card should replace consular visas. Visas had never been given by medical authorities. To connect the two questions together would therefore increase the difficulties and create a fresh complication. Furthermore, they must not forget that the final medical decision was taken on the arrival of the emigrant in the country of immigration in the case of North America.

Mr. Bustard explained to the Conference what vicissitudes a Roumanian emigrant coming from Bucharest had to pass through before being finally admitted to America. Not only was it necessary for that emigrant to obtain consular transit visas and the American visa at Lwow (Lemberg) : he also had to be medically examined by at least eight successive medical officers, Polish, English and American, supposing he embarked at Danzig for London and Southampton and at Southampton for New York.

This great number of medical examinations did not, however, prevent emigrants from being occasionally rejected by the American authorities on arrival. When a shipping company brought to New York an emigrant who had developed a contagious disease by the time of his arrival, the company in question was fined \$1,000 by the American authorities and was furthermore required to return the emigrant to his point of departure.

M. WOLF (Permanent International Conference of Private Organisations for the Protection of Migrants) expressed the hope that, in cases where emigrants were held up in transit countries, the shipping companies would provide for their needs and treat them generously as regards repayment of travelling expenses. He knew that errors had very frequently been committed by the emigrants themselves, who had not claimed the cost of their maintenance, with the result that the private organisations had been obliged to provide for them.

#### ARTICLE 6.

M. VÖLCKERS (Germany) said that, under Article 6 of the old Draft, the shipping companies were made directly responsible. He noted that, in this case, a wider and more favourable form of words had been found, although it was still not complete. It was possible that an emigrant in transit from a country might remain for a longer time than was expected, but without its being possible for any shipping company to provide for him. Certain shipping companies had no branches in transit countries. It would seem difficult in such cases to hold the shipping companies responsible at all times for the maintenance of emigrants with whose particular cases they were not acquainted. It would therefore seem more suitable to insert in Article 6 a recommendation to the effect that shipping companies should make a deposit for the purpose of providing for the maintenance of the emigrant in question.

Mr. BUSTARD (United Kingdom of Great Britain and Northern Ireland) thought that to require a deposit from shipping companies would seem to imply a certain distrust of them, and said that he knew of no case in which a shipping company had not endeavoured to do everything in its power to provide for emigrants.

The PRESIDENT objected that a shipping company which was not licensed in Germany would have no agent whom the German Government might approach in such cases. In this special case, the German Government could apply to the consul-general of the country to which the shipping company belonged.

M. VÖLCKERS (Germany) replied that the question would perhaps not be sufficiently important to justify settlement through diplomatic channels.

The PRESIDENT pointed out that the next article laid down that the competent services could communicate all necessary information direct to each other.

M. DE RUELLE (Belgium) reminded the Conference that the Agreement was a Convention of an administrative character. Its object was clearly to indicate what were the formalities which might or might not be required from emigrants should they desire to travel without difficulties to the country of immigration. The fact that this was a Convention of an administrative character was clearly shown by the fact that the Governments intended to put it into force without parliamentary approval or ratification. This Convention did not therefore affect individual rights. True, the States would have the right to hold the shipping companies responsible, but it was not for the Conference to make such rules for such responsibility : that point would be decided by the law of the various countries, in the exercise of their sovereignty. The original text was worded in a far more imperative manner. It seemed to establish

even the responsibility of the shipping companies ; in the light of such a text, a court might have to pass sentences which the ordinary law did not allow. Should the result of the proposed Agreement be the creation of a compulsory obligation for shipping companies, he would have to make certain reservations.

M. ROTHMUND (Switzerland) raised the case of emigrants without papers. Before receiving their transit cards, these emigrants would have to prove that they were able to return to the country of departure in case they were not able to continue their voyage. If, for instance, a Russian domiciled in Bulgaria fell ill during transit through Switzerland and had to be sent to hospital, he stayed in Switzerland. After he had recovered, he would neither be able to return to Bulgaria nor continue his voyage. It had happened that for some years the Swiss cantons had been obliged to pay considerable sums for the maintenance of a single emigrant of this kind. They would therefore have to find a solution which would enable the Government to recover its expenditure. It had been said that they could only bind the Governments, and this had led to the idea that the Governments should reserve the right to issue transit cards only to shipping companies which had given a deposit. M. Rothmund asked that such a deposit should be made in order to be placed at the disposal of any transit country which might be involved in expenditure.

The SECRETARY-GENERAL of the Conference did not think that they should lay down that shipping companies should make a deposit. It was possible at the present time for a Government to ask a company to "give an undertaking or make a deposit". But this possibility would no longer exist after the signature of the Agreement if it contained no clause expressly reserving this right. Furthermore, the shipping company in question might, if it pleased, very well refuse to assume its obligations in the future. In such cases, it would either send the emigrants round by another route, or they would go through with transit visas without payment of a deposit being necessary. If such a clause were inserted in the text or in the Protocol, there would be no change in present conditions.

The PRESIDENT was under the impression that the discussion was somewhat out of order. They must not endeavour to establish new responsibilities, but merely to provide facilities for emigration. There would be no alteration in responsibility whether the emigrant passed through with a transit card or with a visa. The British authorities knew by experience that the shipping companies had never endeavoured to evade their duties. The authorities had also very effective means of bringing pressure on the companies. Should the Agreement be signed, the present responsibilities would remain unchanged.

M. DE NAVAILLES (France) agreed with the President. Their main task was to facilitate emigration ; otherwise, they had better abandon the Agreement. He noted that the delegates of certain States, who at the beginning had been in favour of complete simplification of formalities connected with transit of emigrants, had later made objections and suggested complicated methods of procedure. He admitted that the Swiss delegate had made an observation concerning the position of emigrants without nationality which called for reflection. It was true that such emigrants might later take advantage of future facilities provided by the Agreement to endeavour fraudulently to enter and settle in a transit country. It was therefore important that, when a company issued through-tickets to foreigners travelling to overseas countries, it should be certain that such foreigners would be admitted to the country of immigration, proof of their admissibility being furnished by the visa of the country in question. That was the main guarantee, because the country in which an emigrant was to settle was more concerned in eliminating undesirables than a country of transit.

(The meeting temporarily adjourned at 5 p.m. and re-opened at 5.20 p.m.)

Mr. BUSTARD (United Kingdom of Great Britain and Northern Ireland) explained that the companies had not asked for the creation of the system of transit cards. They merely desired to co-operate in the work of the authorities as regards emigration, but they were not prepared to assume additional responsibilities. They also did not desire to be compelled to deposit security in countries in which they had not obtained concessions. It would be better, therefore, to accept the transit card without requiring additional guarantees.

M. DE NAVAILLES (France) pointed out that Article 5 provided an effective guarantee so far as shipping companies were concerned, since, under that article, any Government could exclude a company which had not complied with its obligations should it refuse to repay expenditure due to the stay of emigrants in transit. They might add to Article 6 a clause to the effect that "should the company not meet such expenditure, the exclusion provided for in the previous article can be carried into effect".

M. DIMITCH (Kingdom of the Serbs, Croats and Slovenes) expressed his apprehension that, by establishing the proposed system of transit cards, States concerned would deprive themselves of an effective control of emigrants in transit. It was for this reason that additional guarantees had been asked for.

In reply to this objection, the PRESIDENT asked the Serb-Croat-Slovene delegate whether, whenever emigrants travelled in groups, a list of such emigrants was invariably notified to the transit authorities with a view to possible exclusion.

M. DIMITCH (Kingdom of the Serbs, Croats and Slovenes) replied that such notification was made to certain States as a precautionary measure.

M. NAKONIECZNIKOFF (Poland) said that he still thought it possible that disputes might arise between the various Governments and the shipping companies, however great the latter's solicitude for the emigrants might be. He would therefore be very favourable to the proposal for a deposit ; such a deposit would, indeed, be in the interests of the emigrants.

M. ROTHMUND (Switzerland) said that there was no question of distrust of the shipping companies. There were certain deficiencies in the new Draft ; it was the general practice only to recognise shipping companies officially if they made a deposit. If, therefore, the transit countries recognised the cards issued by a non-licensed company, it might well be argued that a clause providing for a guarantee was missing in this method of regulation. The principle of the responsibility of the shipping companies was indeed laid down, but no indication was given as to how they should be called to account in virtue of such responsibility. Nevertheless, it was undesirable that transit countries should be able to insist that shipping companies should be recognised before the transit cards of the countries of embarkation were accepted. The embarkation country should also be held responsible by reason of its obligation towards the transit countries. It would seem that these steps justified the suggestion that a deposit should be made.

Mr. BUSTARD (United Kingdom of Great Britain and Northern Ireland) explained that it was the shipping company and not the country of embarkation which assumed direct financial, material and moral responsibility for the journey of the emigrants. Those countries were therefore responsible for the expense of maintenance and any expense which might be connected with the return of the emigrant.

The PRESIDENT reminded the delegates of Germany and Switzerland that Article 5 of the draft Agreement provided that, should a company, whether or not recognised by the transit countries, evade its obligations, it would be always possible to exclude that company.

M. DE NAVAILLES (France) explained, in support of this argument, what occurred in practice in countries which had not yet adopted the system of transit cards for emigrants. Should a foreign emigrant have taken a through ticket for an overseas country passing in transit through Switzerland and France, there were two possibilities : either the foreign national in question would pass through Switzerland freely without a visa ; or he would be supplied with a visa issued to him by the Swiss consul, should he be able to prove that he had a through ticket and the visa of the consular authorities of the country of destination. In either case, that emigrant might, at the present time, pass freely through Swiss territory. When the emigrant was provided with the proposed transit card, the Federal Government would have an additional guarantee, namely, the responsibility of the shipping company.

M. DIMITCH (Kingdom of the Serbs, Croats and Slovenes) foresaw cases in which certain dangerous persons would pass a frontier after consular visas of transit countries had been abolished. He thought that they could not declare that certain categories of individuals or the nationals of certain countries should be precluded from using transit cards. He therefore proposed that the shipping company should be responsible for all expenditure or damages arising out of such cases.

M. NAKONIECZNIKOFF (Poland) proposed that a special Agreement be concluded to cover the cases of shipping companies not licensed in the country of transit. This Agreement would state in detail what their responsibilities would be ; it would certainly be difficult to draw up, and for that reason the proposal of the German delegate concerning the need for certain shipping companies to deposit security appeared to him to be a considerable simplification, and to provide a solution acceptable to the transit countries, without any apparent difficulty arising so far as concerned the countries of embarkation. He therefore supported the proposal made by the delegate of Germany.

Mr. BUSTARD (United Kingdom of Great Britain and Northern Ireland) said that the Royal Mail Steamship Company, which was not licensed in Hungary and which had no official connection with the Government, nevertheless carried emigrants through that country. Under the draft Agreement, the authorities of the transit country could, in the case in question, apply to the competent consul-general when they desired to make any claim against non-licensed companies. This procedure would provide a commendable system, but at the present time no difficulty arose in practice.

M. NAKONIECZNIKOFF (Poland) said that a deposit would seem to be in the interests of the emigrants. As regards the clause of Article 5 providing for possible exclusion of shipping companies which refused to accept their obligations, he asked whether in such cases total exclusion should be decreed. It was possible that a single emigrant forming part of a group in transit might evade the supervision of the agents responsible for the journey, escape and remain in the transit country. In such cases, action in respect of the deposit made by the shipping company would seem to be a simplification and to be the only proper guarantee.

M. DE GÖMÖRY-LAIML (Hungary) asked whether it would not be possible to leave it to the Governments of the transit countries, to the shipping companies and to the States to which the companies belonged to fix the conditions for transit of emigrants by means of special negotiations.

Mr. BUSTARD (United Kingdom of Great Britain and Northern Ireland) objected that the burdens imposed on shipping companies were already sufficiently numerous and contained sufficient restrictive clauses imposed by European States from the point of view of taxes and dues, so that the shipping companies could hardly assume a further burden which would involve fresh responsibilities for them. If the last suggestion were adopted, there would in practice be two kinds of concessions between companies and Governments, one connected with recruiting and the other with transit of emigrants, and this appeared to him to be undesirable.

M. ROTHMUND (Switzerland) desired once more to explain the special position of countries which, like Switzerland, were extremely favourable to the idea of freedom of traffic but were nevertheless obliged to obtain guarantees by reason of their special position. On the one hand, there was the category of "countries of embarkation". These countries did not think fit to do away with control of emigration, and had already established a system of transit cards which they desired to retain, while aiming at the general suppression of transit visas. The second category included the countries of transit. Should the countries of embarkation supply cards to shipping companies, the transit countries were to undertake to accept emigrants holding such cards; they would no longer be free to give or refuse a transit visa to travellers.

The Swiss delegate particularly desired to find a means of compromise so as to make it easier for his Government to sign the Agreement; if they inserted a clause in the Agreement providing for a deposit by the shipping companies, States which did not desire that such security should be given remained free to require it or not, in accordance with general practice. So far as the Swiss Government was concerned, it was not a financial question, but one of provision for a guarantee. They might say, for instance:

"The Governments shall lend their good offices to enable transit countries to meet any difficulties which might arise out of bad management through the fault of a shipping company."

This clause would give Governments a means of bringing pressure to bear on companies.

The SECRETARY-GENERAL of the Conference, in order to reconcile the different points of view, desired to make a suggestion to the Conference. It would perhaps be possible to reach an agreement by preparing a clause for the closing protocol. This clause might read as follows:

"It is understood that the provisions of Article 4 shall not prevent a contracting Government requesting the shipping companies concerned which are not licensed in the country either to deposit a reasonable security or to sign an undertaking relating to their financial responsibility for any expenses which may result from the entry of an emigrant in transit into their territory."

M. DE NAVAILLES (France) thought that a solution might be found by an amendment to Article 7. In his opinion, that article might refer to the "good offices" which Governments should lend each other in order to ensure that shipping companies should assume any liabilities falling on them. Furthermore, he added that if, in the last resort, it was impossible to induce a shipping company to comply with its obligations, the Governments had still the procedure of exclusion. The new wording of Article 7 might be as follows:

"The Governments shall lend their good offices to ensure the proper execution of the present Agreement, with a view to ensuring the responsibility of the shipping companies referred to in the preceding article."

Thus, should the Swiss Government have to complain of a fault committed by a French shipping company, it might refer it to the French Government; the French Government might call the shipping company to order. The Governments would thus have lent their good offices by threatening the offending company with possible punishment. It must, further, not be forgotten that the reservation contained in Article 5 of the Agreement provided a second guarantee. In practice, either the shipping company would do its duty or the Government might withdraw its permit for transit.

The PRESIDENT said that, if they accepted the proposal of the Secretary-General of the Conference, they would probably only be passing a platonic resolution.

M. DE GÖMÖRY-LAIML (Hungary) thought that the text proposed by the Secretary-General of the Conference would in any case be valuable as a recommendation. He was of opinion that, after the signature of the Agreement, the shipping companies would get in touch with the Governments concerned with a view to arriving at an agreement with them.

M. ROTHMUND (Switzerland) said that he was satisfied with the suggestion made by the delegate of France.

The SECRETARY-GENERAL of the Conference pointed out that this proposal was in no way a resolution or a recommendation, but merely the putting on record of the fact that the present legal situation was unchanged.

M. DE NAVAILLES (France) said that it seemed to him to be difficult to accept the proposal of the Secretary-General of the Conference, for the very reason that it provided for the continuation of a situation which the present Agreement was designed to alter. It was not desirable that, in future, contracting Governments might make the application of the provisions of Article 4 conditional on the conclusion of a special agreement with the shipping companies.

The PRESIDENT said that he agreed with M. de Navailles. They should once more consider Article 6, with regard to which they were not yet agreed. He thought that the best method would be to decide on Article 6 before passing on to Article 7. He pointed out that there was a difference between the original text and that proposed by the Committee. He would like to know the opinion of the Conference on this matter.

After a vote had been taken, *the majority was found to be in favour of the new text.*

M. DIMITCH (Kingdom of the Serbs, Croats and Slovenes) thought that it would be desirable in the new text to add the word "damages" after the word "expenditure".

Mr. BUSTARD (United Kingdom of Great Britain and Northern Ireland) explained that this addition seemed to him to raise difficulties from the point of view of the shipping companies. They would have to determine how an estimate of any damage should be made.

The PRESIDENT pointed out that they should make it clear whether material or moral damage was meant.

Mr. BUSTARD (United Kingdom of Great Britain and Northern Ireland) said that, in these circumstances, they might very well find themselves faced with alternative proposals should the companies on their side claim damages from the Governments.

M. DE NAVAILLES (France) noted that the Conference had not yet finally decided on this question. He also thought that, in practice, they could not estimate the extent of damage, whereas, on the contrary, expenditure could be definitely ascertained. If the good offices which various States lend each other in order to repay the expenditure incurred by them did not, in some cases, produce the desired result, they could always apply the clause providing for the exclusion of a defaulting shipping company.

M. CALHEIROS (Portugal) thought that the end of Article 6 had no legal force, and therefore the advantage of keeping it was not clear.

The PRESIDENT had also some doubts as to the legal value of this paragraph, and thought that they should go back to the text referring to the good offices that Governments were to lend to each other.

M. DE NAVAILLES (France) thought that, from the legal point of view, the question was a very delicate one. Nevertheless, it was going very far to maintain that companies would have the right to ignore the Arrangement on the ground that they were not contracting parties to it. Every Government, when signing and ratifying the Arrangement, undertook to ensure that all its provisions should be respected. No Government had ever made the consent of its own subjects a condition of the enforcement of a convention which it had adopted in the exercise of its sovereign right. The promulgation of a law or convention connoted the power to apply sanctions both to companies and to persons under the sovereignty of the promulgating State.

M. BOER (Netherlands) said that, in the Netherlands, there was no law which would enable the Netherlands Government to force a shipping company to repay expenditure involved by the stay of emigrants in transit in another country. The expression "good offices" seemed to him to be a happy one. Cases might arise in which the Netherlands Government might be of opinion that the shipping company was not obliged to repay expenditure due to the stay of emigrants. He would therefore have to oppose a formula that would oblige his Government to employ measures of legal coercion.

M. DE RUELLE (Belgium) thought that they should not confuse questions of public international law with questions of private law. The Conference was not called upon to establish a guide for the responsibilities of shipping companies. It would, however, be very difficult to unify legislation connected with the problem of quasi-penal responsibilities. They should regard the question from a purely administrative view. The essential point was that, should the companies fail to meet their responsibilities, the Governments undertook to assist each other in order to enforce the observance of the principle of the responsibility of the companies. Under Article 7, it would be possible for the State which had been injured to claim its rights through diplomatic correspondence. And, if in the last resort, the company remained recalcitrant, it would be struck out of the list of authorised companies.

M. DEROOVER (Chairman of the Committee of Experts) took the case of an English company embarking emigrants in Greece for a Belgian port. Should a fault be committed by this company in Serb-Croat-Slovene territory, the Belgrade Government could communicate with the Belgian Government if the British company refused to pay compensation. In such a case, under Article 7, the Belgian Government would be obliged to lend its good offices. This was an excellent procedure from the point of view of administrative law.

Mr. BUSTARD (United Kingdom of Great Britain and Northern Ireland) pointed out that, in the case quoted, the Serb-Croat-Slovene Government could also communicate with the Serb-Croat-Slovene Consul-General in London, who would approach the British company. This was the customary practice and, in his opinion, consular intervention should be sufficient to obtain a satisfactory settlement of the question should any incident arise.

The PRESIDENT noted that the terms of Article 7 in no way prevented such a procedure.

There was then a short discussion between M. BOER (Netherlands), M. ROMEIN, the PRESIDENT, M. DE GÖMRÖY-LAIML (Hungary) and M. DE NAVAILLES (France) with regard to the meaning of the word "remain" in the text of Article 7.

The PRESIDENT thought that the word "remain" had a technical meaning.

M. DE GÖMÖRY-LAIML (Hungary) thought that by that word they should understand "remain longer than is necessary for transit".

M. DE NAVAILLES (France) said that in administrative law "remain" meant remaining a certain time in a country. He was of opinion that they should find a satisfactory form of words which would bring Articles 6 and 7 into harmony.

Returning to the question of the responsibility of shipping companies, he said that the intention of the Conference had been to make it clear that non-execution of the obligations undertaken by them would be one of the serious reasons leading to exclusion.

The PRESIDENT noted that the Swiss delegate was also in favour of this addition.

Mr. BUSTARD (United Kingdom of Great Britain and Northern Ireland) stated that, should a Belgian shipping company be excluded by Berlin, there was a danger that other countries might follow that example, and a company would thus be excluded throughout Europe. This would be a serious matter, and he would urge the Conference not to increase the difficulties of shipping companies.

The PRESIDENT said that, since the Governments would certainly have the right of exclusion, it hardly seemed necessary to discuss the matter.

M. ROTHMUND (Switzerland) pointed out that the amendment to Article 6 showed that exclusion would be the last step in the procedure to be followed, so far as shipping companies at fault were concerned. The first step would be the good offices which the States should lend each other mutually under the Agreement. It was only in cases in which this procedure had failed that that of exclusion should be resorted to. Was it then necessary to put into Article 6 what was already in Article 5?

The PRESIDENT said that the final text of Article 6 would be submitted to the Conference on the following day.

#### ARTICLE 7.

M. BOER (Netherlands) said that the Netherlands Government would not always be able to supervise the carrying out of the obligations undertaken by the shipping companies. He thought that, as an amendment, they might insert the words "within the limits of their respective legislations", so that no State should be obliged to take measures of constraint against shipping companies.

The PRESIDENT said that countries might quite well lend each other their good offices by other than legislative means.

M. BOER (Netherlands) proposed to postpone the adoption of Article 7.

*This was agreed.*

#### ARTICLE 8.

*Adopted.*

#### ARTICLE 9.

*Adopted.*

#### ARTICLE 10.

M. DIMITCH (Kingdom of the Serbs, Croats and Slovenes) asked whether signature of the proposed Agreement would bind the contracting parties even in relation to any European State not a member of the Conference which had received a copy of the Agreement.

The SECRETARY-GENERAL of the Conference replied that, according to the text of the article as it stood, any non-member European State to which the Council decided to communicate a copy of the Agreement might become a party to it. It must not be forgotten, however, that a special decision of the Council of the League of Nations to that effect was necessary.

#### ARTICLE 11.

*Adopted.*

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FIFTH MEETING.

Held on June 13th, 1929, at 10 a.m.

*President* : Sir William Haldane PORTER (United Kingdom of Great Britain and Northern Ireland).

Present : All those who attended the preceding meeting.

**XII. Discussion of the Text of the Draft Agreement, adopted by the Conference at the First Reading (see Annex 3).**

ARTICLE I.

M. VÖLCKERS (Germany) desired to reply to the document circulated by the British delegation concerning transit visas for emigrants passing through different European countries. It stated that the visa fee for emigrants crossing Germany was \$6.25.

The German regulations provided for a fee of 21 marks for a visa valid for thirty days. The German Government had several times attempted to negotiate with Roumania with a view to reducing the price of the visa, which was a fee based on reciprocity. A reply had recently been received from the Roumanian Government, which declared itself prepared to give favourable consideration to the German proposal that the visa should be abolished. The document also stated that a Roumanian emigrant desiring to embark at Hamburg could obtain a visa free of charge, but was obliged to pay quite high prices for visas when embarking at Antwerp, Cherbourg or Le Havre. The German regulations laid down that a consul could give a visa free of charge to an emigrant without means. This was a general rule ; in practice, it had been found that it was extremely difficult to ascertain whether the emigrant was really without means. It had happened that an emigrant had represented himself to be indigent, and had obtained a visa free of charge, and had then taken a first-class passage on a liner. It was for this reason that the regulations limited the free visa to emigrants who were without means and who desired to embark in a German port as steerage or third-class passengers.

M. DE GÖMÖRY-LAIML (Hungary) desired to complete this statement so far as his own country was concerned. The document asserted that a transit visa for Roumanian passengers passing through Hungary cost \$2.85. This was an error of fact ; the visa was given free of charge, and the procedure of the various Hungarian diplomatic and consular agencies was the same everywhere.

M. SETLACEC (Roumania) pointed out that the German delegate had referred to the visa fee as being based on reciprocity. The Roumanian Government had undertaken a serious examination into the question of the abolition of consular visas. The Committee of Enquiry which had been set up had almost finished its work ; it was suggested that the procedure should be merely and simply abolition in the case of certain categories.

M. DE GÖMÖRY-LAIML (Hungary) added that the Royal Roumanian Minister had made a similar declaration two weeks previously to the Royal Hungarian Government.

M. LANDUCCI (Italy) thought that the present text of Article I might give rise to confusion. It was amended by the following article, but it created an impression that each Government would only make out the card for emigrants passing through its own territory. He proposed the following amendment :

“ This card may be prepared by each of the Contracting Governments for emigrants embarking in one of its ports.”

The SECRETARY-GENERAL of the Conference pointed out that, according to this amendment, the card would also be issued to emigrants domiciled in the country of embarkation.

M. DE NAVAILLES (France) proposed the following amendment :

“ For emigrants *coming* to embark in one of its ports.”

*Article I was adopted with this amendment, subject to a modification of style in the second sentence.*

ARTICLE 2.

The PRESIDENT said that copies of the new model transit card approved by the Committee were not yet available. He desired, however, to explain the differences between the new model and the old, differences which were not really very important.

He added that it had been thought desirable to suggest the printing on the back of the card of a notice in several languages. After discussion, it had been agreed that the notice printed on the back of the model should be drawn up in at least eight languages, to be chosen by the countries of embarkation according to their respective needs. This proposal was dealt with in the new draft of Article 2.

M. VÖLCKERS (Germany) proposed several alterations in the model card; more particularly, he thought that it would perhaps be preferable to delete the formula: "International Agreement concluded under the auspices of the League of Nations". This was superfluous. Furthermore, it was not the League of Nations which gave these cards their validity. Finally, Article 10 invited States not Members of the League to adhere to the Agreement; in certain cases, this wording might stand in the way of their doing so.

The SECRETARY-GENERAL of the Conference said that several members had indeed asked that Article 10 should be modified from that point of view. He asked the German delegate to hold over his amendment until Article 10 had been considered.

M. BOER (Netherlands) remarked that, in the new text of Article 2, they should speak, not of "at least eight languages", but of "at least seven other languages".

*This amendment was adopted.*

M. DE GÖMÖRY-LAIML (Hungary) asked whether they could not add to the card a detachable slip enabling the frontier authorities of the country of transit to keep a document in respect of entry and exit. This would facilitate control at the frontier.

M. DIMITCH (Kingdom of the Serbs, Croats and Slovenes) supported this proposal, which made it possible to carry out the necessary supervision. They would thus be sure that an emigrant had not remained in the country of transit.

The PRESIDENT pointed out that the emigrant had taken a through ticket which had certainly been expensive, and in these circumstances he could hardly have any idea of stopping on the way without availing himself of his ticket. The President had the impression that certain transit countries were apprehensive of events which did not seem likely to take place. Furthermore, it had been intended, as far as possible, to abolish those formalities which hindered emigration. If they were now going to complicate this card by adding a slip, it would seriously affect its utility.

M. DIMITCH (Kingdom of the Serbs, Croats and Slovenes) recognised that this was indeed a complication, but that the time of stay authorised in the country of transit had not been limited. During such stay, an emigrant might commit an offence in that country.

The PRESIDENT replied that it was equally possible for an emigrant to commit an offence, whatever the formalities at the frontier.

M. DIMITCH (Kingdom of the Serbs, Croats and Slovenes) said that that was true, but did not alter the problem. At the present time, there was a certain measure of control, whereas under the new system the number of emigrants in transit, however small, could not be verified.

The PRESIDENT asked whether the Serb-Croat-Slovene delegate could give any cases in which an emigrant in transit through Serb-Croat-Slovene territory had remained there and had committed offences in that country.

M. DIMITCH (Kingdom of the Serbs, Croats and Slovenes) could not say exactly, but he knew that such cases had occurred.

Mr. BUSTARD (United Kingdom of Great Britain and Northern Ireland) said that the point of view from which they were working was the interest of the greatest number. The only emigrants who passed through the Kingdom of the Serbs, Croats and Slovenes were Bulgarians and Roumanians. Should the Kingdom of the Serbs, Croats and Slovenes maintain a system of control at entry and exit, it was encouraging Austria, Hungary, Czechoslovakia, Roumania, Switzerland and France to exercise a similar control over Serbs passing through their respective territories. He thought that the Kingdom of the Serbs, Croats and Slovenes should grant the same freedom of transit to a small number of foreign emigrants as that which was accorded by other countries to a very much greater number of Serbian emigrants.

M. DIMITCH (Kingdom of the Serbs, Croats and Slovenes) explained that he had not intended to refer to any country in particular. Since it was desired to protect the more important interests of the majority, he would not press his point.

M. DE GÖMÖRY-LAIML (Hungary) desired to make it clear that his proposal was solely intended to facilitate traffic. Travellers when in a country had to fill up a form. He only wished that emigrants should comply with the same formality and should hand over either a slip attached to their card or a copy of the same, which would make an effective and speedy control possible. Nevertheless, he noted that his colleague of the Kingdom of the Serbs, Croats and Slovenes was not pressing the point; he could himself, therefore, hardly insist, especially as he had only drawn attention to the question.

*The new text of Article 2 was adopted with the following amendment in the French text proposed by the SECRETARY-GENERAL of the Conference:*

In line 2, instead of "sans addition d'impôt", read "sans perception d'impôt", along with the above-mentioned amendment proposed by M. BOER (Netherlands).

ARTICLE 3.

The SECRETARY-GENERAL of the Conference proposed the following wording for the last paragraph :

“ Transit cards may also be issued to emigrants in order to facilitate their return to their country or place of departure if they are compelled to give up their journey when already on their way or if they are turned back when disembarking in the country of emigration.”

*Article 3 was adopted with this amendment.*

ARTICLE 4.

The SECRETARY-GENERAL of the Conference pointed out that it was possible that a person might travel with a stolen transit card. At least two papers proving identity should be required. The passport should be the important document, all the more since the transit card did not bear a photograph.

M. DE NAVAILLES (France) proposed the following wording :

“ Emigrant holding a passport and a transit card. ”

*Article 4 as amended was adopted.*

ARTICLE 5.

M. DE GÖMÖRY-LAIML (Hungary) asked whether the Governments of the transit countries could not draw up a list of the shipping companies receiving transit cards.

M. DE NAVAILLES (France) replied that this request was a reasonable one, and suggested that it should be mentioned in the report that certain delegates thought it desirable for Governments to communicate, as far as possible, a list of the shipping companies authorised to issue transit cards ; it should also be stated that other delegates found that this would be fraught with difficulty in view of the great number of companies in this position.

M. DIMITCH (Kingdom of the Serbs, Croats and Slovenes) thought that this proposal was a very important one for transit countries. He did not think that a reference in the report was a sufficient guarantee.

The PRESIDENT suggested that, in these circumstances, a clause should be inserted in the Agreement itself to the effect that the country of embarkation should, if requested to do so and in so far as lay in its power, communicate to the transit countries a list of the shipping companies to which it had issued transit cards. This would be dealt with in a new article.

*This proposal was adopted.*

ARTICLE 6.

M. VÖLCKERS (Germany) thought that, from the legal point of view, this article was superfluous. The right to remove from its territory any emigrant in possession of a transit card staying there without authorisation was part of the sovereignty of each State. So far as this possibility was concerned, the article merely said that the shipping company which had issued the transit card “ shall be held responsible ”. He would prefer that the text which had been proposed by the Secretary-General of the Conference should be inserted in the Final Protocol. He was well aware that it was difficult to provide for the responsibility of a third person not a contracting party to the agreement.

The PRESIDENT replied that the power of expulsion was limited by law in the United Kingdom. Without the express provision contained in this article, the Home Secretary might possibly not consider himself entitled to expel an emigrant staying in the country without authorisation should he have committed no crime and not be undesirable from the point of view of public security.

M. DE NAVAILLES (France) did not think that it was true to say that a Convention could not make third parties responsible who were not parties to the Convention. The whole problem depended on the extent to which a Convention took effect in each country. The determination of responsibility might be a difficult matter according to circumstances, but there was not only the legal responsibility, there was also an administrative one, and the administration had means of bringing pressure to bear on a recalcitrant shipping company. The clause in Article 6 had therefore a certain effect so far as many countries were concerned.

M. VÖLCKERS (Germany) said that he would not press his point.

*Article 6 was adopted.*

ARTICLE 7.

M. BOER (Netherlands) proposed to add a second paragraph, to read as follows :

“ It is understood that the undertaking that a State will lend its good offices shall not oblige it to exercise measures of constraint in respect of a national or foreign shipping company.”

M. DE NAVAILLES (France) was ready to accept this amendment. He thought it was a reservation which did not weaken the article.

M. ROTHMUND (Switzerland) asked that this amendment should not be added. The first paragraph of the article laid down a moral responsibility, which must involve certain obligations. The amendment would weaken the moral obligation contained in the text, whereas it should be stressed.

The PRESIDENT agreed with the delegate of Switzerland. He thought it better not to define what the Government should or should not do when lending its good offices.

M. DE RUELLE (Belgium) thought that the results of this discussion should be mentioned in the report. It was obvious that they were not establishing a civil responsibility, but creating a moral obligation that States should agree together, a moral obligation which should be binding within the limits of the sovereign right of each State. Without going so far as to exercise constraint, a Government might lend its good offices in order to induce a company to carry out its obligations. He therefore proposed that this point should be explained in the report.

M. BOER (Netherlands) agreed.

#### ARTICLE 8.

M. SETLACEC (Roumania) took the case of a State which, under Article 5, debarred a shipping company from the right to issue transit cards in its territory. Could an appeal with regard to this matter be made to the Court of Arbitration?

M. DE RUELLE (Belgium) replied in the affirmative. Any dispute which might arise, if it could not be settled by diplomatic channels, should go before the Court of Arbitration; he did not, however, think that such would be the case in practice.

The SECRETARY-GENERAL of the Conference thought that, under the present wording of Article 5 ("Any Contracting Government which has serious reasons for debarring a foreign shipping company . . ."), it would be for the Court of Arbitration to decide what constituted "serious reasons". This would not have been so if the article had read: "Any Contracting Government which has reasons which it regards as serious".

M. BOER (Netherlands) pointed out that this referred in the last resort to a dispute between two States. He thought that they were all of opinion that the Governments should bear the expense of arbitration. If this was so, the Government of the Netherlands would have to submit this Convention for approval by the States-General. This was not an obstacle, but it was a fact to which he must draw their attention.

The SECRETARY-GENERAL of the Conference thought that he should point out a lacuna in Article 8. Suppose the Government did not appoint its arbitrator? In any case, it was perhaps not absolutely necessary that this omission should be made good.

The PRESIDENT agreed that this was not indispensable.

*Article 8 was adopted.*

#### ARTICLE 9.

*Adopted.*

#### ARTICLE 10.

The SECRETARY-GENERAL of the Conference said that, as a result of comments made to him by several delegates, he begged to suggest the following amendment:

"The present Agreement . . . shall remain open . . . for signature by all Governments invited to the European Conference on Cards for Emigrants in Transit, held at Geneva from June 10th to 14th, 1929."

This referred to the Governments of all States Members of the League of Nations in Europe and the Governments of the Free City of Danzig and of the Saar Territory.

*Article 10 as thus amended was adopted.*

#### ARTICLE 11.

*Adopted.*

#### ADDITIONAL ARTICLE ON REVISION.

*The Conference decided that the Agreement should be subject to revision, with a view to granting more extensive facilities to emigrants crossing the territory of the contracting parties, should the request for revision be made by not less than one-third of the contracting Governments. The exact wording of this article would be considered at the next meeting.*

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SIXTH MEETING.

*Held on June 14th, 1929, at 11 a.m.*

*President:* Sir William Haldane PORTER (United Kingdom of Great Britain and Northern Ireland).

*Present:* All those who attended the preceding meeting, with the exception of M. Gyllenbögel (Finland), M. Duzmans (Latvia) and M. Setlacec (Roumania).

**XIII. Final Reading of the Draft Agreement.**

The PRESIDENT opened the discussion on the final reading of the draft Agreement.

He said it would no longer be necessary to discuss questions of substance; it would be sufficient to propose drafting amendments. He then asked the Secretary-General of the Conference to read the draft Agreement.

The following comments were made by the delegates present :

PREAMBLE.

M. DE RUELLE (Belgium) proposed to replace the words "dans un but humanitaire" by "à des fins humanitaires".

*This was agreed.*

ARTICLE 1.

*Adopted.*

ARTICLE 2.

*Adopted.*

ARTICLE 3.

The PRESIDENT drew the attention of the Conference to a suggestion made by M. Deroover concerning the difficulties which might arise in the case of an emigrant rejected on arrival in the country of immigration by reason of the fact that he had no transit card for the return journey. A clause should be inserted in Article 3 providing that, if an emigrant was rejected on arrival, he should receive a duplicate of the transit card from the shipping companies.

M. WOLF (Permanent International Conference of Private Organisations for the Protection of Migrants) said that, when dealing with this matter, they should consider that the emigrant might desire to return alternatively either to his native country or to his point of departure.

The PRESIDENT said that obviously it was necessary to establish the duplicate card in question, which would be a supplementary transit card to be retained by the emigrant until arrival in the country of destination.

M. VERRANDO (Italy) proposed that it should be stated that, if the emigrant was rejected on arrival in the country of immigration, the additional card provided for could be used by him for his return.

The SECRETARY-GENERAL of the Conference thought that it was necessary to remove misunderstanding. There could be no question here of the original card with which the emigrant started. The emigrant would receive a card for his return journey through the country in which he had previously embarked. As the last part of this card would be withdrawn from him at the frontier of the country which he left, he would have to be in possession of a document certifying that he was an emigrant. He would therefore have to have a copy of the second transit card.

The PRESIDENT proposed that the exact wording of this addition should be considered later.

*Article 3 was adopted subject to this reservation.*

ARTICLE 4.

M. LANDUCCI (Italy) suggested that, in order to make the text of this article clearer, the words "and security" should be added to the words "police regulations".

M. DE NAVAILLES (France) thought that it would be easy to give him satisfaction by adopting the wording "public security, police and health regulations".

*The Conference adopted this new wording.*

M. LANDUCCI (Italy) proposed to delete the words " on the emigrant " from the text of Article 4.

M. ROTHMUND (Switzerland) asked whether the deletion of these words would mean that the Agreement would deprive certain Governments of the right to levy taxes on shipping companies, such as licence fees, which the Federal Government might want to impose in certain cases.

The PRESIDENT said that it was usual for charges levied by countries in respect of licences to relate not to the transit but to the recruiting of emigrants.

M. DE NAVAILLES (France) thought that the levying of licence fees or other charges of the same character was only conceivable when a shipping company had a headquarters or a branch in a country. The clause under consideration did not refer to taxation levied on such agencies or branches. What the Agreement desired to avoid was the levying of taxes simply on transit and supervision, which taxes were, of course, unknown in Switzerland and in France. The Agreement was in no way intended to deprive a Government of duties levied as a result of its internal legislation.

M. ROTHMUND (Switzerland) said he would not press his point.

*Article 4 was adopted.*

#### ARTICLE 5.

M. VERRANDO (Italy) asked whether it was necessary for a measure of exclusion which might be taken against a shipping company by any given Government to be notified to all other Governments. He feared that such a procedure might seriously affect the credit of the shipping company in question.

M. VÖLCKERS (Germany) thought that the best solution would be to provide that the notification of exclusion should be made only to the country of embarkation, or to those countries whose flags the shipping company flew.

M. DEROOVER (Chairman of the Committee of Experts) referred to the consequences which might result from notification of exclusion to countries whose flag was flown. Should the transit card be issued by the port of Antwerp to a British shipping company which was later excluded by a decision of the Government of a transit country, the Belgian Government might very well be ignorant of the decision that had been taken, and the notification of exclusion only be made to the British Government.

The SECRETARY-GENERAL of the Conference pointed out that it was quite possible that the country whose flag was flown might not be a contracting State. They must remember that the present Agreement was concluded between the Governments of European States.

Mr. BUSTARD (United Kingdom of Great Britain and Northern Ireland) thought that it would be sufficient to notify exclusion to the country whose flag was flown.

As regards the authorities of an immigration country such as the United States, he said it should be remembered that that country was not a contracting party to the Agreement and that, furthermore, American shipping companies were carrying emigrants.

The PRESIDENT did not agree with this view. On the contrary, he thought that the question of companies such as, for instance, American and Japanese companies, was yet to be settled.

M. DE NAVAILLES (France) proposed as a measure of simplification that notification of exclusion should be made to the country which had supplied the transit cards, so that the company might be requested no longer to send the emigrants it was transporting through the country which had excluded it.

The PRESIDENT said that it was obvious that a certain responsibility fell on the country which had supplied the transit cards to the shipping company. In any circumstances, that country should be notified. For that reason, he agreed with the suggestion of M. de Navailles.

M. VÖLCKERS (Germany) pointed out that a shipping company might well be excluded by a Government for serious reasons without any other country having supplied that company with transit cards. In such cases, he thought it was sufficient to notify exclusion to the country whose flag was flown.

The SECRETARY-GENERAL of the Conference thought that they could no longer speak of " the country which had supplied the cards ", for there would always be several such countries, and, perhaps, all the countries of embarkation. In theory, it would certainly be possible to restrict compulsory notification, so that it need only be made to all contracting maritime States. He was, however, doubtful whether this restriction was worth while, for there would only be a very few non-maritime countries which were contracting States.

M. DE RUELLE (Belgium) agreed with the Secretary-General of the Conference, and said that, when transit cards were issued to a British shipping company at Hamburg by German authorities, or at Rotterdam by Dutch authorities, it would indeed be desirable that exclusion should be notified to the German and Dutch authorities, which were both interested in being acquainted with the measure taken.

M. DIMITCH (Kingdom of the Serbs, Croats and Slovenes) said that he agreed with this point of view. Such a notification would enable the country receiving it to know whether any fault had been committed by a shipping company.

M. DE RUELLE (Belgium) stated that the reasons which might lead to the exclusion of this or that shipping company might perfectly well consist, not of a single fact, but of a sequence of events. It would seem, therefore, that a Government might experience difficulties if it had to decide to what country it should notify the action taken when the exclusion had been the result of complex causes.

M. de Ruelle did not think that notification to several countries would lead to serious inconvenience. Governments which received official communications through diplomatic channels had a duty of discretion. This was already the case, for example, as regards diplomatic information connected with public safety or with regard to fiscal information. It would not seem, therefore, that there would be any serious inconvenience in the possible exclusion of a shipping company being notified to all States signatories of the Agreement, which would know their duty.

Mr. BUSTARD (United Kingdom of Great Britain and Northern Ireland) once more brought forward arguments against the procedure of general notification of exclusion. He explained that it was quite possible that, for instance, a British shipping company holding a concession in Roumania might commit some fault while carrying on its duties in that country. What would happen if the Roumanian Government notified such exclusion to all contracting States? It might happen that the same shipping company was engaged in certain transactions in Czechoslovakia. In such a case, questions would certainly be asked of the company in that country, since it would be known that the company had committed a fault in Roumania. Thus the company might be seriously handicapped in the carrying on of its business. Notifying exclusion in a general way would be equivalent to putting a shipping company at fault on a black list. It would therefore be sufficient for exclusion to be notified to the country issuing the transit card and to the country to which the company belonged.

The PRESIDENT said that the proposed amendment should be put to the vote.

M. DE NAVAILLES (France) proposed that the amendment should state that exclusion should be notified to States which had issued cards to the shipping company at fault.

*The amendment was rejected by seven votes to five.*

*Article 5 was adopted.*

#### ARTICLE 6.

*Adopted.*

#### ARTICLE 7.

M. VÖLCKERS (Germany) once more raised the question of the responsibility of the companies. He asked whether it would not be preferable to modify the text of Article 7 as suggested in the report of the Rapporteur. Under this amendment, the shipping company would be declared responsible for all expenditure incurred by the contracting Governments as a result of the stay of an emigrant in the territory of those Governments, should the emigrant not have a permit of residence.

M. NAKONIECZNIKOFF (Poland) agreed with the German suggestion, which seemed preferable to him from the point of view of responsibility.

Mr. BUSTARD (United Kingdom of Great Britain and Northern Ireland) said that the present text was quite sufficient. Since it already gave a very wide interpretation of the responsibility of the companies, it was not desirable still further to widen it and to exceed the sphere of the Agreement.

M. VERRANDO (Italy) agreed with what had been said by Mr. Bustard; it seemed to him very dangerous still further to enlarge the responsibility of the shipping companies.

M. DE NAVAILLES (France) said that they must avoid a misunderstanding. There was no idea of increasing the responsibility of the companies. No doubt should be left as to the right of any Government to expel from its territory an emigrant in transit. In order to adopt a form of words which would give satisfaction to all, without altering the responsibility of the companies, he thought that they should insert in the text the phrase, "a shipping company may be held responsible".

Mr. BUSTARD (United Kingdom of Great Britain and Northern Ireland) asked whether the Governments would assist the shipping companies when it was necessary to expel emigrants desiring to remain illegally in their territory. They must not forget that the shipping companies had no police at their disposal. The shipping company would be responsible for the expense of maintenance of an emigrant in the transit country; it should therefore be able to count on the assistance of the Government concerned in expelling the emigrant from the territory.

M. DE RUELLE (Belgium) was not sure that the draft Convention did not contain an ambiguity which should be removed. It had been pointed out that the shipping companies would not be signatories of the Agreement. Under the principles of international law, it was inconceivable that private parties should sign alongside States. But, if the Agreement contained, not only provisions of an administrative character, but also modified the rights of individuals under civil law, Parliamentary approval followed by ratification would be necessary under the constitutions of all States present. That was not the case, however. They had a Convention of a purely administrative character, which provided for obligations of mutual assistance between States, without giving any details as to the responsibility of the companies. They had before them two wordings to the same effect ; he thought that the second was the better drafted. For that reason, he preferred the words " may be held responsible ".

M. VÖLCKERS (Germany) thought that they should say " shall be responsible ".

M. VERRANDO (Italy), raising another point, said that they should have a clear idea of the meaning of the word " expenditure ". Should this include arrears and expenditure resulting from an interruption of the journey of the emigrant who had resided in the country without authority to pass through it in transit ?

M. DE NAVAILLES (France) replied that the words they were discussing appeared to him to include both expenditure owing to expulsion and expenditure owing to the stay of the person. At present, expenditure on maintenance was claimed from companies in all countries.

M. ROTHMUND (Switzerland) quite appreciated the force of the reservations made by the shipping companies. The text which they had considered must not imply that a Government should be able to compel a shipping company to pay the expense of maintenance of an emigrant for months and years. As for expenditure on expulsion, it was quite understood that a State had the right to expel an emigrant save in the case of illness, when humanitarian considerations had to be borne in mind. It would, therefore, perhaps be possible to adopt the wording, " the expenditure caused by the expulsion or the stay of the emigrant in a transit territory in so far as that emigrant cannot be expelled ".

Mr. BUSTARD (United Kingdom of Great Britain and Northern Ireland) thought that, from the point of view of the shipping companies, though they were actively desirous of co-operating with the Governments so as to facilitate the movement of emigrants, it was better to keep the original text. He therefore begged the Conference to keep the first text.

The PRESIDENT said that he was convinced that the shipping companies would not endeavour to evade their obligations. He also thought that Article 7 quite met their requirements, since this was a purely administrative question. He added that the two texts before them would be put to the vote.

*The text suggested by M. VÖLCKERS (Germany), providing that the companies should be responsible for all expenditure incurred by the Governments owing to the emigrant having remained on their territory during transit without authorisation, was adopted.*

*Article 7, thus amended, was adopted.*

#### ARTICLES 8, 9, 10, 11 AND 12.

*Adopted.*

#### ARTICLE 13.

*It was decided to replace the word " la " in the first line by " une ".*

*It was also decided that the article should read " Contracting Governments " instead of " signatory States ".*

*Article 13 as thus amended was adopted.*

The SECRETARY-GENERAL of the Conference pointed out that it would seem preferable, in the last paragraph of the text of the Agreement, to put " ... to all Governments referred to in the first paragraph of Article 11 " instead of " ... to the Governments of all States referred to," etc.

*This was agreed.*

#### ARTICLE 3.

The SECRETARY-GENERAL of the Conference noted that they would have to draft a paragraph to be inserted at the end of Article 3.

Two texts had been proposed :

1. " The shipping companies shall issue to emigrants a duplicate of the transit card. This duplicate shall be retained till the final point of destination on the return journey."

2. " A duplicate of this card shall at the same time be handed to the emigrant, who shall retain it until he reaches his final destination."

The PRESIDENT suggested that the second text should be adopted.

*The second text was adopted.*

*Article 3 as thus amended was adopted.*



#### XIV. Adoption of the Draft Agreement.

The SECRETARY-GENERAL of the Conference said that they would now call the roll of the delegations with a view to the vote on the draft Agreement as a whole. Under the rules of procedure, any text thus voted upon must be adopted by a two-thirds majority of the delegates taking part in the vote.

Nevertheless, the fact that a delegate voted in favour of the Draft in no way implied an undertaking on his part to sign the Agreement concluded *ad referendum*. The only result of the adoption of the text was to turn the draft of the Agreement into the text of the Convention.

M. CALHEIROS (Portugal) asked whether, nevertheless, a vote in favour of the text of the Agreement when the roll was called did not imply a moral obligation on the delegate to sign it.

The SECRETARY-GENERAL of the Conference replied in the negative. The question of signature depended on the powers and instructions of the delegates.

The vote was taken, with the following results :

*Votes in favour:* Belgium.  
Free City of Danzig.  
Finland.  
France.  
United Kingdom of Great Britain and Northern Ireland.  
Greece.  
Hungary.  
Italy.  
Netherlands.  
Poland.  
Portugal.  
Switzerland.

*Abstentions:* Czechoslovakia.  
Germany.  
Kingdom of the Serbs, Croats and Slovenes.

*Absent:* The delegates of Latvia and Roumania.

M. DIMITCH (Kingdom of the Serbs, Croats and Slovenes) asked under what rules of procedure the vote had been taken.

The SECRETARY-GENERAL of the Conference replied that the rules in question were the Rules of Internal Procedure of the General Conferences on Communications and Transit. He reminded the Conference that, at the first meeting, it had decided to use those rules when necessary. It should be pointed out, however, that the use of the Rules of Procedure of General Conferences was not compulsory in the case of special conferences, and that the Conference could, if it desired, adopt other rules of procedure.

The PRESIDENT communicated the result of the vote of the Conference :

12 delegates had voted in favour of the Agreement.  
3 delegates had abstained ; and  
2 delegates were absent.

The required two-thirds majority of delegates taking part in the vote had therefore been obtained.

*The text of the Agreement was thus adopted (see Annex 4).*

*The special model transit card was adopted without observations.*

The SECRETARY-GENERAL of the Conference informed the delegates that it would be possible to have the final text of the Agreement ready before the end of the afternoon's meeting, so that those delegates who desired would be able to sign the Agreement.

Certain delegates having asked for explanations as to the meaning of signature *ad referendum*, he explained that such signature meant that the delegate signing it considered the text of the proposed Agreement acceptable, and was prepared to make a report to that effect to his Government with a view to approval by the Government later. A signature *ad referendum*, however, implied no legal obligation.

M. DE RUELLE (Belgium) said he agreed with this. Should a plenipotentiary not feel himself able to sign the text of a Convention, he could sign *ad referendum*. For a signature *ad referendum* to become effective, it would be sufficient that the Government in question should notify the League of Nations that it intended to transform this signature *ad referendum* into a definitive signature.

SEVENTH MEETING.

*Held on June 14th, 1929, at 3 p.m.*

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*President:* Sir William Haldane PORTER (United Kingdom of Great Britain and Northern Ireland).

Present: All those who attended the preceding meeting, and M. Haas, Chief of the Communications and Transit Section.

**XV. Report of the Rapporteur.**

The PRESIDENT reminded the Conference that, during the meeting, M. de Navailles would read the report he had prepared on the work of the Conference, for consideration and suggestions. But, before he called upon M. de Navailles, there were several delegates who desired to make short statements.

M. DIMITCH (Kingdom of the Serbs, Croats and Slovenes) said he had abstained from voting for the draft Agreement, but that in no way meant he was opposed to it. It meant that he would submit the draft Agreement to his Government with all the modifications that it contained. He said that he had not been in a position to sign the Agreement *ad referendum*.

M. PAPIRNIK (Czechoslovakia) said that he agreed with the second part of the previous declaration in so far as it referred to the draft Agreement.

M. VÖLCKERS (Germany) desired to explain to the Conference the reasons of his abstention when the whole text of the Agreement was voted upon. He had much regretted being unable to vote in favour of the Agreement. When making the statements of principle which he had been obliged to submit during the discussion, his object had been to inform the Conference of the point of view of the German Government, and to leave that Government entirely free in examining the text voted by the Conference later. M. Völckers repeated that his Government had been against the first Draft, which it regarded as a fresh obstacle to freedom of communications. The text adopted was, however, considerably different from the original Draft, and was certainly calculated to facilitate eventual adoption by Germany.

In closing, M. Völckers remarked that, as he resided at Geneva, it would always be very easy for him to sign the Agreement later, as soon as his Government gave him instructions to that effect.

M. LEGOUIS (International Labour Office) said that the expert nominated by the International Labour Office had not spoken during the discussions of the Conference, but that he now desired briefly to express his satisfaction that the detailed discussion of the experts had resulted in an Agreement, and even in a very judicious and interesting Agreement.

From the point of view of the protection of emigrants, he also hoped that, as the experts had recommended and as several delegates had suggested, the possibility of considering a similar system of cards for returning emigrants would be mentioned in the report, or also, if possible, be set forth in a separate recommendation attached to the Agreement.

The International Labour Office had been very glad to accept the cordial invitation of the Secretariat of the League of Nations, and would always be ready to join in attempts to bring about a practical simplification of formalities in the legitimate interests of all parties—emigrants, States and also transporters.

Simplification was the term generally used, but perhaps rationalisation, though ugly, would be preferable. Perhaps it better expressed the desirability, not only of diminishing unjustified obstacles to emigration, but also of defending the legitimate and essential interests of various parties and of all the States concerned. In any case, these terms were often confused, and the word "simplification" had already been used by the International Labour Conference of 1926, when it had appeared in the text of a Convention relating to the simplification of the inspection of emigrants on board ship.

In closing, M. Legouis said that he quite realised that these few words would give no new information to the national authorities and to the shipping companies which had followed and fully understood the activities of the International Labour Office in the field of emigration.

The PRESIDENT noted this declaration with great satisfaction.

M. DE NAVAILLES (France) read his report.

M. BOER (Netherlands) asked whether, when a family of emigrants was travelling in transit, it should be provided with a single collective card, or whether each of the members of the family should have such a document.

The PRESIDENT pointed out that this question had already been raised by M. Nakoniecznikoff during the discussion of the draft Agreement, particularly in connection with Article. I. They were now discussing a general report.

Nevertheless, in reply to the question raised by M. Boer, he explained that it might at present happen that a family of emigrants might have only one single passport, while each member held a transit card. It should therefore be understood that each member of the family of emigrants should hold such a card.

M. DE NAVAILLES (France) suggested that the following paragraph should be inserted at the end of part E of his report :

"The question was raised whether, as is done by certain countries in the case of passports, shipping companies should have the right to include on one and the same card members of a family travelling together. The Conference was of opinion that the transit card should be an individual document and that, in the case of persons travelling together, a separate card should be issued for each."

*This was agreed.*

M. VERRANDO (Italy) said that it would be desirable that the system of transit cards should be applied to emigrants returning either to their point of departure or to their country of origin, after a stay of any duration in the country of immigration.

M. WOLF (Permanent International Conference of Private Organisations for the Protection of Migrants) also drew attention to the importance of this question, and suggested that the Conference should make a recommendation to that effect.

The SECRETARY-GENERAL of the Conference saw no objection to a recommendation on this subject being inserted in the report. He thought, however, that they should not anticipate the solution of this problem. He suggested that the passage in question of the report should read as follows :

"The Conference recognised the desirability of considering whether a similar system could not be adopted for emigrants returning permanently or temporarily", etc.

*This was agreed.*

The PRESIDENT proposed that they should hear Mr. Bustard, who desired to explain to the Conference the point of view of the British steamship companies and their arguments in favour of the application to tourist traffic of the system the Conference was considering.

Mr. BUSTARD (United Kingdom of Great Britain and Northern Ireland) said that he was very glad to have an opportunity of saying a few words with regard to tourist traffic.

He defined tourists as passengers proceeding to a country other than their own, either for pleasure or for family or any other reasons, with the intention of staying there temporarily.

Tourist traffic was in itself desirable in the interests both of Governments and of transport companies. British shipping companies were most desirous of promoting such traffic as much as possible.

It would seem that a large part of the results arrived at by the Conference, which had been asked to prepare an Agreement concerning transit cards for emigrants, could be applied to questions connected with tourist traffic, so as to prevent persons travelling for pleasure from being faced by difficulties and formalities when passing through foreign countries. He added that freedom of traffic was desirable, both in the interests of companies and that of passengers themselves. He hoped, therefore, that the Conference would also mention tourists in the recommendation which it had just adopted in the report.

M. ROTHMUND (Switzerland) said that, although his country was one of the countries in Europe most interested in the question of tourists, they must not forget that the present Conference had met for the purpose of regulating the transit of emigrants. He proposed that the suggestion which had just been made should be put to the vote.

The PRESIDENT said that he personally had much sympathy with the views which Mr. Bustard had just expressed ; nevertheless, he was obliged to hesitate, for he felt that they must remain within the sphere of the Conference's work. He would therefore accept the suggestion of the delegate of Switzerland and would ask the Conference to vote on the matter.

The SECRETARY-GENERAL of the Conference explained the reasons for which the insertion of the word "tourists" in M. de Navailles' report seemed to him to be undesirable. Indeed, he did not see how it would be possible to define the term "tourist". Personally, he was of opinion that anyone travelling could be called a tourist. In these circumstances, he thought that the use of the term "tourist" would lead to confusion and create an erroneous impression that the Conference had desired to refer to a special category of travellers. He agreed with the President that the adoption of a recommendation which was too vague and too general would perhaps exceed the terms of reference of this Conference.

As a result of the vote then taken, *the insertion of the word "tourists" in the report was rejected by six votes to three.*

M. VERRANDO (Italy) asked that they should clearly define the nature of the expenditure for which Governments might be liable as a result of the forced stay of an emigrant in transit in their territory.

M. DE NAVAILLES (France) replied that, in this matter, the report reproduced the views of the Conference. In this case, Governments found that they incurred expenditure through the fault of the shipping companies. Thus, for instance, the French authorities at the port of Le Havre were frequently liable for expenditure in connection with the stay in that town of emigrants refused admission on arrival in America.

M. VERRANDO (Italy) thought that they should make it clear that the shipping companies should only be liable for repayment of expenditure on hospital treatment for emigrants, and not for damages such as those which might be claimed by Governments as a result of a crime or theft committed by an emigrant.

After a short exchange of views, M. DE NAVAILLES proposed that the following text should be inserted in the report :

“ The expenditure mentioned in the text can only refer to the maintenance, hospital, travelling and other expenses of the emigrant in so far as a Government or public authority is responsible for such expenses.”

*This was agreed.*

*M. de Navailles' report was unanimously adopted with certain drafting amendments proposed by the PRESIDENT, M. VERRANDO and the SECRETARY-GENERAL of the Conference (see Annex 5).*

## XVI. Closing Speeches.

The PRESIDENT, both as President and as delegate of Great Britain, desired to pay a tribute to the conciliatory attitude displayed during the Conference, not only by the delegates of transit countries, but also by the whole Conference, which had shown its goodwill and its desire to arrive at an agreement. He trusted that those delegates who had not been able to sign the Agreement during the present session would nevertheless be able to recommend their Governments to accept it. He said he was also sure that all his colleagues had fully appreciated the very valuable assistance which the delegates of the shipping companies had given during the work of the Conference. He further reminded the Conference of the formal undertaking given by the shipping companies to the effect that they were ready to give full co-operation in the work of simplification which had been undertaken in collaboration with the various Governments with a view to giving all facilities to emigrants.

Lastly, he particularly thanked M. de Navailles for the clear and well-drafted report he had prepared. He also thanked the Secretary-General and his staff for the valuable assistance they had given to the Conference.

M. DE RUELLE (Belgium) said he spoke in the name of all his colleagues when asking the President to accept their gratitude for the admirable manner in which he had directed and presided over the work of the Conference. The Conference, convened with such an admirable object and meeting in so friendly a spirit, was bound to arrive at an agreement. It had succeeded in removing many obstacles and in reconciling widely different points of view. The remarks of the President had always been characterised by a spirit of the highest impartiality, by a deep sense of reality and by an admirable spirit of practical commonsense.

In closing, M. de Ruelle also desired to thank the Secretary-General of the Conference and his staff, particularly Mr. Russell, Interpreter of the Conference, for their excellent services.

The PRESIDENT thanked M. de Ruelle for his kind words, and expressed his satisfaction at having presided over an international Conference for the first time. He would retain a very happy recollection of the excellent spirit which had always reigned.

The CHIEF of the Communications and Transit Section desired to say a few words to explain to the Conference how much the Secretary-General of the League of Nations and himself had regretted not being able to follow the work of the Conference. The Secretary-General of the League had been particularly sorry that he was not able to welcome the delegates and to express his best wishes for the success of the Conference. The Chief of the Communications and Transit Section was very happy to have been able to return to Geneva in time to congratulate the delegates on the success of their work. He was personally of opinion that it was most gratifying that they had been able to draw up a satisfactory text embodying a compromise, and which had been warmly approved by the various delegates.

M. DE GÖMÖRY-LAIML (Hungary) thanked the Conference, in the name of the delegates of the transit States, for the interest it had taken in those States, which would have to bear certain sacrifices as a result of the Agreement. An excellent task of conciliation had been satisfactorily carried out, and they should congratulate themselves on the result of their work.

The PRESIDENT declared the European Conference on Cards for Emigrants in Transit closed.

**ANNEX 1.**

[C.C.T.396.]

**REPORT OF THE COMMITTEE OF EXPERTS.**

The Committee of Experts appointed to consider a draft International Agreement on Cards for Emigrants in Transit met at the Secretariat of the League of Nations on February 20th, 1929. The Committee was composed as follows :

- M. H. DEROOVER, Chief of the Emigration Service at the Belgian Ministry for Foreign Affairs (*Chairman*).
- M. J. KRAUSE, Regierungsrat at the German Ministry of the Interior.
- M. P. LANDUCCI, Chief of the Passport Bureau at the Italian Ministry for Foreign Affairs (in place of Professor Giannini).
- M. B. NAKONIECZNIKOFF, Chief of the Polish Emigration Office.
- M. E. DE NAVAILLES, Vice-Director at the French Ministry for Foreign Affairs.
- Sir William Haldane PORTER, Chief Inspector, Home Office, London, assisted by Mr. F. BUSTARD, Passenger Traffic Manager, White Star Line.

M. Henri FUSS, Chief of Section at the International Labour Office, was in attendance.

Before examining in detail the draft Agreement, the Committee held a general discussion on the nature of the transit card, for whom it should be used, its advantages and its possible disadvantages. As a result of this discussion, the Committee decided, by a majority, to propose the establishment of a transit card and to revise the draft Agreement.

*Objections.*

The objections to the regime of the transit card raised by certain experts were :

First that such a transit card is unnecessary. Many countries have in their international relations abolished the consular visa for passports. Emigrants passing from one of these countries to another do not experience any difficulty, since they are allowed to travel freely on their national passport. In the case of emigrants nationals of countries which do not enjoy the benefit of the abolition of consular passport visas, the difficulty is limited to obtaining the visas in question. When emigrants travel in groups, in certain countries the visa is not required on each passport; a collective list is compiled of the emigrants forming the group and this list is submitted for visa.

Since the shipping companies themselves draw up the collective list, obtain the visa and comply with the various formalities, the present system does not cause any inconvenience to emigrants. The companies themselves would have complained long ago if the system had been too complicated. Transit cards would cause them extra trouble. Since the ideal solution would be to abolish all official documents, no new one should be established.

Transit cards and the proposed Agreement are not required to oblige the companies to provide emigrants with any assistance they require. The licences delivered to the companies by the various Governments include clauses making such assistance obligatory.

Certain agreements which stipulate the abolition of consular visas contain a provision to the effect that the nationals of the contracting parties shall be repatriated to their country of origin. The transit card does not seem to afford an equivalent safeguard. Finally, the creation of a new document would oblige every country to organise printing, distribution, and supervisory services. Several countries would be unwilling to complicate their administrative machinery to this extent.

M. KRAUSE (Germany) made the following statement :

"In conformity with the resolutions adopted by the Second International Passport Conference (Geneva, 1926), Germany has made every effort to abolish existing obstacles due to the passport system. For instance, she has abolished obligatory visas in the case of nationals of twenty-five countries.

"Germany only maintains the passport system in the West as regards France and Belgium, and in the East as regards Lithuania, Estonia, Poland, Russia, Hungary, Roumania, Bulgaria, Greece and Turkey. It is, however, highly probable that visas will shortly be abolished in the case of Lithuanian, Estonian and Hungarian nationals. In the case of most of the other countries mentioned, Poland in particular, Germany has proposed to their Governments that visas should be abolished by agreement.

"As the transit card is intended to take the place of the consular visa and will consequently be of no use to nationals of the countries for which the visa has been abolished, Germany need only contemplate the establishment of these transit cards for emigrants from the following countries : Poland, Russia, Roumania, Bulgaria, Greece and Turkey.

"The question of the passage in transit of Polish emigrants through Germany proceeding to overseas countries does not concern German shipping companies, since the latter have not hitherto obtained the concession which is compulsory in Poland. From Russia, there is at present practically no emigration if we may judge from the statements of the experts.

“Emigrants coming from Greece and Turkey hardly ever pass through Germany. There only remain, therefore, Bulgaria and Roumania. It is hard to foresee whether there will ever be a considerable stream of emigration from these countries.”

“As the creation of transit cards is not therefore of great practical interest to Germany, Germany does not consider it necessary to introduce a new system, as proposed, particularly as the system at present in force in Germany does not cause any inconvenience to emigrants and works perfectly well. This system might, if necessary, be still further simplified by the entire abolition of the charges levied for collective visas. Germany, in her desire to facilitate international communications as far as possible, in conformity with the resolutions adopted by the two International Passport Conferences, intends to abolish exit visas entirely and at the same time generally to do away with every form of supervision of persons leaving the country.”

“The German frontier authorities, therefore, would not, in most cases, be in a position to verify the number of persons leaving the country by means of the transit card system, according to which the second half of the cards is to be detached when their holders leave the country. The maintenance or reintroduction of such a supervision of persons leaving the country to apply solely to holders of transit cards would be contrary to the interests of international travel and would raise certain financial difficulties.”

“In short, to establish transit cards would, in Germany’s case, be like putting new doors and windows in an old house already in the housebreakers’ hands.”

#### *Advantages.*

The following advantages of the transit card have been put forward:

One advantage of the transit card is that it applies to all cases. Even if the emigrant has to pass through various countries, some of which require a consular passport, while others are content with a national non-visaed passport, he need only possess one document — the transit card which shows exactly his situation, where he comes from and where he is going. This would be a simplification for the emigrant, the transport companies and the authorities. Naturally, if there were a return to the pre-war situation, there would be no need to consider administrative formalities in respect of emigrants. But as countries of immigration have established strict rules for the admission of emigrants, countries through which those emigrants pass are obliged to adopt certain defensive measures. This has led to complications, since the emigrant has to prove that he fulfils the conditions required by the country of destination, that he possesses the means to make the journey and is free from infectious disease. If, on producing one single document, an emigrant can show that he fulfils all these requirements, the desired simplification will be secured in the best possible manner. By making shipping companies responsible for issuing the transit cards — with resulting convenience and economy for the country of transit — control by the authorities is greatly facilitated. The coupons, which can be detached on the entry of emigrants into a transit country and which can be compared with the counterfoils detached on leaving the country, enable the central authorities quickly to ascertain whether emigrants have remained in the country and what company brought them thither.

Every emigrant possesses, in the shape of his transit card, an official document authorising him to pass in transit through the country. The great disadvantage of collective lists is that any individual emigrant forced to break his journey for some reason or other is left without any official papers.

The transit card might prove a simplification even for countries which do not accede to the proposed Agreement. How can it be in any way to the disadvantage of these countries to allow the holders of transit cards, valid for the neighbouring country to which he is immediately going, to pass through their territory without any other formalities? The card proves that the country to which he is immediately going authorises the emigrant to pass in transit and that he fulfils all the conditions required to enable him to enter the country of destination.

Certain members of the Committee thought that it should be pointed out that M. Krause, in his remarks, had regarded the transit card as a means of replacing the numerous consular visas required when an emigrant passes through several countries. It must not be forgotten that the transit card has other advantages. It provides the emigrant with a single document, it facilitates control on entering and leaving transit countries, it is sufficient to prove that the emigrant complies with the requirements of the countries of immigration and transit, and it makes it possible to apply immediately to the shipping company responsible. Therefore, even if visas were generally done away with, the card would still offer very genuine advantages.

#### *Observations.*

A. As the transit card implies the abolition of the consular visa of transit countries, we must take into consideration the case of individuals who may be a danger to the security of the country and who avail themselves of this means of crossing the frontier — which would otherwise be closed to them. It would be a costly method, because, in order to obtain the transit card, tickets would have to be purchased for the whole journey. The signature of the Agreement concerning transit cards, however, would not in any way prevent a country — if the reasons were sufficiently serious — from refusing to allow the utilisation of these cards by certain individuals or the nationals of some particular country.

B. The following is a very important point: the fact that a State which has signed the proposed Agreement thereby in principle authorises emigrants holding a transit card to pass through its territory, whatever shipping company has issued the card, does not necessarily mean that this

State authorises all companies to recruit emigrants in its territory or embark them in its ports. The conditions for the recruiting and shipment of emigrants in any given country are governed by that country's own laws and are exclusively its concern. This is the principle embodied in Article 3 of the draft Agreement.

On the other hand, as the object of the Agreement is to extend the use of the transit card to all countries, transit countries should not discriminate between various shipping companies admitting in transit the holders of cards delivered by some and not by others, unless some serious circumstance warrants penalisation. This is the gist of Article 4.

C. A transit card as contemplated in the draft Agreement applies to emigrants leaving Europe for overseas countries. The regime is therefore not limited to persons proceeding to North or South America. The situation is the same for those proceeding to non-European Mediterranean countries and beyond the Suez Canal.

D. If an emigrant breaks his journey and remains in a transit country, the Government of that country is entitled, according to circumstances, either to oblige him to continue his journey or send him back to the country of origin. In both cases, responsibility falls on the navigation company, as recognised in Articles 1 and 5 of the draft Agreement.

When an emigrant is rejected on arrival in the country of immigration, the shipping company which has transported him is bound to arrange for his return to his country of origin. In such cases the emigrant to be repatriated may be provided with a transit card to be used in the same way as on the outward journey. Provision is made for this in the last paragraph of Article 1.

E. Certain circumstances may necessitate a change of itinerary en route. In such cases, shipping companies may issue new transit cards, provided there be no derogation from the conditions laid down in the draft Agreement.

F. The transit card is intended for emigrants, so that the question arises, "What exactly constitutes an emigrant?" Should we exclude persons travelling second-class for all or most of the journey? The Committee is of opinion that it would not be right to exclude these persons and prefers not to suggest any definition. Each country concerned will thus be free to determine the matter according to its own definition, if it has one, or according to its usual practice.

G. One of the main changes made in the draft arrangement as first drawn up is this: the printing of transit cards and their delivery to the companies is placed in the hands of a single central organisation. Sir Haldane PORTER (Great Britain), in view of the fact that the Atlantic Conference, which groups a large number of shipping companies, has its seat in Brussels, expressed the opinion that the Belgian Government would be best qualified to undertake this task. It was pointed out, however, that this is a diplomatic question which the Committee of Experts was not called upon to settle.

M. LANDUCCI (Italy) pointed out that this was a new question of principle. The issue of transit cards implied supervision and consequently responsibility. They could not be sure that all Governments would accept the system of centralising the issue of cards to the companies. He thought that the Committee ought merely to have proposed the principle of issuing identity cards instead of a visa, submitting a model for universal adoption as originally proposed. He thought that in this way they would be more likely to obtain a practical result.

It was replied that one of the main objections to the general adoption of the transit card was the fact that the various countries would have to create new organisations for printing and distribution of cards. To entrust these duties to a central office would be a considerable simplification and was not an entire innovation. Institutions of this kind already existed; for instance, the Central Office for Railway Transport established at Berne and the Bureau for the Establishment of Combined Tickets at Brussels. Such common offices render most valuable services to the companies of all the States, and the control which they exercise over certain transactions has never given rise to difficulties or even to criticisms. Therefore, even if the central service for transit cards was entrusted to a Government, particularly the Belgian Government as seemed desirable, there would be no fear of any inconvenience either for the adherent States or for their shipping companies.

H. It would be very desirable that the same transit card should be sufficient to enable the emigrant to travel to his journey's end, however many countries he may have to traverse. But the more prudent course is to progress slowly and accustom the authorities of the various countries to the use of these cards. Some difficulty may be experienced in drawing up a single card, particularly owing to the question of language. It will therefore be necessary to issue to the emigrant as many transit cards as he has countries to cross. For each country the card, as a minimum requirement, will be drawn up in the language of that country.

I. The present report is merely a commentary on the main resolutions of the Committee of Experts. Certain changes in detail which have been made in the original draft (document C.C.T. 307, distributed with Circular Letter No. 44.1927.VIII) require no explanation. Several provisions of the draft have been included in the new edition without any change.

J. Articles 9 and 10 are diplomatic in character. The Committee of Experts feels that it cannot deal with them. It has left them in its new draft annexed hereto as a sort of reminder in order that these points may not be overlooked when the final text is prepared.

*Suggestions.*

A. During its discussions, the Committee of Experts expressed the desire that the Conference to which this scheme will be submitted should have accurate and complete information on the numerous agreements between countries for the abolition of consular visas, in respect of all passengers in general, and particularly in respect of emigrants, in the cases in which a distinction is made between them and other travellers.

B. This information once collected, it would be desirable to prepare for the routes habitually used by emigrants, tables showing what formalities are required, what visas are necessary, and the cost of these formalities and visas.

C. The Committee had been instructed to prepare a draft Agreement relating to the transit card for emigrants. It was therefore not called upon to deal with a similar regime for other travellers. It desires, however, to draw attention to the interest attaching to the consideration of a similar system for emigrants returning permanently or temporarily to their country of origin after a more or less lengthy residence in the country of immigration, and for tourists.

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**Appendix.**

DRAFT AGREEMENT.

*Article 1.*

The Governments of the Contracting States undertake to authorise the transit through their respective territories of emigrants holding transit cards which conform to the attached model,<sup>1</sup> without requiring these cards or the passports to bear their consular visa.

These transit cards are intended for emigrants proceeding from Europe to oversea countries.

Transit cards shall be issued free of charge to emigrants by the shipping companies on the following conditions :

The emigrant must have tickets for the whole journey from the point of departure to the country of immigration;

He must fulfil the conditions for admission laid down by the country of immigration and the countries of transit;

He must have means to provide for his subsistence during transit.

Transit cards may also be issued to emigrants who are compelled, either during the journey or on disembarkation in the country of immigration, to return to their point of departure.

*Article 2.*

The printing of the transit cards and their delivery to the shipping companies shall be placed in the hands of a central organisation, which shall make the necessary arrangements.

These cards shall be supplied to shipping companies at cost price and free of any tax or charge. They shall conform, in respect of size, paper and printing, to the model annexed to the present Agreement. They shall be printed in at least the language of the country of transit. They shall bear on the back the name of the shipping company using them. They may only be ceded or lent to other companies in exceptional cases and with the permission of the central organisation.

*Article 3.*

Each Contracting State shall furnish the central organisation, before December 1st of each year, with a list of the shipping companies which have been authorised, in its territory, to enrol emigrants and to put them on board ship in its ports. They shall notify it, at the earliest possible moment, of any changes made in that list.

*Article 4.*

Any Government of a country of transit which has serious reasons for debarring a foreign shipping company from using transit cards in its territory must inform the central organisation, stating its reasons.

The central organisation shall inform the Government of the country under whose jurisdiction the said company is placed.

*Article 5.*

The Contracting Governments shall lend their good offices to ensure that companies authorised to use transit cards discharge the obligations they have contracted; to this end, the competent services of the various Governments shall be authorised to communicate with each other direct.

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<sup>1</sup> The model card, as adopted by the Conference, is reproduced in Annex 4.



*Article 6.*

Each Contracting State shall have the right to remove from its territory any person in possession of a transit card and staying therein without authorisation.

The shipping company which has issued the transit card in question shall, in such case, be held responsible for all expenditure incurred under this head.

*Article 7.*

In the absence of any direct agreement between the Governments, all disputes which may arise between them concerning the interpretation or application of the present Agreement shall be settled by arbitration. In the case of arbitration, unless the parties decide otherwise, each party shall appoint one arbitrator; the third member of the court of arbitration shall be chosen by the arbitrators themselves or, should the latter be unable to reach an agreement, he shall be appointed by the Chairman of the Advisory and Technical Committee for Communications and Transit of the League of Nations. The court of arbitration shall reach its decision in conformity with the arbitration procedure (*compromis*) established by common agreement between the parties. Should the parties be unable to agree, the court of arbitration shall itself establish its arbitration procedure.

The court of arbitration may decide to hear the representatives of the shipping companies concerned. The costs of arbitration shall be allocated as decided by the court of arbitration.

*Article 8.*

The present Agreement shall in no way imply the withdrawal of facilities greater than those allowable under its provisions which may have been accorded under special agreements between the co-signatory Governments. Neither shall it imply any prohibition to accord such facilities in the future.

*Article 9.*

The present Agreement, of which both the English and French texts shall be authentic, shall bear to-day's date and shall remain open at Geneva for signature by the Government of any (European) State Member of the League of Nations, and of any (European) State non-Member which is represented at the Conference on Communications and Transit now sitting at Geneva, or to which the text of the Agreement shall have been communicated to that end by the Council of the League of Nations.

The Secretary-General shall notify all the above Governments of all signatures which are appended to the present Agreement.

The present Agreement [shall not require ratification and <sup>1</sup>] shall come into force ninety days after it has been signed by three Governments, and it shall thereupon take effect, as regards all the signatory States, as from the date of signature. In conformity with Article 18 of the Covenant of the League of Nations, the Secretary-General shall register the present Agreement on the day on which it comes into force.

*Article 10.*

The present Agreement may be denounced by any of the Contracting States at any moment after the expiry of a period of ..... reckoned from to-day's date, by notification to the Secretary-General of the League of Nations, who shall inform all the Governments mentioned in Article 8 of all denunciations of the present Agreement.

DONE at Geneva on ..... 19.... in a single copy, which shall remain in the archives of the Secretariat of the League of Nations. Certified true copies shall be sent by the Secretary-General of the League of Nations to the Governments of all Members of the League as well as to all non-member States represented at the Conference on Communications and Transit.

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**ANNEX 2.**

(Conf. C. E. T. 3.)

**DRAFT AGREEMENT.**

TEXT SUBMITTED BY THE SPECIAL COMMITTEE.

*Article 1.*

A transit card shall be instituted for emigrants proceeding from Europe to overseas countries. This card may be prepared by each of the States Parties to the present Agreement for emigrants passing in transit through its territory in order to embark in its ports. These transit cards shall be supplied by each State to shipping companies authorised to take emigrants on board in its ports.

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<sup>1</sup> The words in brackets are perhaps unnecessary.

*Article 2.*

Each Government shall supply transit cards to shipping companies at cost price and free of any tax or charge. These cards shall conform, in respect of size, paper and printing, to the model annexed to the present Agreement.<sup>1</sup> They shall be printed (at least) in the language of the country of embarkation, but must reproduce integrally the formulæ printed in several languages in the model annexed to the present Agreement. They shall bear the name of the shipping company using them. They may only be ceded or lent to other companies in exceptional cases and with the permission of the Government by which they were supplied.

*Article 3.*

Transit cards shall only be supplied to shipping companies provided the latter agree not to issue any cards unless the following conditions are complied with :

The emigrant must have tickets for the whole journey from the point of departure to the country of immigration.

He must fulfil the conditions for admission laid down by the country of immigration and must not contravene the police and health regulations of the countries of transit.

He must have means to provide for his subsistence during transit.

The card must be issued to the emigrant free of charge. It must be duly filled in at the place of departure by the shipping company and must be signed by the company's authorised agent.

Transit cards may also be issued to emigrants who are compelled, either during the journey or on disembarkation in the country of immigration, to return to their point of departure.

*Article 4.*

All the States Parties to the present Agreement undertake to allow any emigrant holding a transit card issued by the Government of the country of embarkation, under the conditions laid down in the preceding articles, to pass in transit through their respective territories without requiring either this card or the passport to bear their consular visa.

*Article 5.*

Any Government Party to the present Agreement which has serious reasons for debarring a foreign shipping company from using these transit cards in its territory must inform all the other Contracting States, stating the reasons for its decision.

*Article 6.*

Each Contracting State shall have the right to remove from its territory any emigrant in possession of a transit card and staying therein without authorisation. The shipping company which has issued the transit card in question shall, in such case, be held responsible for all expenditure incurred under this head.

*Article 7.*

The Contracting Governments shall lend their good offices to ensure the proper execution of the present Agreement ; to this end, the competent services of the various Governments shall be authorised to communicate with each other direct.

*Article 8.*

In the absence of any direct agreement between the Governments, all disputes which may arise between them concerning the interpretation or application of the present Agreement shall be settled by arbitration. In the case of arbitration, unless the Parties decide otherwise, each Party shall appoint one arbitrator ; the third member of the court of arbitration shall be chosen by the arbitrators themselves or, should the latter be unable to reach an agreement, he shall be appointed by the Chairman of the Advisory and Technical Committee for Communications and Transit of the League of Nations. The court of arbitration shall reach its decision in conformity with the arbitration procedure (*compromis*) established by common agreement between the Parties. Should the Parties be unable to agree, the court of arbitration shall itself establish its arbitration procedure.

The court of arbitration may decide to hear the representatives of the shipping companies concerned. The costs of arbitration shall be allocated as decided by the court of arbitration.

*Article 9.*

The present Agreement shall in no way imply the withdrawal of facilities greater than those allowable under its provisions which may have been accorded by autonomous action or under special agreements between the co-signatory Governments. Neither shall it imply any prohibition to accord such facilities in the future.

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<sup>1</sup> The model card, as adopted by the Conference, is reproduced in Annex 4.

*Article 10.*

The present Agreement, of which both the English and French texts shall be authentic, shall bear to-day's date and shall remain open at Geneva for signature by the Government of any European State Member of the League of Nations and of any European State non-Member to which a copy of the Agreement has been communicated for this purpose by the Council of the League of Nations.

The Secretary-General shall notify all the above Governments of all signatures which are appended to the present Agreement.

The present Agreement shall come into force ninety days after it has been signed by three Governments, and it shall thereupon take effect, as regards all the signatory States, ninety days after the date of its signature. In conformity with Article 18 of the Covenant of the League of Nations, the Secretary-General of the League of Nations shall register the present Agreement on the day on which it comes into force.

*Article 11.*

The present Agreement may be denounced by any of the Contracting Governments at any moment after the expiry of a period of one year as from the date on which it came into force in respect of the Government in question, by notification to the Secretary-General of the League of Nations. Copy of this notification informing all the other Contracting Governments of the date on which it was received shall be transmitted to them by the Secretary-General.

Denunciation shall take effect six months after the date on which it was received by the Secretary-General and shall only operate in respect of the Government which has transmitted such notification.

DONE at Geneva on ..... 1929, in a single copy, which shall remain in the archives of the Secretariat of the League of Nations. Certified true copies shall be sent by the Secretary-General of the League of Nations to the Governments of all States referred to in the first paragraph of Article 10.

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**ANNEX 3.**

(Conf. C. E. T. 3 (1).)

**DRAFT AGREEMENT.**

**TEXT ADOPTED BY THE CONFERENCE AT THE FIRST READING.**

*Article 1.*

A transit card shall be instituted for emigrants proceeding from Europe to overseas countries. This card may be prepared by each of the Contracting Governments for emigrants passing in transit through its territory in order to embark in its ports. These transit cards shall be supplied by each Government which has prepared them to shipping companies authorised to take emigrants on board in its ports.

*Article 2.*

The transit cards shall be supplied to shipping companies at cost price and free of any tax or charge. These cards shall conform, in respect of size, paper and printing, to the model annexed to the present Agreement.<sup>1</sup> They shall be printed (at least) in the language of the country of embarkation, but must reproduce integrally the formulæ printed in several languages in the model annexed to the present Agreement. They shall bear the name of the shipping company using them. They may only be ceded or lent to other companies in exceptional cases and with the permission of the Government by which they were supplied.

*Article 3.*

Transit cards shall only be supplied to shipping companies provided the latter agree not to issue any cards unless the following conditions are complied with :

The emigrant must have tickets for the whole journey from the point of departure to the country of immigration.

He must fulfil the conditions for admission laid down by the country of immigration.

He must have means to provide for his subsistence during transit.

The card must be issued to the emigrant free of charge. It must be duly filled in at the place of departure by the shipping company and must be signed by the company's authorised agent.

Transit cards may also be issued to emigrants who are compelled to give up their journey when already on their way or are turned back when disembarking in the country of immigration. Such cards shall cover the emigrant's return journey.

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<sup>1</sup> The model card, as adopted by the Conference, is reproduced in Annex 4.

*Article 4.*

Provided that the emigrant conforms to the requirements of their police and security regulations, all the Contracting Governments undertake to allow any emigrant holding a passport or a transit card issued by the Contracting Government of the country of embarkation, under the conditions laid down in the preceding articles, to pass in transit through their respective territories without requiring either this card or the passport to bear their consular visa, and without levying special control or transit charges on the emigrant.

*Article 5.*

Any Contracting Government which has serious reasons for debarring a foreign shipping company from using these transit cards in its territory must inform all the other Contracting States, stating the reasons for its decision. Such prohibition, however, shall not have the effect of impeding the journey of emigrants during a period of sixty days following notification.

*Article 6.*

Each Contracting Government shall have the right to remove from its territory any emigrant in possession of a transit card and staying therein without authorisation. The shipping company which has issued the transit card in question shall, in such case, be held responsible for all expenditure incurred under this head.

*Article 7.*

(Held over.)

*Article 8.*

In the absence of any direct agreement between the Governments, all disputes which may arise between them concerning the interpretation or application of the present Agreement shall be settled by arbitration. In the case of arbitration, unless the Parties decide otherwise, each Party shall appoint one arbitrator; the third member of the court of arbitration shall be chosen by the arbitrators themselves or, should the latter be unable to reach an agreement, he shall be appointed by the Chairman of the Advisory and Technical Committee for Communications and Transit of the League of Nations. The court of arbitration shall reach its decision in conformity with the arbitration procedure (*compromis*) established by common agreement between the Parties. Should the Parties be unable to agree, the court of arbitration shall itself establish its arbitration procedure.

The court of arbitration may decide to hear the representatives of the shipping companies concerned. The costs of arbitration shall be allocated as decided by the court of arbitration.

*Article 9.*

The present Agreement shall in no way imply the withdrawal of facilities greater than those allowable under its provisions which may have been accorded by autonomous action or under special agreement between the Contracting Governments. Neither shall it imply any prohibition to accord such facilities in the future.

*Article 10.*

The present Agreement, of which both the English and French texts shall be authentic, shall bear to-day's date and shall remain open at Geneva for signature by the Government of any European State Member of the League of Nations and of any European State non-Member to which a copy of the Agreement has been communicated for this purpose by the Council of the League of Nations.

The Secretary-General shall notify all the above Governments of all signatures which are appended to the present Agreement.

The present Agreement shall come into force ninety days after it has been signed by three Governments, and it shall thereupon take effect, as regards any signatory Government, ninety days after the date of its signature by the said Government.

In conformity with Article 18 of the Covenant of the League of Nations, the Secretary-General of the League of Nations shall register the present Agreement on the day on which it comes into force.

*Article 11.*

The present Agreement may be denounced by any of the Contracting Governments at any moment after the expiry of a period of one year as from the date on which it came into force in respect of the Government in question, by notification to the Secretary-General of the League of Nations. Copy of this notification informing all the other Contracting Governments of the date on which it was received shall be transmitted to them by the Secretary-General.

Denunciation shall take effect six months after the date on which it was received by the Secretary-General and shall only operate in respect of the Government which has transmitted such notification.

DONE at Geneva on ....., 1929, in a single copy, which shall remain in the archives of the Secretariat of the League of Nations. Certified true copies shall be sent by the Secretary-General of the League of Nations to the Governments of all States referred to in the first paragraph of Article 10.

ANNEX 4.

AGREEMENT CONCERNING THE PREPARATION OF A TRANSIT CARD  
FOR EMIGRANTS.<sup>1</sup>

*Adopted by the Conference on June 14th, 1929.*

PREAMBLE.

The Contracting Governments:

For humanitarian reasons and in order to simplify transit formalities for emigrants crossing their respective territories;

Considering that general conventions to which other Governments may subsequently become parties constitute the best means whereby the Governments may give effect to the recommendation made by the Passport Conference held at Geneva from March 12th to 18th, 1926, to the effect that all possible facilities should be granted for the passage in transit of emigrants proceeding from Europe to countries overseas;

Being desirous of concluding an Agreement to this effect;

Have agreed as follows:

*Article 1.*

A transit card shall be instituted for emigrants proceeding from Europe to overseas countries. This card may be prepared by each of the Contracting Governments for emigrants coming to embark in its ports. Each Government which has adopted these transit cards shall supply them to shipping companies authorised to take emigrants on board in its ports.

*Article 2.*

Transit cards shall be supplied to shipping companies at cost price and free of any tax or charge. These cards shall conform in respect of size, paper and printing to the model annexed to the present Agreement. They shall be printed in the language of the country of embarkation, and must reproduce the notice printed on the back of the model annexed to the present Agreement in at least seven other languages at the choice of the countries of embarkation, according to their respective requirements. They shall bear the name of the shipping company using them. They may only be ceded or lent to other companies in exceptional cases and with the permission of the Government by which they were supplied.

*Article 3.*

Transit cards shall only be supplied to shipping companies provided the latter agree not to issue any cards unless the following conditions are complied with:

The emigrant must have tickets for the whole journey from the point of departure to the country of immigration;

He must fulfil the conditions for admission laid down by the country of immigration;

He must have means to provide for his subsistence during transit.

The card must be issued to the emigrant free of charge. It must be duly filled in at the place of departure by the shipping company and must be signed by the company's authorised agent.

Transit cards may also be issued to emigrants in order to facilitate their return to their country or place of departure if they are compelled to give up their journey when already on their way or are turned back when disembarking in the country of immigration. A duplicate of this card shall at the same time be handed to the emigrant, who shall retain it until he reaches his final destination on his return journey.

*Article 4.*

Provided that the emigrant conforms to the requirements of their public security, police and health regulations, all the Contracting Governments undertake to allow any emigrant holding a passport and a transit card issued by the Contracting Government of the country of embarkation, under the conditions laid down in the preceding articles, to pass in transit through their respective territories without requiring either this card or the passport to bear their consular visa, and without levying special control or transit charges.

*Article 5.*

Any Contracting Government which has serious reasons for debarring a foreign shipping company from using these transit cards in its territory must inform all the other Contracting Governments, stating the reasons for its decision. Such prohibition, however, shall not have the effect of impeding the journey of emigrants during a period of sixty days following notification.

<sup>1</sup> In accordance with Article 11, this Agreement will come into force on September 12th, 1929.

*Article 6.*

Each Contracting Government of a country of embarkation shall, as far as possible, communicate to the other Contracting Governments at their request a list of the shipping companies which it supplies with transit cards.

*Article 7.*

The shipping company which has issued a transit card shall be responsible for all expenditure incurred by one of the Contracting Governments owing to the emigrant supplied with this card having remained in the territory of this Government without authorisation.

*Article 8.*

The Contracting Governments shall lend their good offices to ensure the proper execution of the present Agreement, particularly with a view to ensuring the responsibility of the shipping companies referred to in the preceding article; to this end the competent services of the various Governments shall be authorised to communicate with each other direct.

*Article 9.*

In the absence of any direct agreement between the Governments, all disputes which may arise between them concerning the interpretation or application of the present Agreement shall be settled by arbitration. In the case of arbitration, unless the parties decide otherwise, each party shall appoint one arbitrator; the third member of the court of arbitration shall be chosen by the arbitrators themselves or, should the latter be unable to reach an agreement, shall be appointed by the Chairman of the Advisory and Technical Committee for Communications and Transit of the League of Nations. The court of arbitration shall reach its decision on the basis of the special agreement established by common agreement between the parties. Should the parties be unable to agree, the court of arbitration shall itself establish the special agreement.

The court of arbitration may decide to hear the representatives of the shipping companies concerned.

The costs of arbitration shall be allocated as decided by the court of arbitration.

*Article 10.*

The present Agreement shall in no way imply the withdrawal of facilities greater than those allowable under its provisions which may have been accorded by autonomous action or under special agreement between the Contracting Governments. Neither shall it imply any prohibition to accord such facilities in the future.

*Article 11.*

The present Agreement, of which both the English and French texts shall be authentic, shall bear to-day's date and shall remain open at Geneva for signature by all Governments invited to the Conference on cards for emigrants in transit held at Geneva from June 10th to 14th, 1929.

The Secretary-General shall notify all the above Governments of all signatures which are appended to the present Agreement.

The present Agreement shall come into force ninety days after it has been signed by three Governments, and it shall thereupon take effect, as regards any signatory Government, ninety days after the date of its signature by the said Government.

In conformity with Article 18 of the Covenant of the League of Nations, the Secretary-General of the League of Nations shall register the present Agreement on the day on which it comes into force.

*Article 12.*

The present Agreement may be denounced by any of the Contracting Governments at any moment after the expiry of a period of one year as from the date on which it came into force in respect of the Government in question, by notification to the Secretary-General of the League of Nations. Copy of this notification informing all the other Contracting Governments of the date on which it was received shall be transmitted to them by the Secretary-General.

Denunciation shall take effect six months after the date on which it was received by the Secretary-General and shall only operate in respect of the Government which has transmitted such notification.

*Article 13.*

The present Agreement shall be subject to revision, at the request of not less than one-third of the Contracting Governments, with a view to granting more extensive facilities to emigrants crossing their territory.

DONE at Geneva on June fourteenth, one thousand nine hundred and twenty-nine, in a single copy, which shall remain in the archives of the Secretariat of the League of Nations. Certified true copies shall be sent by the Secretary-General of the League of Nations to all Governments referred to in the first paragraph of Article 11.

The exact dimensions of the card (19×15 cm.) are indicated by the dotted border.

[Indication of the country  
of embarkation]

Exit.

No. ....

## Transit Card

Surname .....

Christian name .....

Nationality .....

Ticket No. .... Passport No. ....

Stamp of the Navigation  
Company:

(To be retained at the port of embarkation)  
by the Passports Control Office.

This card is supplied gratis.

[Indication of the country  
of embarkation]

Entry

No. ....

## Transit Card

### INTERNATIONAL AGREEMENT

concluded under the auspices of the League of Nations  
at Geneva, June 14th 1929.

Surname .....  
(BLOCK LETTERS)

Christian name ..... Sex ..... Age .....

Nationality .....

Country in which journey started .....

Country of final destination .....

Ticket No. .... Passport No. ....

At ..... the ..... 19.....

Signature of the Navigation  
Company's Agent

(To be detached at the frontier of the country of embarkation)  
by Passports Control Office.

This card is supplied gratis.

[REVERSE SIDE]

## Notice

This card is issued under the International Agreement concluded under the auspices of the League of Nations at Geneva, June 14th 1929, and gives the right of transit to the port of embarkation.

[The same notice should be reproduced in at least seven languages other than the language of the country of embarkation.]

Indication of the Navigation Company

## Notice

This card is issued under the International Agreement concluded under the auspices of the League of Nations at Geneva, June 14th 1929, and gives the right of transit to the port of embarkation.

[The same notice should be reproduced in at least seven languages other than the language of the country of embarkation.]

Indication of the Navigation Company

**ANNEX 5.**

REPORT BY M. DE NAVAILLES, RAPPORTEUR, ADOPTED BY THE CONFERENCE  
ON JUNE 14TH, 1929.

The Conference convened for the conclusion of an International Agreement on Cards for Emigrants in Transit met at Geneva from June 10th to 14th, 1929. It considered a draft Agreement drawn up by the Committee of Experts summoned the previous February by the Committee for Communications and Transit.

A. The general discussion showed that there were two conflicting points of view : some delegates regarded transit cards as a fresh complication contrary to the tendency towards the abolition of visas and even of passports ; other delegates feared an innovation which would weaken too much the control of their respective countries over passengers in transit.

On the one hand, it was maintained that, for economic and humanitarian reasons, the regime of free circulation should be restored in Europe. The second Passports Conference adopted the principle of the abolition of consular visas, and every country has already made considerable progress in this direction. It may be anticipated that, within a comparatively short time, consular visas on passports will have been everywhere abolished. To introduce transit cards would therefore be a retrograde step. When visas are no longer required anywhere, such cards will be superfluous, and, if the system of visas is maintained, the creation of transit cards can only delay the desired simplification.

Is there any need for fresh administrative formalities ? We already have the passport, the certificate of good moral character, the vaccination certificate, and others which vary according to the country. Why oblige the emigrant to have still another document ? Why not let him travel in normal conditions ? Why place him in a position of inferiority by putting him in a separate category ? Moreover, what is the definition of an emigrant ? How could a strict control be exercised over genuine emigrants ? To introduce transit cards amounts to replacing consular visas by more complicated formalities. The passport, even without a consular visa, is the safest and most practical document both for authorities and individuals.

Furthermore, the identity card is useless for the nationals of a country who, in virtue of the agreements concerning the abolition of passport visas, can proceed freely to the neighbouring countries and embark there.

In opposition to the above views, other delegates pointed out that the transit card cannot replace the documents at present required, viz., a passport visaed by the country of destination, the visa of this passport by the consuls of the country of transit or a special card issued by the authorities of the transit country. Apart from the police reasons necessitating strict control, there are also health requirements to be taken into account. The health measures must not only be maintained but made still more stringent.

B. These various considerations were answered by the following arguments :

The transit card is an effective and convenient method of control for countries of embarkation. It simplifies the formalities to be complied with by the emigrant. Four countries in which a large number of emigrants proceeding overseas embark, namely, Belgium, France, Great Britain and the Netherlands, employ this system and find it a good one.

The bearer of a transit card is accepted in the country of embarkation without any police or health formalities.

There are emigrants who, having to cross several countries with different systems, are obliged to provide themselves with numerous visas, to pay a large number of fees and to produce the required proofs in several places. With transit cards accepted by every country, all this would be simplified. The fact that the emigrant has the card proves that he fulfils the conditions required for admission to the country of destination and that he has in his possession a valid ticket for the whole journey. The result is a saving of time and trouble both for the emigrant and for the authorities of the countries of transit.

If we consider the present travelling conditions of an emigrant proceeding, for example, from Roumania to Hamburg or Antwerp, we find that, according to the route followed, he has to procure from three to five visas.

The emigrant obtains a transit card without any trouble on his part. This card is prepared entirely by the shipping company, which hands it to its owner at the same time as his ticket.

The total abolition of passport visas would not do away with all supervision at the frontiers of the countries of embarkation. There are, for instance, the precautions taken to protect the home labour market. It is impossible to say when these measures will be repealed. If only in this respect, the transit card would always allow the bearer to pass without further examination.

If a special regime is applied to emigrants, this is because of the measures taken in the countries of emigration themselves. In all these countries, the emigrant is obliged to observe special conditions in regard to his departure.

As regards health, the inspections which the emigrant is obliged to undergo, both in the country of departure and *en route*, ensure that the transit card does not constitute a danger



in this respect. Furthermore, if the emigrant arrives ill at the port of embarkation, the shipping company is responsible : it provides for the cost of treatment and, if necessary, for repatriation. From this point of view, it is the shipping company which, in its own interest, takes the requisite precautions. No consul pays attention to the health of emigrants. In fact, the consul very rarely sees an emigrant. Transit cards are the best guarantees in this respect ; they allow emigrants to cross the frontier without being subject to long and expensive medical inspections.

When a country has undertaken, by abolishing visas, to allow the nationals of another State to enter its territory freely, it will not ask these nationals to produce the transit card. The acceptance of the system of transit cards, therefore, does not involve the renunciation of a more liberal system resulting from special agreements. The proposed Convention expressly recognises this.

C. There was considerable opposition to two of the main provisions contained in the Committee of Experts' Draft—one provision involving the issue to the same emigrant of a separate transit card for each country traversed and the other setting up a central organisation to print the transit cards and supply them to the shipping companies.

Every possible guarantee is afforded when an emigrant possesses a passport visaed by the country of destination, a through ticket for the whole journey and a transit card proving that he will be admitted in the country of embarkation. Provided these conditions are fulfilled, there is no reason why the emigrant should not be allowed to pass in transit through intermediate countries. Transit cards for each of these intermediate countries are therefore unnecessary. Since the aim is to simplify these formalities, emigrants should not be given more than one transit card, *i.e.*, that issued by the country of embarkation, which should suffice.

The printing of the transit card in all the languages of the countries of embarkation and of transit would be a very complicated matter.

There are objections of principle as well as practical objections to the establishment of a central office. It should be the duty of each Government to supply the cards to the shipping companies operating under its flag or having agencies in its territory. Each Government should control the use of those cards and should take steps, if necessary, to deal with abuses. If the cards are distributed by a central office while control is exercised, as is essential, by the Governments concerned, there will be unnecessary overlapping.

Moreover, the cards can be printed and supplied by Governments without any difficulty. Governments have a proper organisation to deal with passport forms, identity cards and residence permits. It is merely necessary to specify in the Agreement the conditions under which the cards are to be distributed and used by the companies and to insert the standard model to be adopted by signatory States.

As each State is to be responsible for control and supervision, it is hard to see how a central office could work efficiently.

D. The Conference approved these views and decided to abandon the proposal to establish a central office and to require identity cards to be issued by transit countries. These cards will only be printed and supplied to the shipping companies by the countries of embarkation. A Committee was appointed to revise the Committee of Experts' draft Agreement accordingly.

E. The Committee drew up a new Draft, which was submitted article by article to the Conference for examination.

The arguments for and against transit cards were given during the discussion of Article 1, under which the card is instituted, and which aims at making its employment general.

It was suggested that a clause should be inserted in the Agreement or in a Protocol of Signature to the effect that transit cards should only be utilised in the case of countries which have maintained the formality of the consular visa. This suggestion was not adopted. There are emigrants who cross countries some of which require a visa and others do not. The transit card makes it possible to ignore these differences, since the holder need only produce it to be allowed passage both through countries with a visa and countries without a visa. The card will ensure freedom of transit without any special control. If a country does not ask for the transit card to be produced at the frontier, so much the better ; but this is not a reason for refusing other countries, and especially emigrants, the facilities which the card offers.

The fear was expressed that the transit card might be employed by undesirables to gain access to a territory and remain there with no good intentions. The observation only applies in the case of countries by which passport visas have been maintained. In any case, transit cards are only issued to emigrants who have received authorisation to proceed to an overseas country. This is an excellent guarantee, since these countries, to which emigrants travel for permanent settlement, have a greater interest than a country of transit in defending themselves against suspicious individuals.

Eventually the text of Article 1 was adopted with a slight change of form.

Where the new article principally differs from that contained in the Experts' Draft is that the transit card will only be printed and supplied to the companies by the countries of embarkation.

The question was raised whether, as is done by certain countries in the case of passports, shipping companies would have the right to include on one and the same card members of a family travelling together. The Conference was of opinion that the transit card should be an individual document and that, in the case of persons travelling together, a separate card should be issued for each.

F. Article 2 was altered slightly by the Conference, but the final text is very similar to that proposed by the Committee. This article specifies the form which the transit card is to take and the conditions under which it will be supplied to shipping companies.

G. Article 3 refers to the conditions to be complied with by the shipping companies in delivering the cards to emigrants. The Committee's draft has been modified in two important respects. The third paragraph read as follows :

“He must fulfil the conditions for admission laid down by the country of immigration and must not contravene the police and health regulations of the countries of transit.”

The second of these conditions has been deleted and transferred to Article 4. It was pointed out to the Conference that, even if the shipping companies were acquainted with the numerous health regulations, it was impossible for them to know whether an emigrant might not be in contravention with the police regulations. But, of course, a country can always refuse transit to a person not fulfilling its police and health conditions.

The last paragraph of this article in the Committee's draft was as follows :

“Transit cards may also be issued to emigrants who are compelled, either during the journey or on disembarkation in the country of immigration, to return to their point of departure.”

Two observations were made. It was desirable that it should be possible to issue a transit card to an emigrant rejected after a shorter or longer stay in an overseas country or returning to Europe of his own accord. Further, he should not be obliged to return only to his point of departure. There are cases in which the point of departure is not in the country to which the emigrant belongs. It is important that the companies should be allowed to deliver the card for return to the latter country. The company will in most cases have to judge whether it should bring back the emigrant to his point of departure or to the country of which he is a national, according to circumstances and according to the decisions of the Governments concerned.

The Conference considered that the first of these two proposals was outside its competence. Nevertheless, it recognised the desirability of considering whether a similar system could not be adopted for emigrants returning permanently or temporarily to the country which they had left or to the country of which they are nationals after a shorter or longer stay in the country of immigration. It adopted the second proposal, so that the final wording of the last paragraph of Article 3 is as follows :

“Transit cards may also be issued to emigrants in order to facilitate their return to their country or place of departure if they are compelled to give up their journey when already on their way or are rejected when disembarking in the country of immigration. A duplicate of this card shall at the same time be handed to the emigrant, who shall retain it until he reaches his final destination on his return journey.”

H. In conformity with the Conference's resolution referred to above in connection with Article 3, it was agreed that Article 4 should begin with the words :

“Provided that the emigrant conforms to the requirements of their police and health regulations, all the Contracting Governments . . . ”

An important addition was made to Article 4. The Conference was unanimous in thinking that no charge of any kind should be made on emigrants in transit. The general tendency is to exempt emigrants as far as possible from all changes during their journey. The addition reads as follows :

“Without levying special control or transit charges on the emigrants.”

I. Article 5 refers to the right which is given both to the Governments of the countries of transit and of those of the countries of embarkation to debar from the use of transit cards a company having seriously failed in its obligations. It was remarked that the emigrants already provided with a transit card at the time of such debarring should not be the victims of this measure, which is directed only against the company at fault. A clause was therefore inserted in the article to the effect that the cards of the debarred company should remain valid for a further sixty days following the notification of the prohibition.

K. The draft Agreement prepared by the Committee of Experts in February 1929 made it an obligation for each Government to communicate to all the others a list of the shipping companies authorised by it to issue transit cards. In the Drafting Committee, it was explained that this obligation might encounter great difficulties, even if its fulfilment did not prove absolutely impossible. The clause was therefore not reproduced in the Committee's Draft. The Conference thought that it would be going too far to impose such an obligation, but that it was obviously an advantage for the contracting Governments to have as complete information as possible. A clause based on this idea was inserted in Article 6 of the Agreement.

L. As regards Article 7, a full discussion took place on the responsibility of shipping companies. It was maintained that this responsibility was illusory, because it was not the outcome of an undertaking freely entered into by the companies. There is no legal bond between the State wishing to avail itself of the responsibility stipulated in this article and the company involved. An effective guarantee must be sought elsewhere, either by admitting for transit only cards issued by companies duly authorised by the countries of transit, or by rendering authorisation conditional on the payment of a deposit to which should be charged the expenses to which Article 7 makes the companies liable.

It was replied that the object of the Convention was to simplify the present system applicable to emigrants in transit. If, in order to have guarantees, new complications and formalities were to be introduced, it would be better to retain the present system. To-day, the countries of transit allow passage through their territories to emigrants supplied with a passport visaed by the country of destination. In some cases they do, in others they do not, require their own consular visa. How do they run greater risks by allowing transit to emigrants supplied with a card? The proposed system gives them something more, *i.e.*, the responsibility of the company which issued the card. If this guarantee is of no value, nothing will be altered so far as they are concerned in the present system. But even if the legal basis for the company's responsibility, as provided for in Article 7, is weak, it fully justifies administrative pressure. If a country of transit could not take direct action against a company, it would apply to the Government of the country in which the company has its headquarters, and would ask for its assistance. The latter would generally have sufficient administrative resources at its disposal to bring the recalcitrant company to reason.

It is perhaps not absolutely true that individuals or companies cannot incur responsibility for acts to which they are not parties. Many diplomatic conventions create obligations for individuals and companies, and both of them, although not parties to the text which applies to them, are bound to the extent determined by the laws of the country.

To make it quite clear that the good offices which the Governments agree to lend each other under Article 8 may be invoked in the cases of responsibility to which Article 7 refers, an express mention has been inserted in Article 8.

Article 7 also gave rise to the following criticism: The text proposed by the Committee says that each Government shall have the right to remove from its territory any emigrant staying therein without authorisation. This is only included in the article to lead up to the obligation of the company, which is held responsible for the refund of all expenditure incurred under this head. This wording is both regrettable and unnecessary. It is unnecessary because it is obvious that a sovereign State always has the right of expulsion. It is regrettable because it appears to dispute this right in principle in the case of emigrants.

The Conference agreed that this criticism was well founded and adopted the following text:

"The shipping company which has issued a transit card shall be responsible for all expenditure incurred by one of the Contracting Governments owing to the emigrant supplied with this card having remained in the territory of this Government without authorisation."

The expenditure mentioned in the text can only refer to the maintenance, hospital, travelling and other expenses of the emigrant in so far as a Government or public authority is responsible for such expenses.

M. As stated above, the Conference included in Article 8 proposed by the Committee an express reference to the responsibility of the shipping companies. The article will therefore read as follows:

"The Contracting Governments shall lend their good offices to ensure the proper execution of the present Agreement, particularly with a view to ensuring the responsibility of the shipping companies referred to in the preceding article; to this end, the competent services of the various Governments shall be authorised to communicate with each other direct."

It was expressly remarked that a State's obligation to lend its good offices could not oblige it to employ against a national or foreign company measures of compulsion which its legislation did not allow it to take.

N. The Conference accepted the model transit card drafted by the Committee to be annexed to the Agreement.

Certain delegates pointed out that it would have been useful to supplement this card either by detachable sheets, to be retained by the frontier authorities, or at any rate by a counterfoil to be kept by the emigrant. This would provide a check which does not exist with the proposed model.

The Conference preferred not to do anything in this direction. It would have meant a return to the system of the Committee of Experts, involving as many transit cards as there were countries traversed by the emigrant, and, in particular, it would have meant the abandonment of the principle of simplification which has guided the Conference's decisions.

Geneva, July 12th, 1929.

**LEAGUE OF NATIONS****INFORMATION ON COMMUNICATIONS  
AND TRANSIT****MEMORANDUM ON THE TRAFFIC BETWEEN  
THE MEDITERRANEAN PORTS AND AMERICA***Prepared by the Secretariat of the Communications and Transit Committee.*

The present note has been drafted at the instance of the American Institute of Economics at Barcelona, which asked the Secretariat of the League of Nations for certain information with regard to the traffic of the ports of the Mediterranean (including the Tyrrhenian, Adriatic, Ionian, Ægean and Black Seas), with the different countries of America, for the use of the Conference of American Chambers and Associations of Commerce convened for October at Barcelona.

The information required, which the Communications and Transit Section was instructed to obtain, relates to the following points:

1. Names of the ports in the above-mentioned seas in Europe, Asia and Africa which may be regarded as import or export centres having relations with America.
2. Names of the free ports and Customs depots and warehouses on these seas, and certain data with regard to the regulations of these ports.
3. Shipping lines serving these ports.
4. Origin or destination of the goods received or despatched.
5. Land or river communications of these ports.

The attached annexes include information on most of these points. The data are based exclusively on the documents at present at the disposal of the League Secretariat. In view of the nature of the work and the short time available, it has not been possible to investigate other sources of information. The documentation varies very considerably for the different countries in which the ports are situated and is, in the case of some of the countries, very incomplete. Moreover, the data collected for the various countries do not lend themselves to exact comparisons, as the basic statistics do not all relate to the same year, and many are not of very recent date. The official statistics are, as a rule, published after a delay of two or three years, or even more, while the more recent information, found in unofficial publications, is much more general and often fails to indicate with any degree of accuracy the kind of traffic to which the figures relate (*e.g.*, total movement of shipping, inclusive or exclusive of coasting traffic, on loaded ships and ships in ballast, or the former only, etc.). As, however, the object is not to compile a scientific work, but to furnish general information on traffic, we think that the data thus collected will be found to be of some use and to serve the purpose in view, more especially as certain more recent, though general, indications have shown that there have been no very considerable changes in these traffic conditions during the last two or three years.

Owing to the above-mentioned differences between the data collected for the different ports, the year to which the data relate and the field which they cover are shown, separately for each port, in the tables of Annex B.

Certain explanations are also given below regarding the data collected with a view to supplying the information asked for under each of the above-mentioned five points:

*Point 1.* — Annex A contains a list of the ports, numbering thirty-two, for which the data have been collected. We have chosen for this purpose the principal ports of the seas in question, the total movement of whose shipping, inwards and outwards—not including coasting traffic—amounts to one million tons net or more, and which, apart from that, carry on a fairly considerable part of their traffic with the various countries of America. In the case of certain countries, however, whose ports have less traffic with foreign countries, we have given the data for one or two ports, so as to give an idea of the maritime traffic between those countries and the continent of America.

We have not, however, included any Spanish port in our list, as information with regard to these can more easily be obtained direct by the Barcelona Institute, and we had no information available with regard to the traffic of the Albanian ports and scarcely any for the Turkish and Syrian ports and the Russian Black Sea ports. As the first of these four countries (Albania) has no seaports of any considerable importance, the lack of information with regard to them cannot make any essential difference to the general picture. This is not so, however, in the case of the other three countries—Russia, Turkey and Syria—which possess large ports with an extensive international traffic, such as Odessa, Constantinople, Smyrna and Beirut. In view of the importance of these ports, we have mentioned a number of shipping lines which run services between them and America, and have added some information of a very general nature which we possessed regarding the total movement of these ports, without, however, giving details.

*Point 2.* — The Mediterranean “free” ports (in the strict sense of the term) in the countries under review would seem—apart from Salonica—to be confined to Italy, most of whose ports are “free”. An Italian Decree was issued on December 22nd, 1927, providing for the creation of free zones in the ports of Savona, Genoa, Leghorn, Naples, Brindisi, Bari, Ancona, Venice, Trieste, Fiume, Palermo, Messina, Catania and Cagliari. Moreover, the ports possess depots or warehouses under Customs supervision, where goods may be left for varying periods without payment of duty. The nature of the formalities to be observed and the changes which the goods may undergo in the warehouses differ widely according to the laws of the individual countries.

*Point 3.* — As regards the shipping lines, we have collected data only for the regular or quasi-regular lines, and only those which link up the ports under review with the various countries of America. These lines are shown in the lists made out separately for each port, all of which are contained in Annex B attached (Tables B 1 — B 32). Although the lists of these lines are fairly complete for a number of ports, there must necessarily be gaps. The information has been taken, in the case of certain ports, from the official documents of the country in question, which contain very complete lists; in other cases it has been taken from the publications of the shipping and other institutions concerned; while, for the remainder, it is derived from the various year-books and other publications of a general nature. For certain ports where the data could only be ascertained indirectly without reference to returns of lines specially published for the port, the list will naturally be somewhat incomplete. Further, we have not been able to obtain any data with regard to the shipping lines, if any, linking up the ports of Sète (Cette) and Sfax with America. These are the only ports for which no line has been indicated.

*Point 4.* — As regards the origin and destination of the goods which the ports under review receive or despatch (here, again, we have of course confined ourselves to traffic with the American countries), the statistics of ports only contain complete information in the case of some of the countries, *i.e.*, the ports of Italy, the Kingdom of the Serbs, Croats and Slovenes, Greece and Egypt, and the port of Marseilles. It is only for these ports that there is any information with regard to the quantities of goods received from or despatched to the various countries of America. The Italian statistics, and those for the port of Marseilles, show both the goods imported from the country in question by ships arriving from those countries direct and those imported in other ships which have followed an indirect route: that is to say, those which have arrived at the ports in question from a country other than the country of origin of the imported goods. The same applies to exported goods, as shown at the head of the corresponding column in the tables relating to these ports in Annex B. In the case of the other ports, for which the national statistics contain no data with regard to the movements of goods according to origin or destination, we have shown, wherever the necessary information was obtainable, the movements of ships—that is to say, their number and net tonnage—with reference to the countries of America. This in itself enables us to form an idea of the extent of the traffic between these countries and the ports in question. These data were obtainable for the French ports (with the exception of Marseilles) and for those of Algeria and Bulgaria. The statistics for Bulgaria also show the quantity of goods loaded or unloaded, but do not specify the country of origin or destination. Finally, for the Roumanian and Tunisian ports, the data available are still more incomplete and rest on very varying bases, as is apparent from the relevant tables, so that they are quite inadequate for our purpose. The same applies to the traffic of Odessa, and the Turkish and Syrian ports, for which we were, as stated above, unable to obtain more detailed information. We have, however, shown in the attached tables, for information, certain general data for these ports which we were able to ascertain. Thus, we have been able to give figures for the total traffic with foreign countries of all the Russian Black Sea ports, taken together. In the case of Turkey, we have also added the general figure for the trade with the United States of America, as this trade is probably carried on almost exclusively by sea via the Mediterranean and the principal Turkish ports.

In order to show the relative extent of the traffic of the various ports in question with the continent of America, as compared with the total traffic of those ports, we have given data regarding the total traffic of each individual port in the corresponding tables. For the most part, these data relate to traffic with foreign countries, exclusive of coasting traffic, as this seemed to us to yield the most useful comparison. Nevertheless, for certain ports for which more detailed

particulars were not obtainable, we have had to show the figures for the total general traffic, as deduced from the corresponding tables. It is clear that, owing to the variations between the different data, these particulars regarding the total traffic of the ports are not comparable with each other and are only to be regarded as isolated pieces of information for each port separately. For certain ports, for which we had information, we have given general traffic figures for more recent years, in addition to those for the year for which detailed statistics by countries were available.

As we have already said, all the data relating to the questions asked under 4 are shown in the individual tables for each port in Annex B 1—32.

*Point 5.* — Lastly, the land and river communications with the ports in question have been enumerated in the general list of ports in Annex A. As regards railway communications, the system to which they belong is specified, so that it is possible to estimate in each particular case the extent of the direct railway communications between the port and the various parts of its hinterland. Particulars of river communications, where such exist, have also been included in the above-mentioned list.

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The various documents and other publications used in compiling the information contained in the tables of Annex B are enumerated in Annex C attached.

### ANNEX A.

#### LIST OF PORTS.

No.	Name of Port.	Sea.	Country.	Land and River Communications of the Port.
1.	Sète.	Mediterranean.	France.	Railway, French general system.
2.	Marseilles.	"	"	Railway, French general system: Marseilles - Rhone navigable waterway under construction.
3.	Savona.	"	Italy.	Railway, Italian general system.
4.	Genoa.	"	"	" " " "
5.	Leghorn.	"	"	" " " "
6.	Naples.	Tyrrhenian.	"	" " " "
7.	Palermo.	"	"	" Sicilian system.
8.	Catania.	Ionian.	"	" " " "
9.	Venice.	Adriatic.	"	" Italian general system.
10.	Trieste.	"	"	" " " "
11.	Fiume.	"	"	Railway, Italian general system direct connection with Serb- Croat-Slovene general system.
12.	Sušak.	"	Kingdom of the	Railway, Serb-Croat-Slovene
13.	Split.	"	Serbs, Croats	general system.
14.	Dubrovnik.	"	and Slovenes	" Serb-Croat-Slovene narrow-gauge system.
15.	Patras.	Ionian.	Greece.	" Greek general system.
16.	Piræus.	Ægean.	"	" " " "
17.	Salonica.	"	"	" " " "
18.	Burgas.	Black.	Bulgarian	" Bulgarian general system.
19.	Varna.	"	"	" " " "
20.	Constantza.	"	Roumania.	" Roumanian " "
21.	Galatz.	Maritime Danube.	"	" " " " Danube river shipping system.
22.	Braila.	" "	"	Railway, Roumanian general sys- tem; Danube river shipping system.
23.	Odessa.	Black.	Russia.	Railway, Russian general system.
24.	Constantinople.	Marmora.	Turkey.	" General system of Turkey in Europe.
25.	Smyrna.	Ionian.	"	" System of Turkey in Asia.
26.	Beirut.	Mediterranean.	Syria.	" Syrian system.
27.	Port Said.	"	Egypt.	" Egyptian system (Suez Canal).
28.	Alexandria.	"	"	" Egyptian system (Suez Canal).
29.	Sfax.	"	Tunisia.	" Tunisian system.
30.	Tunis.	"	"	" " "
31.	Algiers.	"	Algeria.	" Algerian "
32.	Oran.	"	"	" " "

ANNEX B.

B I. — PORT OF SÈTE.

I. TRAFFIC OF VESSELS LOADED AND IN BALLAST WITH THE DIFFERENT COUNTRIES OF AMERICA IN 1926.

Country of origin or destination.	ARRIVALS.		DEPARTURES.	
	Number.	Net Tonnage.	Number.	Net Tonnage.
United States of America . . . . .	17	59,685	14	42,555
Chile. . . . .	1	3,567	—	—
Mexico. . . . .	—	—	1	3,989

II. TOTAL TRAFFIC OF THE PORT OF SÈTE IN 1926, EXCLUSIVE OF COASTING TRAFFIC.

ARRIVALS.		DEPARTURES.	
Number.	Net Tonnage.	Number.	Net Tonnage.
839	621,141	820	721,774

II (a). TOTAL TRAFFIC OF ALL VESSELS IN THE PORT OF SÈTE IN 1928, INCLUSIVE OF COASTING TRAFFIC.

Number.	ARRIVALS.		Number.	DEPARTURES.	
	Tonnage.	Goods unloaded. (Tons.)		Tonnage.	Goods loaded. (Tons.)
1,928	1,509,365	1,052,061	1,924	1,509,795	294,780

B 2. — PORT OF MARSEILLES AND ANNEXES.

I. TRAFFIC OF STEAMERS TO THE DIFFERENT COUNTRIES OF AMERICA IN 1927.

Country of origin or destination.	ARRIVALS.			DEPARTURES.		
	Number.	Tonnage.	Goods arriving from the country of origin, direct or indirect. (Tons.)	Number.	Tonnage.	Goods despatched to the country of destination, direct or indirect. (Tons.)
United States of America . . . . .	141	492,479	568,373	161	633,719	51,036
Canada . . . . .	49	177,337	111,765	25	98,811	2,311
Argentine . . . . .	77	299,161	214,847	60	233,027	46,138
Brazil . . . . .	2	6,145	19,267	9	36,530	7,013
Bolivia. . . . .	—	—	759	—	—	—
Chile. . . . .	13	45,329	12,936	14	47,618	139
Colombia. . . . .	—	—	141	—	—	219
Cuba. . . . .	10	26,715	72,583	4	13,389	17,366
Ecuador . . . . .	—	—	133	—	—	—
Haiti . . . . .	—	—	3,156	—	—	100
Mexico. . . . .	—	—	4,536	—	—	158
Nicaragua . . . . .	—	—	268	—	—	—
Paraguay. . . . .	—	—	492	—	—	—
Peru. . . . .	—	—	6,349	—	—	216
British possessions in America . . . . .	—	—	16,895	—	—	317
Netherlands possessions in America. . . . .	22	74,117	72,873	—	—	—
Dominican Republic . . . . .	1	2,153	6,859	—	—	—
Salvador . . . . .	—	—	131	—	—	—
Uruguay . . . . .	—	—	8,799	—	—	—
Venezuela . . . . .	—	—	44,848	—	—	7,585

**II. TOTAL TRAFFIC OF ALL VESSELS IN THE PORT OF MARSEILLES AND ITS ANNEXES IN 1927,  
INCLUSIVE OF COASTING TRAFFIC.**

ARRIVALS.			DEPARTURES.		
Number.	Tonnage.	Goods unloaded on arrival from foreign countries and the colonies. (Tons.)	Number.	Tonnage.	Goods loaded for foreign countries and the colonies. (Tons.)
7,127	12,465,123	4,777,807	7,127	12,504,093	1,896,494

**II (a). TOTAL TRAFFIC OF ALL VESSELS IN THE PORT OF MARSEILLES AND ITS ANNEXES IN 1928,  
INCLUSIVE OF COASTING TRAFFIC.**

ARRIVALS.			DEPARTURES.		
Number.	Tonnage.	Goods unloaded. (Tons.)	Number.	Tonnage.	Goods loaded. (Tons.)
8,576	14,297,272	5,382,863	8,568	14,268,785	3,497,114

**Shipping Lines between Marseilles and America.**

Company.	Flag.	Line.
Compagnie de Navigation, France-Amérique, Marseilles . . . . .	French	Marseilles-Spain-Brazil.
Compagnie française de Navigation à vapeur, Marseilles . . . . .	"	Marseilles-Naples-Palermo-New York.
Compagnie française de Navigation à vapeur, Marseilles . . . . .	"	Marseilles-Spain-New York.
Compagnie française de Navigation à vapeur, Marseilles . . . . .	"	Marseilles-Lisbon-Azores-New York.
Société générale de transports maritimes, Marseilles. . . . .	"	Marseilles-Brazil-Plata.
Société générale de transports maritimes, Marseilles. . . . .	"	Marseilles-Rio de Janeiro-Santos.
Société générale de transports maritimes, Marseilles. . . . .	"	Marseilles-W. Indies-Haiti-Cuba-New Orleans-Los Angeles.
Vimont et Cie, Marseilles . . . . .	"	Marseilles-North America.
Messageries Maritimes, Marseilles . . . . .	"	Marseilles-W. Indies-Oceania.
Cyprien Fabre et Cie, Marseilles . . . . .	"	Marseilles-New York.
Dollar Steamship Line . . . . .	U.S.A.	North America-Far East-Mediterranean.
Mallory Transport Line, New York . . . . .	"	North America-Mediterranean.
Dixie Line . . . . .	"	North America-Mediterranean-Black Sea.
Società Nazionale di Navigazione, Genoa . . . . .	Italian	Genoa-Marseilles-Gulf of Mexico.
Isthmian Steamship Line . . . . .	U.S.A.	New York-New Orleans-Mediterranean.
City Line. . . . .	"	Marseilles-United States of America.
Navigazione Generale Italiana, Genoa. . . . .	Italian	Genoa-Central America-Peru-Chile.
Cosulich Line, Trieste . . . . .	"	Trieste-New York.
Ybarra y Cía., Seville . . . . .	Spanish	Barcelona-Marseilles-Genoa-Philadelphia.
American Express Line. . . . .	U.S.A.	Philadelphia-New York-Marseilles-Genoa-Naples.



**B 3. — PORT OF SAVONA.**

**I. TRAFFIC OF VESSELS LOADED AND IN BALLAST WITH THE DIFFERENT COUNTRIES OF AMERICA  
IN 1925.**

Country of origin or destination.	ARRIVALS.			DEPARTURES.		Goods loaded on ships leaving for the country of destination direct or indirect. (Tons.)
	Number.	Net tonnage.	Goods unloaded from ships arriving from the countries of origin direct or indirect. (Tons.)	Number.	Net tonnage.	
Canada. . . . .	—	—	—	3	9,188	—
U.S.A. . . . .	20	73,457	120,184	5	18,276	—
Argentina . . . . .	1	1,370	8,219	—	—	—

**II. TOTAL TRAFFIC OF VESSELS IN THE PORT OF SAVONA IN 1925, EXCLUSIVE OF COASTING TRAFFIC.**

ARRIVALS.			DEPARTURES.		
Number.	Net Tonnage.	Goods unloaded. (Tons.)	Number.	Net Tonnage.	Goods loaded. (Tons.)
412	582,837	1,140,422	398	579,958	28,814

**Shipping Lines between Savona and America.**

Company.	Flag.	Line.
Kokusai Kisen Kabushiki Kaisha. . .	Japanese	North America-Pacific-Mediterranean.

**B 4. — PORT OF GENOA.**

**I. TRAFFIC OF VESSELS LOADED AND IN BALLAST WITH THE DIFFERENT COUNTRIES OF AMERICA  
IN 1925.**

Country of origin or destination.	ARRIVALS.			DEPARTURES.		Goods loaded on ships leaving for the country of destination direct or indirect. (Tons.)
	Number.	Net tonnage.	Goods unloaded from ships arriving from the countries of origin direct or indirect. (Tons.)	Number.	Net tonnage.	
Canada. . . . .	30	98,121	204,571	4	13,912	3,612
U.S.A. . . . .	259	822,390	1,298,017	51	239,806	100,217
Cuba. . . . .	1	287	542	—	—	4,379
Haiti and the Do- minican Republic	1	1,037	1,200	—	—	—
Mexico. . . . .	1	2,476	4,596	1	2,355	1,750
Panama . . . . .	2	6,102	4,809	1	3,051	6,168
Venezuela. . . . .	1	1,876	1,048	—	—	3,252
Brazil . . . . .	8	21,281	33,099	11	29,917	27,327
Uruguay . . . . .	1	4,692	17,092	—	—	18,347
Argentina. . . . .	148	586,774	494,861	83	385,816	201,975
Chili . . . . .	26	90,806	41,904	16	54,986	12,812

I (a). MOVEMENT OF GOODS IN TRAFFIC WITH AMERICA IN 1928.

Country of origin or destination.	ARRIVALS. Net tonnages.	DEPARTURES. Goods loaded arriving at the port by rail. (Tons.)
Canada. . . . .	429,343	North America: 63,981
U.S.A. . . . .	732,160	
Central America. . . . .	94,979	70,567
Chile and Southern Pacific . . . . .	71,834	South America: 150,951
Argentine . . . . .	899,971	
Uruguay . . . . .	32,088	
Brazil . . . . .	28,718	

II. TOTAL TRAFFIC OF VESSELS IN THE PORT OF GENOA IN 1925, EXCLUSIVE OF COASTING TRAFFIC.

ARRIVALS.			DEPARTURES.		
Number.	Net tonnage.	Goods from foreign countries unloaded. (Tons.)	Number.	Net tonnage.	Goods loaded for foreign countries. (Tons.)
3,089	6,802,472	6,140,774	2,948	6,565,966	607,837

II (a). TOTAL TRAFFIC OF VESSELS IN THE PORT OF GENOA IN 1928, INCLUSIVE OF COASTING TRAFFIC.

ARRIVALS.			DEPARTURES.		
Number.	Net tonnage.	Goods unloaded. (Tons.)	Number.	Net tonnage.	Goods loaded. (Tons.)
5,445	10,590,111	7,172,581	5,469	10,465,640	1,021,105

Shipping Lines between Genoa and America.

Company.	Flag.	Line.
Cosulich, Trieste . . . . .	Italian	Trieste-Brazil-Plata (cargo line). Trieste-New York (cargo line).
Lloyd Latino (working with the Société générale des Transports maritimes). . . . .	"	Genoa-Brazil-Plata.
Lloyd Sabaudo, Genoa . . . . .	"	Genoa-Brazil-Plata.
"	"	Genoa-New York.
"	"	Genoa-Brazil-Plata.
"	"	Genoa-Central America-Peru-Chile.
"	"	Genoa-New York
Soc. Nazionale di "Navigazione", Genoa.	"	Genoa-Brazil-Plata.
"	"	Genoa-Gulf of Mexico.
"	"	Genoa-Brazil-Plata.
"	"	Genoa-Central America-Chile.
"	"	Genoa-New York.
Kokusai Kisen Kabushiki Kaisha . . . . .	Japanese	America-Pacific-Mediterranean.
United States Shipping Board . . . . .	U.S.A.	New-York-Gulf of Mexico-Mediterranean.
Dollar Steamship Line. . . . .	"	North America-Far East-Mediterranean.
American Express Line, New York . . . . .	"	Philadelphia-New York-Mediterranean.
Mallory Transport Line, New York . . . . .	"	North America-Mediterranean.
Kerr Steamship Co., New York . . . . .	"	New York-Genoa-Calcutta.
United Gulf Steamship Co., New York . . . . .	"	New York-Genoa-Naples.
"	"	Gulf of Mexico-Mediterranean.
Nervion "Compañía Marítima de Bilbao . . . . .	Spanish	Gulf of Mexico-Barcelona-Genoa.
Ybarra y Cia., Seville . . . . .	"	Barcelona-Genoa-Philadelphia.
Dixie Line . . . . .	U.S.A.	North America-Mediterranean-Black Sea.
Société générale de transports mari- times à vapeur . . . . .	French	Los Angeles-New Orleans-Mediterranean.
Spanish Royal Mail Line . . . . .	Spanish	North America-Cuba-Porto Rico-Mediterranean.
Isthmian Steamship Line . . . . .	U.S.A.	New York-New Orleans-Mediterranean.
American-Mediterranean-Levant Line . . . . .	British	New York - Mediterranean - Black Sea.

**B 5. — PORT OF LEGHORN.**

**I. TRAFFIC OF VESSELS LOADED AND IN BALLAST WITH THE DIFFERENT COUNTRIES OF AMERICA IN 1925.**

Country of origin or destination.	ARRIVALS.			DEPARTURES.		
	Number.	Net tonnage.	Goods unloaded from ships arriving from the countries of origin direct or indirect (Tons.)	Number.	Net tonnage.	Goods loaded on ships leaving for the country of destination direct or indirect. (Tons.)
Canada . . . . .	3	4,352	8,321	1	3,217	3,460
U.S.A. . . . .	22	69,188	177,048	27	90,009	61,734
Cuba . . . . .	—	—	—	5	14,462	5,660
Brazil . . . . .	—	—	—	1	1,763	2,500
Argentine . . . . .	5	14,123	29,931	—	—	—
Chile . . . . .	2	4,763	11,403	9	31,328	2,767
Peru . . . . .	—	—	—	1	3,908	312

**II. TOTAL TRAFFIC OF VESSELS IN THE PORT OF LEGHORN IN 1925, EXCLUSIVE OF COASTING TRAFFIC.**

ARRIVALS.			DEPARTURES.		
Number.	Tonnage.	Goods unloaded. (Tons.)	Number.	Net tonnage.	Goods loaded. (Tons.)
1,325	2,014,083	1,433,471	1,266	1,984,264	243,329

**Shipping Lines between Leghorn and America.**

Company.	Flag.	Line.
Navigazione Generale Italiana, Genoa	Italian	Genoa-Central America-Peru-Chile.
Soc. Nazionale di Navigazione, Genoa	"	Genoa-Brazil-Plata.
"	"	Genoa-Mexico.
"Transatlantico Italiano," Genoa . . .	"	Genoa-Central America-Chile.
Kokusai Kisen Kabushiki Kaisha . . .	Japanese	North America-Pacific-Mediterranean.
Ybarra y Cia., Seville . . . . .	Spanish	Barcelona-Genoa-Philadelphia.
United States Shipping Board . . . . .	U. S. A.	New York-Gulf of Mexico-Mediterranean.
American Express Line, New York . . .	"	Philadelphia-New York-Mediterranean.
Mallory Transport Line, New York . . .	"	New York-Philadelphia-Mediterranean.
Cosulich, Trieste . . . . .	Italian	Trieste-New York.

**B 6. — PORT OF NAPLES.**

**I. TRAFFIC OF VESSELS LOADED AND IN BALLAST WITH THE DIFFERENT COUNTRIES OF AMERICA IN 1925.**

Country of origin or destination.	ARRIVALS.			DEPARTURES.		
	Number.	Net tonnage.	Goods unloaded from ships arriving from the countries of origin direct or indirect. (Tons.)	Number.	Net tonnage.	Goods loaded on ships leaving for the country of destination direct or indirect. (Tons.)
Canada . . . . .	21	43,486	52,696	8	26,800	1,344
U.S.A. . . . .	133	993,705	266,961	96	751,564	115,533
Trinidad . . . . .	1	3,444	2,600	—	—	—
Curaçao . . . . .	3	10,378	16,303	—	—	—
Mexico . . . . .	1	3,367	7,650	1	3,154	—
Brazil . . . . .	—	—	6,112	—	—	5,196
Uruguay . . . . .	1	3,020	1,087	—	—	2,178
Argentine . . . . .	70	295,112	29,540	43	164,804	15,652
Chile . . . . .	2	6,615	6,789	—	—	—

**II. TOTAL TRAFFIC OF VESSELS IN THE PORT OF NAPLES IN 1925, EXCLUSIVE OF COASTING TRAFFIC.**

ARRIVALS.			DEPARTURES.		
Number.	Net tonnage.	Goods unloaded. (Tons)	Number.	Net tonnage.	Goods loaded. (Tons.)
1,693	4,839,927	1,521,314	1,705	4,811,874	259,303

**Shipping Lines between Naples and America.**

Company.	Flag.	Line.
Cosulich, Trieste. . . . .	Italian	Trieste-Brazil-Plata (fast passenger line).
" " . . . . .	"	Trieste-Brazil-Plata (cargo line).
" " . . . . .	"	Trieste-Gulf of Mexico.
" " . . . . .	"	Trieste-New York (fast passenger line).
" " . . . . .	"	Trieste-New York (cargo line).
Lloyd Latino (working with the Société générale des transports maritimes) . . . . .	"	Genoa-Brazil-Plata.
Lloyd Sabauda, Genoa . . . . .	"	Genoa-Brazil-Plata.
" " " " . . . . .	"	Genoa-New York.
" " " " . . . . .	"	Genoa-Brazil-Plata.
" " " " . . . . .	"	Genoa-Central America-Peru-Chile.
" " " " . . . . .	"	Genoa-New York.
Società Nazionale di Navigazione, Genoa . . . . .	"	Genoa-Brazil-Plata.
Transatlantico Italiano, Genoa . . . . .	"	Genoa-Brazil-Plata.
" " " " . . . . .	"	Genoa-New York.
Cyprien Fabre et Cie . . . . .	French	Marseilles-Naples-New York.
Kokusai Kisen Kabushiki Kaisha . . . . .	Japanese	North America-Pacific-Mediterranean.
Cunard Line . . . . .	British	New York-Mediterranean.
White Star Line. . . . .	"	Boston-Alexandria.
Dollar Steamship Line . . . . .	U.S.A.	North America-Far East-Mediterranean.
United States Shipping Board. . . . .	"	New York-Gulf of Mexico-Mediterranean.
American Express Line, New York. . . . .	"	Philadelphia-New York-Mediterranean.
Mallory Transport Line, New York. . . . .	"	North America-Mediterranean.
United Gulf Steamship Co. . . . .	"	New York-Genoa-Naples.
Ybarra y Cia., Seville . . . . .	Spanish	Barcelona-Genoa-Philadelphia.
Société générale de Transports maritimes à vapeur . . . . .	French	Los Angeles-New Orleans-Mediterranean.
Compagnie française de Navigation à vapeur, Marseilles . . . . .	"	Marseilles-New York.
Spanish Royal Mail Line . . . . .	Spanish	North America-Cuba-Porto Rico-Mediterranean.
Isthmian Steamship Line. . . . .	U.S.A.	New York-New Orleans-Mediterranean.
American Near East and Black Sea Line . . . . .	Greek	Black Sea-Mediterranean-New York.
National Greek Line . . . . .	British	New York-Mediterranean-Black Sea.

**B 7. — PORT OF PALERMO.**

**I. TRAFFIC OF VESSELS LOADED AND IN BALLAST WITH THE DIFFERENT COUNTRIES OF AMERICA IN 1925.**

Country of origin or destination.	ARRIVALS.		Goods unloaded from ships arriving from the countries of origin direct or indirect. (Tons.)	DEPARTURES.		Goods loaded on ships leaving for the country of destination direct or indirect. (Tons.)
	Number.	Net tonnage.		Number.	Net tonnage.	
Canada. . . . .	—	—	7,500	1	3,663	300
U.S.A. . . . .	42	237,319	30,864	144	606,604	42,260
Argentine . . . . .	3	7,105	9,263	33	145,026	4,265

II. TOTAL TRAFFIC OF VESSELS IN THE PORT OF PALERMO IN 1925, EXCLUSIVE OF COASTING TRAFFIC.

ARRIVALS.			DEPARTURES.		
Number.	Net tonnage.	Goods unloaded. (Tons.)	Number.	Net tonnage.	Goods loaded. (Tons.)
809	1,717,853	400,139	927	1,721,504	110,946

Shipping Lines between Palermo and America.

Company.	Flag.	Line.
Cosulich, Trieste . . . . .	Italian	Trieste-New York (fast passenger line).
Lloyd "Sabaudo", Genoa . . . . .	"	Trieste-New York (cargo line).
Navigazione Generale Italiana, Genoa.	"	Genoa-Brazil-Plata.
Società Nazionale di "Navigazione", Genoa . . . . .	"	Genoa-Brazil-Plata.
Transatlantico Italiano, Genoa . . . . .	"	Genoa-New York.
Compagnie française de navigation à vapeur, Marseilles . . . . .	"	Genoa-Brazil-Plata.
Cyprien Fabre et Cie, Marseilles . . . . .	"	Genoa-Brazil-Plata.
Kokusai Kisen Kabushiki Kaisha . . . . .	Japanese	Genoa-New York.
United States Shipping Board . . . . .	U.S.A.	Marseilles-New York.
American Near East and Black Sea Line . . . . .	Greek	Marseilles-New York.
		North America-Pacific-Mediterranean.
		New York-Gulf of Mexico-Mediterranean.
		Black Sea-Mediterranean-New York

B 8. — PORT OF CATANIA.

I. TRAFFIC OF VESSELS LOADED AND IN BALLAST WITH THE DIFFERENT COUNTRIES OF AMERICA IN 1925.

Country of origin or destination.	ARRIVALS.			DEPARTURES.		
	Number.	Net tonnage.	Goods unloaded from ships arriving from the countries of origin direct or indirect. (Tons.)	Number.	Net tonnage.	Goods loaded on ships leaving for the country of destination direct or indirect. (Tons.)
Canada . . . . .	9	29,301	27,549	—	—	155
U.S.A. . . . .	3	9,445	46,610	2	8,655	5,086
Brazil . . . . .	—	—	—	2	6,414	2,565
Uruguay . . . . .	—	—	—	—	—	2,170
Argentine . . . . .	1	2,013	5,141	—	—	6,607

II. TOTAL TRAFFIC OF VESSELS IN THE PORT OF CATANIA IN 1925, EXCLUSIVE OF COASTING TRAFFIC.

ARRIVALS.			DEPARTURES.		
Number.	Net tonnage.	Goods unloaded. (Tons.)	Number.	Net tonnage.	Goods loaded. (Tons.)
821	1,173,368	315,873	947	1,368,622	137,889

Shipping Lines between Catania and America.

Company.	Flag.	Line.
Cosulich, Trieste . . . . .	Italian	Trieste-Brazil-Plata.
Società Nazionale di Navigazione, Genoa . . . . .	"	Trieste-New York.
Kokusai Kisen Kabushiki Kaisha . . . . .	Japanese	Genoa-Brazil-Plata.
United States Shipping Board . . . . .	U.S.A.	North America-Pacific-Mediterranean.
		New York-Gulf of Mexico-Mediterranean.

**B 9. — PORT OF VENICE.**

**I. TRAFFIC OF VESSELS LOADED AND IN BALLAST WITH THE DIFFERENT COUNTRIES OF AMERICA  
IN 1925.**

Country of origin or destination.	ARRIVALS.			DEPARTURES.		
	Number.	Net tonnage.	Goods unloaded from ships arriving from the countries of origin direct or indirect. (Tons.)	Number.	Net tonnage.	Goods loaded on ships leaving for the country of destination direct or indirect. (Tons.)
Canada . . . . .	1	4,293	18,500	—	—	18
U.S.A. . . . .	26	94,586	173,100	5	18,781	10,972
Curaçao . . . . .	1	4,420	11,248	—	—	—
Brazil . . . . .	—	—	2,188	—	—	—
Uruguay . . . . .	—	—	3,047	—	—	—
Argentine . . . . .	8	22,038	97,156	—	—	1,440
Chile . . . . .	2	6,016	13,592	—	—	—

**II. TOTAL TRAFFIC OF VESSELS IN THE PORT OF VENICE IN 1925, EXCLUSIVE OF COASTING TRAFFIC.**

Number.	ARRIVALS. Net tonnage.	Goods unloaded. (Tons.)	Number.	DEPARTURES. Net tonnage.	Goods loaded. (Tons.)
1,265	2,018,777	1,669,252	1,139	1,971,527	84,611

**Shipping Lines between Venice and America.**

Company.	Flag.	Line.
Cosulich, Trieste . . . . .	Italian	Trieste-Brazil-Plata (fast passenger line).
" " . . . . .	"	Trieste-Brazil-Plata (cargo line).
" " . . . . .	"	Trieste-Gulf of Mexico.
" " . . . . .	"	Trieste-New York (cargo line).
Kokusai Kisen Kabushiki Kaisha . . . . .	Japanese	North America-Pacific-Mediterranean.
United States Shipping Board . . . . .	U.S.A.	New York-Gulf of Mexico-Mediterranean.
American Express Line, New York . . . . .	"	Philadelphia-New York-Mediterranean.
United Gulf Steamship Co. . . . .	"	Gulf of Mexico-Mediterranean.
Dixie Line . . . . .	"	North America-Mediterranean-Black Sea.

**B 10. — PORT OF TRIESTE.**

**I. TRAFFIC OF VESSELS LOADED AND IN BALLAST WITH THE DIFFERENT COUNTRIES OF AMERICA  
IN 1925.**

Country of origin or destination.	ARRIVALS.			DEPARTURES.		
	Number.	Net tonnage.	Goods unloaded from ships arriving from the countries of origin direct or indirect. (Tons.)	Number.	Net tonnage.	Goods loaded on ships leaving for the country of destination direct or indirect. (Tons.)
Canada . . . . .	1	3,206	2,986	2	7,870	21
U.S.A. . . . .	41	169,099	205,461	23	89,384	99,087
Cuba . . . . .	—	—	—	—	—	1,205
Trinidad . . . . .	1	3,211	2,600	—	—	—
Curaçao . . . . .	11	36,954	47,059	—	—	—
Mexico . . . . .	4	12,513	8,950	—	—	22
Brazil . . . . .	—	—	45,831	—	—	3,958
Uruguay . . . . .	1	3,484	2,075	—	—	2,682
Argentine . . . . .	21	61,656	115,950	19	63,041	39,714
Chile . . . . .	1	2,705	3,413	—	—	—

**II. TOTAL TRAFFIC OF VESSELS IN THE PORT OF TRIESTE IN 1925, EXCLUSIVE OF COASTING TRAFFIC.**

Number.	ARRIVALS.		Number.	DEPARTURES.	
	Net tonnage.	Goods unloaded. (Tons.)		Net tonnage.	Goods loaded. (Tons.)
1,351	1,818,999	1,393,795	1,419	1,739,205	538,814

**Shipping Lines between Trieste and America.**

Company.	Flag.	Line.
Cosulich, Trieste. . . . .	Italian	Trieste-Brazil-Plata (fast passenger line).
" " . . . . .	"	Trieste-Brazil-Plata (cargo line).
" " . . . . .	"	Trieste-Gulf of Mexico.
" " . . . . .	"	Trieste-New York (fast passenger line).
" " . . . . .	"	Trieste-New York (cargo line).
United States Shipping Board. . . . .	U.S.A.	New York-Gulf of Mexico-Mediterranean.
American Express Line, New York. . . . .	"	Philadelphia-New York-Mediterranean.
United Gulf Steamship Co. . . . .	"	Gulf of Mexico-Mediterranean.
Mallory Transport Line, New York . . . . .	"	New York-Philadelphia-Mediterranean.
Cunard Line . . . . .	British	New York-Mediterranean.

**B II. — PORT OF FIUME.**

**I. TRAFFIC OF VESSELS LOADED AND IN BALLAST WITH THE DIFFERENT COUNTRIES OF AMERICA IN 1925.**

Country of origin or destination.	ARRIVALS.			DEPARTURES.		
	Number.	Net tonnage.	Goods unloaded from ships arriving from the countries of origin direct or indirect. (Tons.).	Number.	Net tonnage.	Goods loaded on ships leaving for the country of destination direct or indirect. (Tons.)
U.S.A. . . . .	1	3,455	30,066	11	37,031	16,888
Uruguay . . . . .	—	—	—	—	—	524
Argentine . . . . .	—	—	—	2	6,085	5,996
Chili . . . . .	1	2,705	4,000	—	—	—

**II. TOTAL TRAFFIC OF VESSELS IN THE PORT OF FIUME IN 1925, EXCLUSIVE OF COASTING TRAFFIC.**

Number.	ARRIVALS.		Number.	DEPARTURES.	
	Net tonnage.	Goods unloaded. (Tons.)		Net tonnage.	Goods loaded. (Tons.)
1,239	829,140	355,507	1,297	904,469	194,897

**Shipping Lines between Fiume and America.**

Company.	Flag.	Line.
Cosulich, Trieste . . . . .	Italian	Trieste-Brazil-Plata (cargo line).
" " . . . . .	"	Trieste-Gulf of Mexico.
" " . . . . .	"	Trieste-New York (cargo line).
United States Shipping Board. . . . .	U. S. A.	New York-Gulf of Mexico-Mediterranean.
Mallory Transport Line, New York . . . . .	"	New York-Philadelphia-Mediterranean.

B 12. — PORT OF SUŠAK.

I. GOODS TRAFFIC WITH THE DIFFERENT COUNTRIES OF AMERICA IN 1928.

Country of origin or destination.	ARRIVALS. (Tons.)	DEPARTURES. (Tons.)
Argentine . . . . .	—	3,950
Guatemala . . . . .	3,728	—
United States of America . . . . .	12,474	5,009

II. TOTAL TRAFFIC OF VESSELS IN THE PORT OF SUŠAK IN 1928, INCLUSIVE OF COASTING TRAFFIC.

ARRIVALS.			DEPARTURES.		
Number.	Net tonnage.	Goods unloaded on arrival from foreign countries. (Tons.)	Number.	Net tonnage.	Goods loaded for foreign countries. (Tons.)
3,712	927,832	211,076	3,713	928,378	280,375

Shipping Lines between Susak and America.

Company.	Flag.	Line.
Jugoslav Lloyd . . . . .	Serb-Croat-Slovene	Adriatic-South America (from 1929).

B 13. — PORT OF SPLIT

I. GOODS TRAFFIC WITH THE DIFFERENT COUNTRIES OF AMERICA IN 1928.

Country of origin or destination.	ARRIVALS. (Tons.)	DEPARTURES. (Tons.)
Argentine . . . . .	—	490
Brazil . . . . .	—	3,152
Chile . . . . .	—	4,864
Canada . . . . .	—	4,109
Colombia . . . . .	—	554
Costa-Rica . . . . .	—	1,315
Guatemala . . . . .	—	396
Mexico . . . . .	—	618
Peru . . . . .	—	5,400
Salvador . . . . .	—	2,254
United States of America . . . . .	4,788	116
West Indies . . . . .	—	720

II. TOTAL TRAFFIC OF VESSELS IN THE PORT OF SPLIT IN 1928, INCLUSIVE OF COASTING TRAFFIC.

ARRIVALS.			DEPARTURES.		
Number.	Net tonnage.	Goods unloaded on arrival from foreign countries. (Tons.)	Number.	Net tonnage.	Goods loaded for foreign countries. (Tons.)
8,782	2,931,121	142,823	8,763	2,927,128	644,167

Shipping Lines between Split and America.

Company.	Flag.	Line.
Jugoslav Lloyd . . . . .	Serb-Croat-Slovene	Adriatic-South America (from 1929).
Cosulich, Trieste . . . . .	Italian	Trieste-Brazil-Plata.



**B 14. — PORT OF DUBROVNIK.**

**I. GOODS TRAFFIC WITH THE DIFFERENT COUNTRIES OF AMERICA IN 1928.**

Country of origin or destination.	ARRIVALS. (Tons.)	DEPARTURES. (Tons.)
Argentine . . . . .	—	36,368
United States of America . . . . .	—	8,164

**II. TOTAL TRAFFIC OF VESSELS IN THE PORT OF DUBROVNIK IN 1928, INCLUSIVE OF COASTING TRAFFIC.**

ARRIVALS.			DEPARTURES.		
Number.	Net tonnage.	Goods unloaded on arrival from foreign countries. (Tons.)	Number.	Net tonnage.	Goods loaded for foreign countries. (Tons.)
4,466	1,573,395	52,807	4,466	1,573,395	233,788

**Shipping Lines between Dubrovnik and America.**

Company.	Flag.	Line.
Jugoslav Lloyd . . . . .	Serb-Croat-Slovene	Adriatic-South America (from 1929).
Cosulich, Trieste . . . . .	Italian	Trieste-New York.
Cunard Line . . . . .	British	New York-Mediterranean.

**B 15. — PORT OF PATRAS.**

**I. TRAFFIC OF VESSELS LOADED AND IN BALLAST WITH THE DIFFERENT COUNTRIES OF AMERICA IN 1926.**

Country of origin or destination.	ARRIVALS.			DEPARTURES.		
	Number.	Net tonnage.	Goods unloaded. (Tons.)	Number.	Net tonnage.	Goods loaded. (Tons.)
United States of America	31	143,830	14,922	21	114,841	9,011
Canada . . . . .	8	8,536	5,503	1	3,218	763

**II. TOTAL TRAFFIC OF VESSELS IN THE PORT OF PATRAS EXCLUSIVE OF COASTING TRAFFIC, IN 1926.**

Number.	ARRIVALS.		Number.	DEPARTURES.	
	Net tonnage.	Goods unloaded. (Tons.)		Net tonnage.	Goods loaded. (Tons.)
629	864,780	87,706	503	763,219	69,230

**Shipping Lines between Patras and America.**

Company.	Flag.	Line.
Cosulich, Trieste . . . . .	Italian	Trieste-New York.
Export Steamship Corporation . . . . .	U. S. A.	Trieste-Brazil-Plata North-America-Mediterranean.

**B 16. — PORT OF THE PIRÆUS.**

**I. TRAFFIC OF VESSELS LOADED AND IN BALLAST WITH THE DIFFERENT COUNTRIES OF AMERICA IN 1926.**

Country of origin or destination.	ARRIVALS.			DEPARTURES.		
	Number.	Net tonnage.	Goods unloaded. (Tons.)	Number.	Net tonnage.	Goods loaded. (Tons.)
Argentine . . . . .	1	1,920	4,700	4	7,836	34
United States of America	81	274,938	161,224	27	89,203	2,787
Canada . . . . .	6	18,228	42,636	—	—	—

II. TOTAL TRAFFIC OF VESSELS IN THE PORT OF THE PIRÆUS EXCLUSIVE OF COASTING TRAFFIC, IN 1926.

Number.	ARRIVALS.		Number.	DEPARTURES.	
	Net tonnage.	Goods unloaded. (Tons.)		Net tonnage.	Goods loaded. (Tons.)
2,192	3,293,444	1,292,260	2,015	3,181,855	126,428

Shipping Lines between the Piræus and America.

Company.	Flag.	Line.
United States Shipping Board. . . . .	U.S.A.	New York-Gulf of Mexico-Mediterranean.
Cyprien Fabre et Cie, Marseilles . . . . .	French	Marseilles-New York.
Export Steamship Corporation . . . . .	U.S.A.	North America-Mediterranean.
American-Mediterranean-Levant Line . . . . .	British	New York-Mediterranean-Black Sea.
American Near East and Black Sea Line. . . . .	Greek	Black Sea-Mediterranean-New York.
Cyprien Fabre et Cie, Marseilles . . . . .	French	Mediterranean-Azores-North America.
Furness Prince Line . . . . .	British	New York-Mediterranean.
Moore & McCormack Company . . . . .	U.S.A.	New York-Mediterranean.
National Greek Line . . . . .	British	New York-Mediterranean-Black Sea.
Oriental Navigation Company. . . . .	U.S.A.	North America-Mediterranean-Black Sea.

B 17. — PORT OF SALONIKA.

I. TRAFFIC OF VESSELS LOADED AND IN BALLAST WITH THE DIFFERENT COUNTRIES OF AMERICA IN 1926.

Country of origin or destination.	ARRIVALS.			DEPARTURES.		
	Number.	Net tonnage.	Goods unloaded. (Tons.)	Number.	Net tonnage.	Goods loaded. (Tons.)
United States of America	16	52,579	14,787	19	58,357	229

II. TOTAL TRAFFIC OF THE PORT OF SALONIKA IN 1926, EXCLUSIVE OF COASTING TRAFFIC.

Number.	ARRIVALS.		Number.	DEPARTURES.	
	Net tonnage.	Goods unloaded. (Tons.)		Net tonnage.	Goods loaded. (Tons.)
655	972,575	312,043	634	927,526	50,703

Shipping Lines between Salonika and America.

Company.	Flag.	Line.
United States Shipping Board. . . . .	U.S.A.	New York-Gulf of Mexico-Mediterranean.
Export Steamship Corporation . . . . .	U.S.A.	North America-Mediterranean.
American-Mediterranean-Levant Line . . . . .	British	New York-Mediterranean-Black Sea.
Cyprien Fabre et Cie, Marseilles . . . . .	French	Mediterranean-Azores-North America.
Moore & McCormack Company . . . . .	U.S.A.	New York-Mediterranean.
National Greek Line . . . . .	British	New York-Mediterranean-Black Sea.
Oriental Navigation Company. . . . .	U.S.A.	North America-Mediterranean-Black Sea.

B 18. — PORT OF BURGAS.

I. TRAFFIC OF VESSELS WITH THE DIFFERENT COUNTRIES OF AMERICA IN 1922.

Country of origin or destination.	ARRIVALS.		DEPARTURES.	
	Number.	Net tonnage.	Number.	Net tonnage.
United States of America . . . . .	10	36,073	5	17,539

**II. TOTAL TRAFFIC OF THE PORT IN 1922, INCLUSIVE OF COASTING TRAFFIC.**

Number.	ARRIVALS.		Number.	DEPARTURES.	
	Net tonnage.	Goods unloaded. (Tons.)		Net tonnage.	Goods loaded. (Tons.)
1,786	806,682	87,091	1,774	806,065	105,007

**II (a). TOTAL TRAFFIC OF THE PORT IN 1926, INCLUSIVE OF COASTING TRAFFIC.**

Number.	ARRIVALS.		Number.	DEPARTURES.	
	Net tonnage.	Goods unloaded. (Tons.)		Net tonnage.	Goods loaded. (Tons.)
1,528	809,810	68,540	1,527	808,134	93,412

**Shipping Lines between Burgas and America.**

Company.	Flag.	Line.
Bull Constantinople Black Sea Line (Bull & Co.) . . . . .	U.S.A.	North America-Mediterranean-Black Sea.
National Greek Line . . . . .	British	New-York-Mediterranean-Black Sea.
Oriental Navigation Company . . . . .	U.S.A.	North America-Mediterranean-Black Sea

**B 19. — PORT OF VARNA.**

**I. TRAFFIC OF VESSELS WITH THE COUNTRIES OF AMERICA IN 1922.**

Country of origin or destination.	ARRIVALS.		DEPARTURES.	
	Number.	Net tonnage.	Number.	Net tonnage.
United States of America . . . . .	5	15,262	10	47,591

**II. TOTAL TRAFFIC OF THE PORT IN 1922, INCLUSIVE OF COASTING TRAFFIC.**

Number.	ARRIVALS.		Number.	DEPARTURES.	
	Net tonnage.	Goods unloaded. (Tons.)		Net tonnage.	Goods loaded. (Tons.)
1,072	776,847	74,529	1,058	768,485	108,649

**II (a). TOTAL TRAFFIC OF THE PORT IN 1926, INCLUSIVE OF COASTING TRAFFIC.**

Number.	ARRIVALS.		Number.	DEPARTURES.	
	Net tonnage.	Goods unloaded. (Tons.)		Net tonnage.	Goods loaded. (Tons.)
659	618,218	38,041	657	616,864	106,718

**Shipping Lines between Varna and America.**

Company.	Flag.	Line.
Bull Constantinople Black Sea Line (Bull & Co.) . . . . .	U.S.A.	North America-Mediterranean-Black Sea.
American Near East and Black Sea Line . . . . .	Greek	Black Sea-Mediterranean-New York.
National Greek Line . . . . .	British	New York-Mediterranean-Black Sea.
Oriental Navigation Company . . . . .	U.S.A.	North America-Mediterranean-Black Sea.

**B 20. — PORT OF CONSTANTSA.**

**I. TRAFFIC OF VESSELS WITH THE DIFFERENT COUNTRIES OF AMERICA IN 1922.**

Country of origin or destination.	ARRIVALS. Number of vessels.	DEPARTURES. Number of vessels.
United States of America . . . . .	30	27
Canada . . . . .		

**II. TOTAL TRAFFIC OF THE PORT IN 1922.**

Number.	ARRIVALS. Net tonnage.	Load (Tons.)	Number.	DEPARTURES. Net tonnage.	Load (Tons.)
921	1,366,365	120,817	930	1,405,351	575,510

**Shipping Lines between Constantza and America.**

Company.	Flag.	Line.
Bull Constantinople Black Sea Line (Bull & Co.) . . . . .	U. S. A.	North America-Mediterranean-Black Sea.
National Greek Line . . . . .	British	New York-Mediterranean-Black Sea.
Oriental Navigation Company. . . . .	U. S. A.	North America-Mediterranean-Black Sea.
American Near East and Black Sea Line . . . . .	Greek	Black Sea-Mediterranean-New York.

**B 21. — PORT OF GALATZ.**

**I. TRAFFIC OF VESSELS WITH THE DIFFERENT COUNTRIES OF AMERICA IN 1922.**

Country of origin or destination.	ARRIVALS. Number of vessels.	DEPARTURES. Number of vessels.
United States of America . . . . .	—	1
Canada . . . . .		

**II. TOTAL TRAFFIC OF THE PORT IN 1922.**

Number.	ARRIVALS. Net tonnage.	Load (Tons.)	Number.	DEPARTURES. Net tonnage.	Load (Tons.)
624	952,072	126,917	641	950,102	442,684

**Shipping Lines between Galatz and America.**

Company.	Flag.	Line.
Bull Constantinople Black Sea Line (Bull & Co.) . . . . .	U. S. A.	North America-Mediterranean-Black Sea.
American-Mediterranean-Levant Line	British	New York-Mediterranean-Black Sea.

**B 22. — PORT OF BRAILA.**

**I. TRAFFIC OF VESSELS WITH THE DIFFERENT COUNTRIES OF AMERICA IN 1922.**

Country of origin or destination.	ARRIVALS. Number of vessels.	DEPARTURES. Number of vessels.
United States of America . . . . .	2	—
Canada . . . . .		

**II. TOTAL TRAFFIC OF THE PORT IN 1922.**

Number.	ARRIVALS. Net tonnage.	Load. (Tons.)	Number.	DEPARTURES. Net tonnage.	Load. (Tons.)
475	840,321	45,432	482	907,276	701,319

**II (a). TOTAL TRAFFIC OF THE PORT IN 1924.**

Number.	ARRIVALS. Net tonnage.	Load. (Tons.)	Number.	DEPARTURES. Net tonnage.	Load. (Tons.)
462	901,593	72,706	465	909,320	762,859

**Shipping Lines between Braila and America.**

Company.	Flag.	Line.
Bull Constantinople Black Sea Line (Bull & Co.) . . . . .	U.S.A.	North America-Mediterranean-Black Sea.
National Greek Line . . . . .	British	New York-Mediterranean-Black Sea.

**B. 23. — PORT OF ODESSA.**

**Shipping Lines between Odessa and America.**

Company.	Flag.	Line.
Bull Constantinople Black Sea Line (Bull & Co.) . . . . .	U.S.A.	North America-Mediterranean-Black Sea.
Dixie Line . . . . .	U.S.A.	North America-Mediterranean-Black Sea.

**GENERAL TRAFFIC OF VESSELS IN THE RUSSIAN BLACK SEA PORTS  
WITH FOREIGN COUNTRIES IN 1924.**

Number.	ARRIVALS. Tonnage.	Goods imported. (Tons.)	Number.	DEPARTURES. Tonnage.	Goods exported. (Tons.)
929	1,859,089	103,440	914	1,829,846	2,873,200

**B. 24. — PORT OF CONSTANTINOPLE.**

**I. TOTAL MOVEMENT OF VESSELS IN THE PORT IN 1927, ARRIVALS AND DEPARTURES TOGETHER.**

	Number.	Tonnage.
Under U.S.A. flag:	29,247	13,877,119
	Number.	Tonnage.
	92	185,206

**II. TRADE BETWEEN TURKEY AND THE UNITED STATES OF AMERICA IN 1923.**

Imports. (Tons.)	Exports. (Tons.)
70,919	22,791

**Shipping Lines between Constantinople and America.**

Company.	Flag.	Line.
Bull Constantinople Black Sea Line (Bull & Co.) . . . . .	U.S.A.	North America-Mediterranean-Black Sea.
Export Steamship Corporation . . . . .	U.S.A.	North America-Mediterranean.
Dixie Line . . . . .	U.S.A.	North America-Mediterranean-Black Sea.
American-Mediterranean-Levant Line . . . . .	British	New York-Mediterranean-Black Sea.
American Near East and Black Sea Line . . . . .	Greek	Black Sea-Mediterranean-New York.
Furness Prince Line . . . . .	British	New York-Mediterranean.
Moore and McCormack Company . . . . .	U.S.A.	New York-Mediterranean.
National Greek Line . . . . .	British	New York-Mediterranean-Black Sea.
Oriental Navigation Company . . . . .	U.S.A.	North America-Mediterranean-Black Sea.

B 25. — PORT OF SMYRNA.

TOTAL MOVEMENT OF VESSELS IN THE PORT IN 1927, ARRIVALS AND DEPARTURES TOGETHER.

	Number.	Tonnage.
	10,917	2,528,651
Under American flag:		
	Number.	Tonnage.
	10	27,306

Shipping Lines between Smyrna and America.

Company.	Flag.	Line.
Export Steamship Co. . . . .	U.S.A.	North America-Mediterranean.
Lodge Line . . . . .	U.S.A.	North America-Mediterranean.
American-Mediterranean-Levant Line . . . . .	British	New York-Mediterranean-Black Sea.
Cyprien Fabre et Cie, Marseilles . . . . .	French	Mediterranean-Azores-U.S.A.
Furness Prince Line . . . . .	British	New York-Mediterranean.
National Greek Line . . . . .	British	New York-Mediterranean-Black Sea.
Oriental Navigation Company. . . . .	U.S.A.	North America-Mediterranean-Black Sea.

B 26. — PORT OF BEIRUT.

TOTAL MOVEMENT OF VESSELS ARRIVING IN THE PORT IN 1928.

Number.	Tonnage.
3,625	1,904,348

Shipping Lines between Beirut and America.

Company.	Flag.	Line.
Export Steamship Corporation . . . . .	U.S.A.	North America-Mediterranean.
Lodge Line . . . . .	U.S.A.	North America-Mediterranean.
Cunard Line . . . . .	British	New York-Mediterranean.
Cyprien Fabre et Cie, Marseilles . . . . .	French	Mediterranean-Azores-North America.
Moore and McCormack Company . . . . .	U.S.A.	New York-Mediterranean.
National Greek Line . . . . .	British	New York-Mediterranean-Black Sea.
United American Line . . . . .	U.S.A.	New York-Mediterranean-Far East.

B 27. — PORT OF PORT SAID.

I. TRAFFIC OF VESSELS LOADED AND IN BALLAST WITH THE DIFFERENT COUNTRIES OF AMERICA IN 1927 (INCLUDING VESSELS PASSING IN TRANSIT THROUGH THE SUEZ CANAL).

Country of origin or destination.	ARRIVALS.			DEPARTURES.		
	Number.	Net tonnage.	Goods unloaded. (Tons.)	Number.	Net tonnage.	Goods loaded. (Tons.)
United States of America . . . . .	95	407,946	32,942	195	855,837	4,615
Argentine . . . . .	—	—	—	1	3,165	—
Canada . . . . .	—	—	—	5	16,573	—

II. TOTAL TRAFFIC OF VESSELS IN THE PORT OF PORT SAID IN 1927 (INCLUDING VESSELS PASSING IN TRANSIT THROUGH THE SUEZ CANAL) EXCLUSIVE OF COASTING TRAFFIC.

Number.	ARRIVALS.		Number.	DEPARTURES.	
	Net tonnage.	Goods unloaded. (Tons.)		Net tonnage.	Goods loaded. (Tons.)
4,157	15,801,898	1,485,013	4,148	15,862,070	373,418

Shipping Lines between Port Said and America.

Company.	Flag.	Line.
Dollar Steamship Lines . . . . .	U.S.A.	North America-Far East-Mediterranean.
National Greek Line . . . . .	British	New York-Mediterranean-Black Sea.

B 28. — PORT OF ALEXANDRIA.

I. TRAFFIC OF VESSELS LOADED AND IN BALLAST WITH THE DIFFERENT COUNTRIES OF AMERICA IN 1927.

Country of origin or destination.	Number.	ARRIVALS.		Number.	DEPARTURES.	
		Net tonnage.	Goods unloaded. (Tons.)		Net tonnage.	Goods loaded. (Tons.)
United States of America . . . . .	100	532,209	168,141	97	479,646	91,681
Chile. . . . .	20	76,843	173,109	1	4,048	—
Argentine . . . . .	—	—	—	3	8,759	—
Panama . . . . .	—	—	—	1	3,214	—

II. TOTAL TRAFFIC OF VESSELS IN THE PORT OF ALEXANDRIA IN 1927 EXCLUSIVE OF COASTING TRAFFIC.

Number.	ARRIVALS.		Number.	DEPARTURES.	
	Net tonnage.	Goods unloaded. (Tons.)		Net tonnage.	Goods loaded. (Tons.)
2,913	4,888,901	3,416,491	2,845	4,780,543	1,380,276

Shipping Lines between Alexandria and America.

Company.	Flag.	Line.
Cunard Line. . . . .	British	New York-Alexandria.
White Star Line . . . . .	British	Boston-Alexandria.
Dollar Steamship Line . . . . .	U.S.A.	North America-Far East-Mediterranean.
Cyprien Fabre et Cie, Marseilles . . . . .	French	Marseilles-New York.
Export Steamship Corporation . . . . .	U.S.A.	North America-Mediterranean.
American-Mediterranean-Levant Line . . . . .	British	New York-Mediterranean-Black Sea.
National Greek Line . . . . .	British	North America-Mediterranean-Black Sea.
United American Lines . . . . .	U.S.A.	New York-Mediterranean-Far East.

B 29-30. — TUNISIAN PORTS.

TOTAL TRAFFIC OF VESSELS IN 1927, EXCLUSIVE OF COASTING TRAFFIC.

<i>Port of Sfax.</i>					
Number.	ARRIVALS.		Number.	DEPARTURES.	
	Net tonnage.	Goods unloaded. (Tons.)		Net tonnage.	Goods loaded. (Tons.)
2,343	1,222,625	182,909	2,339	1,234,936	2,316,862
<i>Port of Tunis.</i>					
1,815	2,010,772	443,572	1,783	2,002,149	1,515,020

**SHARE OF VESSELS FLYING THE AMERICAN FLAG IN THE TOTAL TRAFFIC OF TUNISIAN PORTS  
(OF WHICH THE TRAFFIC FOR SFAX AND TUNIS TOGETHER AMOUNTS TO ABOUT 70 PER CENT.)**

Flag.	Number.	ARRIVALS.		Number.	DEPARTURES.	
		Net tonnage.	Goods unloaded. (Tons.)		Net tonnage.	Goods loaded. (Tons.)
United States of America	4	7,675	7,218	4	7,675	7,840
Panama . . . . .	2	4,778	—	2	4,778	10,600

**Shipping Lines between Tunis and America.**

Company.	Flag.	Line.
United American Lines . . . . .	U.S.A.	New York-Mediterranean-Far East.

**B 31. — PORT OF ALGIERS.**

**I. TRAFFIC OF VESSELS LOADED AND IN BALLAST WITH THE DIFFERENT COUNTRIES OF AMERICA  
IN 1927.**

Country of origin or destination.	ARRIVALS.		DEPARTURES.	
	Number.	Net tonnage.	Number.	Net tonnage.
United States of America. . . .	45	266,216	33	109,302
Brazil . . . . .	8	22,556	—	—
Argentine . . . . .	11	33,864	5	11,331
Canada. . . . .	1	4,293	2	8,040
Colombia . . . . .	—	—	1	2,917
Cuba. . . . .	—	—	1	3,638
French Guiana . . . . .	—	—	1	2,371
Guadeloupe. . . . .	—	—	1	2,088

**II. TOTAL TRAFFIC OF THE PORT OF ALGIERS IN 1927 EXCLUSIVE OF COASTING TRAFFIC.**

Number.	ARRIVALS.		Number.	DEPARTURES.	
	Net tonnage.	Net tonnage.			
2,063	4,059,271	1,952	3,834,557		

**Shipping Lines between Algiers and America.**

Company.	Flag.	Line.
Società Nazionale di Navigazione, Genoa.	Italian	Genoa-Mexico.
Cyprien Fabre et Cie, Marseilles . . . .	French	Marseilles-New York.
Shore Line . . . . .	U.S.A.	North America-Mediterranean.

**B 32. — PORT OF ORAN.**

**I. TRAFFIC OF VESSELS LOADED AND IN BALLAST WITH THE DIFFERENT COUNTRIES OF AMERICA  
IN 1927.**

Country of origin or destination.	ARRIVALS.		DEPARTURES.	
	Number.	Net tonnage.	Number.	Net tonnage.
United States of America. . .	25	67,694	31	110,294
Mexico . . . . .	—	—	1	2,223
Brazil . . . . .	6	16,527	3	6,477
Argentine . . . . .	3	10,463	4	12,484
Chile. . . . .	—	—	3	9,208
Canada. . . . .	1	2,955	7	16,054
Cuba. . . . .	—	—	1	3,148
French Guiana . . . . .	—	—	3	6,627
Guadeloupe. . . . .	—	—	1	3,307



II. TOTAL TRAFFIC OF THE PORT OF ORAN IN 1927 EXCLUSIVE OF COASTING TRAFFIC.

ARRIVALS.		DEPARTURES.	
Number.	Net tonnage.	Number.	Net tonnage.
1,765	2,666,918	1,690	2,493,668

Shipping Lines between Oran and America.

Company.	Flag.	Line.
United States Shipping Board. . . . .	U.S.A.	New York-Gulf of Mexico-Mediterranean.
Cosulich, Trieste. . . . .	Italian	Trieste-Gulf of Mexico.
" " . . . . .	"	Trieste-New York.
Shore Line . . . . .	U.S.A.	North America-Mediterranean.
Société générale de transports maritimes	French	New Orleans-Mediterranean.

Annex C.

[Translation.]

SOURCES OF THE INFORMATION CONTAINED IN THE TABLES OF ANNEX B (1-32).

I. DATA RELATING TO THE TRAFFIC OF THE DIFFERENT PORTS BY COUNTRIES.

*France.*

Chief Customs Office:

"Tableau général du commerce et de la navigation", 1926 (Vol. II, Navigation).

Marseilles: Chamber of Commerce:

(a) "Compte rendu de la situation commerciale et industrielle de la circonscription de Marseille pendant l'année 1927."

(b) "Statistique du Port de Marseille", and Annexes 1928.

Ministry of Public Works, Technical Commissariat for Navigable Waterways and Seaports:

"Trafic des principaux ports maritimes de commerce."

"Statistique pour l'année 1928."

*Italy.*

Ministry of Transport:

"Sulle Condizioni della Marina Mercantile Italiana dal 1915 a tutto il 1925."

Ministry of Finance:

"Movimento della Navigazione del Regno d'Italia nell'anno 1925."

Autonomous Consortium of the Port of Genoa:

"Movimento Complessivo Marittimo e Commerciale del Porto di Genova nel 1928."

*Kingdom of the Serbs, Croats and Slovenes.*

Chamber of Commerce and Industry of Split:

Maritime Shipping Statistics of the Kingdom of the Serbs, Croats and Slovenes for 1928.

*Greece.*

Ministry of Economic Affairs:

Statistics of the Movement of Shipping during 1926.

*Bulgaria.*

Head Statistical Office:

Statistics for the Movement of Shipping in the Bulgarian Ports, 1913-1922.

Ministry of Railways, Posts and Telegraphs:

Statistical Data on the Railways and Ports of Bulgaria for the Financial Year 1926-1927.

*Roumania.*

Ministry of Finance, Department for General Statistics of Foreign Trade:

Movement of Ports and of Goods warehoused and conveyed in Transit, 1919-1922.

Movement of the Port of Braila, during the years 1911 to 1924 (typed document).

*Russia.*

Central Statistical Administration of the U.S.S.R.:

Statistical Year-Book, 1924.

*Turkey.*

Central Statistical Office:  
Statistical Year-Book for 1928.  
Montague BELL: "The Near East Year-Book (1927)."

*Syria.*

"Bulletin trimestriel économique des pays sous mandat français (Syrie, etc.) (1928)."

*Egypt.*

Ministry of Finance:  
"Annual Return of Shipping, Cargo and Passenger Traffic in the Ports of Egypt and Suez Canal Transits, 1927."

*Tunisia.*

Central Department for Agriculture, Trade and Colonisation:  
"Statistique générale de la Tunisie pour l'année 1927."

*Algeria.*

Chief Customs Office of Algeria:  
"Documents statistiques sur le commerce de l'Algérie pour l'année 1927."

2. DATA RELATING TO THE SHIPPING LINES BETWEEN THE DIFFERENT PORTS AND AMERICA.

- (a) Central Committee of French shipowners:  
"Les ports maritimes français (Métropole et Afrique du Nord), 1924."
  - (b) A communication concerning the shipping lines, received from the Marseilles Chamber of Commerce (1929).
  - (c) Italian Ministry of Transport:  
"Sulle condizioni della Marina Mercantile Italiana dal 1915 a tutto il 1925."
  - (d) Italian Ministry of Finance:  
"Movimento della Navigazione del Regno d'Italia nell'anno 1925."
  - (e) Chamber of Commerce and Industry of Split:  
"Naša Pomorska Politika" (Our Maritime Policy) (1929).
  - (f) United States Department of Commerce:  
"Steamship Services from United States Ports (1922)."
-

Geneva, September 20th, 1929.

## LEAGUE OF NATIONS

# Work of the Communications and Transit Organisation between the Ninth and Tenth Ordinary Sessions of the Assembly.

## REPORT OF THE SECOND COMMITTEE TO THE ASSEMBLY

*Rapporteur* : His Excellency M. Eduardo COBIÁN (Spain).

The General Report and the Additional Report of the Advisory and Technical Committee for Communications and Transit on the work accomplished by the Communications and Transit Organisation between the ninth and tenth ordinary sessions of the Assembly have already been circulated to the delegates (documents A.6 and A.6(a) 1929. Extract No. 5).

It will consequently be unnecessary to give a summary of this work, which embraces practically all forms of communications. It seems preferable to mention a few of its main aspects and indicate the results which in all probability will shortly be obtained.

During the last year, the enquiry undertaken under the auspices of the Transit Committee into the question of competition between railways and waterways in the Rhine and Danube areas was completed, and the results will shortly be published. At a time when, in the Assembly itself, problems connected with greater co-ordination between the economic policies of the various countries are constantly being discussed, it may be desirable to point out that, if it is found possible to organise international trade in Europe and throughout the world on a more satisfactory basis, there should also be a certain rationalisation of the means of communication, in Europe at least, and that the League of Nations Transit Organisation should co-operate with the Economic Organisation for this purpose.

The last Assembly was informed of the steps taken by the Transit Organisation to regularise the status of commercial motor transport. As a result of the development in this form of transport, a whole new set of international laws have to be framed. Last year the Committee on Road Traffic set up by the Transit Committee discussed this subject, and it may be hoped that the results of the Barcelona Conference in 1921 and the Geneva Conference in 1923 may be carried a step further by the preparation of a Convention to ensure, under certain conditions still to be defined, the freedom of commercial motor transport.

The Committee on Road Traffic has continued its highly technical work with entirely satisfactory results. In the matter of the unification of road signals in particular, the Transit Organisation has rendered services which have been highly appreciated in many different quarters.

With regard to railway transport, the Transit Committee or its sub-committees have, during the whole of last year, acted mainly as organs of conciliation in disputes. Several disputes regarding the railways of Central Europe, which had been laid before the Council for the appointment of arbitrators, were previously examined by the Transit Committee. In many cases the latter was able to secure a friendly agreement between the parties concerned.

The greatest success of the Advisory and Technical Committee as a conciliatory body was obtained in connection with the jurisdiction of the European Commission of the Danube. It will be remembered that difficulties had arisen between the French, British, Italian and Roumanian Governments regarding the jurisdiction of this Commission between Galatz and Braila. After long negotiations and after certain legal points had been submitted to the Permanent Court for an opinion, an agreement was reached between the parties concerned, with the help of a Committee appointed by the Transit Committee. It is to be

hoped that this agreement, which has already been initialled by the delegates of the countries concerned, will be put into force at the earliest possible date.

This year the Transit Organisation convened a special Conference on Transit Cards for Emigrants. As a result of this Conference, an agreement was concluded which will shortly come into force, under which emigrants in transit through European countries will no longer have to obtain a transit visa and will consequently be able to travel with fewer formalities and charges.

Generally speaking, the results obtained by the Transit Organisation in the matter of passports and identity documents have been particularly satisfactory since the last Passport Conference in 1926 and the last General Conference on Communications and Transit, which considered the question of identity documents for persons without nationality. The enquiries have shown that steady progress has been secured through the adoption of the recommendations of these conferences, particularly the adoption of the recommendations on identity documents for persons without nationality or of doubtful nationality by almost all the countries concerned.

Before the end of the year a further Conference will meet to study the problem of the transport of newspapers and periodicals in Europe. This Conference has been convened as a result of the studies undertaken by the Transit Committee in order to facilitate the execution of the resolutions of the Conference of Press Experts, which met in August 1927. At the Conference will be present the representatives of Governments and of the various Customs or railway administrations concerned, as well as representatives of newspaper proprietors, and newspaper and periodical forwarding agencies. Railway and Customs Experts have already prepared proposals as a basis for the discussions of the Conference.

The Transit Committee has completed the preparatory work for Conferences which it is proposed to convene next year. One of these is a Conference on certain questions connected with river law in Europe. The research work that has already been reported to previous Assemblies is now so far advanced that a Committee of Specialists has been able to prepare draft conventions on the questions of registration, mortgages, nationality, collisions, etc. This Conference will undoubtedly mark important progress in the unification of the legal provisions applicable to river navigation in Europe. It will render to shipping services comparable to those obtained at the previous conference on the unification of measurement of vessels engaged in inland navigation. The other forthcoming Conference is of interest to maritime countries. It will deal with the unification of buoyage and lighting of coasts. Following on the very minute technical enquiries which have been conducted with the assistance of most countries concerned, including the United States of America, a draft has been prepared, which will probably be the basis of an agreement to be reached by the Conference. This agreement would simplify the conditions of maritime navigation, and would also affect safety of life at sea.

The Transit Committee has so often been called upon to deal with questions of a purely European character that it is particularly glad to note the interest shown by countries in all continents in its work in connection with maritime navigation.

The work in regard to air navigation to be undertaken by the Transit Committee will no doubt also be universal in character. The last General Conference on Communications and Transit requested the Transit Committee to examine the problem of the international organisation of air navigation as a whole. Moreover, the Assembly, on the proposal of the Committee of Experts on Civil Aviation of the Preparatory Commission for the Disarmament Conference, asked the Transit Committee to examine the various methods by which co-operation between the civil aviation undertakings of the various countries might be improved. This, again, is a question of communications and transit calling for economic co-operation between nations. The recent progress in air navigation seems to make it all the more necessary to institute an impartial enquiry into the economic results so far obtained in the various countries, in order to ascertain whether closer co-operation between them would not ensure a more satisfactory result, and at the same time put an end to the growing rivalries which may one day affect international relations. The Transit Committee has arranged for a special committee consisting of nationals of the countries most closely concerned, whether Members of the League or not, to meet early in 1930. This Committee might also study to what extent the present air traffic regulations actually comply with the principle of freedom of communications and transit laid down in the Covenant. It will be the duty of this Committee to consider how far it is possible progressively to internationalise air navigation, which appears to hold out the best opportunity for co-operation between nations.

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 Ecumenical 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.

I have the honour to submit to the Assembly the following draft resolution :

*Draft Resolution.*

“ The Assembly has reviewed the work of the Communications and Transit Organisation carried out between the ninth and tenth ordinary sessions of the Assembly.

“ It is gratified to find that, thanks to the work done during the last years by the Advisory and Technical Committee, a Conference can be summoned in 1930 for the Unification of certain parts of River Law in Europe and also a Conference of Maritime Countries for the Unification of Buoyage and Lighting of Coasts. It trusts that, as a result of these Conferences, navigation facilities will be increased.

“ The Assembly attaches particular importance to the meeting of the special Committee to enquire into questions of civil air navigation which the Advisory and Technical Committee proposes to hold early in 1930 for the purpose of ensuring the closest co-operation between the civil aviation undertakings of the various countries.

“ It 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. The 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. ”

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Geneva, September 1929.

LEAGUE OF NATIONS

**INDEX**

to the

**DOCUMENTS**

published by the

**ORGANISATION FOR COMMUNICATIONS  
AND TRANSIT**

**BETWEEN THE FIRST AND THIRD GENERAL CONFERENCES**

**1921—1927**

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  - III. INDEX (PART II): INDEX TO THE MINUTES AND DOCUMENTS OF THE SECOND GENERAL CONFERENCE.

Series of League of Nations Publications

VII. TRANSIT ✓  
1929. VIII. 15.

I.

## **List of Documents indexed.**

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The attention of Governments is directed to the fact that in the case of certain documents mentioned in the Index, only a limited number of copies was printed for circulation to the Transit Committee and its Sub-Committees or other Committees.

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# 1. LIST OF DOCUMENTS INDEXED.

## Documents included in Part I of Index.

*N.B.* In accordance with a resolution of the Seventh Assembly (1926), the printing of the minutes of Committees and Sub-Committees has, as a rule, been discontinued but the reports only are published, often in the form of annexes to the Minutes of the Advisory and Technical Committee for Communications and Transit. This applies to the Road Traffic Committee, the Sub-Committee for Hydro-electric Questions, the Permanent Legal Committee, the Sub-Committee for Inland Navigation, the Sub-Committee for Ports and Maritime Navigation, the Special Committee of Enquiry for Telegraphic and Radio-telegraphic Questions, the Sub-Committee for Transport by Rail and the reports of the Advisory and Technical Committee on the question of communications of importance to the League at times of emergency.

### ADVISORY AND TECHNICAL COMMITTEE.

C.858.M.254.1921.VIII . . . . .	Minutes of First Session.
C.212.M.116.1922.VIII . . . . .	Minutes of Second Session.
C.712.M.424.1922.VIII . . . . .	Minutes of Third Session.
C.486.M.202.1923.VIII . . . . .	Minutes of Fourth Session.
C.667.M.267.1923.VIII . . . . .	Minutes of Fifth Session.
C.196.M.61.1924.VIII . . . . .	Minutes of Sixth Session.
C.72.M.86.1925.VIII . . . . .	Minutes of Seventh Session.
C.621.M.203.1925.VIII . . . . .	Minutes of Eighth Session.
C.595.M.231.1926.VIII . . . . .	Minutes of Ninth Session.
C.242.M.98.1927.VIII . . . . .	Minutes of Tenth Session.
C.534.M.188.1927.VIII . . . . .	Minutes of Eleventh Session.

### BUOYAGE AND LIGHTING OF COASTS.

#### *Technical Committee.*

C.27.M.17.1925.VIII . . . . .	Minutes of First Session.
C.27.M.17.1925.VIII Erratum . . . . .	
C.73.M.36.1926.VIII . . . . .	Minutes of Second Session.
C.621.M.242.1926.VIII . . . . .	Minutes of Third Session.
C.87.M.36.1927.VIII . . . . .	Report of Committee and documents relative thereto.
C.C.T.260 . . . . .	General Report of Committee on provisions agreed to.
C.C.T./P.&M./B.&E./15 . . . . .	Report of Sub-Committee on Coastal and Port Signals.

### CALENDAR (REFORM OF).

#### *Special Committee of Enquiry.*

A.33.1926.VIII . . . . .	Report of Committee.
C.366.M.129.1924.VIII . . . . .	Minutes of First Session.
C.285.M.88.1925.VIII . . . . .	Minutes of Second Session.
C.552.M.208.1926.VIII . . . . .	Minutes of Third Session.
C.167.M.49.1927.VIII . . . . .	Classification and Summary of Proposals for Reform.

### CARDS FOR EMIGRANTS IN TRANSIT.

C.C.T.307. . . . .	Report of Committee of Experts.
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### COMBINED TRANSPORT.

C.C.T./T.C./5 . . . . .	Statement and Report of Sub-Committee on combined Transport between Railways and Air Navigation.
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## ABBREVIATIONS

Art.	=	Article
Assoc.	=	Association
A.T.C.	=	Advisory and Technical Committee
Comm.	=	Commission
Cttee.	=	Committee
Conf.	=	Conference
Gen.	=	General
Govt.	=	Government
Int.	=	International
I.L.O.	=	International Labour Office
L. of N.	=	League of Nations
Mem.	=	Memorandum
Perm.	=	Permanent
Prov.	=	Provisional
Recomm.	=	Recommendation
Rep.	=	Report
Resol.	=	Resolution
Secret.	=	Secretariat
Sec.-Gen.	=	Secretary-General of the Advisory and Technical Committee
Techn.	=	Technical
Vol.	=	Volume

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## ABBREVIATIONS :

- Adv. and Tech. Cttee = Advisory and Technical Committee for Communications and Transit.  
Art. = Article.  
Conv. I. R. Mar. Ports = Convention on the International Regime of Maritime Ports.  
Conv. I. R. Railways = Convention on the International Regime of Railways.  
Conv. D. Hydr. Power = Convention on the Development of Hydraulic Power.  
Conv. T. T. Electric Power = Convention on the Transmission in Transit of Electric Power.
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- Report of the Committee on Electric Questions . . . . . C. 30 : 58, 61, 91-2
- Texts . . . . .
- Final . . . . .
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- Adopted . . . . .
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- Discussion . . . . . C. 30 : 47-8, 61-2
- Interpretation . . . . . C. 30 : 59-60
- Report of the Committee on Electric Questions . . . . . C. 30 : 91-2
- Texts . . . . .
- Final . . . . . C. 30 : 97
- Proposed by the Sub-Committee . . . . . C. 30 : 47, 61

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- Adopted . . . . .
- in Committee . . . . . C. 30 : 48, 62
- in Plenary Conference . . . . . C. 30 : 73

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**Convention relating to the DEVELOPMENT of Hydraulic Power affecting more than one State (continued)**

FINAL draft as adopted by the Conference (continued)

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of the Contracting States arising out of former conventions or treaties on the subject matter of the present Convention or out of the provisions on the same subject matter in general treaties, including the Treaties of Versailles, Trianon and other treaties which ended the war of 1914-18, not affected by . . . . .	C. 30 : 8, 81
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**Convention relating to the DEVELOPMENT of Hydraulic Power affecting more than one State (continued)**

- SIGNATURE**  
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- RATIFICATION** OF  
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 to various States *re*, and replies. . . C. 27 : 45-6  
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- MEASURES** taken in pursuance of not affected  
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- APPLICATION** of, *see* Conv. I. R. Mar. Ports :  
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**Convention on the INTERNATIONAL REGIME OF MARITIME PORTS**

- ACCESSIONS** to  
 Conditions, deposit, etc. *See below* Con-  
 vention : Art. 5  
 Record of, *see below* Convention : Art. 7  
**ADOPTION** in Plenary Conference. . . . . C. 29 : 80  
**COLONIAL CLAUSE**, *see below* Statute : Art. 23  
**COLONIES**, possessions, protectorates, territ-  
 ories, denunciation of Convention by,  
*see below* Convention : Art. 9  
**COMING** into force, of, *see below* Convention :  
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**CONVENTION**  
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 vention : Arts. 8 and 9  
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**DISCUSSION** . . . . . C. 29 : 6-11, 79-80

**Convention on the INTERNATIONAL REGIME OF MARITIME PORTS (continued)**

- FINAL ACTS**  
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**PREAMBLE**  
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**Paragraph 2**  
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 Text . . . . . C. 29 : 103  
**Paragraph 3**  
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**RATIFICATIONS**  
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**REGISTRATION** of, *see above* Convention :  
 Art. 6  
**RESERVATION** of the Polish delegation . . . C. 29 : 79  
**REVISION**, provisions regarding, *see above*  
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**RIGHT** of non-contracting States to benefit  
 from . . . . . C. 29 : 22-3  
**RIGHTS** and obligations arising out of the pro-  
 visions of the Treaty of Peace signed at  
 Versailles on June 28th 1919, or out of the  
 provisions of the other corresponding  
 treaties, in so far as they concern the  
 Powers which have signed, or which  
 benefit by, such treaties not affected by,  
*see above* Convention : Art. 2  
**SIGNATURE**  
 Provisions regarding, *see above* Con-  
 vention : Art. 3  
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 tocol, paragraph 1  
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 Incorporation of Article 8 in, proposal  
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**Convention on the INTERNATIONAL REGIME OF MARITIME PORTS (continued)**

**STATUTE (continued)**

**Article 1 (continued)**

- Reservation of the Belgian delegate . . . . . C. 29 : 36
- Texts
  - Draft . . . . . C. 29 : 11
  - Final . . . . . C. 29 : 99
  - Submitted at Second Reading . . . . . C. 29 : 87

**Article 2**

- Adopted
  - in Committee . . . . . C. 29 : 50, 66
  - in Plenary Conference . . . . . C. 29 : 77

Application to articles 10 and 11, *see those articles below*

Deviation from, measures involving, *see below Art. 16*

Discussion . . . . . C. 29 : 17-26, 47-50, 63

Freedom of access and equality of treatment covered by, to apply to special ports of refuge . . . . . C. 29 : 16

Provisions of, in no way to restrict liberty of competent Port authorities to take measures for proper conduct of port, provided that those measures comply with principle of equality of treatment *see below Art. 3*

Reciprocity, article *re* to be inserted in Protocol *see above* Protocol, paragraph 4

Report of the Ports Committee . . . . . C. 29 : 91-2

Reservations of the Roumanian delegate . . . . . C. 29 : 18

Statements by

- the Belgian delegate . . . . . C. 29 : 9
- the British delegate . . . . . C. 29 : 6
- the Chilean delegate . . . . . C. 29 : 7, 82, 86
- the Columbian delegate . . . . . C. 29 : 11
- the Finnish delegate . . . . . C. 29 : 9, 63-4, 92
- the Netherlands delegate . . . . . C. 29 : 7

Texts

- Draft . . . . . C. 29 : 17
- Final . . . . . C. 29 : 99
- Proposed by
  - the Chilean delegate . . . . . C. 29 : 86
  - the Sub-Committee on . . . . . C. 29 : 48
- Submitted at the Second Reading . . . . . C. 29 : 87

**Article 3**

- Adopted
  - in Committee . . . . . C. 29 : 31, 66
  - in Plenary Conference . . . . . C. 29 : 77

Deviation from, measures involving, *see below Art. 16*

Discussion . . . . . C. 29 : 26-31

Interpretation of . . . . . C. 29 : 45

Report of the Ports Committee . . . . . C. 29 : 92

Statements by

- the Chilean delegate . . . . . C. 29 : 7
- the Secretary of the Ports Committee . . . . . C. 29 : 23

Texts

- Draft . . . . . C. 29 : 26
- Final . . . . . C. 29 : 99
- Proposed by :
  - the British delegate . . . . . C. 29 : 26
  - the Chilean delegate . . . . . C. 29 : 30
- Submitted at the second reading . . . . . C. 29 : 87

**Article 4**

- Adopted
  - in Committee . . . . . C. 29 : 66
  - in Plenary Conference . . . . . C. 29 : 77

Application to articles 10 and 11, *see those articles below*

Deviation from, measures involving, *see below Art. 16*

Discussion . . . . . C. 29 : 31-2

Report of the Ports Committee . . . . . C. 29 : 92

**Convention on the INTERNATIONAL REGIME OF MARITIME PORTS (continued)**

**STATUTE (continued)**

**Article 4 (continued)**

Texts

- Draft . . . . . C. 29 : 31
- Final . . . . . C. 29 : 99
- Submitted at the second reading . . . . . C. 29 : 87

**Article 5**

- Adopted
  - in Committee . . . . . C. 29 : 66
  - in Plenary Conference . . . . . C. 29 : 77

Deviation from, measures involving, *see below Article 16*

Discussion . . . . . C. 29 : 32-3

Interpretation of

in relation to Article 2 . . . . . C. 29 : 22

in Protocol, *see above* Protocol, paragraph 5

Object of . . . . . C. 29 : 24

Report of the Ports Committee . . . . . C. 29 : 92

Statement of

- the British delegate . . . . . C. 29 : 6, 18
- the Chilean delegate . . . . . C. 29 : 7
- the Columbian delegate . . . . . C. 29 : 35
- the Italian delegate . . . . . C. 29 : 7
- the Netherlands delegate . . . . . C. 29 : 7

Texts

- Draft . . . . . C. 29 : 32
- Final . . . . . C. 29 : 99
- Submitted at the second reading . . . . . C. 29 : 88

**Article 6 (formerly second paragraph of Art. 5, then Art. 5a) :**

Adopted

- in Committee . . . . . C. 29 : 59, 66
- in Plenary Conference . . . . . C. 29 : 77

Deviation from, measures involving, *see below Art. 16*

Discussion . . . . . C. 29 : 33-7, 59, 66

Interpretation in Protocol, *see above* Protocol, paragraph 5

Report of the Ports Committee . . . . . C. 29 : 93

Texts

- Final . . . . . C. 29 : 99-100
- Proposed by the British delegate . . . . . C. 29 : 33
- Revised by a Sub-Committee . . . . . C. 29 : 59
- Submitted at second reading . . . . . C. 29 : 88

**Article 7 (former Art. 6)**

Adoption

- in Committee . . . . . C. 29 : 47, 66
- in Plenary Conference . . . . . C. 29 : 77

Deviation from, measures involving, *see below Art. 16*

Discussion . . . . . C. 29 : 38-41, 47

Report of the Ports Committee . . . . . C. 29 : 93

Statement of

- the Chilean delegate . . . . . C. 29 : 7, 74-5
- the Italian delegate . . . . . C. 29 : 7
- the Netherlands delegate . . . . . C. 29 : 7

Texts

- Draft . . . . . C. 29 : 38
- Final . . . . . C. 29 : 100
- Proposed by the Sub-Committee . . . . . C. 29 : 47
- Submitted at the Second Reading . . . . . C. 29 : 88

**Article 8 (art. 7 of draft, art. A of text proposed by Sub-Committee)**

Adopted

- in Committee . . . . . C. 29 : 52, 66
- in Plenary Conference . . . . . C. 29 : 77

Discussion . . . . . C. 29 : 41, 47-52, 66

Relations with article 21 (former article 17) . . . . . C. 29 : 50-1, 52

Report of the Ports Committee . . . . . C. 29 : 93

Reservation of the Polish delegate . . . . . C. 29 : 79

Statements by

- the Chilean delegate . . . . . C. 29 : 23
- the Netherlands delegate . . . . . C. 29 : 77

**Convention on the INTERNATIONAL REGIME OF MARITIME PORTS (continued)**

**STATUTE (continued)**

**Article 8 (continued)**

**Texts**

Draft . . . . .	C. 29 : 41
Final . . . . .	C. 29 : 100
Submitted	
at the Second reading . . . . .	C. 29 : 88
by the Sub-Committee on . . . . .	C. 29 : 48

**Article 9 (art. 8 of draft)**

**Adopted**

in Committee . . . . .	C. 29 : 43, 66
in Plenary Conference . . . . .	C. 29 : 77

Discussion . . . . .	C. 29 : 41-3
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Interpretation of . . . . .	C. 29 : 42, 43
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Proposal of the Brazilian delegate <i>re</i>	
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coasting trade in connection with . . . . .	C. 29 : 70-1
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Report of the Ports Committee . . . . .	C. 29 : 93
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**Statements by**

the Brazilian delegate . . . . .	C. 29 : 12
the Chilean delegate . . . . .	C. 29 : 7
the Italian delegate . . . . .	C. 29 : 7
the Venezuelan delegate . . . . .	C. 29 : 11

**Texts**

Draft . . . . .	C. 29 : 41
Final . . . . .	C. 29 : 100
Submitted at the Second reading . . . . .	C. 29 : 88

**Article 10 (art. 9 of draft)**

**Adopted**

in Committee . . . . .	C. 29 : 47, 66
in Plenary Conference . . . . .	C. 29 : 77

Application of articles 2 and 4 to . . . . .	C. 29 : 44, 45-7
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Discussion . . . . .	C. 29 : 43-4, 45-7, 66, 77
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Report of the Ports Committee . . . . .	C. 29 : 94
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**Texts**

Draft . . . . .	C. 29 : 43
Final . . . . .	C. 29 : 100
Submitted	
at the Second Reading . . . . .	C. 29 : 88
by the Sub-Committee on . . . . .	C. 29 : 45

**Article 10 of draft**

Deletion of . . . . .	C. 29 : 47
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**Statement by**

the British delegate . . . . .	C. 29 : 18
the Chilean delegate . . . . .	C. 29 : 7

Text . . . . .	C. 29 : 47
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**Article 11 (art. 9 of draft, arts. 9a and 9b of the text proposed by the Sub-Committee)**

**Adopted**

in Committee . . . . .	C. 29 : 47, 57
in Plenary Conference . . . . .	C. 29 : 77

Application of article 2 and 4 to . . . . .	C. 29 : 44, 45-7, 67
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Discussion . . . . .	C. 29 : 43-4, 45-7, 67, 77
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Interpretation of . . . . .	C. 29 : 94
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Report of the Ports Committee . . . . .	C. 29 : 94
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Reservation of the British delegate . . . . .	C. 29 : 94
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**Texts**

Draft . . . . .	C. 29 : 43
Final . . . . .	C. 29 : 100
Submitted	
at the Second Reading . . . . .	C. 29 : 47, 88
by the Sub-Committee on . . . . .	C. 29 : 45

**Article 12**

**Adopted**

in Committee . . . . .	C. 29 : 61, 69
in Plenary Conference . . . . .	C. 29 : 77

**Texts**

Final . . . . .	C. 29 : 100
Submitted by the Sub-Committee . . . . .	C. 29 : 61

**Article 13 (art. 15 of draft)**

**Adopted**

in Committee . . . . .	C. 29 : 56, 67
in Plenary Conference . . . . .	C. 29 : 77

Discussion . . . . .	C. 29 : 56-7, 67
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**Convention on the INTERNATIONAL REGIME OF MARITIME PORTS (continued)**

**STATUTE (continued)**

**Article 13 (continued)**

Proposal of the Roumanian delegate . . . . .	C. 29 : 70
Report of the Ports Committee . . . . .	C. 29 : 94

**Texts**

British amendment . . . . .	C. 29 : 56
Draft . . . . .	C. 29 : 56
Final . . . . .	C. 29 : 100
Submitted at second reading . . . . .	C. 29 : 88

**Article 14 (art. 12 of text submitted at Second Reading)**

**Adopted**

in Committee . . . . .	C. 29 : 36, 67
in Plenary Conference . . . . .	C. 29 : 77

Discussion . . . . .	C. 29 : 36
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Report of the Ports Committee . . . . .	C. 29 : 94
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**Texts**

Final . . . . .	C. 29 : 100
Proposed by the Sub-Committee on	
Fishing Ports . . . . .	C. 29 : 36
Submitted at second reading . . . . .	C. 29 : 88

**Article 15 (art. 14 of draft submitted at second reading)**

**Adopted**

in Committee . . . . .	C. 29 : 60, 68
in Plenary Conference . . . . .	C. 29 : 78

Discussion . . . . .	C. 29 : 59-60, 67-8, 78
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Report of the Ports Committee . . . . .	C. 29 : 94
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Reservation of the Estonian delegate . . . . .	C. 29 : 78
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**Texts**

Final . . . . .	C. 29 : 101
Proposed by	
the British delegate . . . . .	C. 29 : 59
the Drafting Committee of the	
Conference . . . . .	C. 29 : 68
Submitted at second reading . . . . .	C. 29 : 88-9

**Article 16 (art. 11 of draft, art. 16 of text submitted at the second reading)**

**Adopted**

in Committee . . . . .	C. 29 : 52, 68
in Plenary Conference . . . . .	C. 29 : 78

Discussion . . . . .	C. 29 : 52
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Interpretation . . . . .	C. 29 : 52
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Report of the Ports Committee . . . . .	C. 29 : 95
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**Texts**

Draft . . . . .	C. 29 : 52
Final . . . . .	C. 29 : 101
Submitted at second reading . . . . .	C. 29 : 89

**Article 17 (art. 12 of draft, art. 16 of text submitted at the second reading):**

**Adopted**

in Committee . . . . .	C. 29 : 55, 69
in Plenary Conference . . . . .	C. 29 : 78

Discussion . . . . .	C. 29 : 52-5, 69, 78
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Report of the Ports Committee . . . . .	C. 29 : 95
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**Statements by**

the Belgian delegate . . . . .	C. 29 : 21
the Italian delegate . . . . .	C. 29 : 19

**Texts**

Draft . . . . .	C. 29 : 52-3
Final . . . . .	C. 29 : 101
Submitted at second reading . . . . .	C. 29 : 89

**Article 18 (art. 13 of draft, art. 17 of text submitted at the second reading)**

**Adopted**

in Committee . . . . .	C. 29 : 55, 69
in Plenary Conference . . . . .	C. 29 : 78

Discussion . . . . .	C. 29 : 55
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Report of the Ports Committee . . . . .	C. 29 : 95
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**Texts**

Draft . . . . .	C. 29 : 55
Final . . . . .	C. 29 : 101
Submitted at the second reading . . . . .	C. 29 : 89

**Convention on the INTERNATIONAL REGIME OF MARITIME PORTS (continued)**

**STATUTE (continued)**

Article 19 (art. 18 of text proposed at second reading)

Adopted

    in Committee . . . . . C. 29 : 60, 69

    in Plenary Conference . . . . . C. 29 : 78

Discussion . . . . . C. 29 : 60, 69

Report of the Ports Committee . . . C. 29 : 95

Texts

    Final . . . . . C. 29 : 101

    Proposed by the delegates of Greece, Italy, and the Kingdom of the Serbs, Croats and Slovenes . . . C. 29 : 60

    Submitted at second reading . . . C. 29 : 89

Article 20 (art. 16 of draft, art. 19 of text submitted at second reading)

Adopted

    in Committee . . . . . C. 29 : 56, 69

    in Plenary Conference . . . . . C. 29 : 78

Discussion . . . . . C. 29 : 56, 78

Reports

    of the Ports Committee . . . . . C. 29 : 95

    of the Sub-Committee on article 2 . C. 29 : 49

Texts

    Draft . . . . . C. 29 : 56

    Final . . . . . C. 29 : 102

    Submitted at second reading . . . C. 29 : 89

Article 21 (art. 17 of draft, art. 20 of text submitted at second reading)

Adopted

    in Committee . . . . . C. 29 : 57, 69

    in Plenary Conference . . . . . C. 29 : 78

Discussion . . . . . C. 29 : 56-7, 69

Report of the Ports Committee . . . C. 29 : 95

Texts

    Draft . . . . . C. 29 : 56

    Final . . . . . C. 29 : 102

    Submitted at second reading . . . C. 29 : 89

Article 22 (art. 36 of the Statute on the International Regime of Railways, proposed as art. 17a of the Draft Statute on Maritime Ports, Art. 21 of text submitted at second reading)

Adopted

    in Committee . . . . . C. 29 : 57, 69

    in Plenary Conference . . . . . C. 29 : 78

Discussion . . . . . C. 29 : 57

Report of the Ports Committee . . . C. 29 : 95

Texts

    Draft . . . . . C. 29 : 57

    Final . . . . . C. 29 : 102

    Submitted at second reading . . . C. 29 : 89-90

Article 23 (art. 18 of draft, art. 22 of text submitted at second reading) :

Adopted

    in Committee . . . . . C. 29 : 65, 69

    in Plenary Conference . . . . . C. 29 : 78

Discussion . . . . . C. 29 : 57-9, 65

Report of the Ports Committee . . . C. 29 : 96

Statements of

    the Japanese delegate . . . . . C. 29 : 65, 96

    the Netherlands delegate . . . . . C. 29 : 7

Texts

    Draft . . . . . C. 29 : 57

    Final . . . . . C. 29 : 102

    Proposed by the Drafting Committee (art. 43 of the Statute on the International Regime of Railways) . . . . . C. 29 : 55

    Submitted at Second Reading . . . C. 29 : 90

Article 24 (art. 14 of draft, art. 23 of text adopted at the second reading)

Adopted

    in Committee . . . . . C. 29 : 55, 69

    in Plenary Conference . . . . . C. 29 : 78

Discussion . . . . . C. 29 : 55

Report of the Ports Committee . . . C. 29 : 96

**Convention on the INTERNATIONAL REGIME OF MARITIME PORTS (continued)**

**STATUTE (continued)**

Article 24 (continued)

Texts

    Draft . . . . . C. 29 : 55

    Final . . . . . C. 29 : 102

    Submitted at second reading . . . C. 29 : 90

Discussion, general . . . . . C. 29 : 6-II, 79-80

Disputes, settlement, of those arising out of interpretation of application of, *see above* Arts. 21 and 22

Facilities greater than those provided for to be neither withdrawn nor prohibited, *see above* Art. 20

General International Conventions, measures taken in pursuance of not affected by, *see above* Art. 17

Interpretation of, settlement of disputes arising out of, *see above* Arts. 21 and 22

Ports to which applicable . . . . . C. 29 : 83

Report of the Ports Committee . . . C. 29 : 90-96

Rights and obligations of States Members of the League of Nations, *see above* Art. 24

Text

    Final . . . . . C. 29 : 99-103

    Submitted at second reading . . . C. 29 : 87-90

War, application of Statute in case of, rights and obligations of belligerents and neutrals, *see under* War, case of

**Convention on the INTERNATIONAL REGIME OF RAILWAYS**

**ACCESSIONS**

Conditions, deposit, notification, etc., *see below* Convention : Art. 5

Record of, *see below* Convention : Art. 7

**ADOPTION** in Plenary Conference . . . . . C. 28 : 73-4

**AGREEMENTS** referred to in, *see* Agreements referred to in the Convention on the International Regime of Railways

**COLONIAL** clause, *see below* Statute : Art. 43

**COLONIES**, possessions, protectorates, territories ; denunciation of Convention by *see below* Convention : Art. 9

**COMING** into force, *see below* Convention : Art. 6

**CONVENTION**

Article 1 of Draft

    Proposals and statements of various delegates . . . . . C. 28 : 5, 61, 67

    Suppression of . . . . . C. 28 : 80-1

Article 1 of Final Text

    Adopted in Plenary Conference . . . C. 28 : 68

    Text . . . . . C. 28 : 86

Article 2

    Adopted in Plenary Conference . . . C. 28 : 68

    Relations with articles 20 and 21 of Statute . . . . . C. 28 : 47

    Text . . . . . C. 28 : 86

Articles 3 to 8

    Adopted in Plenary Conference . . . C. 28 : 68

    Text . . . . . C. 28 : 86

Article 9

    Adoption in Plenary Conference . . . C. 28 : 68

    Reservation of the Japanese delegate . C. 28 : 68

    Withdrawn . . . . . C. 29 : 76

    Statement of the President of the Drafting Committee *re* . . . . . C. 28 : 67

    Text . . . . . C. 28 : 86

Article 10

    Adopted in Plenary Conference . . . C. 28 : 68

    Text . . . . . C. 28 : 86

**DATE**, *see above* Convention : Art. 3



Convention on the INTERNATIONAL REGIME OF RAILWAYS (continued)

DENUNCIATIONS of

Provisions applicable to, *see above* Convention : Art. 8 and 9  
Record of, *see above* Convention : Art. 7

DISCUSSION in Plenary Conference . . . C. 28 : 65-75

FORMER conventions and treaties *see above* Convention : Art. 2 and below Statute : Art. 40

OBLIGATIONS, *see below* Rights and obligations

PREAMBLE

Adopted in the Plenary Conference. C. 28 : 68  
Observations of the International Union of Railway Administrations . . . C. 28 : 77  
Paragraph 3, rectification of . . . C. 28 : 67-8  
Text, final . . . . . C. 28 : 85

PROTOCOL OF SIGNATURE

Application to the Statute : Mar. Ports C. 29 : 102  
*See also*, Conv. Mar. Ports, Statute : Art. 6  
Proposals of various delegates C. 28 : 67, 68-9, 72  
Report of the Drafting Committee C. 28 : 73, 85  
Text, final . . . . . C. 28 : 95

RATIFICATIONS

Deposit of, *see above* Convention : Art. 4  
Record of, *see above* Convention : Art. 7

REGISTRATION of, *see above* Convention : Art. 6

REVISION, provisions regarding, *see above* Convention : Art. 10

RIGHTS and obligations arising out of the provisions of the Treaty of Peace signed at Versailles on June 28th 1919, or out of the provisions of the other corresponding treaties, in so far as they concern the Powers which have signed, or which benefit by, such treaties not affected by, *see above* Convention : Art. 2

SIGNATURE

Provisions regarding, *see above* Convention : Art. 3  
Record of, *see above* Convention : Art. 7

SPECIAL Notes annexed to, *see that title*

STATUTE

Adhesion of Railway Administrations to C. 28 : 5, 61, 67, 80-1, 85

Application of, settlement of disputes arising out of, *see below* Arts. 35 and 36

Part I (Interchange of International Traffic by Rail)

Article I

Adopted  
in Committee . . . . . C. 28 : 18  
in Plenary Conference . . . . . C. 28 : 68  
Discussion . . . . . C. 28 : 5-7, 18  
Referred to Railways Drafting Committee . . . . . C. 28 : 7  
Text  
Draft. . . . . C. 28 : 5  
Final . . . . . C. 28 : 87

Article 2

Adoption  
in Committee . . . . . C. 28 : 18-9  
in Plenary Conference . . . . . C. 28 : 68  
Discussion . . . . . C. 28 : 7-8, 18-19  
Observations of the International Union of Railway Administrations . . . . . C. 28 : 77  
Text  
Draft. . . . . C. 28 : 7  
Final . . . . . C. 28 : 87  
Proposed by the Railways Drafting Committee . . . . . C. 28 : 18

Convention on the INTERNATIONAL REGIME OF RAILWAYS (continued)

STATUTE (continued)

Part I (continued)

Article 3

Adopted  
in Committee . . . . . C. 28 : 19  
in Plenary Conference . . . . . C. 28 : 68  
Discussion . . . . . C. 28 : 8, 19  
Text  
Draft. . . . . C. 28 : 8  
Final . . . . . C. 28 : 87

Article 4

Adopted  
in Committee . . . . . C. 28 : 59  
in Plenary Conference . . . . . C. 28 : 69  
Application to Statute on Maritime Ports C. 29 : 102  
*See also* Conv. Mar. Ports : Statute : Art. 6  
Competence of Permanent Court of International Justice *re* interpretation or application of C. 28 : 28-9, 34-5  
Discussion . . . . . C. 28 : 8, 49, 59, 68-9  
Observations of the International Union of Railway Administrations . . . . . C. 28 : 77-8  
Report of the Railways Committee C. 28 : 83  
Reservation of the Latvian and Lithuanian delegates . . . C. 28 : 59, 68-9  
Statement of the Latvian Delegate C. 28 : 62  
Text  
Draft. . . . . C. 28 : 8  
Final . . . . . C. 28 : 87  
Proposed by the Drafting Committee . . . . . C. 28 : 59

Article 5

Adopted  
in Committee . . . . . C. 28 : 9  
in Plenary Conference . . . . . C. 28 : 69  
Discussion . . . . . C. 28 : 8-9  
Text  
Draft. . . . . C. 28 : 8-9  
Final . . . . . C. 28 : 88

Article 6

Adopted  
in Committee . . . . . C. 28 : 10  
in Plenary Conference . . . . . C. 28 : 69  
Discussion . . . . . C. 28 : 9-10  
Report of the Railways Committee C. 28 : 81  
Text  
Draft . . . . . C. 28 : 9  
Final . . . . . C. 28 : 88

Article 7

Adopted  
in Committee . . . . . C. 28 : 25  
in Plenary Conference . . . . . C. 28 : 69  
Discussion . . . . . C. 28 : 11, 25  
Observations of the International Union of Railway Administrations . . . . . C. 28 : 78  
Text  
Draft. . . . . C. 28 : 11  
Final . . . . . C. 28 : 88  
Proposed by the Drafting Committee . . . . . C. 28 : 25

Article 8

Adopted  
in Committee . . . . . C. 28 : 11, 25  
in Plenary Conference . . . . . C. 28 : 69  
Discussion . . . . . C. 28 : 11-12, 25  
Observations of the International Union of Railway Administrations . . . . . C. 28 : 78  
Reservation of the Chinese delegate C. 2 : 12

Convention on the INTERNATIONAL REGIME OF RAILWAYS (continued)

STATUTE (continued)

Part I (continued)

Art. 8 (continued)

Text

Draft. . . . . C. 28 : 11  
Final . . . . . C. 28 : 88

Proposed by the Railways Drafting Committee. . . . . C. 28 : 25

Report of the Railways Committee C. 28 : 80-1

Part II (Reciprocity in the use of rolling stock : Technical uniformity)

Article 9

Adopted

in Committee . . . . . C. 28 : 52  
in Plenary Conference . . . . . C. 28 : 69

Discussion . . . . . C. 28 : 12-13, 52

Report of the Railways Committee C. 28 : 81

Text

Draft. . . . . C. 28 : 12  
Final . . . . . C. 28 : 88

Proposed by the Railways Drafting Committee. . . . . C. 28 : 52

Article 10

Adopted

in Committee . . . . . C. 28 : 52  
in Plenary Conference . . . . . C. 28 : 69

Discussion . . . . . C. 28 : 14, 52

Report of the Railways Committee C. 28 : 81

Text

Draft. . . . . C. 28 : 14  
Final . . . . . C. 28 : 88

Proposed by the Railways Drafting Committee. . . . . C. 28 : 52

Article 11

Adopted

in Committee . . . . . C. 28 : 15  
in Plenary Conference . . . . . C. 28 : 69

Discussion . . . . . C. 28 : 14-5, 52

Text

Draft. . . . . C. 28 : 14  
Final . . . . . C. 28 : 89

Article 12

Adopted

in Committee . . . . . C. 28 : 19, 52-3  
in Plenary Conference . . . . . C. 28 : 69

Discussion . . . . . C. 28 : 15-17, 19, 52-3

Observations of the International Union of Railway Administrations . . . . . C. 28 : 78

Report of the Railways Committee C. 28 : 81

Texts

Draft. . . . . C. 28 : 15  
Final . . . . . C. 28 : 89

Proposed by the Railways Drafting Committee. . . . . C. 28 : 19, 52

Article 13

Adopted

in Committee . . . . . C. 28 : 53  
in Plenary Conference . . . . . C. 28 : 69

Discussion . . . . . C. 28 : 17-18, 20, 53, 69

Observations of the International Union of Railway Administrations . . . . . C. 28 : 78

Report of the Railways Committee C. 28 : 81

Texts

Draft. . . . . C. 28 : 17  
Final . . . . . C. 28 : 89

Proposed by the Railways Drafting Committee. . . . . C. 28 : 53

Execution of provisions of . . . . . C. 28 : 29-30

Letter from Chinese delegate *re*, . . . . . C. 28 : 71

Report of the Railways Committee C. 28 : 81

Reservation of Chinese delegation C. 28 : 13, 18

Convention on the INTERNATIONAL REGIME OF RAILWAYS (continued)

STATUTE (continued)

Part III (Relations between the railway and its users)

Article 14

Adopted

in Committee . . . . . C. 28 : 53

in Plenary Conference . . . . . C. 28 : 69

Discussion . . . . . C. 28 : 20, 53

Report of the Railways Committee C. 28 : 81

Texts

Draft. . . . . C. 28 : 20  
Final . . . . . C. 28 : 89

Proposed by the Railways Drafting Committee. . . . . C. 28 : 53

Article 15

Adopted

in Committee . . . . . C. 28 : 53

in Plenary Conference . . . . . C. 28 : 69

Discussion . . . . . C. 28 : 20-1, 53

Reservation of the Latvian delegate C. 28 : 53, 62

Texts

Draft. . . . . C. 28 : 20  
Final . . . . . C. 28 : 89

Proposed by the Railways Drafting Committee. . . . . C. 28 : 53

Article 16

Adopted

in Committee . . . . . C. 28 : 21, 53

in Plenary Conference . . . . . C. 28 : 69

Discussion . . . . . C. 28 : 21, 53

Text

Draft. . . . . C. 28 : 21  
Final . . . . . C. 28 : 89

Article 17

Adopted

in Committee . . . . . C. 28 : 22, 53

in Plenary Conference . . . . . C. 28 : 69

Discussion . . . . . C. 28 : 21-2, 53

Texts

Draft. . . . . C. 28 : 21  
Final . . . . . C. 28 : 90

Execution of provisions of . . . . . C. 28 : 29-30

Letter of the Chinese delegate . . . . . C. 28 : 71

Report of the Railways Committee C. 28 : 81

Reservation of the Chinese delegate C. 28 : 22

Part IV (Tariffs)

Article 18

Adopted

in Committee . . . . . C. 28 : 46, 53

in Plenary Conference . . . . . C. 28 : 69

Competence of Permanent Court of International Justice *re* interpretation or application of C. 28 : 28-9, 34-5

Discussion . . . . . C. 28 : 46, 49, 53

Observations of the International Union of Railways . . . . . C. 28 : 78

Text

Final . . . . . C. 28 : 90

Proposed by the Drafting Committee . . . . . C. 28 : 46

Article 19 (Draft)

Application of, to traffic by rail and different means of transport C. 28 : 35-6

Competence of Permanent Court of International Justice *re* interpretation or application of C. 28 : 28-9, 34-5

Discussion . . . . . C. 28 : 39-45

Interpretation of Paragraph III C. 28 : 36

Observations of the International Union of Railway Administrations . . . . . C. 28 : 78

Convention on the INTERNATIONAL REGIME OF RAILWAYS (continued)

STATUTE (continued)

Part IV (continued)

Article 19 (former art. 20. Final)

- Adopted
  - in Committee . . . . . C. 28 : 46, 53
  - in Plenary Conference . . . . . C. 28 : 69
- Application of, to traffic by rail and different means of transport . . . . . C. 28 : 35-6
- Competence of Permanent Court of International Justice *re* interpretation or application of . . . . . C. 28 : 28-9, 34-5
- Discussion . . . . . C. 28 : 46, 49, 53
- Texts
  - Final . . . . . C. 28 : 90
  - Proposed by the Railways Drafting Committee . . . . . C. 28 : 46

Article 20 (Former art. 21)

- Adopted
  - in Committee . . . . . C. 28 : 47, 53
  - in Plenary Conference . . . . . C. 28 : 70
- Application of
  - to Goods stored in port, *see below* Art. 22
  - to Statute on Maritime Ports, *see* Conv. Mar. Ports: Statute: Art. 6
  - to Traffic by rail and different means of transport . . . . . C. 28 : 35-6
  - See also below* Art. 21
- Competence of Permanent Court of International Justice *re* application or interpretation of . . . . . C. 28 : 28-9, 34-5

- Discussion . . . . . C. 28 : 46-7, 49, 53, 69-70
- Interpretation of . . . . . C. 28 : 69-70

- Observations of the International Union of Railway Administrations . . . . . C. 28 : 78

- Report of Railways Committee on . . . . . C. 28 : 82

- Texts
  - Final . . . . . C. 28 : 90
  - Proposed by the Railways Drafting Committee . . . . . C. 28 : 46-7

Article 21

- Adopted
  - in Committee . . . . . C. 28 : 48-9, 53
  - in Plenary Conference . . . . . C. 28 : 70

- Application
  - of Art. 4 of Statute I. R. Railways, to traffic dealt with in, *see that article above*
  - to Statute on Mar. Ports, *see* Conv. Mar. Ports: Statute: Art. 6

- Discussion . . . . . C. 28 : 47-8, 49, 53, 70
- Insertion in Final Act of recommendation in the sense of . . . . . C. 28 : 73

- Observations of the International Union of Railway Administrations . . . . . C. 28 : 78

- Report of the Railways Committee . . . . . C. 28 : 82

- Reservation of the Latvian delegate . . . . . C. 28 : 48, 53, 62

- Texts
  - Final . . . . . C. 28 : 90
  - Proposed by the Railways Drafting Committee . . . . . C. 28 : 47

Article 22

- Adopted
  - in Committee . . . . . C. 28 : 48, 53
  - in Plenary Conference . . . . . C. 28 : 70

Convention on the INTERNATIONAL REGIME OF RAILWAYS (continued)

STATUTE (continued)

Part IV (continued)

Article 22 (continued)

- Application
  - to Art. 4 of Statute I. R. Railways to traffic dealt with in, *see that article above*
  - to Statute on Mar. Ports . . . . . C. 29 : 103
  - and see* Conv. I. R. Mar. Ports: Statute: Art. 6
- Discussion . . . . . C. 28 : 48, 49, 53
- Observations of the International Union of Railway Administrations . . . . . C. 28 : 78
- Report of the Railways Committee . . . . . C. 28 : 82
- Reservation of the Latvian delegate . . . . . C. 28, 48, 62
- Texts
  - Final . . . . . C. 28 : 91
  - Proposed by the Railways Drafting Committee . . . . . C. 28 : 48

Article 23

- Adopted
  - in Committee . . . . . C. 28 : 49, 53
  - in Plenary Conference . . . . . C. 28 : 70
- Discussion . . . . . C. 28 : 49
- Texts
  - Final . . . . . C. 28 : 91
  - Proposed by the Railways Drafting Committee . . . . . C. 28 : 49

Article 24

- Adopted
  - in Committee . . . . . C. 28 : 49, 53
  - in Plenary Conference . . . . . C. 28 : 70
- Discussion . . . . . C. 28 : 49
- Texts
  - Final . . . . . C. 28 : 91
  - Proposed by the Railways Drafting Committee . . . . . C. 28 : 49
- Discussion . . . . . C. 28 : 39-45
- Report of the Railways Committee . . . . . C. 28 : 82-83
- Reservation of delegates of China, Latvia and Lithuania . . . . . C. 28 : 53, 61

Part V (Financial arrangements between Railway Administrations in the interest of International Traffic)

Article 25

- Adopted
  - in Committee . . . . . C. 28 : 22, 53
  - in Plenary Conference . . . . . C. 28 : 70
- Discussion . . . . . C. 28 : 22, 53
- Execution of . . . . . C. 28 : 30
- Texts
  - Draft . . . . . C. 28 : 22
  - Final . . . . . C. 28 : 91

Article 26

- Adopted
  - in Committee . . . . . C. 28 : 22-3, 53-4
  - in Plenary Conference . . . . . C. 28 : 70
- Discussion . . . . . C. 28 : 22-3, 53-4
- Execution of . . . . . C. 28 : 30
- Texts
  - Draft . . . . . C. 26 : 22
  - Final . . . . . C. 28 : 91
  - Proposed by the Railways Drafting Committee . . . . . C. 28 : 54

Article 27

- Adopted
  - in Committee . . . . . C. 28 : 23, 54
  - in Plenary Conference . . . . . C. 28 : 70
- Discussion . . . . . C. 28 : 23, 54
- Execution of . . . . . C. 28 : 30
- Texts
  - Draft . . . . . C. 28 : 23
  - Final . . . . . C. 28 : 91

Convention on the INTERNATIONAL REGIME OF RAILWAYS (continued)

STATUTE (continued)

Part V (continued)

Article 28

Adopted

in Committee . . . . . C. 28 : 54

in Plenary Committee . . . . . C. 28 : 70

Discussion . . . . . C. 28 : 23-4, 54, 70

Report of the Railways Committee  
C. 28 : 81

Texts

Draft . . . . . C. 28 : 23

Final . . . . . C. 28 : 92

Proposed by the Railways Draft-

ing Committee . . . . . C. 28 : 54

Report of the Railways Committee C. 28 : 81

Reservation of the Chinese delegation  
C. 28 : 23

Part VI (General Regulations)

Article 29

Adopted

in Committee . . . . . C. 28 : 25, 54

in Plenary Conference . . . . . C. 28 : 70

Competence of Permanent Court of  
International Justice *re* inter-

pretation or application of  
C. 28 : 28-9, 34-5, 56-7

Discussion . . . . . C. 28 : 24-5, 25-6, 54

Reservation of the Latvian delegate  
C. 28 : 62

Texts

Draft . . . . . C. 28 : 24

Final . . . . . C. 28 : 92

Article 30

Adopted

in Committee . . . . . C. 28 : 27, 54

in Plenary Conference . . . . . C. 28 : 70

Competence of the Permanent Court  
of International Justice *re* inter-

pretation or application of  
C. 28 : 28-9, 34-5, 56-7

Discussion . . . . . C. 28 : 26-7, 54

Statement by the Latvian delegate  
C. 28 : 62-3

Texts

Draft . . . . . C. 28 : 26

Final . . . . . C. 28 : 92

Proposed by the Railways Draft-

ing Committee . . . . . C. 28 : 54

Article 31

Adoption

in Committee . . . . . C. 28 : 27, 54

in Plenary Conference . . . . . C. 28 : 70

Competence of the Permanent Court  
of International Justice *re* inter-

pretation or application of  
C. 28 : 28-9, 34-5, 56-7

Discussion . . . . . C. 28 : 27, 54

Texts

Draft . . . . . C. 28 : 27

Final . . . . . C. 28 : 92

Proposed by the Railways Draft-

ing Committee . . . . . C. 28 : 54

Article 32

Adopted in Plenary Conference . C. 28 : 70

Approval of principle . . . . . C. 28 : 28

Competence of the Permanent Court  
of International Justice *re* applic-

ation or interpretation of  
C. 28 : 28-9, 34-5, 56-7

Discussion . . . . . C. 28 : 28, 54

Text, final . . . . . C. 28 : 92

Article 33 (Former art. 34)

Adopted in Plenary Conference . C. 28 : 70

Approval of principle . . . . . C. 28 : 28

Convention on the INTERNATIONAL REGIME OF RAILWAYS (continued).

STATUTE (continued)

Part VI (continued)

Article 33 (continued)

Competence of the Permanent Court  
of International Justice *re* applic-

ation or interpretation of  
C. 28 : 28-9, 34-5, 56-7

Discussion . . . . . C. 28 : 28, 54

Text, final . . . . . C. 28 : 92

Article 34 (former art. 35)

Adopted in Plenary Conference C. 28 : 70

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ARTICLE 7 (article 4 of text submitted by the Adv. and Techn. Cttee., article 7 of text submitted by the Secretariat)

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Final . . . . . C. 30 : 94

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ARTICLE 8 (Provision to be inserted in Protocol of text first submitted by the Secretariat, article 8 of same text at second reading)

Adopted in Plenary Conference . . . . . C. 30 : 68

Discussion . . . . . C. 30 : 55

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Adopted in Plenary Conference . . . . . C. 30 : 72

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[Communiqué au Conseil  
et aux Membres de la Société.]

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Genève, le 29 novembre 1929.

**SOCIÉTÉ DES NATIONS**

**CONFÉRENCE EUROPÉENNE  
RELATIVE AUX TRANSPORTS DE JOURNAUX  
ET PÉRIODIQUES**

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**ACTE FINAL**

---

**LEAGUE OF NATIONS**

**EUROPEAN CONFERENCE  
ON THE TRANSPORT OF NEWSPAPERS  
AND PERIODICALS.**

---

**FINAL ACT.**

---

Série de Publications de la Société des Nations

VIII. COMMUNICATIONS ET TRANSIT

X 1929. VIII. 16. ✓

## ACTE FINAL

La Conférence européenne relative aux transports de journaux et périodiques, convoquée par le Conseil de la Société des Nations en date du 12 juin 1929, comme suite aux travaux de la Conférence d'experts de presse tenue à Genève en août 1927, s'est réunie à Genève du 25 au 29 novembre 1929.

Le Conseil, par résolution en date du 6 septembre 1929, avait désigné comme Président de la Conférence le Très Honorable vicomte BURNHAM, G.C.M.G., C.H.

Elle comprenait des représentants des Gouvernements de l'ALLEMAGNE, de la BELGIQUE, de la GRANDE-BRETAGNE et de l'IRLANDE DU NORD, de la BULGARIE, du DANEMARK, de l'ESPAGNE, de la FINLANDE, de la FRANCE, de la HONGRIE, de l'ITALIE, des PAYS-BAS, de la POLOGNE, du PORTUGAL, de la ROUMANIE, de la SUÈDE, de la SUISSE, de la TCHÉCOSLOVAQUIE, de la TURQUIE, de la YOUGOSLAVIE, ainsi que de la COMMISSION DE GOUVERNEMENT DU TERRITOIRE DE LA SARRE,

Dont les délégations étaient ainsi composées:

### ALLEMAGNE.

M. H. H. VOELCKERS,  
M. H. KATZENBERGER,  
M. W. GUT,

Consul général d'Allemagne à Genève.  
Conseiller de Légation au Ministère des Affaires étrangères.  
Conseiller ministériel au Ministère des Postes.

### BELGIQUE.

M. J. G. CRISPIELS,  
M. E. MONS,  
M. G. J. GILSON,

Inspecteur général des Douanes.  
Chef de division à l'Administration centrale des Postes.  
Chef de bureau à la Société nationale des Chemins de fer.

### ROYAUME-UNI DE GRANDE-BRETAGNE ET IRLANDE DU NORD.

M. C. B. COLLINS,  
M. H. W. PHILLIPS,

Du Ministère de l'Aéronautique.  
Directeur adjoint du Trafic transatlantique et continental de la « London, Midland and Scottish Railway Company ».

### BULGARIE.

M. D. MIKOFF,  
M. S. IVANOFF,  
M. J. MITKOFF,

Chargé d'Affaires près le Conseil Fédéral Suisse.  
Directeur adjoint des Postes, Télégraphes et Téléphones.  
Chef de la Section des Douanes au Ministère des Finances.

### DANEMARK.

M. C. I. MONDRUP,  
M. N. A. MÖLLER,

Directeur général des Postes et Télégraphes.  
Chef de section à la Direction générale des Postes et Télégraphes.

### ESPAGNE.

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

Chef du Bureau de la Presse au Ministère des Affaires étrangères.  
Assesseur à la Direction des Douanes.  
Ingénieur des Chemins de fer de l'Etat.



## 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 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:

### GERMANY.

M. H. H. VOELCKERS,  
M. H. KATZENBERGER,  
M. W. GUT,

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

Head of the Press Bureau in the Ministry for Foreign  
Affairs.  
Assessor in the Customs Department.  
Engineer to the State Railways.

FRANCE.

M. P. BARGETON,

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

Ministre plénipotentiaire, Chef du Service de la Presse  
au Ministère des Affaires étrangères.  
Administrateur des Douanes.  
Ingénieur en chef adjoint à la Direction de la Compagnie  
des chemins de fer P. L. M.

HONGRIE.

M. P. DE HEVESY DE HEVES,

M. Zoltán BARANYAI,  
Le docteur Dénes DE KOVÁCS,  
M. Kálmán PRIHRADNY,  
Le docteur Charles DE FORSTER,

Ministre résident, Délégué permanent auprès de la Société  
des Nations.  
Premier secrétaire de Légation.  
Conseiller de section au Ministère de l'Intérieur.  
Directeur adjoint des Chemins de fer de l'Etat.  
Conseiller à la Direction générale des Postes.

ITALIE.

M. M. GALDI,  
M. G. BARELLA,  
M. L. BELMONTE,  
M. A. PIROZZI,  
Le général G. PELLISSERO,

Chef de division au Ministère des Communications.  
Directeur-Administrateur du *Popolo d'Italia*.  
Inspecteur supérieur en chef des Chemins de fer de l'Etat.  
Chef de section au Ministère de l'Aéronautique.  
Directeur-Administrateur de la *Gazzetta del Popolo*.

PAYS-BAS.

M. A. HELDRING,  
M. A. P. F. DUIJNSTEE,  
M. W. F. H. VAN RIJCKEVORSEL,

Directeur général de l'*Algemeen Handelsblad*.  
Inspecteur en chef des Postes, Télégraphes et Téléphones.  
Inspecteur en chef des Chemins de fer néerlandais.

POLOGNE.

M. Thadée GWIAZDOWSKI,  
M. S. HLADKI,

Conseiller de Légation.  
Conseiller au Ministère des Affaires étrangères.

PORTUGAL.

M. F. DE CALHEIROS E MENEZES,  
M. J. FERREIRA DE MESQUITA,

Chef de la Chancellerie portugaise auprès de la Société  
des Nations.  
Directeur général de la Compagnie portugaise des  
chemins de fer.

ROUMANIE.

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TURQUIE.

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M. RIFAT ISMAIL, Directeur général adjoint des Chemins de fer de l'Etat.

YOUGOSLAVIE.

M. B. DJOURITCHITCH, Directeur général des Chemins de fer de l'Etat.

FINLANDE.

(Participant à la Conférence à titre d'information.)

M. E. GYLLENBÖGEL, Chargé d'Affaires à Berne.

COMMISSION DE GOUVERNEMENT DU TERRITOIRE DE LA SARRE.

(Participant à la Conférence à titre consultatif.)

M. A. NICKLAUS, Directeur de la Division des Chemins de fer de la Sarre.

Participaient, en outre, à la Conférence à titre consultatif:

BUREAU INTERNATIONAL DE L'UNION POSTALE UNIVERSELLE.

M. E. GARBANI-NERINI, Directeur du Bureau.  
M. E. VOUTAT, Secrétaire du Bureau.

OFFICE CENTRAL DES TRANSPORTS INTERNATIONAUX PAR CHEMINS DE FER.

M. E. LOHNER, Directeur de l'Office.  
M. G. NOE, Secrétaire de l'Office.

UNION INTERNATIONALE DES CHEMINS DE FER.

M. A. POURCEL, Secrétaire général adjoint de l'Union.  
M. E. HESS, Président de la Commission du Trafic-Marchandises  
chargée de l'étude de la question des transports  
de journaux.

ASSOCIATION INTERNATIONALE DU TRAFIC AÉRIEN.

Le Jonkheer L. VAN DEN BERCH  
VAN HEEMSTEDÉ, Directeur général de l'Association.  
M. M. WRONSKY, Président du Comité de l'Association pour le transport  
des journaux par air, Directeur de la « Deutsche  
Luft Hansa ».

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

M. H. LUUYT, Inspecteur principal.

CZECHOSLOVAKIA.

M. Zdenek FIERLINGER, Envoy Extraordinary and Minister Plenipotentiary  
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TURKEY.

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M. E. GYLLENBÖGEL, Chargé d'Affaires à 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:

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M. E. VOUTAT, Secretary of the Bureau.

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M. A. POURCEL, Deputy Secretary-General of the Union.  
M. E. HESS, Chairman of the Goods Traffic Committee to enquire into  
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INTERNATIONAL AIR TRAFFIC ASSOCIATION.

Jonkheer L. VAN DEN BERCH VAN  
HEEMSTEDÉ, Director-General of the Association.  
M. M. WRONSKY, Chairman of the Association's Committee on the Transport  
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"COMPAGNIE INTERNATIONALE DES WAGONS-LITS  
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M. H. LUUYT, Chief Inspector.

THE NEWSPAPER PROPRIETORS' ASSOCIATION, LIMITED, LONDRES.

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FÉDÉRATION NATIONALE DES JOURNAUX FRANÇAIS.

M. A. CHAUCHAT,

Secrétaire de la Fédération.

ASSOCIATION SUISSE DES ÉDITEURS DE JOURNAUX.

M. E. RIETMANN,

Président de l'Association.

MESSAGERIES HACHETTE, PARIS.

M. R. SCHOELLER,

Directeur général.

MAISON D'ÉDITION GEORG STILKE, BERLIN.

Le docteur G. STILKE,  
M. H. W. VON HERWARTH,

Libraire-éditeur.  
Libraire-éditeur.

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La Conférence a constaté que les gouvernements représentés se trouvaient unanimement d'accord pour favoriser la diffusion de la presse internationale et en faciliter le transport, en raison de l'intérêt public qui s'attache à la connaissance réciproque dans les divers pays de leurs opinions publiques respectives. Elle a considéré que les mesures suivantes permettront au mieux, dans les circonstances actuelles, d'atteindre ce but, étant susceptibles d'être exécutées facilement par les administrations intéressées (Administrations de chemins de fer, des Postes, des Douanes et de Police), ainsi que de nature à rencontrer l'assentiment des gouvernements, dans les cas où cet assentiment serait nécessaire. Ces mesures ont pour objet l'accélération des transports, la suppression des intermédiaires au cours des transports, la simplification des formalités de toute nature qui grèvent le transport, par là l'obtention d'une plus grande rapidité dans la diffusion de la presse et la diminution des frais permettant d'attendre une diminution du prix de vente des journaux étrangers au public.

**I. Régime du transport de journaux quotidiens (ou assimilés) en trafic international.**

Conformément aux propositions présentées par l'Union internationale des Chemins de fer, le régime du transport de journaux quotidiens en trafic international sera basé sur la Convention internationale concernant le transport des marchandises par chemins de fer (C.I.M.). Toutefois, le transport s'effectuera en fait de la même manière que le transport des bagages de voyageurs, c'est-à-dire, dans la mesure des possibilités, par trains directs et trains de luxe, y compris les trains de la Compagnie internationale des wagons-lits. L'élaboration de la réglementation détaillée à adopter pour ce trafic sera poursuivie par l'Union internationale des Chemins de fer, qui s'efforcera d'établir les prescriptions uniformes à adopter.

La détermination des trains d'acheminement fera, dans chaque cas et pour chaque période d'horaire, l'objet d'accords entre les administrations intéressées aux transports, après entente avec les expéditeurs. D'une manière générale, en ce qui concerne les formalités, la solution suivante serait envisagée:

a) *Remise au transport.* — L'expéditeur devrait présenter ses colis et la lettre de voiture de la Convention internationale concernant le transport des marchandises par chemins de fer (C.I.M.) à un bureau déterminé de la gare expéditrice, bureau des bagages ou tout autre bureau spécialement désigné.

b) *Acceptation.* — Ce bureau, après avoir vérifié l'envoi (pesage), timbrerait la lettre de voiture et accepterait l'envoi au transport.

c) *Remise au train.* — Cette remise se ferait par le bureau susmentionné, ou, dans un but de simplification, pourrait être effectuée par l'expéditeur lui-même.

d) *Acheminement.* — La détermination des trains par lesquels pourrait avoir lieu ce transport se ferait sur la base d'accords entre les administrations intéressées.

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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 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 consignors. Generally speaking, so far as concerns formalities, the following solution would be contemplated:

(a) *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) *Livraison au destinataire.* — Celle-ci se ferait, de préférence au fourgon même du train transporteur, directement au destinataire qui en donnerait quittance.

f) *Paiement des frais de transport.* — Tous ces transports seraient effectués en port payé, l'acquittement des frais pouvant avoir lieu de différentes manières; il appartiendrait à l'administration expéditrice de déterminer le mode de paiement, après entente avec l'expéditeur (paiement par acomptes, paiements périodiques, dépôt en banque, etc.)

En ce qui concerne le trafic avec les pays qui ne sont pas parties à la Convention de Berne, notamment la Grande-Bretagne, la Conférence a pris acte des déclarations du représentant des chemins de fer britanniques, ainsi que de celui de l'Union internationale des Chemins de fer, selon lesquelles, pour le trafic entre Londres et la plupart des capitales européennes, des résultats analogues ou identiques pourraient être obtenus par le moyen de tarifs spéciaux comportant transport direct et contrat unique de transport.

En ce qui concerne les pays pour lesquels l'Administration des Postes possède le monopole du transport des colis de journaux, il est désirable, pour que le régime ci-dessus prévu procure les résultats pratiques nécessaires, que cette administration postale contracte avec les Administrations de chemins de fer des autres pays des accords sur la base ci-dessus indiquée, aux lieux et place de leurs chemins de fer nationaux. La Conférence, qui attache une importance particulière au règlement de cette question, sans lequel les efforts qu'elle poursuit seraient en partie dépourvus d'effet, a pris acte des intentions de l'Union internationale des Chemins de fer d'inviter à ses délibérations à ce sujet lesdites administrations postales et compte que, de part et d'autre, tous efforts seront faits pour poursuivre les négociations dans des conditions permettant d'atteindre rapidement le résultat nécessaire.

Le régime ci-dessus défini s'appliquerait seulement, au moins actuellement, aux journaux quotidiens, c'est-à-dire paraissant au moins six fois par semaine, y compris leurs suppléments gratuits; les journaux financiers ne paraissant que les jours de bourse seraient considérés comme journaux quotidiens. Il en serait de même des journaux spéciaux tels que ceux qui, notamment le dimanche, paraissent dans divers pays européens.

La Commission consultative et technique des communications et du transit devra se tenir informée de l'application des mesures ci-dessus mentionnées et fera à ce sujet rapport au Conseil. Dans le cas où l'application de ces mesures rencontrerait des difficultés susceptibles d'être surmontées par la conclusion d'un accord entre gouvernements, elle proposera au Conseil toutes mesures appropriées pour provoquer la conclusion d'un tel accord.

## II. Tarifs.

Il ne paraît pas possible d'envisager, au moins d'une façon générale, l'établissement d'un tarif uniforme susceptible d'être appliqué par les administrations pour le transport de journaux en trafic direct international, en raison de la diversité de la situation économique des pays, des régimes de tarification et eu égard aux conséquences préjudiciables à l'intérêt même du public pouvant résulter de l'application d'un tarif uniforme (élévation dans certains cas des tarifs extrêmement réduits pratiqués dans certains pays). Les tarifs applicables en trafic international seront donc obtenus en général par soudure des tarifs applicables en trafic intérieur. L'attention des gouvernements et administrations intéressés est attirée sur l'opportunité de mettre et de maintenir ces tarifs au niveau le plus bas possible. Sauf circonstances exceptionnelles, les tarifs applicables au transport des journaux étrangers ne devraient en tout cas pas être moins favorables que ceux applicables au transport des journaux nationaux à l'intérieur du pays.

## III. Formalités de douane et de police.

L'application du régime prévu au titre I implique que les colis de journaux, bien que circulant sous couvert d'une lettre de voiture internationale (grande vitesse), soient traités par les autorités douanières aux frontières, ainsi qu'aux bureaux de douane intérieure, dans des conditions n'imposant aucun délai au transport ou à la remise au destinataire et, notamment, dans des conditions permettant aux colis de journaux d'être réacheminés par le train même qui les a transportés jusqu'à la frontière, ou par le premier train en correspondance lorsque le train qui les a transportés jusqu'à la frontière ne continue pas plus loin. Il résulte des déclarations faites à la Conférence que ces conditions pourraient être facilement remplies, l'examen des colis de journaux devant s'effectuer de la même manière que celui des bagages, l'agent du chemin de fer présentant les colis à la douane aux lieux et place du voyageur, et lui remettant, d'autre part, la déclaration. La Conférence observe d'ailleurs que, dans divers pays, il n'est remis à la douane aucune déclaration écrite: elle demande aux gouvernements de généraliser le plus possible l'institution de la déclaration verbale pour assimiler, d'une façon encore plus complète, les colis de journaux aux bagages des voyageurs.

La Conférence a également constaté que les formalités de police peuvent être exercées conjointement avec les opérations douanières, sans entraîner par là de délais supplémentaires.

Dans le cas où, pour des raisons de contrôle de douane ou de police, un envoi de journaux serait arrêté, le chemin de fer, en conformité des dispositions de la Convention internationale concernant le transport des marchandises par chemins de fer (C.I.M.) en aviserait l'expéditeur. Sur la demande de celui-ci, cet avis pourrait lui être adressé à ses frais par voie télégraphique,



(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.

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, in 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

les dispositions nécessaires à cet effet pouvant être adoptées par le « Comité international des transports », en exécution de ladite Convention. La Conférence a estimé d'ailleurs que, en dehors du cas des transports ferroviaires et d'une façon tout à fait générale, l'empêchement au transport ou à la livraison des journaux doit être sans délai porté à la connaissance des intéressés.

#### **IV. Taxes douanières et fiscales applicables aux journaux.**

Les formalités en douane affectant le transport des journaux seraient certainement encore simplifiées si la suppression des diverses taxes appliquées aux journaux pouvait être obtenue. Il ressort des déclarations faites à la Conférence que ces taxes sont en général extrêmement modiques et ne peuvent constituer des ressources très appréciables pour les Trésors des divers pays. Il est rappelé que la Conférence d'experts de presse a déjà adopté la résolution suivante :

« Convaincue que l'entente internationale et le maintien de la paix peuvent être le mieux servis par la dissémination la plus large possible des informations, la Conférence invite les gouvernements intéressés à examiner le besoin urgent d'une prompte suppression de toutes les taxes et autres restrictions sur les journaux qui empêchent une circulation plus complète et plus étendue de la presse internationale. »

Le Conseil de la Société des Nations est prié de demander aux organes compétents de la Société des Nations d'examiner s'il serait ou non possible de supprimer tout ou partie de ces taxes.

#### **V. Jet des colis de journaux à bord d'aéronefs en cours de navigation.**

La Conférence a émis le vœu que, dans tous les cas où les conditions techniques le permettent et où une surveillance de douane et de police appropriée peut être organisée, les gouvernements autorisent le jet des colis de journaux à bord d'aéronefs en cours de navigation.

Le Secrétaire général de la Société est prié de donner également connaissance de ce vœu à la Commission internationale de navigation aérienne.

#### **VI. Transports combinés entre chemins de fer et navigation aérienne.**

La Conférence a pris connaissance des efforts entrepris pour développer l'institution d'un titre de transport unique pour transports combinés entre chemins de fer et navigation aérienne. Elle espère que ces efforts aboutiront rapidement à un résultat et attire l'attention sur l'intérêt du règlement de cette question pour le transport des journaux.

#### **VII. Périodiques.**

La Conférence, tout en considérant la question du transport des journaux comme plus importante et plus urgente que la question du transport des périodiques, a estimé, toutefois, que des mesures se rapprochant autant qu'il est possible des mesures envisagées ci-dessus devraient être appliquées aux périodiques. Afin de faciliter l'examen de cette question par l'Union internationale des Chemins de fer, ainsi que par les administrations intéressées, la Commission consultative et technique des communications et du transit est invitée à étudier et proposer, en disposant de toute collaboration appropriée, une définition internationale du périodique.

#### **VIII. Questions postales relatives aux journaux et périodiques.**

La Conférence, considérant le grand intérêt que présente l'Arrangement postal international concernant les abonnements aux journaux et périodiques, ainsi que les dispositions facultatives de la Convention de Stockholm sur la réduction de 50 % du tarif normal des imprimés, prie les quelques gouvernements européens qui n'ont pas encore pu adhérer à cet Arrangement ou appliquer ces dispositions, d'examiner à nouveau, dans l'esprit le plus favorable, la possibilité d'adhérer audit Arrangement et d'appliquer lesdites dispositions. Il serait, d'autre part, désirable que les gouvernements fassent le plus possible usage de la faculté qui leur est donnée d'accepter des abonnements postaux aux journaux pour des périodes inférieures à un trimestre.

#### **IX. Instruction du personnel.**

Pour assurer l'application des dispositions ci-dessus, la Conférence attire l'attention des gouvernements sur la nécessité d'une instruction permanente du personnel des administrations en cause quant aux stipulations des conventions déjà existantes, ainsi que de tous règlements ou arrangements en vigueur.

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.

Fait à Genève en un seul exemplaire, le  
vingt-neuf novembre mil neuf cent vingt-neuf.

*Le Président de la Conférence,*

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,*

BURNHAM.

GENEVA, December 1st, 1929.

**LEAGUE OF NATIONS**

**ORGANISATION FOR COMMUNICATIONS AND TRANSIT**

**CONFERENCE**

ON THE

**UNIFICATION OF RIVER LAW**

**NOTE.**

The Committee on River Law and the Transit Committee only worked on the French text. The present English text was established by the Secretariat.

**DRAFT CONVENTIONS**

DRAWN UP BY THE

**COMMITTEE FOR THE UNIFICATION OF RIVER LAW.**

1. Draft Convention on Administrative Measures to attest Nationality of Vessels employed in Inland Navigation.
2. Draft Convention on Certain Questions of River Law.
3. Draft Convention on the Unification of Certain Rules relating to Collisions in Inland Navigation.

Series of League of Nations Publications

VIII. TRANSIT.  
1929. VIII. 17.

GENEVA, December 1st, 1929.

LEAGUE OF NATIONS

ORGANISATION FOR COMMUNICATIONS AND TRANSIT

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**CONFERENCE**

ON THE

**UNIFICATION OF RIVER LAW**

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**Preparatory Documents.**

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**Volume I.**

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Series of League of Nations Publications

VIII. TRANSIT.  
1929. VIII. 17. ✓

I. DRAFT CONVENTION  
ON ADMINISTRATIVE MEASURES  
TO ATTEST THE NATIONALITY OF  
VESSELS EMPLOYED  
IN INLAND NAVIGATION

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The High Contracting Parties,

Being desirous to facilitate the application of all the provisions of conventions that have been or may hereafter be concluded, and of all the recognised principles of international law which render certain rights or obligations dependent upon the nationality of or the flag flown by vessels employed in inland navigation,

Agree for that purpose upon the following provisions :

*Article 1.*

A vessel employed in inland navigation may only have one nationality.

*Article 2.*

Subject to the provisions of the present Convention, the Contracting States reserve the right to prescribe by law the conditions governing the acquisition and loss of nationality by vessels.

*Article 3.*

In order to prove their nationality, vessels must be entered on a special nationality register kept by the competent authority of the State to which the vessel belongs, or on another register designated for the same purpose and kept by the said authority.

*Article 4.*

(1) A vessel complying with the conditions governing nationality prescribed by the law of two or more Contracting States may only be entered on the

register of one of those States. In such cases, the owner may choose the country in which the vessel is to be registered. He shall retain this choice where the vessel, after registration, continues to fulfil or fulfils the conditions governing nationality fixed by the law of two or more States.

(2) Each Contracting State reserves the right to require its nationals to enter on its registers vessels belonging to them and fulfilling the conditions governing nationality prescribed by two or more States, if such nationals are habitually resident or, in the case of companies, if the chief seat of management (*direction principale*) of their business is situated in the territory of such State.

*Article 5.*

When a vessel has acquired a particular nationality, it may not receive a new nationality until the previous nationality has been cancelled on the original register.

*Article 6.*

Vessels shall show their nationality by flying the national flag and shall prove it by the production of a document enabling them to be identified and issued by the authority referred to in Article 3.

*Article 7.*

(1) Should the interpretation or application of the present Convention give rise to a dispute between Contracting States, each of the said States, after a previous procedure of conciliation before the Advisory and Technical Committee for Communications and Transit of the League of Nations, may submit the dispute for judgment to the Permanent Court of International Justice by means of a written application. This procedure shall be preferred to any other procedure provided for in any other treaty of conciliation, arbitration or judicial settlement.

(2) In the case of a dispute the subject-matter of which under the internal law of one of the parties, falls within the jurisdiction of its courts, including the



administrative courts, that party may object to the dispute being submitted to the procedure provided for above, unless and until a final decision has been pronounced within a reasonable period by the competent court. The party which in this case wishes to resort to such procedure must notify its intention within a period of six months as from the aforesaid decision.

### Final Protocol.

I. — It is understood that the present Convention shall not affect a State's right, in the case of serious events, to object to a change of nationality of the vessels entered on its registers, or in general to deal with the question of international commercial dealings in such vessels, this question being left to be governed by commercial treaties and general economic conventions such as the Geneva Convention of November 8th, 1927.

II. — *Ad Article 4, paragraph 2.*

It is understood in connection with the application of Article 4, paragraph 2, that in the case of joint-stock companies nationality shall be determined by the business seat (*siège social*).

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## II. DRAFT CONVENTION ON CERTAIN QUESTIONS OF RIVER LAW

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### PART I.

#### REGISTRATION.

##### *Article 1.*

(1) The Contracting States undertake to open public registers under the provisions of their law for the registration of vessels employed in inland navigation.

(2) Each registration office shall use a continuous series of numbers preceded by one or more initial letters allotted by the competent authority.

(3) These particulars shall be followed by the initial letter or letters denoting the country in which registration takes place, viz. . . .

##### *Article 2.*

(1) The laws of each Contracting State shall determine the conditions which a vessel must fulfil in order to be registered in the public registers of the State.

(2) Each of the Contracting States agrees to take the necessary steps to obviate the possibility of a vessel being registered simultaneously at two of its offices.

##### *Article 3.*

(1) All vessels fulfilling the conditions for registration laid down by the laws of one or more Contracting States must be registered. The owner shall be responsible for having a vessel registered.

(2) If the vessel fulfils the conditions for registration prescribed by the laws of only one Contracting State, it may be registered only at the competent office of that State.

(3) If the vessel fulfils the conditions for registration prescribed by the laws of two or more Contracting States, it may be registered only at the competent office of one of these States. In this case, the owner has the choice of the country in which the vessel shall be registered. He shall retain this choice where the vessel after registration continues to fulfil or fulfils the conditions of registration prescribed by the laws of two or more States.

(4) Each Contracting State reserves the right to require its nationals to enter on its registers vessels belonging to them and fulfilling the conditions for registration prescribed by two or more States, if they have their habitual residence or, in the case of companies, the chief seat of management (*direction principale*) in its territory.

Article 4.

(1) The obligation laid down in Article 3 does not relate to vessels not yet registered in a Contracting State and proceeding from the country where they were built or acquired to the country where they are to be registered. The same shall apply, unless the law of a Contracting State requires them to be registered, to the following, viz.:

- (i) Dredgers, floating cranes and elevators, and all floating appliances or plant of a similar nature;
- (ii) Pleasure craft;
- (iii) Vessels with a displacement of less than 20 metric tons at the maximum draught authorised by the regulations on the different navigable waterways which the vessel is intended to navigate;
- (iv) Vessels under construction.

(2) When one of the above-mentioned vessels is registered, the provisions of the present Convention shall be applicable to it.

(3) Nevertheless, a vessel under construction may not be registered elsewhere than in the country where

it is constructed, except by agreement between two or more of the States parties to the present Convention, the Government of the said country being a party to such agreement.

(4) The agreements referred to above shall be communicated to all the Contracting States.

*Article 5.*

(1) Entries of vessels in the registers referred to in Article 1 shall be made on a written request signed by the owner and giving at least the following particulars:

- (i) The name or emblem of the vessel;
- (ii) The mode of construction and type of the vessel; the date and place of construction, and, in the case of vessels with mechanical propulsion—even if only auxiliary—the nature and power of the engine;
- (iii) The maximum tonnage or displacement according to the tonnage certificate, together with the number and date of the certificate;
- (iv) The surname, christian names, occupation and domicile of the owner;
- (v) If necessary, the grounds justifying registration in conformity with Articles 2 and 3.
- (vi) A statement that the vessel has not been registered elsewhere or a statement of the place where it has already been registered.

(2) The entry in the registers must contain at least the particulars referred to in Nos. (i) to (v) of the previous paragraph as well as the registration letters and number.

(3) In the case of vessels under construction, the foregoing particulars need only be supplied and entered in so far as it is materially possible to supply them.

*Article 6.*

If changes occur in the particulars mentioned in the register, or if the vessel founders, is destroyed or becomes unnavigable, the registration office must be

notified of the fact. The law of the country of registration shall specify the person responsible for making this declaration and the time-limit within which it must be made, as well as the conditions in which the registration may be cancelled *ex officio*.

*Article 7.*

(1) The entries made in the registers under Articles 5 and 6 shall be reproduced in a certificate issued by the competent authorities and headed by the name of the registration office.

(2) All registered vessels must be furnished with registration certificates issued by the competent authorities. A duplicate, when such are delivered by the said authorities, may take the place of the certificate.

*Article 8.*

(1) Each registered vessel must carry :

(i) On each side its name or emblem, and, if there are several vessels with the same name or emblem belonging to the same owner, a distinctive number.

(ii) On the stern, the letters and numbers of identity referred to in Article 1, paragraphs 2 and 3, and the name of the place of registration written in full.

(2) These particulars must be given in a visible and conspicuous manner, in Latin characters at least twenty centimetres high and two centimetres wide.

(3) It shall be forbidden to efface, disfigure, render unrecognisable, cover or conceal in any way these names, letters or numbers, or to add other inscriptions.

*Article 9.*

(1) A vessel registered in one of the Contracting States may not be registered in another unless the registration in the first State is simultaneously cancelled.

(2) The registration offices of the two States shall jointly fix the date on which these operations shall take effect.

(3) The competent authority of the second State shall issue the certificate of registration in the registers of that State, and shall at the same time withdraw the certificate of previous registration, which it shall send back to the authority that issued it.

(4) The registration of a vessel subject to mortgages may in no case be transferred from the registers of one Contracting State to those of another, nor removed from the said registers, except with the consent of all the mortgage-holders and on the conditions accepted by them.

#### *Article 10.*

(1) The following shall have exclusive competence as regards prosecutions and disciplinary measures :

(i) In the case of breaches of the obligation to register referred to in Article 3, paragraph (1), the authorities of the place or places at which the vessel can be registered.

(ii) In the case of breaches of the prohibition to register a vessel in more than one State, referred to in Article 3, paragraph (3), the authorities of the places where the registrations were effected.

(iii) In the case of breaches of Article 6, the authorities of the place of registration.

(iv) In the case of breaches of Article 7, paragraph (2), and Article 8, the authorities of the place where the offence was observed.

(2) In the cases referred to under sub-sections (i), (ii) and (iii), if the offence is observed in another Contracting State, the authorities of that State shall forward an official statement of the case to the authorities competent in virtue of the said paragraphs, so as

to enable them to prosecute and punish the offence, and, in the case referred to in sub-section (ii), shall forward a copy of the statement to the offices at which the vessel was registered.

## PART II.

### *Article 11.*

The Contracting States undertake to ensure the application of the provisions of the present part to any vessel registered in the registers of a Contracting State, if such vessel is in the territory of another Contracting State or if at least one of the persons concerned is a national of such State, as well as in the other cases provided for in the national laws.

## CHAPTER 1. — OWNERSHIP.

### *Article 12.*

The voluntary transfer between living persons of the rights of ownership of a vessel shall be governed by the law of the contracting country where the vessel is registered, if that law stipulates as a condition for the transfer, or at any rate as a condition of the transfer being binding on third parties, either inscription of the vessel in the public registers referred to in Article 1 or the entry into possession of the person acquiring it.

## CHAPTER 2. — MORTGAGES.

### *Article 13.*

(1) The effects of a mortgage regularly established on a vessel under the law of the place of registration and entered in the registers referred to in Article 1 shall be governed by the said law.

(2) These effects shall extend to the material accessories of the vessel.

(3) By material accessories are meant all objects which, even though not forming an integral part of the vessel, are permanently attached to it in virtue of the purpose which they serve, with the exception, however, of those which do not belong to the owner of the vessel and which, at the moment when the mortgage was

established or when the said objects were attached to the vessel as accessories, the mortgage-holder knew, or might reasonably have known, not to belong to the said owner.

*Article 14.*

Notwithstanding any provision to the contrary in the law of the place of registration, the mortgage may not guarantee interest for more than three years in addition to the current year.

*Article 15.*

(1) Except in the case of enforcement of the security against the mortgaged property (*exécution forcée*), the conditions governing the extinction of the mortgages referred to in Article 13 shall be determined by the law of the place of registration.

(2) The extinction of the mortgage as regards the separate accessories of the vessel shall, however, depend upon the conditions prescribed by the law of the place in which they are situated.

*Article 16.*

No Contracting State shall be obliged to establish a procedure for the cancellation of charges (*purge*) or any other special procedure to ensure the application of the foregoing provisions.

*Article 17.*

In the case referred to in Article 9, paragraph (4), when the mortgage-holders give their consent to the transfer of the vessel's registration from the registers of one country to those of another, the conditions stipulated by the said holders must be compatible with the law of the country of the new registration. The mortgage entries shall then be transferred *ex officio* and the effects of the mortgages shall henceforward be governed by the said law.

CHAPTER 3. — LIENS.

*Article 18.*

The following claims shall enjoy a lien and shall accordingly be paid preferentially out of the proceeds of the sale of the vessel and its material accessories:



I. (i) The judicial expenses incurred in the joint interest of the creditors in order to obtain the sale and the distribution of the proceeds, including the cost of custody ;

(ii) The cost of upkeep after seizure ; shipping taxes and harbour dues ;

(iii) Claims arising from the employment contracts of the master, crew and other persons engaged by the owner or the master for service on board, but, in the case of pay, for a period of not more than three months ; compensation due on any ground to the said persons, or persons claiming under them, for accidents incurred in the performance of their duties or occupational disease, unless such risks are covered by compulsory insurance ; the costs of burial in the event of the decease of the master-owner of the vessel, if this claim enjoys a lien under the law of the Court dealing with the case ;

(iv) Compensation for salvage and assistance ; the contributions of the vessel to general average, if they enjoy a lien under the law of the place of registration and if the owner's liability is limited as regards these contributions by the law applied by the Court dealing with the case ;

(v) The compensation due for damages caused by a collision or any other navigation accident to persons or property other than the persons or property on board the vessel itself ;

(vi) The compensation due for personal injuries suffered by persons on board, in so far as these injuries are not due to accidents incurred in the performance of their duties or to occupational disease, and compensation for loss of or damage to cargo or passengers' baggage up to their total value, if such compensation enjoys a lien under the law of the place of registration and if the owner's liability is limited, as regards such compensation, by the law applied by the Court dealing with the case ;

(vii) The social insurance premiums of the persons referred to in sub-section (iii), if this claim enjoys a

lien under the law of the Court dealing with the case, but always for a period not exceeding three months.

II. Other claims to which the law of the Court dealing with the case grants a lien.

*Article 19.*

- (1) Only claims enjoying a lien in virtue of Article 18, No. I, are preferred to debts secured by mortgage.
- (2) The claims mentioned in sub-sections (v) and (vi) rank, however, after a mortgage, if the incidents giving rise to them occurred subsequently to the registration of the mortgage and if, within a time-limit of fifteen days, the creditor has not had the vessel seized and presented a request for the registration of the seizure at the office of registration.
- (3) The request shall be drawn up according to the form given in Annex I. It may be submitted to the consul of the country of registration for transmission by telegram to the said office against payment of the cost.
- (4) The office of registration shall take the necessary steps to arrange that, after the receipt of the request, any person consulting the registers kept to ensure publicity for the rights existing in regard to vessels obtains knowledge of it and that it is noted in these registers.
- (5) The time-limit referred to in paragraph (2) shall begin to run, in the case of compensation for loss of or damage to the cargo and baggage referred to in sub-section (vi), as from the date of the arrival of the vessel in the port of unloading, or as from the date on which the creditor knew or might reasonably have known that the vessel had interrupted its journey; in all other cases as from the date on which the damage was caused.

*Article 20.*

- (1) The liens shall rank among themselves in the order shown in Article 18.
- (2) Claims mentioned in the same sub-section shall have the same rank.

(3) The claims mentioned in sub-section (iv) of No. I of the said Article shall, however, be paid preferentially in the reverse order of the dates on which they arose.

*Article 21.*

If, owing to the fact that by the operation of the conditions governing the existence and rank of liens under sub-sections (iv) and (vi) of Article 18 and paragraph (2) of Article 19 his claim yields priority to a debt secured by mortgage, one of the creditors referred to in sub-sections (iv), (v) and (vi) of Article 18 obtains a sum smaller than he would have received if his claim had had priority over such debt, the owner shall be personally liable to pay the difference without being entitled to invoke any limitation of his liability and without prejudice to the application of any national law in virtue of which the owner is liable for the whole of his debt.

*Article 22.*

(1) The claims enumerated in No. I of Article 18 shall give rise to a lien without their being subject to any special conditions as regards proof. Such liens take effect without any formalities and shall remain attached to the vessel whatever may be its changes of ownership.

(2) The liens mentioned in No. II of Article 18 do not follow the vessel after change of ownership.

*Article 23.*

(1) The liens shall be extinguished:

(i) At the same time as the claim and at latest on the expiry of a period of three months;

(ii) In the case of forced sale;

(iii) Furthermore, as regards the lien for contributions to general average and the liens referred to in sub-section (vi) of No. I and in No. II of Article 18, in the cases provided in the national laws to which those provisions refer:

(2) The period of three months provided for in the previous paragraph shall begin to run: in the case of salvage or assistance, as from the date on which the operations are concluded; in the cases referred to in sub-section (v) and in the case of personal injuries, as from the date on which the damage was caused; in the case of loss of or damage to cargo or baggage, as from the date of the vessel's arrival in the port of unloading, or as from the date on which the creditor knew, or might reasonably have known, that the vessel had interrupted its journey; in all other cases, as from the date on which the claim falls due.

(3) The grounds on which these time-limits may be suspended or interrupted shall be determined by the law of the Court dealing with the case.

*Article 24.*

The foregoing provisions shall be applicable to claims arising out of the operation of a vessel by a person other than the owner, except where the owner has been deprived of his property by an unlawful act and the creditor himself is not *bona fide*.

PART III.

ENFORCEMENT OF THE SECURITY AGAINST THE  
MORTGAGED PROPERTY (*Exécution forcée*).

*Article 25.*

When a vessel registered in one of the Contracting States is in the territory of another, the procedure for enforcement of the security against the mortgaged property (*exécution forcée*) shall be governed by the law of the latter State, subject to the observance of the following provisions.

*Article 26.*

(1) A summary of the decision of the Court commencing the enforcement of the security or of the official record of the seizure, shall be forwarded to the office of registration. This summary shall be drawn up according to the annexed form (Annex II) and signed

by the President of the said Court or by the public official who drew up the official record of the seizure. It may be delivered to the Consul of the country of registration for transmission by telegram to the said office against payment of the cost.

(2) The office of registration shall take the necessary steps to arrange that, as soon as the summary has been received, any person consulting the registers kept to ensure publicity for the rights existing in vessels obtains knowledge of it, that it is noted in these registers, that the inscribed creditors should be informed, and that a list of such creditors, including the addresses given by them, should be sent to the person having forwarded the summary.

(3) No change in the ownership of the property may be relied on as against the creditor who has seized it or who intervenes, or as against the person to whom it is adjudged, if it is effected after receipt of the summary by the office of registration or if, at the moment when it occurred, the new owner knew, or ought reasonably to have known, that enforcement of the security had commenced or seizure been effected. The same rule shall apply to the establishment of a mortgage.

*Article 27.*

(1) The law of the place at which the enforcement of the mortgage takes place shall provide that the inscribed creditors shall be notified, at least three weeks in advance of the date on which, subject to the conditions fixed by such law they may put forward their claims, that the date of the sale shall be communicated to these creditors, and that it shall be published at the place of registration at least one month in advance.

(2) The transfer of the property and the extinction of the mortgages shall be governed by the conditions prescribed by the said law.

*Article 28.*

The law of the place at which the enforcement of the mortgage takes place shall provide that failure to observe the formalities laid down in Article 27 shall

under such law involve either the nullity of the sale or that it cannot be relied upon as against interested third parties or compensation by the State for the detriment caused thereby.

*Article 29.*

The proceeds of the adjudication shall be distributed to the creditors in conformity with the procedure prescribed by the law of the place at which the enforcement of the mortgage takes place, with due regard to the order in which they are entitled to rank under the terms of the present Convention.

*Article 30.*

(1) The competent authority of the country of registration shall effect the cancellation of mortgages extinguished under the conditions provided for in Article 27, on production of an authentic copy of the record of the adjudication, after the authority competent under the law of the said country has ascertained that the copy is authentic, that the authority which proceeded to the adjudication was competent, and that the stipulations regarding publicity set out in Article 27 of the present Convention have been observed.

(2) The competent authority of the country of registration shall inform the inscribed creditors of such cancellation.

PART IV.

GENERAL PROVISIONS.

*Article 31.*

The term "vessels" shall include dredgers, floating cranes and elevators and all floating appliances or plant of a similar nature.

*Article 32.*

The present Convention shall not be applicable to vessels exclusively employed in any capacity by the public authorities.

*Article 33.*

Those High Contracting Parties whose laws are not at present adequate to ensure the execution of the provisions of the present Convention shall take the measures and provide for the penalties necessary for this purpose.

*Article 34.*

The competent judicial and administrative authorities of the Contracting States shall be authorised to correspond directly with each other for the purposes of the application of the present Convention.

*Article 35.*

The Contracting States undertake to communicate reciprocally to each other the legislative provisions or regulations severally adopted by them to ensure the execution of the present Convention, a list of the authorities responsible for keeping the registers provided for under the present Convention, and the initial letters of registration offices referred to in Article 1, paragraph (2).

*Article 36.*

None of the provisions of the present Convention shall be interpreted as imposing obligations or conferring rights which are incompatible with the treaties, acts and conventions governing international waterways.

*Article 37.*

(1) Disputes to which the interpretation or application of the present Convention may give rise shall be settled as follows :

(2) As regards the provisions which refer either to registration or to the obligations of the authorities of the Contracting States in regard to giving publicity to acts relating to vessels, each of the said States, after a previous procedure of conciliation before the Advisory and Technical Committee for Communications and Transit of the League of Nations, may submit the dispute for judgment to the Permanent Court of International Justice by means of a written application. This proce-

dure shall be preferred to any other procedure provided for in any other treaty of conciliation, arbitration or judicial settlement.

(3) As regards provisions other than those referred to in the previous paragraph, disputes shall be settled under the conditions provided for in the treaties of arbitration or judicial settlement in force between the States concerned. In the absence of a treaty of arbitration or judicial settlement, each State may submit the dispute for judgment to the Permanent Court of International Justice by means of a written application.

(4) In the case of a dispute the subject matter of which, under the internal law of one of the parties, falls within the jurisdiction of its courts, including the administrative courts, that party may object to the dispute being made the object of proceedings for obtaining a judgment by the Permanent Court of International Justice in virtue of paragraphs (2) and (3) of the present article, unless and until a final decision has been pronounced within a reasonable period by the competent court. The party which in this case wishes to resort to such proceedings must notify its intention within a period of six months after the aforesaid decision.

### Final Protocol.

I. It is understood that the present Convention shall not affect a State's right, in the case of serious events, to object to transfer of the registration of vessels entered on its registers or, in general, to deal with the question of international commercial dealings in such vessels, this question being left to be governed by commercial treaties and general economic conventions, such as the Geneva Convention of November 8th, 1927.

II. *Ad Article 1, paragraph (2).*

It is understood that by public registers are meant registers which are not only accessible to the public but from which certified true copies are delivered to all persons applying for them.



III. Ad *Article 2, paragraph (2)*.

It is understood that the provisions contained in Article 2, paragraph (2), does not preclude the establishment of central registers in which the entries are reproduced.

IV. Ad *Article 3, paragraph (4)*.

It is understood, in connection with the application of Article 3, paragraph (4), that in the case of joint stock companies, nationality shall be determined by the business seat (*Siège social*).

V. Ad *Article 4, paragraph (3)*.

It is understood that registrations effected in a country other than that of the place of construction—in virtue of one of the agreements provided for at the end of Article 4— shall in all respects be on the same footing as those effected in the latter country, even as regards States parties to the present Convention but not parties to the agreement.

VI. Ad *Article 9, paragraph (4)*.

It is understood that the special consent of the mortgageholders is not required when such consent was given on the occasion of the sale or when the sale involves the extinction of the mortgages.

VII. Ad *Articles 12 and 13*.

It is understood that the provisions of Articles 12 and 13 shall not preclude the keeping of separate registers for registration and for the purpose of ensuring publicity for the rights existing in regard to vessels, provided that the various registers are kept in correspondence with each other.

VIII. Ad *Article 13*.

Mortgages within the meaning of the present Convention include the charges (*droits de gage*) upon registered vessels referred to in Article 1259 of the German Civil Code, the notes of charge (*lettres de gage*) referred to in the former Article 315 of the Netherlands Commercial Code.

It is understood that, when in accordance with the law of the country of registration, and in virtue of a clause included in the mortgage agreement, a mortgage-holder has been put in possession of the vessel, the rights conferred on him by such possession under the law of the country of registration shall be recognised in all the Contracting States as being an effect of the mortgage.

IX. Ad *Article 18*, No. I, sub-section (*i*).

It is understood that the costs incurred in obtaining execution (*titre exécutoire*) are not included among those referred to in *Article 18*, No. I, sub-section (*i*).

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Annex I.

FORM OF SUMMARY <sup>1</sup>.

[In the language of the country in which the security is enforced (*pays d'exécution*) in German and in French.]

The undersigned requests the authority responsible for keeping the registers of vessels employed in inland navigation at . . . . . to enter in the registers the fact that the vessel (name) . . . . . belonging to <sup>2</sup> . . . . . entered on the registers at . . . . . carrying the letters and numbers . . . . . was seized as a measure to protect the rights concerned (*saisie conservatoire*) on . . . . . in virtue of <sup>3</sup> . . . . . by <sup>4</sup> . . . . . on the application of . . . . . in respect of a claim for the sum of . . . . . with interest and costs.

[Signature of the creditor effecting the seizure.]

<sup>1</sup> The present form must be printed in Latin characters. The particulars must be filled in in the same characters.  
<sup>2</sup> Name of the owner if known.  
<sup>3</sup> Order authorising the seizure.  
<sup>4</sup> Authority effecting the seizure.

Annex II.

FORM OF SUMMARY <sup>1</sup>.

<p>[In the language of the country in which the security is enforced (<i>pays d'exécution</i>) in German and in French.]</p>	<p>The authority responsible for keeping the registers of vessels employed in inland navigation at . . . . . is requested to enter in the registers to the fact that the vessel (name) . . . . . belonging to <sup>2</sup> . . . . . entered in the registers at . . . . . carrying the letters and numbers. . . . . was taken in execution (<i>saisie exécution</i>) on . . . . . (date) in virtue of <sup>3</sup> . . . . . by <sup>4</sup> . . . . . on the application of . . . . . in respect of a claim for a sum of . . . . . with interest and costs.</p>
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[Signed by the authority effecting the seizure.]

<sup>1</sup> The present form must be printed in Latin characters. The particulars must be filled in in the same characters.

<sup>2</sup> Name of the owner if known.

<sup>3</sup> Judgment or other title to effect the seizure.

<sup>4</sup> Authority effecting the seizure.

### III. DRAFT CONVENTION ON THE UNIFICATION OF CERTAIN RULES RELATING TO COLLISIONS IN INLAND NAVIGATION

#### *Article 1.*

When a collision occurs between vessels employed in inland navigation in the waters of any of the Contracting States, the compensation due in respect of damage caused to the vessels or to objects or persons on board shall be governed by the provisions set forth below.

#### *Article 2.*

(1) If the collision is accidental, if it is due to *vis major*, or if there is any doubt as to its causes, the damage shall be borne by the persons suffering it.

(2) This rule shall be applicable notwithstanding that the vessels, or one of them, were moored at the time of the accident.

#### *Article 3.*

If the collision is caused by an error on the part of one of the vessels, the vessel which committed the error shall be liable for compensation for the damage.

#### *Article 4.*

(1) If the collision is caused by two or more vessels which have committed errors, even though different errors, such vessels shall be jointly and severally (*solidairement*) liable for compensation for the damage caused to innocent vessels and to persons and objects on board such vessels.

(2) A vessel paying a share exceeding that proportionate to the gravity of its error shall have a right of recourse in respect of such excess against the other

vessels at fault, in proportion to the gravity of their errors.

(3) If in the circumstances of the case no other proportion can be determined, the gravity of respective errors shall be deemed to be equal.

*Article 5.*

(1) If the vessel which was damaged, or on board of which persons or objects were damaged, committed an error which was a contributory cause of the collision, the liability of each vessel shall be proportionate to the gravity of its error; if, however, in the circumstances of the case, the proportion of error cannot be determined, or if the vessels concerned appear to be equally at fault, the liability shall be borne in equal shares.

(2) Liability for damage caused to the vessels or to their cargoes or to the effects or other property of the crew, passengers or other persons on board, shall be borne in the aforesaid proportion by the vessels which are at fault, without their being jointly and severally liable (*solidarité*) in respect of third parties.

(3) The vessels which are at fault shall be jointly and severally liable (*solidairement*) to third parties for damage caused by death or injury, but any vessel which has paid a share exceeding that for which it is finally held liable under the first paragraph of the present article shall have the right of recourse against the others.

(4) As regards such right of recourse, the scope and effects of contractual or legal provisions limiting the liability of owners of vessels in respect of persons on board shall be determined by the laws of the several countries.

*Article 6.*

The liability established by the previous articles shall arise notwithstanding that the collision is caused by error on the part of a pilot, even if the employment of a pilot is compulsory.

*Article 7.*

Where vessels are in tow, each vessel forming part of the train shall be held liable for its own error only.

*Article 8.*

(1) Actions for compensation for damage due to a collision shall not be subject to protest (*protêt*) or to the fulfilment of any other special formality.

(2) There shall be no legal presumption of error as regards liability for collisions.

*Article 9.*

(1) Actions for compensation for damage must be brought within two years from the date of the occurrence.

(2) Actions in exercise of the right of recourse ~~given by Article 4, paragraph (2), and Article 5, paragraph (3)~~ must be brought within a period of one year. This period shall begin, however, only on the date of payment.

(3) The grounds on which these time-limits may be suspended or interrupted shall be determined by the law of the Court hearing the action.

(4) The High Contracting Parties reserve the right to allow the periods fixed above to be prolonged by their own law where the defendant vessel could not be seized in the territorial waters of the State in which the domicile or principal establishment of the plaintiff is situated.

*Article 10.*

Unless otherwise provided by subsequent agreements, the present provisions shall not affect the rules as to the limitation of the liability of owners of vessels laid down in each country or the obligations arising out of transport or other contracts.

*Article 11.*

The present Convention shall apply to compensation for damage caused by one vessel to another, or to the objects or persons on board such other vessel, by the carrying out of or failure to carry out a manoeuvre, or by neglect of regulations, even if no collision takes place.

*Article 12.*

The term "vessels" includes : hydroplanes, rafts, ferryboats, dredgers, floating cranes and elevators, movable sections of boat-bridges and all floating appliances or plant of a similar nature.

*Article 13.*

The provisions of the present Convention shall in no way prejudice any immunities enjoyed in any of the Contracting States by vessels exclusively employed in any capacity by the public authorities.

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**Final Protocol.**

*Ad Article 2, paragraph (2).*

The term "moored" shall be understood to be applicable to any vessel at anchor or held fast in any other way.

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Geneva, December 1st, 1929.

LEAGUE OF NATIONS

ORGANISATION FOR COMMUNICATIONS AND TRANSIT

**CONFERENCE**

ON THE

**UNIFICATION OF RIVER LAW**

**Preparatory Documents**

**Volume II.**

**REPORTS**

DRAWN UP BY THE

**COMMITTEE FOR THE UNIFICATION OF RIVER LAW**

Page \_\_\_\_\_

NOTE.

The Committee on River Law and the Transit Committee only worked on the French text. The present English text was established by the Secretariat.

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I.

## GENERAL INTRODUCTION.

The idea of the international regulation of questions of river law is not new. The Tenth Navigation Congress (held at Milan in 1905) took up the problem of the unification of private law in river navigation, and the Antwerp Maritime Committee found it necessary to extend its investigations to river mortgages.

After the war, the problem acquired fresh urgency. Numerous acts and conventions which have been drawn up and concluded in recent years mark an epoch in the history of river law. They have introduced new developments in the international regime of navigable waterways, providing better means of applying the two principles essential to navigation—freedom of navigation and equality of treatment. As regards the technical point of view, canals are under construction or are projected to link up the big river systems of Europe. For these two reasons, international river navigation is developing very extensively, and the problem of unifying river law is thus of ever-growing importance.

Article 40 of the Convention establishing the Definitive Statute of the Danube (July 23rd, 1921) provides as follows :

“ The States signatory of the present Convention shall endeavour, by the conclusion of separate conventions, to establish uniform civil, commercial, sanitary and veterinary regulations relative to the exercise of navigation and to shipping contracts.”

Article 48 of the Navigation Act of the Elbe (February 22nd, 1922) is worded as follows :

“ The Commission will provide, particularly by drawing up draft conventions for submission to the interested States, for the unification of the law and regulations applicable as regards commerce and navigation upon the Elbe and also of the general conditions governing the labour of the personnel employed in inland navigation upon that waterway.”

Thus, while the riparian States of the Danube undertook to establish uniform rules, particularly in matters of civil and commercial law, by means of separate conventions, the signatories of the Elbe Act took a wider view of the problem. The small number of the States territorially interested and the similarity of their systems of law were of course particularly favourable to the accomplishment of this task.

Lastly, the Central Commission for Rhine Navigation also decided, at its session in March 1921, to study the problem of the unification of river law as between the States interested in Rhine navigation.

These three River Commissions thus all alike recognised the importance—indeed the necessity—of undertaking investigations with a view to unifying private river law. Obviously, the problem could thenceforward be placed on a wider basis. The Advisory and Technical Committee for Communications and Transit of the League of Nations took up the question at its second session (March 1922) and passed the following resolution :

“ The Committee,

“ Considering it highly desirable to effect a speedy and complete unification of private law applicable to inland navigation on the various navigable waterways of Europe which could be brought into connection with one another, and being informed that the various River Commissions are considering this question in its relation to the systems under their jurisdiction ;

“ After having heard the secretaries of the River Commissions, who attended the Committee, decides :

“ (1) To draw the attention of the River Commissions to the great importance attached by the Committee to furthering unification within every system under the jurisdiction of each River Commission, with a view to the gradual realisation of a wider unification applicable, at any rate in respect of certain provisions, either to a group of several systems or to all the communicating systems of navigable inland waterways in Europe.

“ (2) To ask the Secretary-General (inviting the Secretaries-General of the River Commissions to collaborate with him) to keep the Committee completely informed of the progress at all stages of the work of the River Commissions, and to convey to the Committee all the information collected by the River Commissions in regard to private law concerning inland navigation, in order that at any moment it may be ascertained what points permit, not only of the unification of any particular system, but also of the co-ordination of the partial unifications effected by the various Commissions in their respective systems and of the realisation of a wider unification ;

“ (3) To invite the Chairman of the Sub-Committee for Transport by Water to appoint, on behalf of the Sub-Committee, when occasion arises and on the request of the Secretary-General, such expert or experts as may be necessary for providing the Sub-Committee with preliminary data when steps are contemplated which would exceed the competence of the River Commissions acting separately ;

“ (4) To examine how the same problem or a problem similar to that encountered in Europe may be dealt with in other continents. ”

Of the three River Commissions mentioned above, the Central Commission for Rhine Navigation has alone been able to undertake a systematic study of the unification of river law : it appointed a Committee, which met for the first time in March 1924. Towards the end of that year (November 1924), the Advisory and Technical Committee decided : “ to instruct the Sub-Committee for Inland Navigation to set up an organisation to study this question as soon as this Sub-Committee is of opinion that the work of the Central Commission for Rhine Navigation towards the unification of private law in respect of Rhine navigation is sufficiently advanced to justify an examination of the question from a wider point of view ”.

This investigatory body, known at first as the “ Committee on Private Law in Inland Navigation ” and from 1928 on as the “ Committee for the Unification of River Law ”<sup>1</sup>, began its work in 1926 on the basis of the results obtained by the Central Commission for Rhine Navigation on the one hand and, on the other, the replies of the Governments to the questionnaires sent to them.

The work set on foot by the Central Commission for Rhine Navigation had already reached a fairly advanced stage when the Committee on River Law was appointed, and it was arranged that the two bodies should co-operate as closely as possible. Further, the Advisory and Technical Committee itself, in a resolution which it passed in July 1926, invited its Committee on River Law “ to take all necessary steps to secure the full co-operation with the Committee on Private Law of the Central Commission for Rhine Navigation ”.

The Committee on River Law decided at the outset to send a number of questionnaires to the various Governments, this being indeed essential to enable the draft conventions contemplated to be based on a wide and careful study of national laws on the subject. This comparative study was indispensable for the Committee's guidance, enabling it to decide, according to circumstances, whether to aim at securing uniform legislation or simply to propose rules to settle conflicts of national laws. In the drafts prepared by the Committee on River Law, both methods were applied, as is explained in the chapters of the report dealing with the various parts of the work submitted to the Conference.

The order in which the Committee has studied the various problems of river law and in which it has submitted the draft conventions to the Conference was determined by two considerations. In the first place, the Committee was careful to follow the logical order in which these problems arise, and, in the second place, since this is a field in which international conventions have hitherto been practically unknown, it preferred to begin by examining comparatively simple questions and then to pass on to the more complex ones without stopping to settle those which appeared to present almost insurmountable difficulties. In this connection it found the work of the International Maritime Committee of great value. It was often guided by the methods and ideas adopted and followed in preparing the Brussels Conventions on Maritime Law. Indeed, as regards the conclusion of conventions, maritime law is ahead of private river law, and in a number of respects the solutions proposed for river law may be regarded as adapted from those employed to solve similar problems in maritime law.

Accordingly, the Committee decided to begin by preparing the draft convention on measures to attest the nationality of vessels employed in inland navigation. The very conception of nationality as applied to river vessels was strongly opposed by two members of the Committee on River Law. The Committee, however, could not fail to see that in some cases—in a great many, in fact—this notion has been accepted in national systems of law and international conventions.

The Committee then provided rules for the question of registration, the settlement of which, in the absence of recognition of nationality, will enable a vessel to be identified and will provide the necessary publicity for the juridical acts of which the vessel may be the subject

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<sup>1</sup> The Committee is composed as follows :

M. B. WINIARSKI, Deputy, Professor of the Faculty of Law at the University of Posen, *Chairman*.  
M. E. BONAKI, First President of the Court of Appeal of Galatz (Roumania).  
M. P. CHARGUERAUD-HARTMANN, Secretary of the International Oder Commission ; Legal Adviser to the French Ministry of Marine.  
M. J. HOSTIE, Secretary-General of the Central Commission for Rhine Navigation.  
M. E. DE JARMAY, Under-Secretary of State, Director of the Royal Hungarian River and Maritime Navigation Company, Ltd.

M. G. NAUTA, Barrister at Rotterdam.  
M. R. RICHTER, Head of Department at the German Ministry of Justice.  
M. C. ROSSETTI, Minister Plenipotentiary for Italy; President of the Permanent Hydraulic System Commission of the Danube.  
M. F. SITENSKY, Chief Counsellor at the Ministry of Commerce of Czechoslovakia.  
M. J. L. METTERNICH, *Secretary*.

In drawing up the terms of the various solutions adopted by the Committee, due account had to be taken of the general interests of States and the interests of owners and of creditors of all kinds, and also of insurers. The Committee thus also had to deal with questions of ownership and the transfer of ownership, mortgages and liens.

Lastly, the Committee studied the question of collisions in inland navigation, and is submitting to the Conference a draft convention on that subject.

The Committee's task has by no means ended with the preparation of the drafts now submitted to the Conference. Other highly important problems in the same field call for investigation, and the Committee, in compliance with its instructions, proposes to take active steps to find the best settlement for them. These problems relate to the limitation of the liability of owners of vessels employed in inland navigation; the jurisdiction of Courts in this respect; bills of lading; the difficulties arising out of the application of national laws regarding the conditions governing the labour of the personnel employed in inland navigation, etc.

In accordance with the decision of the Communications and Transit Committee of the League of Nations, draft conventions will be prepared on these questions and will eventually be submitted to the Governments concerned for consideration.

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## II.

# REPORT ON THE DRAFT CONVENTION ON ADMINISTRATIVE MEASURES TO ATTEST THE NATIONALITY OF VESSELS EMPLOYED IN INLAND NAVIGATION.

### GENERAL CONSIDERATIONS.

The work of the Committee on Private Law of the Central Commission for Rhine Navigation is based on a proposal by the Tonnage Measurement Committee of the Central Commission for Rhine Navigation to make registration compulsory and to prevent double registration. During the examination of this proposal, the majority of the experts constituting this Committee recognised that the disadvantages of allowing vessels to have a double nationality were as great, if not greater, than those resulting from double registration. The Committee accordingly devoted itself chiefly to an attempt to settle the question of nationality, which would necessarily involve the settlement of the question of registration through the application of the national law of the vessel.

The first solution proposed was that uniform legislation should be adopted. This solution was, however, rejected owing to the objections raised in certain quarters interested in the question.

It should, moreover, be noted that, at the first meeting, one of the experts on the Rhine Committee stated that he was in favour of a solution taking the form of settling the possible conflicts of laws and based on the idea of free option by the owner whose vessel satisfies the conditions of nationality required by two or more States.

The draft submitted to the Conference has been based on this principle of the right of option.

It was obvious from the outset that, as regards the question of nationality, there was no possibility of reaching unanimous agreement. The Rhine Committee accordingly decided to dissociate this question from that of registration and to treat the latter as a separate question, from the point of view of form.

### PRINCIPLE OF THE CONVENTION.

As stated in the preamble, it is not the object of the Convention either to declare that vessels have a nationality or to define the consequences resulting from nationality. Its sole purpose is to remove all uncertainty as regards the application of conventions in force, or of the recognised principles of international law, should those conventions or principles render certain rights or obligations dependent upon nationality, and at the same time to prevent cases of double nationality.

The replies to the Committee's questionnaire show that nearly all the Governments consulted are of opinion that vessels have a nationality. This conception, which was already formulated in the Minutes of the Vienna Congress, is also embodied in a large number of treaties and conventions. We will merely mention the following: Mainz Convention of 1831; Mannheim Convention of 1868; Treaties of Versailles, Saint Germain, etc.; General Convention of Barcelona; Additional Protocol to that Convention; the Elbe Act; the Danube Act; Treaty of Commerce and Navigation between the Netherlands and the Zollverein (1851); Treaty of Commerce and Navigation between France and the Zollverein (1862).

It is also to be found in national laws and regulations, such as the orders of the Prussian Cabinets of 1818 and 1823, the Hesse Decree of 1839 (orders and decrees instructing the owners of vessels to fly the national flag), and in the decrees of the German Empire concerning German vessels on the Danube and on the Chinese rivers (1900), and German laws relating to the flag flown by the mercantile marine (June 22nd, 1899, and May 29th, 1901). One member of the Committee, however, declared that he could not agree that these treaties and conventions established the conception of the nationality of vessels.

The majority of the Committee were of a different opinion. Logically, the Convention should have declared in the first place that vessels had a nationality. The only reason why the Committee did not take this course was to enable certain Governments which could not see their way to subscribe to a positive general declaration, to adhere to the Convention so as to remove the difficulties and doubts to which the interpretation and application of certain conventions signed by them might give rise.

The text has, moreover, been drawn up in such a way as to enable other States which, apart from any convention, regard the nationality of vessels as a recognised principle of international law, but disagree as to the criterion of nationality, to find in the Convention a solution of this possible conflict.

The Committee did not think it advisable to determine the consequences resulting from the nationality of vessels and preferred to leave this to be done by other conventions and by the practice of States, because it did not consider that the time was yet ripe. These consequences naturally differ according as the waterways on which the vessel navigates are national or international in character and according to the regime established by treaty for each of those waterways; they may also depend on the geographical configuration of the areas, the type of vessel, the composition of the crew, etc.

OBJECTIONS TO THE PRINCIPLE OF NATIONALITY.

The foregoing remarks show that it is not absolutely necessary to discuss the objections raised by certain members to the principle of nationality itself.

Nevertheless, the Committee considered that, in order that its work might be complete and the work of the Conference be shortened and facilitated, it might be advisable briefly to summarise the objections and the arguments by which they have been met.

The objections are of two kinds—theoretical and practical.

I. *Theoretical Objections.*

It was maintained that public international law only provides for nationality being possessed by sea-going ships, and even then only for purposes of navigation on the high sea. The legal conceptions which are held as to the legal régime applicable to foreign ships in coastal waters are divergent and the legal consequences of recognition of nationality, as regards those waters, are not clear. The reason for giving sea-going ships a nationality is that they usually navigate the high sea, where they are to be regarded as a floating part of the State to which they belong. The vessels under consideration merely navigate waters under the sovereignty of States, even when those waters are international waters. At this point, the opinions of the minority diverged. One view was that recognition of the flag flown by such vessels had for a long time past been a part of public international law, but that this was merely because the owners in fact flew the flag of their country of origin and have had the right to ask the authorities of the State, possessing sovereign power over the national or international waters on which they navigated, to protect their flag. On the other hand, another member did not think that public international law recognised the flag flown by such vessels even to this limited extent. He thought that the protection which the owner could claim was protection on the ground of his personal nationality, and that this resulted from his relations as a national of the State to which he belonged with the country in which his vessel happened to be.

The replies made to these objections were substantially as follows :

The freedom of maritime navigation is ensured by more definite guarantees in straits than on the high sea. Similarly, although the legal effects of the nationality of ships are theoretically more extensive on the high sea than in coastal waters and in harbours, the possibilities of conflict are particularly great when ships come into contact with coastal authorities and, consequently, the principle of nationality is of greater practical importance when the ship is in waters subject to the sovereignty or the territorial rights of a coastal State than on the high sea.

It is true that certain consequences of the nationality of ships only appear on the high sea—such as the rule that a child born at sea is subject as regards the *lex soli* to the law of the ships, or the rule that certain offences committed on board a ship navigating the high sea are subject to the criminal law of the State whose flag is flown—but these particular consequences resulting from the fact that there is no public international law on such matters governing the high sea are in no wise essential.

The nationality of ships has no effect on economic life unless there is a possibility of conflict between the principle of the freedom of navigation and the sovereignty or territorial rights of a coastal State. All freedom of navigation—however restricted—implies that the ship is not entirely subject to the local sovereignty and that it therefore has a nationality.

The same applies to the vessels under consideration. A State which does not recognise the nationality of such vessels thereby claims to assimilate them to all the movable property situated in its territory. It treats them as a State would treat persons staying in its territory whom it considered subject exclusively to its laws because they were its nationals.

This can be shown more clearly by an example :

If a State requires such a vessel undertaking some service—for instance, sailing from and to a particular port—to be entered in its register and makes the vessel liable to the consequences which, in the general view of States, result from nationality, the freedom of navigation cannot be said to be assured.

There is no essential difference between a case of this kind and that of a State which only authorises foreigners to carry on certain branches of navigation in its ports provided their boats are nationalised (reservation of the coasting trade).

It was asked, why ships and vessels should be treated differently from other means of transport. Why should a vessel which is allowed to navigate within the territory of a particular State be treated differently from a railway wagon or motor-vehicle in a similar situation ?

It is sufficient to point out that the movement of railway wagons is governed by purely technical agreements and that the movement of motor-vehicles is a touring problem similar to that of the movement of yachts and other pleasure craft. Only aviation presents similar problems to those connected with navigation.

The final agreement adduced in favour of nationality is that a vessel of the kind meant, like a ship—although in most cases perhaps to a lesser extent—is a social unit : that is to say, it usually involves a number of very complicated legal relationships which it would be unreasonable to subject solely to the local law.

But this does not mean that a ship on the high sea must be regarded as a floating portion of the territory or that it is necessary to employ the other legal fiction that the vessel is deemed

to be situated in the place in which it is entered on a nationality register. It is not even necessary that the vessel should have a legal personality. It is sufficient to recognise that there is a direct link *sui generis* between the vessel and the State to which it belongs.

The recognition of the nationality expresses itself in the fact that the foreign ship is allowed to enjoy the rights possessed by the ships of the State to which it claims to belong (either national treatment or most-favoured-nation treatment, or both), once it has proved that it belongs to that country, according to the conditions laid down by its law, and it is no business of the authorities of the country in which it happens to be to ascertain whether it actually fulfils the conditions required by its national law for the granting of that nationality, and still less, to ascertain whether, according to the territorial law, it should not belong to some other State. It is, of course, possible that, according to the law of the State in whose territory the ship happens to be, it should be regarded as a national vessel. But this exception merely confirms the rule; the case is similar to that in which a State regards as its national a person who, under another law, is regarded as a foreigner. It is one of those cases of conflicts of laws which the Convention is designed to remove.

## II. *Practical Objections.*

It was said that there is no sufficient practical necessity to settle conflicts of laws as to the nationality of the vessels in question, more especially on international rivers. When all vessels, irrespective of the nationality of their owners, enjoy by treaty and without reservation freedom of navigation and, consequently, equality of treatment, the question of nationality no longer arises. Even admitting that the enjoyment of those rights by vessels not possessing a nationality is fully safeguarded, there may be practical objections to settling the question of nationality. A State desirous of keeping its register open to vessels belonging to foreigners may not desire to grant them its nationality.

The very nature of this practical objection makes it impossible to discuss it *in abstracto*. It is, however, an easy matter to refute the argument in a concrete case, such as the case of the Rhine.

Even in the case of the Rhine, the principle of the equality of treatment of all vessels does not make the question whether a vessel belongs to such or such a State a matter of no importance.

This can be shown by a few examples: Apart from the case of war or serious events (which are not provided for under the present régime of the Rhine, but which may possibly be covered in the new Act), no one denies the right of a State in certain cases to requisition its own fleet, to impose prohibitions as to sale or export (within the limits allowed by treaty), or to levy taxes on it, etc. In order to prevent the exercise of those rights from interfering with the freedom of navigation of the vessels of other States, it is obviously necessary that the criterion on which the distinction is to be based should be laid down internationally.

Even as regards the policing of Rhine navigation, the nationality of vessels is not left entirely out of account. The regulations relating to boilers, for instance, and also to sailors' identity books, differ according to whether the vessel is considered as belonging to such or such a State. The same applies, to a large extent, to social law and private law.

## OBJECTIONS TO THE SETTLEMENT OF THE QUESTION BY TREATY.

Apart from the above objections, it was observed: (1) that, in so far as the conventions to be concluded are concerned, the Convention on Nationality is unnecessary, because in these projected future conventions the criterion of registration may be adopted, and (2) that, as regards existing conventions, the adoption of a single definition of nationality would appear to be dangerous, since in the intention of the parties the conception of nationality may have been employed in different senses.

These objections can be answered as follows:

As regards the conventions to be concluded, it is obvious that, in so far as these instruments attached to registration the consequences which would flow from the possession of a nationality, the question would become a mere question of words, with the disadvantage that the adoption of the criterion of registration would involve certain difficulties in the case of vessels belonging to non-contracting States which would not arise if the criterion of nationality were adopted. In this connection, it is only necessary to refer to what is said on pages 12 and 13 of the report on the Convention on Certain Questions of River Law. As regards existing conventions, they either contain a definition of the nationality of vessels, in which case it is obvious that the definition given in the new Convention cannot take the place of the existing definition, or else they do not contain such a definition, in which case the definition is uncertain, disputes are likely to arise, and it is precisely the object of the new Convention to prevent such disputes and the difficulties arising from this uncertainty.

## ANALYSIS OF THE TEXTS.

The idea underlying the Convention on Nationality is, in short, that, in the case of a conflict of laws, the nationality of vessels is determined by their registration.

In the opinion of the majority of the members of the Committee, this reverses the logical order of ideas and, as we shall see shortly, has certain practical disadvantages. Since however, as stated above, it was decided to treat the question of registration as a separate question,

from the point of view of form, it was essential to ensure as far as possible that the text of the two drafts should be in complete agreement. It would have been contrary to the general interest, if to do so was not absolutely necessary, to provide that a vessel belonging to State A might have to be registered in State B for the purpose of the application of the Convention. The agreement between the two texts is complete, save on one point, and makes it unnecessary to discuss the provisions of the Convention in detail. An analysis of those provisions would overlap the analysis of the identical provisions of Part I of the Convention of Certain Questions of River Law.

The point on which the two drafts differ is the following :

The draft relating to registration requires all vessels—subject to the provisions of the Statute on Navigable Waterways of International Concern—to be registered in one of the contracting States, when they fulfil the conditions for registration prescribed by one of those States.

Consequently, subject to the above-mentioned reservation, the vessels of non-contracting States fulfilling the conditions for registration laid down by one of the contracting States must be registered in one of those States. This is an exceptional case which will, it is hoped, remain a purely theoretical one.

The majority of the Committee, however, considered that, if such a case arose, it would be contrary to the principle of the freedom of communications on which the League's work is based, to stipulate, as a consequence of this compulsory registration of a vessel in a foreign State, that it should lose its nationality. Consequently, while Article 3 of the Part dealing with registration states that "All vessels . . . must be registered", Article 3 of the present draft is careful to state that "In order to prove their nationality, vessels must be entered, . . .", which, from the essential standpoint of nationality, safeguards the rights of non-contracting States.

The question also arose whether it would be possible for a vessel entered on a register of State A, but chartered for a long period by a shipowner in State B, to be regarded as temporarily belonging to the fleet of State B.

The Committee gave a negative reply. This answer follows by implication from the text. Nevertheless, it has seemed advisable to mention the Committee's opinion on the point in the present report.

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### III.

## REPORT REGARDING THE DRAFT CONVENTION ON CERTAIN QUESTIONS OF RIVER LAW.

### PART I. — REGISTRATION.

#### GENERAL CONSIDERATIONS.

The aim of the authors of the draft Convention on Certain Questions of Private River Law has been to eliminate a number of difficulties which arise in connection with the international movement of vessels employed in inland navigation. A vessel within the territory of a given State is subject to a body of uniform rules and laws relating both to public law (Police control, for example) and private law (*e.g.*, ownership and mortgaging). When the vessel proceeds to the territory of a neighbouring State, where different rules and laws are in force, a state of uncertainty at once is created and conflicts arise. It was indeed evident from the outset that it would not be possible to unify all the rules applicable in this field.

Theoretically, these uncertainties and disputes could be ended by the complete unification of public and private law in regard to inland navigation, but it is obvious that such complete unification is impracticable.

The first question which arises is of course how to distinguish between the various vessels which are subject to different rules of public or private law. It thus becomes necessary to identify such vessels.

This, moreover, was expressly contemplated by the Rhine Committee on Tonnage Measurement, when it removed from the Tonnage Measurement Convention of 1898 and the Additional Acts to that Convention the provisions regarding registration, which were accordingly omitted in the European Convention on the Measurement of Vessels employed in Inland Navigation concluded on November 27th, 1925.

At present, there are three systems for dealing with the question in force in the various countries, namely :

(1) The system adopted in most recent legislation—in Germany, France, Hungary, Roumania and Switzerland, and projected in Czechoslovakia—provides that the identity of vessels must be attested by a special document. This method gives the parties concerned a sure and readily available means of ascertaining the conditions of fact and of law applicable to the vessel.

(2) The system followed in Belgium and the Netherlands and elsewhere provides for the attestation of the identity of vessels by a special document, but does not require every vessel to be provided with such a document.

(3) In some countries where the legislation on the subject is less recent, vessels are identified by application of the ordinary law of the country relating to movable property, or from registers kept for other purposes, such as tonnage measurement, purposes of public security, etc.

The first system is the only one which can satisfactorily serve as a basis for international regulations.

From the point of view of public law, it is obvious that, to determine whether a given vessel should be subject to a particular rule, whether under treaty or otherwise, it is necessary to be sure whether the vessel belongs in fact to the class to which the rule applies. Take, for example, the case of a waterway on which freedom of navigation is ensured by the Barcelona Convention of 1921. A vessel which wishes to be accorded such freedom must prove that it belongs to some of the States parties to that Convention. Moreover, in order to enable the Police regulations to be enforced, all vessels which have committed infringements must be traceable without difficulty.

The obligation to carry identification papers is no less important in private law, as may be shown by an example. Take the case of a vessel coming from a country where no such obligation exists. In order to obtain a mortgage loan, the vessel has obtained identification papers. It can quite easily declare on arrival that it has no such documents (this would *ex hypothesi* be lawful), obtain fresh documents in the country which it is entering and in this way secure another mortgage loan. Such cases have actually occurred.

All vessels, therefore, must at all times be able to prove their identity and must be able to obtain only one identification document. That is the starting-point, the basis, of the whole Convention. By the adoption of this basis, the Committee has at the same time established a criterion which countries in future will utilise to prevent any possibility of conflict of laws or of uncertainty in regard to national treatment or most-favoured-nation treatment, reserved navigation, public safety, bills of health, taxes, social welfare, etc.

It will be argued, however, that this is not the procedure which has been followed in maritime law. The Brussels Convention on collisions and that on mortgages are not preceded by a convention on the identification of vessels. Why, should a different procedure be adopted for river law? The reason is quite simple. Maritime law is deep-rooted in the distant past; it thus contains firmly established customary rules which it would be

quite needless to embody in a convention. One of these rules is that every ship must carry papers identifying it and showing that it has a definite nationality, and heavy penalties are imposed for failure to comply with this rule. In practice, no ship can proceed from one country to another unless its papers are in order. Thus all ships have a nationality and, as all maritime States take steps to ensure that their ships should be individually identifiable, effective provision is made for the identification of ships in countries other than their own. Doubtless, there are no full and detailed regulations to govern the procedure for changing nationality, so as to prevent a ship from carrying different identification papers. In practice, however, fraud is a difficult matter, because ships are of very different types and private registers are kept for insurance purposes which enable almost every ship sailing anywhere in the world to be identified without difficulty at any time, and indeed enable its every movement to be known.

Where there is a large number of small vessels of similar appearance—a circumstance likely to facilitate fraud and particularly infractions of Police regulations—the necessity for international regulation has moreover been felt even on the sea. This is the reason for the Convention of May 6th, 1882, dealing with the policing of the fisheries in the North Sea, which (Article 5 *et seq.*) provides for the affixing of distinctive marks on fishing-vessels.

In inland navigation, where the types of vessel are few and their number is considerable, the situation is very similar to that of fisheries.

There are differences, however. Thus, in the Convention of 1882, there was no need to take precautions to prevent double nationality, as, owing to their nationality and domicile, fishermen cannot under existing systems of maritime law obtain ship's papers from more than one country. The laws governing inland navigation, on the other hand, are such that a vessel can easily obtain different identification documents in different countries. Accordingly, in addition to the provisions regarding the compulsory identification of vessels laid down in the Convention of 1882, it is necessary to provide for inland navigation vessels a system preventing the issue of different identification documents.

Thus, if a parallel with maritime navigation is established, we are led to the same conclusions.

But, it will be argued, why not regulate this question of the identification of vessels on the basis of nationality, as in the case of sea-going ships? Such a solution would indeed be the simplest and would obviate very serious difficulties. It has not been adopted, however, because the idea of a nationality for the vessels in question is itself disputed, as has already been pointed out (page 9 of the Report on the Convention regarding the Nationality of Vessels). If this principle had been taken as a basis, it would not have been possible to obtain sufficiently general approval to ensure the success of the Convention. We were thus led to utilise the idea of registration, which is adopted in a very large number of countries and which it is proposed should be taken as the basis for the identification of vessels.

Two kinds of difficulties then arose: the first due to the diversity of laws on the subject, and the second relating to the necessity of safeguarding the freedom of navigation prescribed by other conventions.

No wholly satisfactory solution of these difficulties has been found. They explain—and can alone justify—certain peculiar and complicated features of the draft. Accordingly, some detailed explanation of them must be given.

*Diversity of laws.* — Considering merely the systems of law which enforce (and alone enforce) the obligatory registration on which the draft is based, we find that in Germany and Switzerland the place of registration depends upon the port to which the vessel belongs, whereas in Czechoslovakia, France (on the Rhine), Hungary and Roumania, the criterion is the nationality of the owner.

It proved impossible to find any single criterion which could be accepted by all the Powers concerned. We were therefore forced to abandon the method of uniform legislation and could not decide that vessels fulfilling certain given conditions must be registered at a certain place or in a certain country, *e.g.*, that vessels belonging to a certain port must be registered at the office in whose area the port is situated, or that vessels belonging to nationals of a particular country must be registered in that country.

As no international rule has been substituted for the existing national laws (Article 2, first paragraph), it follows that a vessel may fulfil the conditions laid down by the laws of more than one country for registration in the registers of that country. As, however, registration is obligatory and may only be effected once, this conflict of laws had to be settled. The solution found by the Rhine Committee consists in leaving it to the owner of a vessel fulfilling the conditions laid down by the laws of more than one country to choose the country in which his vessel shall be registered (Article 3, third paragraph), although the option is limited in certain cases (Article 3, fourth paragraph, and Final Protocol). In this way, due account has been taken of the view that, although a vessel is an instrument of private industry—on which account its owner should be allowed to register it wherever it is most advantageous to him to do so—it also constitutes an element of the national wealth, so that the State has certain rights of intervention.

This solution, however, is incomplete, since it does not settle negative conflicts of laws. What will happen to a vessel which does not fulfil any country's conditions for registration? This question is of theoretical rather than of practical importance, since the existing laws are sufficiently elastic to prevent such a case from arising.

*Freedom of Navigation.* — The solution which had to be adopted on account of the wide divergences between the various national conceptions of this principle involved a second difficulty. Since there was to be no single criterion determining the place of registration and since it was not agreed that the country of which the owner is a national must be the one in

which the vessel is registered, some other method had to be devised to determine what vessels are subject to compulsory registration. It was not enough to state where the vessel should be registered; the actual vessels to be registered had to be specified. The solution that naturally suggested itself was to decide that the obligation to register should apply on a territorial basis, *i.e.*, all vessels sailing in the territory of the contracting States would have been required to be registered, the place of registration in each case being determined as suggested above. In most European countries, however, there are international rivers where freedom of navigation is guaranteed and which are policed under international regulations. The question then arose: how far can the compulsory registration of every vessel navigating on an international waterway and fulfilling the conditions for registration of one of the contracting States be properly effected otherwise than under the Police regulations governing the navigation? What will be the position, on these waterways, of vessels which are registered in a non-contracting State or which are simply nationals, according to the law under which they claim to fall, of a State which does not practice registration? Would it be compatible with the legal situation of international waterways to insist that, under the Convention, such vessels could not sail on those waterways unless registered in the registers of the contracting States? In face of these objections, which were raised by certain members of the Rhine Committee, the attempt to introduce the territorial basis for obligatory registration was abandoned, and it was simply decided that that obligation should apply to vessels fulfilling the conditions for registration of one or more contracting States (Article 3, first paragraph), with the corrective that none of the provisions of the Convention may be interpreted as imposing obligations or conferring rights which are incompatible with the legal situation of international waterways (Article 36).

Two undesirable consequences, which, however, are unavoidable, arise out of this solution. In the first place, the obligation to register is subject to an exception, which allows unregistered vessels to navigate on international waterways, with all the inconveniences that will arise therefrom. In the second place and as a consequence which in a sense is the reverse of the first, the circumstances which gave rise to the exception in respect of international waterways may occur on national waterways on which the vessels of non-contracting States are entitled to navigate owing to the contracting State in whose territory such waterways are situated acceding to the Additional Protocol of Barcelona of 1921, or in virtue of a special treaty concluded by it. In this case no exception is allowed: if vessels of a non-contracting State sailing on the waterways in question fulfil the conditions for registration laid down by the law either of the State in whose territory these waterways are situated or of another contracting State, the State in whose territory the waterways are situated is under obligation to the other contracting States to ensure that the terms of the Convention are observed, although it may have precluded itself from insisting thereon *vis-à-vis* the non-contracting State to whom the vessels in question belong. The Committee thought these consequences not sufficiently serious to justify rejection of the solution adopted, since the Convention will be open for the signature or accession of all the States concerned. If only these States sign the Convention or accede to it, all difficulty will be removed.

The obligation to register and the settlement of conflicts between the various laws on registration being thus dealt with, the actual identification of vessels and the measures to be taken to prevent a vessel from being registered on a new register before being removed from the original register did not give rise to any serious difficulties and are treated in Articles 5-8 and Article 9 respectively.

#### ANALYSIS OF INDIVIDUAL ARTICLES.

##### *Ad Title of the Convention.*

The words "river law" correspond to the German term "Binnenschiffahrtsrecht". They cover the whole domain of navigation on inland waterways, including lakes and canals.

##### *Ad Article I.*

Article 1 embodies the undertaking by the States to open public registers for the registration of vessels employed in inland navigation.

The legal effects of registration, apart from the rules of the Convention, continue to be determined by the laws of the individual countries.

Article 31 defines the term "vessel".

The Final Protocol indicates the minimum of publicity which must be provided by the various States. No distinction can of course be drawn, as regards this publicity, between nationals and aliens, and the fee payable for the extracts provided for in the Protocol must be based on the expenditure incurred and the work actually done by the offices and not on the value of what is registered.

The list of initial letters of countries provided for in the third paragraph of Article 1 will have to be the same as for the Convention regarding the Measurement of Vessels employed in Inland Navigation (Addendum II). The particulars specified in this Article which must be reproduced on the vessel itself (Article 8) are given in the order followed in Article 7 of the Annex to the Convention on Tonnage Measurement.

Ad Article 2.

Article 2 lays down the system adopted in regard to the conditions governing registration. The object of this system is not to unify the laws, but merely to provide a rule for the settlement of conflicts of laws.

The laws of the individual countries themselves remain sovereign in principle as regards determining the conditions which a vessel must fulfil in order to be registered, *e.g.*, nationality of the owner or his domicile or the port to which the vessel belongs.

Under the second paragraph, each State must take the necessary steps to obviate the possibility of a vessel's being registered simultaneously at two of its offices. It would have been useless to prohibit registration in more than one country unless double registration in a single country were first prevented by the Convention.

The Final Protocol specifies that to reproduce the particulars given in the registers for purposes of safety or for the convenience of the service in a central register does not constitute double registration. It follows that the entry in the registration registers properly so called is the only one which matters for international purposes.

Ad Article 3.

Article 3 determines the obligations and rights of owners of vessels.

The substance of this very necessary provision has already been sufficiently analysed in the general considerations.

We may therefore confine ourselves here to the examination of a few particular points :

*First paragraph*, " must be registered ". — The law of the country must determine the penalties attached to this obligation and provide for the punishment of breaches thereof (Article 10). The penalties must be sufficient to ensure the effective application of the Convention (Article 33), but need not necessarily involve the prohibition to navigate the vessel.

" The owner shall be responsible ". The laws of the individual countries may make other persons responsible (*e.g.*, the usufructuary). They also decide who shall be responsible for the registration of the vessel in the case of joint ownership (see Article 29), and what physical persons are competent to make the request provided for in Article 6, and what persons are bound to make such a request if the vessel belongs to a partnership or to a joint-stock company.

*Third paragraph*, " He shall retain this choice ". — It follows that the owner has the right at any time to have his vessel removed from the register and registered in another country. The right to have the registration thus cancelled exists *a fortiori* if the vessel changes owners.<sup>1</sup>

There are, however, three exceptions to this principle :

The first is that laid down in the fourth paragraph of Article 3 itself. This paragraph provides for a derogation from the principle of the owner's free choice, the State having the power to require registration on its own registers in one particular case. This case is that in which the criterion of the owner's nationality and that of habitual residence—or in the case of companies, the chief seat of management (*direction principale*)—coincide. In this way, the principal criteria adopted in various systems of law are largely brought into accord. Indeed, although the system of taking as the criterion the place from which the business is managed differs in theory, and sometimes even in its practical results, from that of taking as the main factor the place from which navigation is carried on (the port to which the vessel belongs according to the German conception), the two systems are nevertheless closely akin, as is shown by the fact that the chief seat of management is the determining factor according to German law in cases where more than one port may be regarded as the port to which the vessel belongs (*port d'attache*).

The second exception is laid down in the fourth paragraph of Article 9. When a vessel is under mortgage, the registration may not be cancelled without the consent of all the mortgage-holders.

The third exception arises out of Section I of the Final Protocol (see below, pages 30 and 31).

*Fourth paragraph*. — By the term " nationals " (*ressortissants*) is meant persons who, according to the law of the contracting State, possess the right of citizenship (*indigénat*) in any of the territories placed under the sovereignty or authority of that State.

The wording of the paragraph shows that the provision in question refers to inter-State relations at public law, and to the personal obligations of the owner towards the State of which he is a national. It does not affect private rights. Hence, if the owner, being personally bound under this fourth paragraph to have his vessel registered in State A, nevertheless asks to have it registered in State B, the authorities of State B will not, before registering the vessel, have to determine whether State A has not the right to require registration on its registers. It also follows that registration contrary to the legitimate requirements of the law of the home country remains valid even in respect of that law as regards relations at private law between the owners and all parties having interests in the vessel (mortgage-holders, purchasers, holders of liens, etc.)

<sup>1</sup> As regards nullity of a sale, see Article 12.

Ad Article 4.

This article deals with the exceptions to the principle of compulsory registration.

There is one case in which registration is never compulsory : that of a vessel proceeding from the country where it was built—or acquired, if it was acquired in a non-contracting country—to the country where it is to be registered. This provision may prove necessary because some countries will not register a vessel unless it has been inspected by the authorities of the country.

Then there are a number of cases in which the Convention does not require registration, but either leaves States the right to require it if they think fit in the national interest or, in other cases, allows owners the option of applying for it. This option becomes a right where the vessel otherwise fulfils the conditions for registration prescribed by the law of the country, and, if the right is exercised by the owner, the Convention becomes applicable immediately. This applies to dredgers, floating cranes and elevators and other similar appliances, pleasure craft, small craft and vessels under construction. One member of the Committee, however, was of opinion that the owner of a vessel had no right to require, in virtue of the Convention, that the vessel should be registered if such registration were optional.

As regards vessels under construction, the application of the Convention is subject to certain restrictions. The free choice of the owner as provided for in Article 3 has been restricted in order to take into account the views of certain members of the Committee. According to these views, vessels under construction must remain under the sole jurisdiction of the law of the place where they are being built. Other members urged the practical importance, in their opinion, of the possibility of registering the vessel from the time of its construction in the actual country on whose registers it was intended to be registered after construction, in order in particular to enable mortgages to be contracted in accordance with the law of that country.

In order to reconcile as far as possible the views and wishes of the members, the Committee adopted the solution laid down in the third and fourth paragraphs. If, under an agreement between the State in which the place of construction is situated and the State on whose registers the vessel is to be registered after construction, the former State accepts the application by anticipation of the latter's law, this has the effect of a "renvoi" by agreement to such law. It is, then, in accordance with principle that third States which apply the *lex rei sitæ* to vessels under construction should take that law as a whole, including the "renvoi" which forms part of it.

Provision is made for the communication of the agreements to all the contracting States with a view to helping them to apply the solution adopted.

Apart from this limitation of the owner's choice, the Convention, as already stated, applies in all respects to vessels under construction which have been duly registered.

It follows, *inter alia*, that Article 9 applies to the case of a transfer of registration during construction or at the time when the vessel is brought into service.

Ad Article 5.

This article specifies the formalities relating to registration and the minimum particulars required by the Convention.

It follows from subsection (iii) that the tonnage measurement must be taken as a preliminary in the case of all vessels which are to be registered, except vessels under construction. As regards the latter, it will be sufficient to indicate, instead of the tonnage or displacement stated on the tonnage measurement certificate, the length of the keel, the dimensions and the approximate tonnage.

It was necessary to provide for mentioning both the date and the number of the tonnage measurement certificate, because in some countries the number remains the same when the tonnage is remeasured.

The grounds referred to at subsection (v) are the nationality of the owner, his domicile, the port to which the vessel belongs under the national law, etc. The words "if necessary" were added in order to cover the case of laws which do not render registration subject to any special condition.

The Committee feels that the States will not fail to include in the regulations and instructions designed to give effect to the Convention such explanations as may be necessary to show their authorities how and in what respects this abstract and general provision should be applied under their respective laws.

Ad Article 6.

This article relates to changes in and the cancelling of registration.

The term "un navigable" applies exclusively to a definite defect in navigability.

Whereas Article 3 specifies that the owner is responsible for registration, Article 6 simply leaves it to the law of the country concerned to determine what person is under obligation to make the declaration provided for that article. This difference is due to the necessity for taking account of the diversity of the various systems of law. According to some, it is the purchaser who must make the declaration, although he only acquired the ownership in virtue of the change in the registration ; according to others, the purchaser is responsible as being the owner ; others, again, place the obligation, at any rate in certain cases, upon the vendor.

It seemed desirable to make special provision for the automatic cancelling of entries in order to prevent them from remaining indefinitely on the registers when they no longer correspond with the facts. This applies to cases where the loss, breaking-up, etc., of the vessel has not been notified, owing, for example, to the death of the declarant. The circumstances in which an entry may be cancelled by the authorities, however, are left to be determined by the laws of the respective countries.

Ad Article 7.

This article requires that a registration certificate issued by the competent authorities of the country of registration and containing at least the particulars prescribed in Articles 5 and 6 shall be kept on board.

*Second paragraph.* — In some countries, it is customary to hand over the registration certificate to the mortgage-holder. Although from the legal point of view this custom does not constitute an absolute safeguard against alienation, it may nevertheless provide mortgage-holders with a valuable guarantee, since, under Article 6, the change of ownership involves an alteration in the registration which must be reproduced on the certificate, and the authorities of the registration office will therefore require the certificate to be produced when application is made to have the change of ownership registered. In order to enable this practice to be continued, it has been provided that a duplicate may be kept on board instead of the certificate itself, although States will not be bound by the Convention to issue the duplicate.

The question was raised whether mortgages should be entered on the registration certificate but the matter was left to be settled by the law of the country of registration.

Ad Article 8.

This article contains the provisions necessary to distinguish vessels by means of their registration and to prevent any attempts to conceal their identity.

Similar provisions figured in the Tonnage Measurement Convention of 1898. They were not reproduced in the European Convention, as the Paris Conference considered, in view of the findings of the Rhine Tonnage Measurement Committee, that these provisions would best be embodied in the Convention on registration.

They will involve certain slight changes in the navigation Police regulations on certain international rivers.

Ad Article 9.

Article 9 provides for the application, from the administrative point of view, of the rules designed to prevent the registration of a vessel in more than one country. For this purpose, it establishes a procedure under which a vessel can never be entered on two registers simultaneously or removed from one register before being registered on another.

*Fourth paragraph.* — The object of the last paragraph of Article 9 is to provide mortgage-holders with effective safeguards for their rights in the event of an application for transfer of registration from the registers of one country to those of another, or for its cancellation. In such cases, the consent of all the mortgage-holders is required. They may withhold their consent without giving a reason for their decision, but if, in the case of transfer, they make their consent conditional, the conditions must be consistent with the law of the country in which the new registration is to take place (Article 17).

It is clear that if, both according to the law applicable and to the Convention (Articles 15, 16, 27 and 28), the effect of a sale is to terminate the mortgages, the provision will not apply to cancellation or transfer as a result of such sale, since there would no longer be any mortgage-holders. In the Committee's opinion, no special consent to a transfer or cancellation should be required if the mortgage-holders have agreed to a sale necessarily involving a transfer or cancellation.

The words "in no case" were inserted to remove the uncertainty which had arisen as to whether preference should be given to Article 3, fourth paragraph, or to Article 9, fourth paragraph, where both are applicable. They make it clear that in such a case the latter will have precedence, without prejudice of course to any penal proceedings against the owner of the vessel, should he contravene Article 3, fourth paragraph, in the country where he ought to have registered his vessel.

The rules of Article 9, first and fourth paragraphs, apply even where the registration is irregular—*e.g.*, if it was effected notwithstanding that the person applying for it was not entitled to do so—so long as the registration is not cancelled by the competent authority.

The question whether a temporary provision should be made to terminate any cases of double registration which may exist at the time when the new system comes into force has been reserved.

Ad Article 10.

This article determines the authorities which are competent—to the exclusion of all others—for prosecuting and punishing breaches of the provisions of the articles of the Convention in so far as they impose obligations on private individuals.

*First paragraph.* — *Subsections i, ii, and iii:* It was proposed that the authorities of the place where the breach was observed should also be given competence, but it was held that breaches of the laws of the country where registration was or ought to have been effected could be tried only by the authorities of that country. The second paragraph of the article, however, provides for a system of mutual judicial assistance, which was deemed adequate to ensure that the Convention would be properly observed.

In a kindred connection, a proposal was made by a member of the Rhine Committee that a provision should be included in the draft on the basis of Article 40 of the Mannheim Convention, whereby judgments given under Article 10 might be enforced in the other contracting States.

Other members of the Rhine Committee, however, considered that this proposal would be attended by great difficulties and it was therefore dropped.

As regards possible conflicts of jurisdiction as between the authorities of different countries in cases coming under subsections (i) and (ii), such conflicts must be settled in accordance with the general rules governing competence in penal matters, recourse being had, if necessary, to the procedure governing disputes laid down in Article 37, second and fourth paragraphs.

*Second paragraph.* — The term "statement of the case" must be taken in a wide sense; it covers extracts from registers, Police reports, etc.

The communication referred to in the words "they shall forward a copy of the statement to the offices at which the vessel was registered" is intended to enable the registration office to prevent and punish fraud, but the information so received may not be used in such a way as to cause unmerited prejudice to any accused person who has not been found guilty by process of law.

## PART II.

Part II contains three chapters dealing with ownership, mortgages and liens.

### Ad Article 11.

Article 11 delimits the field of application of the international rules and defines the nature of the obligation at international law which the contracting States are to assume.

1. For the reasons given above, it is impossible to determine the vessels subject to the international regime by applying the criterion of nationality.

The place of registration is alone to be taken into account for this purpose. The provisions of Part II, therefore, are to apply to all vessels registered in the register of a contracting State, and can only apply to these vessels. In this connection "registers" must be understood to mean the registers kept in accordance with the provisions of Part I. Non-registered vessels continue to be subject exclusively to the national law.

It would be desirable if, in the case of registered vessels, the national law could simply be replaced by the international regime; but the Committee thought it better not to insert this rule in the Convention. Article 11 limits the application of the international rules to the cases in which legal questions of an international character arise, and leaves it to the individual States to enact legislation extending the system laid down in the Convention to cases where no international interests are involved.

A legal question of an international character arises wherever a vessel, on the date to which reference has to be made to determine the legal position in regard to it, is outside the country of registration, and it is precisely cases of this kind which at present lead to conflicts that are often difficult to settle and which make international regulation imperative.

But a question of international interest also arises when, even though the vessel is in the country of registration, one of the parties concerned—*e.g.*, the owner, the mortgagee, a preferential or an unsecured creditor—is a national of another contracting State. The Committee fully realises all the disadvantages of extending the international regime to cover such cases: first, the often considerable difficulty of deciding the nationality of the parties concerned and the extent to which this may delay the proceedings, and, secondly, the openings which may be afforded for fraudulent practices if special treatment is applicable for the sole reason that foreigners are interested parties. The Committee, however, feels that these objections should be overruled, first with a view to ensuring as wide an application as possible of the international rules and, secondly, because the force of circumstances will compel contracting States to assimilate their national law to the regime laid down in the Convention, *i.e.*, to accord their own nationals in every instance the advantages which the Convention provides only when nationals of other contracting States are interested parties.

2. The undertaking at international law assumed by the contracting States under Article 11 is to ensure the application of the provisions of the Convention. This imposes a double obligation. Every contracting State must give legislative force to the international rules in accordance with its own Constitution, or else maintain its legislation if it is already in conformity with the provisions of the Convention. Contracting States must, further, take the necessary steps to ensure that reasons of local public policy do not prevent the application in particular cases of foreign legislation which is applicable under the provisions of the Convention.

The undertaking to ensure the application of the Convention does not involve the obligation to institute any special procedure for the purpose of ensuring the application of foreign legislation where this is contemplated by the Convention. This is expressly stated in Article 16 as regards mortgage law, because there is here a peculiarly close connection between substantive and procedural rules and it is frequently doubtful, especially in international cases, whether a particular rule belongs to one or other of these categories.

Ad CHAPTER I. — OWNERSHIP.

Ad Article 12.

The provisions of Article 12 decide in cases of conflict of laws which legislation applies to the acquisition of ownership by a legal transaction.

The Brussels Conventions on Maritime Law do not contain any such rule, and the existing state of the law does not appear in practice to have led to any serious difficulties. In view, however, of the great variety of principles of substantive law found in the different countries and the incomplete character of private international law, such difficulties may daily arise and involve the interested parties in the most serious consequences. Reference need only be made to the following examples :

In German law, a vessel is considered for the purposes of the acquisition of ownership as ordinary movable property. For the transfer, agreement and delivery are essential. The law indeed prescribes and enforces by fines the registration of the new owner. This registration, however, has no significance from the point of view of private law. It is, for example, not a condition of acquisition. It does not constitute a legal presumption that the person acquiring the vessel has become its owner. In French law also, ownership is transferred in accordance with the rules of the ordinary law. An agreement suffices for the transfer, but it must be a written agreement. Only after registration, however, can the person acquiring the vessel alienate or mortgage it or maintain his rights of ownership against third parties. In Dutch and Swiss law, vessels registered on the register of vessels are transferred by agreement and registration. Until registration has been effected, the agreement has no operation *in rem* even as between the parties themselves.

Private international law, also, applies no uniform rules in this matter. In so far as it is the law to which the object itself is subject which is applied, the result is that a vessel will sometimes be regarded as movable and sometimes as immovable property, and therefore, if at the moment of transfer it happens to be outside the country of registration, it will be subject sometimes to the law of that country and sometimes to that of the place where it is lying. There may accordingly be cases where a transfer, valid according to the laws of the country of registration or of the place where the vessel is lying, will be deemed invalid in the other country.

As a rule, no special inconvenience will be caused by such a state of affairs, as the parties can arrange for due compliance with the formal requirements of both the countries in question. In special cases, however, *e.g.*, when the seller becomes bankrupt, the date of the transfer of ownership may acquire decisive importance. For cases of this kind, it seems desirable to remove the existing legal uncertainty by international agreement.

According to the statements made to the Rhine Committee by the representatives of the Rhine riparian States, the attempt to eliminate the possibilities of conflict of laws by unifying the substantive rules on the subject had no prospect of success. The draft had, therefore, to confine itself to establishing the rule to be applied in cases of conflict.

For the acquisition of ownership by the appropriate legal transactions, the legislation which may be applied is, as we have already shown, either that of the country of registration or that of the country where the vessel happens to be. In favour of choosing the former, we have the argument that only the laws of the country of registration can govern the conditions, form, tenor and effect of registration. On the other hand, in favour of the adoption of the *lex rei sitæ* the argument is advanced that foreign vessels do not in themselves differ from other movable property and ought, therefore, to be subject to the law applicable to such property, *viz.*, the law of the country where they happen to be.

Effect could be given to both these theories at the same time if the Convention were to stipulate that the law of the country of registration should apply as regards the obligation to register, and the conditions, form and effects of registration, but that, in other respects or at least in respect of delivery, the laws of the country where the vessel was lying should be applicable.

Such an arrangement, however, would not meet traffic requirements, which need something simpler and clearer. In the draft, therefore, acquisition of ownership is made subject in all respects to one law only : *viz.*, that of the country of registration, seeing that this is the only law which can apply as regards the registration itself.

The application of this law must, however, be subject to the condition that the law of the country of registration provides for publicity being given to the change in ownership by insisting upon its being registered upon delivery.

The draft does not provide any rules for the settlement of conflicts of laws in cases where the above conditions are not fulfilled. Each contracting State will therefore continue to apply the rules of private international law generally in force in its territory.

Thus, countries in which the application of the law of the country of registration is not opposed to considerations of public order can refer to them, and in this way expand the actual sphere of application of the provision of the Convention for settling conflicts.

The rule contained in Article 12 is supplemented by paragraph 2 of Article 27, under which, in case of enforcement of the security against the mortgaged property by a forced sale, the law of the place in which such enforcement is effected will apply as regards the transfer of ownership.

In the case of acquisition of ownership *mortis causa* the draft does not provide any rules to settle conflicts of laws. In such cases, the rules of each particular country dealing with conflicts of laws in the matter of succession must continue to apply. Unification of these rules cannot be effected within the framework of a legal convention dealing with communications and transit. There is no need, moreover, to provide, as has been proposed, for a reservation



whereby the laws of the country of registration would be permitted to grant the heir the right to alienate or mortgage the vessel only when he has secured its registration. The country of registration requires no international authorisation to enact such a rule and the international effects which it would have are guaranteed by Article 12 and Article 13, paragraph 1.

## Ad CHAPTER 2. — MORTGAGES

### GENERAL CONSIDERATIONS.

Chapter 2 deals with mortgages on vessels. The question is not, however, fully covered in this chapter. The relation of a mortgage to other preferred rights is dealt with in Chapter 3, the treatment of mortgages in case of the vessel being seized abroad in Part III, and the mortgagee's rights on transfer of the vessel from one registry to another in Article 9, paragraph 4.

In the field of mortgage law, the diversity of the rules which apply as to rights *in rem* is found to be as great as in the other fields, and there are no clear and universally recognised rules to regulate conflicts of laws.

A number of countries where inland navigation is not much developed have not yet sanctioned the mortgaging of vessels employed therein. Money can only be borrowed in those countries on the security of a vessel by pledging it (*nantissement*), *i.e.*, by actually delivering it to the creditor. Other countries admit mortgages, but in very varying forms. In Germany, the pledging of a registered vessel is regarded as a kind of pledging of movable property and is accordingly subject to the provisions governing the latter with the modifications resulting from the fact that the creditor does not obtain possession. In the establishment of the pledge, an entry in the register takes the place of delivery of possession. Such registration, moreover, has, unlike entry in the Land Register, merely conservatory effects; it does not have the effects attaching to a legal presumption of the existence of rights. In other countries, mortgages on vessels are modelled on mortgages on immoveable property—most closely in the Netherlands and in Switzerland. Here registration performs the same function as possession—it takes the place of the title of acquisition.

Under Belgian law, if the mortgage agreement provides for sale through a notary, the creditor is entitled, on the debtor's defaulting, to secure an order of the Court transferring possession of the vessel to him and putting the master under his orders. Similar provisions are not found in the laws of other Continental States. In most countries, the mortgage extends under the law only to the vessel and its accessories; in other countries, it extends to the freight or the amount of the insurance.

In these circumstances, a mortgage on a vessel, valid under the laws of one State, may, either absolutely or in respect of some of its effects, be deemed in other States to be contrary to public policy and therefore not be recognised.

From the standpoint of private international law, the view most widely held is that the constitution of registered mortgages is governed by the law of the country of registration. On other points, however, there is the same divergency of views as in the matter of the law of ownership. Some hold that the law of the country where the vessel was lying at the time the mortgage was established, others that the law of the country of registration, should apply as regards the extinction and as regards the content of mortgages. The question which is the competent country as regards registering mortgages does not yet seem to have been discussed at all in the case of vessels employed in inland navigation.

It follows, when the international nature of navigation is considered, that the value of a mortgage constituted under national law is problematical. The creditor runs the risk of his right not being recognised and taken into account in a foreign country, or else of his right lapsing for some reason unknown to him. He has no guarantee that the mortgage, even in a place where it is recognised as such, will produce all the effects belonging to it under the law of the country of registration. The result of this state of affairs is that creditors try to secure themselves by a number of stipulations which are often complicated and very burdensome to the owners. The only way of effectually remedying the situation is by international agreement.

The unification of substantive mortgage law still presents almost insuperable difficulties, and most of the Governments which replied to the questionnaire consider it impossible to achieve. In Chapter 2 therefore—apart from a few unessential points—the draft simply guarantees the international recognition of mortgages which are valid according to the laws of a contracting State and lays down uniform rules for determining the legal régime applicable in each specific case to the constitution, extinction and content of mortgages.

The provisions of Chapter 2 are not to apply merely to rights designated by national law as mortgages, but to every form of security which, like a mortgage, guarantees the owner of a money claim a right *in rem* to have his demand satisfied out of the vessel with priority over other creditors. In this connection, the designation and the legal form of the security are immaterial. The international regulations therefore apply equally to the mortgages of Dutch, French, Roumanian and Swiss law (which are modelled on mortgages on immovable property), to pledging of registered vessels of German law (which is a sub-species of pledging of movable property), and to the Belgian mortgage (which in some cases resembles the English mortgage).

The draft makes no attempt to frame a general definition to delimit the rights thus subjected to international regulation. It proceeds by enumeration and contains a clause (Protocol *ad* Article 13), where the pledging (*droits de gage*) of registered vessels in Germany and the "conventional privilege" in the Netherlands under the law as it existed prior to 1927 are assimilated to mortgages, while the other contracting States retain the right to supplement this list.

The draft does not limit the sphere of application of its provisions to mortgages established by contract, though it is only for such mortgages that the need for an international arrangement has made itself felt. It is desirable to include also legal and judicial mortgages, since serious inconvenience would arise in practice if a vessel encumbered simultaneously with a contractual mortgage and a legal or judicial mortgage were sold by auction abroad and the same legal régime were not applicable there to these different kinds of mortgages. This question will acquire practical importance more particularly in the case of registered "seizure" mortgages (*eingetragene Arresthypothek*) *i.e.*, mortgages which, under the legislation of certain countries, are registered on the basis of an "arrest" order of the Court. There should be no objections to conceding international recognition to legal and judicial mortgages, since the Convention only applies to registered mortgages.

As the pledge is not in the possession of the creditor, a mortgage can only claim international recognition if international publicity is secured to it. This involves registration in a register readily accessible to everyone and more particularly to interested parties abroad. There can, however, only be deemed to be such a readily accessible register, if the mortgage entries affecting a specific vessel are made in one register only; and such a register can only be kept in the country where the vessel is registered under the provisions of Part I, the vessel's connection with the country of registration being the only one which is permanent and recognisable.

A mortgage register may be either the register kept in accordance with the provisions of Part I or a special register; in the latter case, however, the main register and the mortgage register must contain references to each other (Article 13 and Final Protocol *ad* Articles 12 and 13). This will facilitate the acceptance of the Convention by States which desire to keep or introduce different registers—one for the registration of the vessel as required by administrative law and one for the registration and publication of real rights. This arrangement at the same time meets the requirements of traffic, as it provides for the co-ordination of both registers and ensures and facilitates reference to the mortgage register.

The legal régime described in Chapter 2 does not apply to unregistered securities; these come under the regulations of Chapter 3 and—unless these provide otherwise—the laws of the country concerned.

#### ANALYSIS OF INDIVIDUAL ARTICLES.

##### *Ad Article 13.*

This article determines what law is to govern the establishment and content of mortgages on river vessels.

1. As the rules laid down in this chapter only apply to registered mortgages and as the conditions, content, form and effects of registration can only be governed by the law of country of registration, it is only natural that this law should, in the other respects also, govern the establishment of a mortgage. This rule for the settlement of conflicts of laws does not form the subject of a special provision, but results from the terms of the rule discussed under 2.

2. Certain publicists hold that the establishment of mortgages on river vessels is governed by the law of the country of registration, but that the effects of the mortgage are governed by the law of the State in whose territory the vessel happens to be. From the practical standpoint, this view might be justified by pointing out the difficulty of ascertaining the rules of the applicable foreign law, which, more particularly in the case of seizure, may cause very serious delay in the procedure or lead to incorrect decisions. This objection, however, must be ignored. International recognition of mortgages on river vessels would be of doubtful value if steps were not at the same time taken to ensure that the effects of every mortgage would be governed in all countries by one and the same law. Otherwise, the owner could seriously prejudice the rights of the mortgage-holder by sending the vessel abroad.

For these reasons, Article 13 provides that the effects of the mortgage shall in principle be governed by the laws of the country of registration.

There must, however, be exceptions to this rule.

(a) This applies in the first place to the question under what conditions a mortgage extends to the material accessories of a vessel.

The practical importance of the question appears more particularly in cases where the vessel, at the time the mortgage is established, or subsequently, is equipped with articles which have only been hired by the owner; *e.g.*, a wireless installation, or with articles belonging to the hirer or charterer. This question may give rise to difficulties of an international nature when the vessel is outside the country of registration at the time the mortgage is established or the subsequent equipment added.

These difficulties are due to the fact that there is no uniform definition of accessories, that varying replies are given to the question whether accessories not the property of the owner of the vessel are included in the pledge, and that the whole of the regulations on the subject are, in many countries, incomplete and difficult to understand.

In the Committee's opinion, unification of the rules on the subject is the only possible way of satisfactorily solving the problem.

Article 13, paragraph 2, confirms the principle common to the law of all countries, that the mortgage also extends to the material accessories. Paragraph 3 supplements this by an international definition of material accessories so elastic in its wording that it will probably not be found inconsistent with the various national definitions.

The views of the Committee itself are divided as to the treatment of accessories not the property of the shipowner. For inclusion of these objects in the pledge, the following arguments are advanced: The security of mortgage credit would be seriously impaired if a third owner could remove from the vessel important articles of equipment. The owner of a vessel who is in possession of articles belonging to a third party can, under the existing law, pledge them validly as against the owner. Why should they, then, when brought on board the vessel, not be included in the property charged under a mortgage? As in the law regarding immovable property, accessories attached to the vessel by the charterer should be included in the property mortgaged. In opposition to this view, the regulations established by the German and Swiss laws were cited, under which only accessories which are the property of the owner of the main object are affected by a mortgage. The further argument is advanced that, under the law regarding immovable property also, accessories brought in by the tenant are not affected by the mortgage and that it is one thing to pledge an object which does not belong to you, and quite a different matter to use it only for the actual economic purposes of another object. The majority of the Committee took the view that preference should be given to the interests of mortgage credit, and that a mortgage therefore should extend to accessories not the property of the owner of the vessel.

The only exception made was where the mortgage-holder, at the time when the mortgage was established or the object was attached as an accessory to the mortgaged vessel, was acting in bad faith.

(b) In some countries, the law makes a mortgage extend, not only to the vessel and its material accessories, but also to certain claims, particularly those for freight and the amount of the insurance. The difficulty of according international recognition to this effect of the mortgage is that the claims in question are not always governed by the same rules of law as the mortgage. Where the laws of one State apply to the mortgage and the laws of another State to a claim arising out of freight or insurance contracts, the State of the place of registration is not competent to make such a claim part of the property mortgaged in such a way as to be internationally binding. For this reason, the principle laid down in Article 13, paragraph 1, can only apply to the effects of a mortgage so far as they relate to the vessel and its material accessories. Contracting States may make the mortgage attach also to the freight, the amount of the insurance, or to other claims. How far such extension can be internationally recognised depends on the general principles of private international law. This question does not require to be settled by a convention, as the parties concerned can, by inserting suitable clauses in the mortgage agreement, provide for a special pledging of the claims in question.

(c) Further modifications of the principle laid down in Article 13, paragraph 1, result from Article 14, which deals with the inclusion of interest among the rights secured by the mortgages, and from Article 16, dealing with those provisions of national legislation regarding the content of a mortgage which can only be given effect to by a special procedure.

Re-sale through a notary (*voie parée*), an institution peculiar to Belgium, requires special consideration. The Convention does not regulate the question whether and under what conditions and order of a Belgian Court giving the mortgage-holder possession of the vessel and putting the master under his orders can be executed abroad. Should the creditor, however, have actually secured possession of the vessel, such possession must be deemed legitimate in all the contracting countries. This is expressly provided in paragraph 2 of the Clause "ad Article 13" of the Protocol.

The rule discussed above regarding the law in accordance with which the content of a mortgage will be determined, when taken in conjunction with Article 11, makes it unnecessary to provide specially for the mutual recognition of mortgages on vessels validly established under the law of one of the contracting States.

#### Ad Article 14.

This article deals with the security furnished by the vessel for interest on the claim. Under all the laws governing mortgages on river vessels, the vessel constitutes a security for arrears of interest also. Since the register does not show for what period interest is in arrears, this regulation is a departure from the principle that the register should show the extent of the charges on the vessel. This departure can only be justified if the vessel furnishes security for interest for a strictly limited period only. The laws of the different countries lay down different periods. It may be doubtful whether, in case of conflict, the law of the country of

registration or that of the Court dealing with the case should apply. In the draft, this question is decided in favour of the country of registration, with the proviso, however, that the mortgage on the vessel may not guarantee interest for more than three years in addition to the current year.

Ad Article 15.

Article 15 specifies what law shall apply to the extinction of mortgages on vessels.

In principle, the extinction of the mortgage should also be governed exclusively by the law of the country of registration. A mortgage which, under the law of the country of registration, no longer exists should be deemed to be non-existent in another contracting State. Again, the security furnished by a mortgage would be seriously impaired if it were permissible, on the basis of foreign legislation, for a mortgage to be extinguished by circumstances which the law of the country of registration did not recognise as reasons for extinction. The law of the country of registration, therefore, should determine whether the extinction of the claim or the merging of ownership and mortgage in one person should have the effect of extinguishing the mortgage, or alternatively of converting it into an "owner's mortgage" (*Eigentümerhypothek*). The same law should also decide whether and under what conditions and in what forms the mortgage can be extinguished by renunciation, public summons or redemption by a purchaser (*purge*).

In two cases, the above principle has to be departed from, and the laws of the place where the vessel happens to be must be applied :

(a) In the case of a forced sale being held abroad, as this relates to an effect at private law of the procedure of enforcement of the security and it is desirable that this procedure should be subject in every respect to one and the same law (*cf.* Article 15, paragraph 1, and Article 30, paragraph 2).

(b) In the case of the separation of material accessories, which are thus withdrawn from the sphere of application of the special law and come under the sphere of ordinary law as ordinary movable property. The ordinary law therefore must determine under what conditions the mortgage continues to apply to the separated accessories (Article 15, paragraph 2).

A further exception arises from the rule laid down in Article 16.

Ad Article 16.

Substantive mortgage law is so closely connected with procedural law that certain rights and obligations of the parties can only be given effect to by a special procedure. Where the law of the country of registration prescribes a special form of procedure not known in other contracting States, the latter cannot be required to institute forms of procedure applicable solely to vessels registered in the first State.

Ad Article 17.

The object of this article in conjunction with Article 9, paragraph 4, is to guarantee the mortgagee against the risk which he might incur, in the case of the vessel's being registered in another State, owing to the mortgage disappearing or its content being altered.

Article 9 stipulates that the registration may not be transferred except with the consent of the mortgagee and on the conditions accepted by him. These conditions must, under Article 17, be compatible with the laws of the new country of registration.

On the consent being given, the mortgage is entered automatically in the new register, thus obviating the danger of another charge being placed on the vessel elsewhere in the interval between the disappearance of the mortgage from the old and its registration in the new register.

On being entered in the new register, the mortgage is governed by the legislation of the new country of registration.

Ad CHAPTER 3. — LIENS.

GENERAL CONSIDERATIONS.

The object aimed at in the draft in providing for reciprocal recognition of mortgages would not be attained unless the question of liens—at any rate in so far as such liens have priority over mortgages—were regulated at the same time in the interest of credit in regard to river vessels.

Obviously, such credit would be jeopardised if the contracting parties did not reciprocally undertake to limit the number of claims having priority over mortgages, and if, in consequence, the mortgage-holders were liable to lose their security in the event of the vessel being forcibly sold and the whole of the proceeds of the sale being used to meet the privileged claims.

This danger is particularly serious because it is impossible to know in advance in what country a vessel may some day be seized and what liens will be recognised by the law applied by the Court dealing with the case.

Moreover, liens are in the nature of "concealed" rights, which may render the security worthless even at the time when it is given.

The Committee was thus obliged to include the question of liens in its draft.

It had now to recognise, however, that it could not study the interests of the mortgage-holders alone.

If the matter is to be settled in a reasonable manner, all the interests concerned must be duly taken into account.

Although, in the economic interest of the safeguarding of credit in respect of river vessels, the number of liens having priority over mortgages had to be limited, it was only fair that there should be international recognition of the guarantees provided by the lien in respect of certain claims: *e.g.*, claims for debts relating to the upkeep of the vessel—which latter is the security common to all the creditors—or other claims which must be safeguarded for social or humanitarian reasons. As in the case of mortgages, international recognition seemed necessary for liens, otherwise the position of these rights would be very precarious even though their number were strictly limited.

In laying down the main lines for the regulation of liens, the Committee had to take into account primarily the existing systems of river law. It also had to determine whether and how far maritime and river law should be brought in harmony with each other in this matter.

There are very few systems of river law which lay down virtually the same provisions in respect of liens as are found in maritime law. To take only one example: German law provides for the limitation of liability, both in river and in maritime matters, and establishes a close connection between this matter and that of liens, but draws far-reaching distinctions between the system of liens in force as regards respectively river-craft and sea-going vessels. Indeed, apart from a few cases where the geographical conditions are of a special nature, it is very natural that this should be so, since this is one of the respects in which the differences between the two classes of navigation are most marked. As an illustration, we need only point to the differences in respect of general average, insurance against collisions, the legal powers of masters of vessels, the notion of "voyage", etc. These differences are due mainly to the different nature of the risks involved and the different relative values of the vessel and its cargo.

Besides these considerations, there were others still more important which rendered a separate settlement highly desirable.

The International Convention for the Unification of Certain Rules relating to Maritime Liens and Mortgages, signed at Brussels on April 10th, 1926, is, and was bound to be, a compromise between the different systems of law.

Unlike the Venice draft, it provides for a fairly large number of liens. In this respect it is similar to German maritime law, and the similarity exists on the very points on which that law differs from the river law.

On the other hand, Anglo-Saxon and American law must obviously have exercised a profound influence on the solutions adopted by the Brussels Conference.

Lastly, some of the Continental laws—French law for example—have entirely different systems for maritime liens and for liens in respect of river vessels, and to take maritime law as a basis would, in the case of these systems of law, mean running directly counter to established legal practice.

The Committee therefore considered it in every respect preferable to treat the question as an independent problem and to try to find on its own account a compromise between the various European systems of river law. It endeavoured as far as possible, however, to adopt the solution of the Brussels Convention, with a view to enabling the draft to be accepted more readily by countries such as Belgium, whose legislation even in the matter of liens is largely the same as regards maritime law and river law.

It could not be enough to deal with the question by settling conflicts of laws, as was done in the case of mortgages.

It was not possible to make the law of the court dealing with the case applicable if it was intended to provide an effective safeguard for the rights both of the mortgage-holders and of the holders of liens; nor could the law of the country of registration be adopted to the exclusion of all others. There are certain liens—such as liens in respect of collisions—where the choice of this law appeared unsuitable.

Further, in the case of a number of liens recognised by the vast majority of legal systems, it seemed desirable to proceed by establishing uniform legislation, applicable, of course, to the cases provided for under Article 11, which covers the whole of Part II.

The Committee thus decided upon a mixed system; the details of this system and the reasons for its adoption are fully indicated below for each particular lien.

The liens for which the draft adopts the method of uniform legislation are, first those mentioned in sub-sections (i), (ii), and (iii) (except liens in respect of funeral expenses), and, secondly, those in respect of compensation for salvage and assistance (sub-section (iv)), and those relating to compensation for collision (sub-section (v)).

The lien in respect of collisions, etc., which is provided for in the Venice draft as well as the Brussels draft, is therefore retained, but—for reasons which will be given later—it is, as in German law, limited in principle, and in accordance with certain detailed rules, to cases where the facts giving rise to the claim occurred prior to the registration of the mortgage.

In two cases of liens of an unimportant character the matter is left to the Court dealing with the case—the lien (already mentioned) in respect of funeral expenses, and that mentioned in sub-section (vii).

There remain the lien relating to general average (sub-section (iv)) and that referred to in sub-section (vi).

The essential reason for retaining these liens is the necessity for taking into account the German system and the parallelism which exists in that system between a lien and limitation

of liability. These liens have therefore been retained only so far as is necessary to make due allowance for the system in question, and accordingly have in other respects been reduced to a minimum. They exist only if they are recognised by the law of the place of registration and provided that the circumstance on account of which they had to be retained—*i.e.*, the fact of limitation of liability—is actually realised.

Further, the liens of sub-section (vi) are in principle limited, as in German law, to cases where the facts giving rise to them are prior to the registration of the mortgage.

The above are the only liens which enjoy priority over mortgages.

A comparison of this system with the Brussels system shows that it has been possible to go very much further in regard to the safeguarding of mortgage credit.

In order not to jeopardise the success of the draft, it seemed desirable not to exclude the possibility of other liens being provided for by the laws of individual countries (see below, Article 18-II).

#### ANALYSIS OF INDIVIDUAL ARTICLES.

##### Ad Article 18.

The term “liens” comprises all the preferred rights over a vessel which the law accords to particular claims with the effect of entitling the creditor to secure payment of his debt out of the proceeds of sale of the vessel with priority over other creditors to whom such a preferred right is not accorded. The name given to this right in the laws of different countries (in German law, for example, such rights are called “Schiffsgläubigerrechte”) is immaterial. The idea of a lien must be understood, not in the special sense attached to it by any particular system of law, but in a general sense.

The question as to what is to be the subject of the lien is settled in the draft Convention (Article 18, paragraph 1) in the sense that the liens recognised by the Convention are to extend to the vessel itself and its material accessories.

According to the Brussels Convention, liens also attach to the freight for the voyage during which the debt was incurred. It did not seem desirable to follow this example in the case of river shipping, as the definition of “voyage” would give rise to still greater difficulties in inland than in maritime navigation, and because, although at sea the rule may be justified by tradition, it has been introduced in river law in a few legal systems only—apparently by analogy.

As in the case of mortgages, it did not seem necessary that liens arising from contract should extend beyond the material accessories of the vessel. Any individual system of law may of course provide that liens shall attach to other things than the vessel and its material accessories—the freight, for example—but international recognition of such liens will remain subject to the ordinary rules of international private law.

*Section I.* — (i) As the first debt enjoying a lien which should be mentioned in the list given in Article 18, the Committee felt it right to select judicial expenses: *i.e.*, the costs of the proceedings for enforcement of the security, which in all countries are placed first among the items to be deducted from the proceeds of the sale of a vessel. Taking into account the existing systems of law, it was decided that these expenses should include, not only the costs of the proceedings themselves, but also all expenses incurred by the authority before which the proceedings are taken, from the actual seizure down to the distribution of the proceeds in the common interest of the creditors, inclusive of the costs of custody of the vessel during the proceedings. On the other hand, judicial expenses do not include expenses incurred by a creditor for the purpose of obtaining execution (*titre exécutoire*).

(ii) This sub-section comprises two different categories of debts. The first consists of the cost of upkeep of the vessel: *i.e.*, expenses incurred for repairs subsequent to seizure, though only such repairs as are necessary to prevent the vessel from deteriorating. The second category comprises shipping taxes and harbour dues. This includes all public taxes and dues resulting from navigating the vessel, such as bridge, lock, canal, quay and berthing dues and pilotage fees. These two categories of claims already enjoy a lien under the existing laws of most countries.

(iii) The liens (comprised in sub-section (iii)) relate to claims on the part of the crew or any other persons engaged for service on board, but not to claims by other persons, *e.g.*, those employed for loading or unloading while the vessel is in port. The lien must be granted to all claims resulting from the engagement contract, more particularly the pay of the master and crew and other remuneration or indemnification for their service on board.

In maritime navigation, the Brussels Convention allows this lien (Article 2) in respect of all claims of this category without restriction, subject to the rule that claims relating to the last voyage take precedence over those of the previous voyage where the latter do not result from a single engagement contract covering a number of voyages and thereby enjoy the same rank as claims relating to the last voyage. As already pointed out, it was not desirable to introduce the notion of a “voyage” in connection with inland navigation. Moreover, at sea it is still quite frequent for at least part of the wages to be paid at the end of the engagement. In inland navigation, on the other hand, wages are mostly paid at fixed periods—weekly or fortnightly, or at most monthly. In these circumstances, the Committee

considered that it was justified in restricting the lien in the matter of wages to those due for a fairly short period, which was fixed at three months.

The compensation due for accidents incurred in the performance of duties or as a result of occupational diseases (which also comes under sub-section (iii)) may in some systems of law also be payments due under the engagement contract. As, however, this is not always the case—and especially as, if the accident has caused the death of a member of the crew, the family or other persons who might claim compensation for the death do not always hold a lien in respect of their claim, since the payment may not be one due under the engagement contract—special mention had to be made of such compensation.

At the same time, it seemed that this lien should not be applicable where the risk of accidents incurred in the performance of duties or that of occupational diseases are covered by compulsory insurance. In countries where social legislation has reached an advanced stage and insurance is compulsory, the necessary guarantees for payment of compensation already exist (insurance funds, etc.) so that in practice the lien is needless. As, moreover, the sums involved would be fairly large (capitalised annual payments) and might prove prejudicial to borrowing on the security of river-craft, it seemed preferable to abolish the lien in this case and to allow it only in the case of countries where social legislation is still somewhat backward and no compulsory insurance exists.

Sub-section (iii) also includes funeral expenses in the event of the decease of the master-owner of the vessel. To abolish this lien where it is already allowed by the laws of individual countries would give rise to difficulties. As, however, no such lien exists in many countries, the draft Convention provides for its retention only when allowed by the law of the court dealing with the particular case. Thus this lien does not appear among those to be made compulsory in all the contracting countries; each State has the right to embody it in its legal system, whereupon the holders may avail themselves of it if the vessel is seized in the territory of the State in question.

(iv) Sub-section (iv) includes compensation for salvage and assistance and the contributions of the vessel to general average. But, whereas compensation for salvage and assistance enjoys a lien in all cases, contributions to general average have no lien unless such a lien is recognised in the country where the vessel is registered and its maintenance is justified on account of its connection with limitation of the owner's liability, as already explained above. This departure from the practice followed in maritime law (Brussels Convention, Article 2 (3)) may readily be justified. At Brussels, it was held that this lien did not harm mortgage credit, because the shipowner is usually insured against the risk of the vessel's contribution to general average. As the lien granted for this claim is admitted in many systems of law, there was thus no objection to retaining it. In inland navigation, however, the practice is not quite the same, nor is the holding of a lien for contribution to general average by any means so common. In order to strengthen credit in connection with river-craft, therefore, this lien had to be limited as far as possible.

(v) The lien mentioned in sub-section (v) relates to compensation for collision or other accidents of navigation. In the system established by the Brussels Maritime Convention, such debts have a lien irrespective of the date on which they were incurred. In inland navigation, it did not seem possible to follow this system, since river-craft credit would be seriously impaired if a mortgage debt were to rank after a payment subsequently becoming due to the owner of a vessel collided with or to the owner of a damaged cargo the value of which might be very much greater than that of the vessel causing the collision. As vessels employed in inland navigation are of much lighter build than sea-going ships, but have a relatively large capacity, the value of the vessel may be entirely disproportionate to that of the cargo, whereas such disparity does not exist—or, at all events, is not so great—in the case of sea-going ships. The best course was therefore to limit as far as possible the liens granted to compensate for collision, more particularly since in many countries no such lien exists in the case of inland navigation vessels. The draft (see below, Article 19) effects this limitation in such a way that the exercise of the lien in question cannot possibly prove harmful to mortgage credit.

(vi) The lien referred to in sub-section (vi), namely, that granted in respect of compensation for personal injuries to persons on board (in so far as such compensation does not come under sub-section (iii)) and for loss of or damage to the cargo or passengers' baggage, has been dealt with in the same way as the lien dealt with in sub-section (v): *i.e.*, so that the conditions under which it may be exercised cannot harm mortgage credit. It is provided, moreover, as in the case of the lien dealt with under sub-section (iv), that the lien of sub-section (vi) can be exercised only if it is recognised by the law of the country in which the vessel is registered and the owner's liability is limited.

This again constitutes a departure from the system of the Brussels Maritime Convention, the reasons for the course taken being similar to those mentioned under the preceding sub-sections: namely, that there may be a disparity between the values of the cargo and of the vessel and that many States are unwilling to introduce into their law a lien which it does not recognise.

(vii) Under this last sub-section, every contracting country has the right to establish under its internal law a lien in respect of the social insurance premiums of the crew and other persons engaged for service on board. The persons concerned, however, will not be able to enforce this lien unless it is provided for by the law of the country in which the Court dealing with the case is situated.

It did not seem justifiable to recognise in the case of inland navigation the lien provided for in Article 2, paragraph 5, of the Brussels Convention. It is unlikely that cases will occur in which the master, being unable to communicate with the shipowner, may justifiably make large outlays without the latter's consent, and it is therefore needless in the case of river-craft to give the master the extensive powers which he traditionally holds under maritime law. It is to be noted that even Belgian law, which in other respects simply applies the maritime law of liens to river navigation, makes an exception as regards this particular lien.

*Section II.* — Article 18 provides under II that the law of the country concerned may allow liens other than those referred to in I, but such claims rank after mortgages (Article 19) and the lien does not follow the property after change of ownership (Article 22).

#### Ad Article 19.

Article 19 deals with the priority of liens as against mortgages.

The first paragraph provides that only claims enjoying a lien in virtue of Article 18, section I, take priority over mortgages.

The following paragraphs deal with the claims mentioned in sub-sections (v) and (vi), which take priority over mortgages in certain cases only. The reasons why such claims must sometimes rank after mortgages have been stated in the discussion of those sub-sections. It was agreed that such claims must not prejudice mortgage credit; to ensure this, it was essential that the mortgage-holder should be able to know of their existence before granting a loan. For this purpose, it was decided that the events giving rise to the claim must be prior to the registration of the mortgage. Even that, however, was not enough. One member of the Committee observed that, in view of the distances involved and the slowness of communications on some rivers, a mortgage-holder might, at the time of granting a loan and registering the mortgage, be unaware whether any of the events giving rise to liens under sub-sections (v) and (vi)—a collision, for example—might not have taken place. To meet this objection, the Committee agreed that, even when the events giving rise to the claim took place prior to the registration of the mortgage, the creditor will not have a lien ranking before the mortgage unless within fifteen days he has the vessel seized and submits a request—which would be deemed to be submitted on the arrival of his letter or telegram at the proper office—for the seizure to be entered on the registers kept for the public notification of rights. This procedure is similar to that provided for the case of enforcement of the security against the mortgaged property (*exécution forcée*) (see pages 27 and 28). A creditor holding a lien under sub-sections (v) and (vi) must thus act quickly if he does not wish to lose his lien; and this is quite right, since nothing is more harmful to credit than a concealed lien. The mortgage-holder is fully secured against such concealed liens if he withholds payment of the money lent for fifteen days after registration and stipulates that the money will be paid over only if no application for registration of a seizure is received. The last paragraph of Article 19 fixes the starting-point of the time-limit of fifteen days.

#### Ad Article 20.

The priority of liens among themselves is determined by their order in the list given in Article 18, irrespective of the voyage during which the claim arises (Article 20, paragraph 1). This departure from the Brussels Convention is justified in view of the difficulty already mentioned of defining the meaning of the term "voyage" in inland navigation and in view of the existing laws of the majority of countries.

Liens mentioned in the same sub-section have the same rank (Article 20, paragraph 2); hence, creditors holding such liens are paid concurrently and, should the proceeds of the sale prove insufficient, *pro rata* to their claims (Brussels Convention, Article 5, paragraph 1).

There is one exception to this rule: claims mentioned in sub-section (iv) will be paid preferentially in the reverse order of the dates on which they arose. Such claims relate to expenses (salvage, assistance, general average), incurred in salving the vessel, which is the security common to all the creditors, and it is only fair that the person having the most recent claim, and but for whom the previous creditor would have lost his security, should be paid first (see Brussels Convention, Article 5, paragraph 2).

#### Ad Article 21.

Sub-sections (iv) and (vi) of Article 18 do not allow the claims which they cover to rank prior to a mortgage if such prior lien is not provided for by the law of the country of registration. This rule appeared necessary to protect mortgage credit. It only seemed allowable, however, on condition that the creditor whom it deprived of his rights *in rem* retained a claim against the debtor's property other than the vessel. A clause had therefore to be included enabling a creditor sustaining a loss through the cancellation of his lien to take proceedings for recovery of the debt due to him, to the extent of the loss so incurred, from the whole estate of his debtor, without the latter being able to take advantage of any limitation of his liability.

The same rule is justifiable in cases where the creditor sustains a loss through the application of Article 19, paragraph 2.



Ad Article 22.

As regards the establishment of liens, Article 22 provides that the claims enumerated in Article 18, section I, shall give rise to a lien without being subject to any special conditions as regards proof. The lien arises at the same moment as the claim with which it is connected, in accordance with the system of the Brussels Convention, without any formalities having to be complied with. In order to enjoy the lien it will be sufficient to prove the claim.

As regards the legal character of the liens enumerated in Article 18, section I, the Committee thought that, if the lien was to fulfil its object, it would have to be given the character of a right *in rem* enforceable against any third party in possession of the vessel. On the other hand, the liens established by the laws of individual countries as contemplated in Article 18, section II, do not follow the property after change of ownership, and accordingly international dealing in vessels is entirely protected.

Ad Article 23.

Article 23 regulates the extinction of liens. Obviously, a lien cannot outlast the claim to which it belongs. A lien must therefore lapse not later than the time when the claim itself lapses. It was also found necessary, in the interest of river-craft credit, to limit the duration of the lien to a period sufficient to enable the creditor to enforce his right of priority. In the Brussels Convention, this period was, as a general rule, fixed at one year from the time when payment could be demanded. This period would be much too long for river navigation. Three months may be regarded as sufficient. The starting-point of the period is fixed in the manner appropriate to the various types of liens. Apart from these two causes of extinction, liens must also expire in the case of forced sale.

In the case of liens the establishment of which is left entirely to the law of the country concerned (Article 18, section II), that law may provide still further causes of extinction.

Ad Article 24.

Article 24 of the draft Convention corresponds to the similar provision of Article 13 of the Brussels Convention.

### PART III. — ENFORCEMENT OF THE SECURITY AGAINST THE MORTGAGED PROPERTY (EXÉCUTION FORCÉE).

The rules of law contained in Part II are defective in that they do not deal with the enforcement of the security against the mortgaged property; this is covered by Part III.

Ad Article 25.

This Part, also, applies only to vessels registered in the register of one of the contracting States in accordance with the provisions of Part I. It is applicable only when the vessel against which the proceedings are taken is in a contracting State other than that in which it is registered. The sale by auction of a vessel which is lying in the country of registration does not affect any international interests which are not already covered by the provisions of Part II. From the point of view of the owner and the mortgage-holder, it would be preferable if the law of the country of registration could apply to enforcement of a mortgage against a vessel, both as regards the procedure and as regards the consequences at private law. Such an arrangement, however, cannot seriously be considered. It would mean that every State would have to introduce a special form of procedure for the vessels of every other contracting State. Moreover, no State could accept the law of another State as governing the conditions, form and effects of its own sovereign acts.

The draft must, therefore, start from the principle that the vessel is subject to two systems of law: in cases of enforcement of the mortgage abroad, it comes under the law of the place of enforcement (Article 25) and, in other cases (to the extent laid down in Part II), it is subject to the law of the country of registration. The object of the present Part is to remove the inconveniences which arise from this circumstance.

Ad Article 26.

The first step in the proceedings for enforcing the mortgage is everywhere an official act—that of seizure—which places the vessel at the disposal of the competent authority for the purpose of such enforcement; the owner is thereby precluded from alienating or encumbering the vessel so as to affect the creditor taking the proceedings.

The laws of the various countries, however, differ as regards the form in which the seizure is made and the time at which it becomes effective as against third parties. Two examples may be cited. In Germany, seizure takes place in virtue of an order of the Court ordering commencement of the proceedings of enforcement of the mortgage, and, as soon as the official minute declaring the proceedings to have commenced has been entered in the register, the seizure operates as against all parties, even as against third parties who are *bona fide*. Further, the seizure operates as against third parties not in good faith from the moment that the order is notified to the debtor or to the controller of the register for the purpose of the entry in the register, or from the moment that the person appointed by the Court takes over the custody of the ship. In Belgium, seizure is effected by the officer of the Court; it does not, however,

produce any effects until entered in the register. In the Netherlands, the seizure is effected by the officer of the Court and operates as against both a person acquiring the vessel and as against the mortgage creditor in virtue of entry on the register.

The Belgian procedure cannot be taken as a basis for international regulations. The validity of the seizure, which is an act of a public authority, cannot be made dependent on a foreign authority's recording this act in its register. There is the further consideration that in international relations it is frequently impossible to have the entry made with the despatch essential in the interests of the prosecuting creditor. Article 26, paragraph 3, of the draft therefore lays down a uniform rule which gives equal consideration to the legitimate interests of the creditor enforcing his security and the purchaser and to the legitimate demand for enforcement of honest dealings in transactions of a mixed commercial and legal character. Any person securing a transfer of the ownership to himself, although he is aware, or by exercising due care ought to be aware (the proof of these facts falls on the other party), that enforcement of the security has been ordered or the vessel seized, cannot enforce his claim as against either the creditors enforcing their security or person to whom the vessel is adjudged. The same applies when international publicity has been given to the opening of the procedure or to the seizure; it is sufficient to constitute such publicity that the appropriate notification should have been received by the authorities of the country of registration whose function it is to keep the register ensuring publicity of private rights.

The rule of private law set out in paragraph 3 is supplemented in paragraphs 1 and 2 by certain procedural provisions.

Paragraph 1 stipulates that the registration authorities are to be informed of the seizure. The law of the place of enforcement of the security determines whether this duty rests on the authority enforcing the security or the prosecuting creditor. The notice has to be sent to the office of registration (Part I). For this purpose, a uniform form adapted to the requirements of international juridical relations is used; the notification can be made to the office of registration through a consul, if necessary, by telegram.

Under paragraph 2, it is the duty of the office of registration to see that all the inscribed creditors are informed of the notice and that an entry of the notice itself is made in the register. Should there be a special register for securing publicity to private rights, the notice must be immediately sent to the authorities in charge of such register.

#### *Ad Article 27.*

Under Article 27, paragraph 2, the effects at private law of the sale, *i.e.*, the transfer of ownership to the person to whom the vessel is adjudged and the extinction of the mortgages are governed by the law of the place of enforcement of the security. The draft, however, lays down certain minimum procedural requirements in respect of procedure which the law in question must satisfy.

The competent authority under the law of the place of enforcement of the security is bound to notify the inscribed creditors, at least three weeks in advance, of the period within which they must intervene in the proceedings of enforcement in order to be able to assert their rights, and of the date on which the forced sale is to take place. It must, further, give public notice of the date of the sale in a newspaper published at the place where the authorities responsible for keeping the register have their office (Article 27, paragraph 1).

#### *Ad Article 28.*

Failure to observe the formalities laid down above involves the nullity of the sale, either absolutely or as against third parties, or the payment of compensation by the State for the detriment caused by such failure. The law of the place of enforcement of the security is to determine which of these penalties shall apply.

#### *Ad Article 29.*

This Article stipulates that the procedure for the distribution of the proceeds of the sale shall also be subject to the law of the place of enforcement of the security.

#### *Ad Article 30.*

Article 30 lays down the conditions under which mortgages extinguished in consequence of the sale are to be cancelled in the register. Such cancellation is effected on production of a certified copy of the record of the sale. The competent authorities of the country of registration are only entitled to verify whether the authority which proceeded to the sale was competent to do so and whether the provisions of Article 27 regarding publicity of the proceedings were observed.

### PART IV. — GENERAL PROVISIONS.

#### *Ad Article 31.*

Article 31 defines the term "vessels" for purposes of the draft Convention. Without such a definition, some floating appliances might not be deemed to be vessels and, in consequence, mortgages on such appliances would not be internationally recognised. This would obviously be unfortunate whenever, on account both of their mobility and of the security they offer these appliances present analogies to barges and tugs. Such is the case with dredgers and floating cranes and elevators, which are very often mortgaged, and which, from the nature of their work, are operated sometimes in one country and sometimes in another. The Committee thought however that it should not draw up an exhaustive list, but should simply give illustrative examples. Accordingly, it added after the list the words: "and all floating appliances or plant of a similar nature".

Ad *Article 32.*

Article 32 provides that the Convention will not be applicable to vessels exclusively employed in any capacity by the public authorities. This new wording is based on the view, now generally accepted, that, although Government vessels should not as a rule be subject to conventions establishing the law applicable to private individuals, this exception should not extend to vessels which, while belonging to a Government, are employed by it for commercial purposes. The justification for the exception is the State's position as a "public authority"; hence the wording proposed.

Ad *Article 33.*

Article 33 relates to the measures of execution which States must take to ensure the application of the Convention and the observance of its provisions. In particular, penalties must be provided by the laws of the individual countries to punish infringements of the obligation to register, the prohibition against registering a vessel in more than one country, etc.

Ad *Article 34.*

Article 34 contains a clause of a practical nature designed to facilitate and expedite the communications provided for by the Convention between the various authorities applying it and thus to hasten the settlement of questions affecting navigation in general.

Ad *Article 35.*

Article 35 provides for the communication of the enactments made by each of the contracting States to ensure the execution of the Convention (as is generally done in such cases), of a list of the authorities responsible for keeping the registers, of the initial letters of the registration offices, and also of any changes that may subsequently be made in the list. In this way, the competent authorities of each State will have all the information necessary to identify vessels and to make the communications provided for in the preceding article.

Ad *Article 36.*

The reason for Article 36 has already been explained in the general considerations regarding registration (see page 13). What the Committee wanted to prevent was that the Convention on Certain Questions of River Law should be interpreted as modifying the statutes of international waterways. It was no part of the Committee's duties to determine or interpret the scope or meaning of those statutes. Certain members, however, argued that the draft contains clauses the application of which to vessels of non-contracting States may be regarded by those States as contrary to the statutes of international rivers; whereupon the Committee, while not called upon to say whether this observation was well founded or not, has replied that in no case must its draft conflict with the statutes of international rivers, and that, if there were such a conflict between two conventions, the one establishing the statute of the international river should take precedence over the Convention on Certain Questions of River Law.

If a dispute arises in connection with the interpretation of the statute of a river, therefore, a State may not cite the Convention on Certain Questions of River Law to define the obligations incumbent upon it under the statute of the river.

Ad *Article 37.*

Article 37 provides for the settlement of any disputes to which the application of the Convention may give rise.

One member of the Committee considered it unnecessary to provide in the drafts for the compulsory judicial settlement of disputes arising with regard to the interpretation or application of the provisions of the Convention. The object of the Convention would not justify such a provision. This was recognised in the case of the Brussels Conventions on Maritime Law and the Convention on the Measurement of Vessels employed in Inland Navigation, which contain no clause relating to the pacific settlement of disputes. If, however, such a clause were regarded as necessary, States, should be left free to settle possible disputes by any means of pacific settlement: conciliation, arbitration or application to the Permanent Court of International Justice. Almost without exception, States were to-day bound together by a large number of treaties and conventions relating to the pacific settlement of disputes; the methods and means provided for by those engagements would be amply sufficient to ensure the pacific settlement of any disputes which might arise from the application of conventions on private river law.

This member also considered that one of the reasons why all States had not ratified the Barcelona and Geneva Conventions was because those Conventions contained a clause providing for the compulsory judicial settlement of disputes. The alleged advantages of uniform jurisprudence could not, he said, justify in the eyes of the Governments the relinquishment of their general policy in regard to the pacific settlement of international disputes.

The other members of the Committee, however, were of opinion that the object of the Convention was to establish uniformity and that this object would not be achieved if, as a

result of the development of case-law in the different countries or the operation of bilateral arbitration treaties, the Convention were allowed to be interpreted in different ways. They pointed out that the judicial settlement of disputes of the kind likely to arise in connection with the Convention in question had only a remote connection with the general policy followed by Governments in regard to the pacific settlement of international disputes and that, in any case it constituted a definite step forward which it was the duty of the Committee, which was not concerned with politics, to recommend. If the matter was looked at from a political standpoint, it would be found that there were other Governments which held views contrary to those expressed and which desired that as many international disputes as possible should be settled by the means provided for in the Barcelona Convention.

Finally, certain members of the Committee laid special stress on the fact that the Convention did not merely contain provisions of private law, but that certain clauses, which laid down the rights and obligations of States, partook of the nature of public law. These members pointed out that, when the texts were being drawn up, it was even stated on several occasions that certain texts could not be accepted unless they contained a clause providing for the settlement of disputes, that is to say, a clause ensuring that only one interpretation could be given to the texts, the observance of the letter and spirit of which was in the interest of all the contracting States. Supposing, it was said, that one of those clauses, as the result, say, of an arbitral award, were to be interpreted in a certain manner by two countries concerned; although that interpretation would only apply to those two countries, this would obviously constitute a precedent which might possibly injure the interests of a third contracting country. Moreover, such a settlement might interfere with equality of treatment.

In view of these circumstances, the least that could be done was to distinguish between the various provisions of the Convention: *i.e.*, those governing administrative questions and those dealing solely with relations between private individuals.

The former comprise all clauses relating to registration, which are all to some extent of an administrative nature, and also those dealing with the obligations of States in regard to the publicity of acts relating to vessels. As regards these provisions, the Committee proposes the adoption of a single system for the settlement of disputes, based on the system adopted in most navigation acts: namely, after a previous procedure of conciliation before the Advisory and Technical Committee for Communications and Transit, that each of the States concerned should be entitled to submit the dispute by a written application for judgment to the Permanent Court of International Justice. This procedure is to prevail over any other procedure provided for in another treaty of conciliation, arbitration or judicial settlement.

This system would ensure the uniform interpretation of these clauses, some of which—such as the last paragraph of Article 3, concerning the right of States to require certain vessels to be entered on their registers—are of a particularly delicate nature. If this procedure is adopted, each of the contracting States will, in virtue of the Statute of the Court, be in a position to intervene during a dispute which has arisen between two other contracting States and to state its views before the Court as regards the interpretation of texts which are of the greatest importance to it from the point of view of exercise of the public authority.

The second class of provisions comprises all the other clauses of the Convention governing questions which are exclusively matters of private law. As regards this class, the majority of the Committee, in the hope of facilitating the unanimous acceptance of the draft, proposes that no innovation of any importance should be made in regard to existing conventions governing similar matters.

Nevertheless, in view of the fact that a clause relating to disputes was embodied in the Convention, it did not seem possible to leave certain disputes without any provision for their settlement by judicial settlement or arbitration. It was accordingly agreed that, in general, the disputes in question should be settled under the conditions provided for in existing treaties of arbitration or judicial settlement, but that, in the absence of treaties of arbitration or judicial settlement, States might submit these disputes by a written application for judgment to the Permanent Court of International Justice.

Any reference to treaties of conciliation and, when a case is brought before the Court, to a preliminary procedure of conciliation before the League was intentionally omitted. The articles covered by the rule deal with purely legal questions only in regard to which conciliation is not possible.

On the other hand, it was agreed, in accordance with the provisions of most arbitration treaties, that the procedure could not be applied in the case of a dispute whose subject under the national law of one of the parties comes within the jurisdiction of the courts until a final decision has been pronounced within a reasonable period by the competent court. This provision only applies, of course, to cases in which a dispute is subject under the Convention itself to a procedure leading up to judgment by the Permanent Court of International Justice,—cases in which reference is made by the Convention to a treaty of arbitration or judicial settlement providing for judgment by the Court being excepted. In these latter cases, the whole procedure must be governed by the said treaty. In drafting this clause, the Committee was largely indebted to the draft General Act of Arbitration prepared by the competent Committee of the League.

#### *Ad Final Protocol.*

The Committee inserted in the Final Protocol under Section I a general interpretative provision covering the whole Convention; it may be well to give a brief account of the discussions which preceded the drafting of this provision so as to explain its precise scope.

According to the text of the Convention, a State may in certain cases be obliged to remove vessels from its register. The question arose whether this provision would not in practice make it impossible for a State to prohibit the export of vessels. At one stage a special clause was inserted to reserve this right to States, in so far as it was not limited by the Geneva Convention of November 8th, 1927, relating to the Abolition of Import and Export Prohibitions and Restrictions.

The members of the Committee considered, however, that in reality the draft Convention which they had drawn up did not in any way relate to the question of import or export restrictions or prohibitions. The obligations of States with regard to the registration or the transfer of the registration of vessels, as defined in the draft, referred to specific cases. Their fulfilment did not in any way prevent a State from taking any necessary measures—which measures might, moreover, have nothing whatever to do with registration—to retain as its national property, if it thought fit, vessels forming part of that property. The Convention, having as its object the settlement of questions of public law and private law relating exclusively to the juridical status of vessels, could not deal with the question of the extent to which a State might restrict the freedom of commercial exchanges between its property and that of other States, or the methods to be employed for that purpose. That was a matter for commercial treaties and general economic conventions and did not come within the scope of the present Convention. Nevertheless, the insertion of a provision on this subject in the general provisions of the Convention meant that such questions were thereby indirectly dealt with. Certain members of the Committee proposed that the provision should be purely and simply deleted and that what is said above should be indicated in the report alone. It was thought, however, that such a procedure might give rise to doubts as to the interpretation of the Convention.

With a view to removing those doubts, the matter has been mentioned in the Final Protocol. As already stated, what is then said is purely interpretative. In the first place, at the request of several members of the Committee, reference is made to the particular case indirectly dealt with in the actual text, that is to say, the case of serious events referred to in the Geneva Convention. All the members agreed that, in such a case, a State could object to the transfer of the registration of the vessels entered on its registers, so that, if it considered that by this means it could retain those vessels as its national property, it would be able to do so. A general formula was, however, added with a view to covering this case and all others as well. In fact, the particular case was only mentioned separately owing to the special importance attached to it by certain members of the Committee and their desire to obviate any possible discussion as to the scope of a general formula which was necessarily less definite.

According to this general formula, the Convention does not govern the question of international commercial dealing in vessels, a question which remains reserved for commercial treaties and general economic conventions. As this question is not governed by the Convention, States are free to subject vessels, like all their other national property, to any measures of restriction which do not conflict with their obligations under special or general treaties. The application of such measures, by any means whatsoever, cannot be regarded as a violation of the present Convention, which, as stated above, does not and cannot govern this matter.

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## IV.

### 1. REPORT REGARDING THE DRAFT CONVENTION ON THE UNIFICATION OF CERTAIN RULES RELATING TO COLLISIONS IN INLAND NAVIGATION.

[C.C.T./D.P.N.I.32(1).]

1. It is a matter of common knowledge that the question of collisions is one of the subjects of private international law relating to maritime navigation which have been dealt with in a convention. On September 23rd, 1910, a Convention on the Unification of Certain Rules relating to Collisions was concluded at Brussels. This Convention has given rise to very little criticism and may therefore be regarded as a success. It would seem advisable, in any attempt to secure the international regulation of private law in inland navigation, first of all to examine this Convention.

2. The present position of the law governing collisions in inland navigation in the various European countries is roughly as follows :

Certain countries have adopted the principles of the Brussels Convention (Belgium, Denmark, France for the Rhine, and the Netherlands). In other countries (France itself—draft River Code—and Czechoslovakia), bills have been introduced with the same object. The laws in these various countries may therefore be said thus far to agree.

There are cases, however, where such agreement is not to be found, as for instance, in the question of the liability of boats forming part of a train. While the French draft River Code expressly states that the tug and the vessels towed are individually responsible only for their own actions and that there is no joint and several liability towards third parties in respect of the fault of one of them, the Netherlands law states that, in the case of a collision of the vessel towed caused by the fault of the tug, the vessel towed and the tug are jointly and severally liable for compensation for the damage caused.

German law is in accordance with the principles of the Brussels Convention. Nevertheless, the period within which actions must be brought is not two years from the date of the occurrence, but one year after the expiry of the year in which the collision took place.

There is a notable difference between the Convention and the Roumanian law. Article 674 of this Law accords to neither of the vessels the right to claim damage in the case of joint fault, but declares these vessels to be jointly and severally liable for compensation for the damage caused to the cargo of one of them. Article 677, unlike Article 6 of the Convention, makes the right of action dependent on "protest" (*protêt*) having been made.

Austria and Switzerland have no special rules relating to collisions in inland navigation, but the general rules relating to liability to make good damage caused by an illegal act apply thereto.

Though Hungary, like Austria and Switzerland, has no special rules, the Hungarian courts recognise in the case of personal injuries or death, an objective liability for the damage caused by the vessels : that is to say, in the words of the reply to the questionnaire, "liability to make good personal or material damage, regardless of the culpability or innocence of the vessel, save when the accident or damage is caused by the fault of a third party or by an unavoidable act of a third party (*vis major*) or by the fault of the person having sustained the damage".

Poland has several laws which differ in their provisions.

3. It appears from the above that the unification of the substantive law relating to collisions has already been largely effected. There are, however, still important discrepancies. It is necessary in the interest of navigation that those concerned should be acquainted with the risks to which they are exposed, and this is only possible in practice if the law is uniform. It is this interest which justifies the attempt to obtain uniformity, and the fact that a large measure of uniformity already exists permits the hope that the attempt will be successful.

4. Like the Brussels Convention, any convention relating to collisions should consist of a number of uniform rules. A method of settling conflicts which would merely consist in bringing particular cases under the appropriate national law would not meet the requirements of the case. Such a method would simply have the effect that vessels would in different countries be subject to different risks which it would be impossible to ascertain in advance. It is important to avoid such a state of affairs.

5. The Convention ought to provide that the rules laid down are of general application in the territories of the contracting States. If the application of the rules were restricted to the nationals of the contracting States, it would be necessary to determine the law applicable to the nationals of other countries. If the rules contained in the Convention are not applied to the latter, cases of collisions in which a national of a contracting State and nationals of another country were involved would have to be settled separately. All these difficulties can be avoided if a territorial application is given to the provisions of the Convention. With regard to this point, those responsible for drafting the Convention on Inland Navigation are in a more favourable position than those who drafted the Brussels Convention. Save for a few quite

exceptional cases, collisions in inland navigation always happen in inland waters or at least within the limits of the territorial sea. It is therefore possible to limit the sphere of application of the Convention to the territories of the contracting States, and this would seem to be desirable. Collisions between sea-going ships, on the other hand, often happen on the high sea outside the territory of any country. In defining the sphere of application of the Brussels Convention, this circumstance had to be taken into account, and it is natural that the nationality of the vessels involved should have been taken as the criterion.

6. The Convention relating to Inland Navigation cannot settle all cases of collision in which a vessel employed in inland navigation is involved, and, indeed, care should be taken to avoid impinging upon the province of the maritime convention. Now the maritime convention applies, not only to collisions between sea-going ships, but also to collisions between such ships and vessels employed in inland navigation. The present draft Convention ought therefore to be restricted to the settlement of collisions between vessels of the latter category (Article 1).

Article II, based on the Brussels Convention, deals with cases where, even if no collision takes place, a vessel causes damage to another vessel or to the persons or objects on board such other vessel, by the carrying out of a faulty manoeuvre or failure to carry out a manoeuvre. Such cases incontestably come within the scope of river law.

The question arose whether the case of damage caused by vessels to objects other than vessels and in particular to fixed objects should also be dealt with. From the point of view of the vessel, it may be maintained that this is also a matter of navigation. From the point of view of those affected by the damage to the object, the case differs little, if at all, from a case of damage caused by objects other than vessels, and there is no reason, from this point of view, why the rules of ordinary law should not apply here. This latter solution is the one actually adopted at the present time in the law of most countries. The Brussels Convention contains no rules on the point. There has not seemed to be any sufficient reason for introducing innovations in the matter.

7. Generally speaking, the draft Convention incorporates the rules laid down in the maritime convention. Very few complaints have been made in regard to that convention. The text of the maritime convention has been adopted as far as possible, even in cases where another wording might perhaps have expressed the meaning better. This is the best means of avoiding conflicting interpretations—a desirable result in view of the fact that, although the circumstances are not identical in the case of a collision in which a sea-going ship is involved and in that of a collision in which only vessels employed in inland navigation are involved, there are many points of similarity between them. It appeared preferable, however, not to adopt the method of revising the Brussels Convention and extending it to cover inland navigation. It is desirable to deal with the latter in a separate Convention. In the first place, this method has the advantage of not compelling all countries acceding to the Brussels Convention to become contracting parties in regard to inland navigation as well, even when they are not directly interested in dealing with the latter question. Secondly, it is easier to take account of facts which, though scarcely affecting maritime navigation, often occur in inland navigation and thus necessitate separate rules. This applies, for instance, to trains of boats. Finally, a separate Convention was needed to avoid excluding countries which, like Switzerland, are not contracting parties to the Brussels Convention.

8. As in the Brussels Convention, the fundamental principle is that a vessel responsible for a collision shall be liable for compensation for the damage thus caused (Article 3). If an innocent vessel is damaged as a result of the error of several other vessels, the latter are all liable for compensation for the damage, subject to the right of a vessel which has paid a share exceeding what is proportionate to the gravity of its error to have recourse in respect of such excess against the other vessels at fault (Article 4). If errors are committed on both sides, the liability of each vessel is proportionate to the gravity of its error (Article 5). Where there is no error, there is no liability (Article 2), even where an innocent vessel is coupled to a vessel in fault, in execution of a towage contract (Article 7).

9. The articles of the draft call for little comment, as they reproduce almost literally the provisions of the existing Convention.

Article 1 provides that the rules laid down in the Convention shall be applicable to collisions between vessels employed in inland navigation in the waters of any of the contracting States. No distinction need be made according to the ownership of the vessel or the place of registration. The reasons for this departure from the principle of the Brussels Convention as regards the sphere of application of the draft have been given above. The reference to the waters of any of the contracting States is quite general. It follows that the last words of Article 1 of the Brussels Convention—"regardless of the waters in which the collision took place"—had to be discarded as they could only give rise to confusion.

Article 2 has been retained with a slight modification of the wording of the beginning of paragraph 2 (which corresponds to Article 2 of the Convention of 1910). This modification was made solely because it seemed to be more logical to make quite clear the intention not to extend the rule, but merely to render it more explicit. The Final Protocol says, with regard to this article that the term "moored" shall be understood to be applicable to any vessel at anchor or held fast in any other way.

Article 3 corresponds to Article 3 of the Brussels Convention, save for a slight difference of wording which makes no difference to the meaning.

*Article 4* deals with the case of an innocent vessel having sustained damage as a result of errors committed by several other vessels. According to the rulings of the highest courts in Germany and the Netherlands, such a case is not covered by Article 4 of the Brussels Convention. It is, however, very common in inland navigation. The draft adopts, for weighty reasons, the principle of the joint and several liability of the vessel in fault.

In the first place, the principle of joint and several liability was known in Roman law, and it has been adopted in modern legal systems (in Germany, Belgium, France and the Netherlands). When the Brussels Convention was drafted, the adoption of this principle was urged in various quarters. At the Conference held at Antwerp in 1898 by the International Maritime Committee, M. Martin (Germany) said: "There is nothing unreasonable in joint and several liability; it is in accordance with the general principles". M. Autran (France) said: "Generally speaking, those responsible for one and the same delict or quasi-delict are held to be jointly and severally liable". M. Lyon-Caen stated, at the Brussels Conference in 1905, that, in France, "third parties having sustained damage as the result of a collision—whether personal injuries or damage to objects—have a right to treat those responsible for the damage as jointly and severally liable". M. Louis Franck says, in his report to the Conference of the International Maritime Committee at Brussels, that this is "the consistent practice of the French courts, and at least the general practice of the Belgian courts".

There is only one special case—that of a collision between two vessels in which both vessels are in fault and in which damage is caused to the cargo of one of these vessels or the objects on board—in which the Brussels Convention departs, for quite exceptional reasons, from the fundamental principle. In all other cases, the principle was maintained.

Generally speaking, a convention relating to matters of private law should be based on universally recognised legal principles, and it would be a mistake to modify national laws by means of a convention where they agree with one another and are not open to serious objections of either a theoretical or practical nature.

Moreover, joint and several liability is the most equitable principle. If it were not so, it would be surprising that this system should have enjoyed the support of so many nations for over twenty centuries. Equity demands that, where damage is caused to an innocent vessel by the error of one or more other vessels, the former should be guaranteed as far as possible against the risk of having in the long run itself to bear the consequences of the collision.

It would be contrary to equity and logic to admit that a vessel in fault can evade its liability by proving that there is another vessel in fault, so that, if that other vessel were insolvent, the innocent vessel would itself have to bear part of the loss.

The vessel in fault has the duty to make good all the damage, whether or no there is another vessel in fault.

It is only fair that the vessel which has had to pay for the whole damage should be able to recover from the other vessels in fault their proper share of the amount which it has been obliged to pay. This right of recourse is provided for in the second paragraph of Article 4.

Two members of the Committee were unable to agree on the solution adopted and reserved the right to set forth their opinion in a minority report.

The third paragraph contains a provision corresponding to the second sentence of paragraph 1 of Article 4 of the Brussels Convention.

*Article 5* relates to reciprocal error and follows the jurisprudence of the German and Netherlands Supreme Courts. This is the case to which Article 4 of the Brussels Convention exclusively applies.

In order to remove doubts which have been expressed as to whether this interpretation of the term "joint fault" in Article 4 of the Brussels Convention is correct, this term has not been retained. That is why Article 5 commences with a periphrasis. For the rest, Article 5 corresponds to Article 4 of the Brussels Convention.

*Article 6* is a reproduction of Article 5 of the Brussels Convention. It applies in particular to Danube navigation and corresponds to the regulations in force on the Danube.

*Article 7* is new. It was thought desirable expressly to state that the principle of the Convention—namely, that liability is based on the existence of a fault—also applies to the case of one or more boats forming part of a train being involved in a collision. The law varies on this point in the different European countries. While the Roumanian law holds the tug liable for the errors of the vessel towed, Netherlands law provides that a vessel towed which is involved in a collision through the fault of the tug is liable for such fault of the tug. In Belgium, the view used formerly to be taken that a train of boats were to be regarded, so far as concerns third parties, as forming a whole, but the present practice of the courts is to regard the tug and the vessel towed as liable only for their own faults. German case-law is the same, and the French draft Code on River Navigation also takes this view.

In view of the fact that international inland navigation is largely carried on by means of trains of towed vessels, it is desirable to establish a uniform rule on this important point. Such uniformity should be found on the basis of present Belgian and German law and the French draft Code.

As a matter of fact, the tug and the vessels towed do not form an indivisible whole. Apart from the case of vessels roped together, the tug and each of the vessels towed are more or less able to manœuvre independently and are obliged to do so with due regard to the manœuvres of the others. There is no subordination of any one to any other. The questions



whether a particular manœuvre was a good one or not and whether the vessel which carried it out was responsible for it or whether it was the necessary consequence of the manœuvre of one of the other vessels, must be decided in the light of the particular circumstances. In the former case, the vessel which carried out the manœuvre is responsible, while in the latter case it is not responsible, but the liability devolves upon the vessel which caused the manœuvre.

The contention that a vessel towed increases the navigation risks by the mere fact of allowing itself to be towed and ought therefore to bear these risks, is not tenable. The existence of a tug reduces rather than increases the risks of navigation. The contrary view involves liability not based on fault—a deviation from the principle on which liability in the case of collisions has hitherto been based.

The principle that a train of vessels is legally a whole and is liable for any increase of navigation risks resulting from the adoption of this mode of navigation would also mean, for instance, that, in a train composed of the tug and, say, fifteen towed vessels, all the vessels would be liable as between themselves, for the faults of each of them, a view which is nowhere admitted.

*Articles 8, 9 and 10 correspond to Articles 6, 7 and 10 of the Brussels Convention.*

The period within which actions for compensation must be brought has been fixed at two years (Article 9, paragraph 1), both for the sake of agreement with the maritime convention and because this period approaches most nearly to that laid down in the law of most of the countries.

*Article 11, following Article 13 of the Brussels Convention, provides for the case of damage caused by the carrying-out of a faulty manœuvre, or failure to carry out a manœuvre, without any collision taking place.*

The application of the provision is limited to damage caused under such circumstances by one vessel to another or to the objects or persons on board such other vessel, excluding damage caused by an inland-navigation vessel to a ship or by a ship to an inland-navigation vessel. These cases are not covered by Article 13 of the Brussels Convention. There is therefore an omission. It is more in accordance with the spirit of the Brussels Convention to leave the work of supplying this omission to those who may be called upon to revise that Convention than to seek to bring such cases within the terms of a convention on inland navigation. Article 1 of the Convention of 1910 did, in fact, cover collisions between a ship and an inland-navigation vessel.

*Article 12.* — The term "vessel" being somewhat indefinite, it was thought desirable to point out that it should not be understood in a narrow sense and that it included the various appliances enumerated. The last words of the sentence show that the enumeration is not exhaustive.

*Article 13.* — The Convention in no way prejudices any immunities accorded, in conformity with the law in force in any of the contracting States, to vessels exclusively employed in any capacity by the public authorities.

10. It will be seen from the foregoing that certain Articles have been added to the Convention of 1910, while on the other hand certain provisions of that Convention have not been adopted. In view of the connection between the two Conventions, it may be as well to indicate the reasons why these provisions have been omitted.

*Articles 8 and 9 of the Brussels Convention.* — The first of these articles imposes upon the captain who has caused a collision the duty of assisting the vessel with which he has collided. The second requires the contracting States to establish penalties to ensure that this obligation is respected. It is clear that the captain cannot carry out this duty without the co-operation of the crew. Now, there are in most European countries no penal provisions on the subject, so far as river navigation is concerned and, in the case of more than one country, it is doubtful whether any such obligation to render assistance exists as regards the crew. Before Article 8 of the Convention of 1910 could be adopted therefore, national legislation would have to be very considerably altered.

Moreover, the cases in which the article could be of any use in inland navigation are extremely rare and are not of sufficient importance to outweigh the difficulties to which the necessity for modifying or amplifying the national laws might give rise.

*Article 12 of the Brussels Convention.* — This article can be dropped, as the draft is based on the idea expressed in Article 1 that the rules laid down in the Convention always apply when the collision occurs in the waters of one of the contracting parties. Collisions occurring in the territorial waters of States which are not contracting parties are governed, according to the general doctrine of private international law, by the local law (*lex loci delicti*).

(Signed) J. L. METTERNICH,  
Secretary.

(Signed) B. WINIARSKI,  
Chairman of the Committee for the  
Unification of River Law.

## 2. REPORT OF THE MINORITY OF THE COMMITTEE FOR THE UNIFICATION OF RIVER LAW ON ARTICLE 4 OF THE DRAFT CONVENTION REGARDING THE UNIFICATION OF CERTAIN RULES RELATING TO COLLISIONS IN INLAND NAVIGATION.

[C.C.T./D.P.N.I.38.]

As stated in the report, the undersigned have been unable to agree to the solution adopted in Article 4 of the Committee's draft. The object of the present note is briefly to state our opposing view. We are of opinion that the solution given in Article 4 is contrary to the letter and spirit of the Brussels Convention, to the reasonable application, in the case of river collisions, of the general principles of law governing quasi-delictual responsibility, and to the logic, equity and regard for economic requirements demanded of a sound convention on this question.

### A. EXISTING LAW.

#### (a) *The Brussels Convention.*

##### I. *Text of the Convention*

*First Argument.* — According to the Brussels Convention (Article 4, paragraph 2): "The damage caused, either to the ships or to their cargoes or to the effects . . . on board, are borne by the ships in fault in the above proportions (that is to say, in proportion to the degree of the faults respectively committed), and there is no joint and several liability to third parties".

There is nothing to show that the words "either to the ships" refer solely to the vessels in fault; indeed, the contrary is the case. Although, on reading the first few words of paragraph 2, one might be tempted to think that the words "to the ships" refer to the ships mentioned in paragraph 1, this mistake is at once corrected on reading the rest of paragraph 2, where the words "to the ships" are opposed to the words "the ships in fault". Nor is it permissible to limit the application of the words "third parties" (*tiers*) to the cargoes, etc., to the exclusion of the ships, since the text makes no such distinction and consequently refers to all "third parties". The wording of the paragraph, too, does not justify restricting the words "cargoes, etc.", to the cargoes of the ships in fault. It follows that joint and several liability is expressly excluded by the Brussels Convention in respect of all persons without distinction who have suffered damage as the result of a collision.

*Second Argument.* — The argument that the case of damage caused to an innocent vessel or its cargo, etc., by more than one vessel in fault is not covered by the Convention does not seem to be tenable. This restrictive interpretation has the effect of arbitrarily limiting the Convention in a way for which no reason can be found. Why should it have been desired to except from Articles 5, 6, 7, 8 and 9 a class of collisions which, although less numerous in maritime navigation than in river navigation, is none the less of frequent occurrence, particularly in harbours and entries to harbours? If this restrictive interpretation is rejected, the argument that the words in the text "joint fault" cannot be extended to include what has been called "collective fault" loses much of its force. Indeed, if it is maintained that "collective fault" does not come under Article 4, it must come under Article 3. It is quite as much at variance with strict interpretation to understand the words "collision caused by the fault of one of the vessels" as establishing the joint and several liability of more than one vessel as to take Article 4 as applying to cases where damage has been caused, not only to the actual vessels in fault and to the third parties who are interested in their cargoes or who are on board and have suffered personal injuries, but also to other third parties: that is to say, to an innocent vessel, its cargo, etc.

*Third Argument.* — Article 13 constitutes a later addition to the other articles of the Convention (1909—second plenary Meeting, Annex II, page 60), (seventh plenary Meeting, page 135), (third plenary Meeting, pages 69 and following, and first Meeting of the Committee, pages 207 and following).

Whereas, until then, there had been no intention of regulating any cases save those of simple collision, where two vessels were involved, this addition tends to bring within the sphere of operation of the Convention cases such as "a collision between two vessels occasioned by the fault of a third" (British observations and M. Franck's report) without it having been deemed necessary to alter, as the British delegation had suggested, the other provisions of the Convention, and in particular Articles 3 and 4, paragraph 1. It is true that the British memorandum and M. Franck's report do not, any more than Article 13, mention the case of two or more vessels in fault causing damage to other innocent vessels, but several speakers (M. Struckmann, M. Lyon-Caen, M. de Nagy and M. Berlingieri) expressed opinions which implied that, in their view, the Convention, as thus amplified, should apply "to all cases of collisions direct or indirect". It is difficult, then, to understand how the Convention could be interpreted as not applying to the case under discussion.

*Fourth Argument.* — The judicial decisions appealed to have not the authority which is sometimes claimed for them, for, although they agree as to the conclusions, they contradict one another as regards the reasons for those conclusions. Thus, the Brussels Court and the Netherlands Supreme Court regard the Convention as inapplicable to the cases under discussion, while the German Reichsgericht admits that these cases come under the Convention, but applies Article 3 instead of Article 4.

Further, it should be noted that the Belgian courts, as we shall presently see, are divided in their views as to the consequences involved by the application of the ordinary law.

## 2. *Intention of the Convention.*

The intention of the Brussels Convention was to furnish practical solutions for the problems arising out of collisions in such a way as to avoid there being numerous rights of recourse by persons affected against other persons affected and to diminish litigation. That is why, setting aside all theoretical controversies, the Conference expressly excluded joint and several liability, save in the special case of personal injuries. It adopted this solution for cases where the interests of the cargo and the other interests of third parties were involved. It is not clear why the legal remedy of the cargo of ship A should be limited as against ship B, in regard to which the owner of such cargo is an innocent third party and with which he has no contractual relation, simply because ship A is also in fault, while the cargo of ship C, assuming that ship to be innocent, would have a right of action against ships A and B for the full amount of the damage sustained by it. Such inequality of treatment could only be explained on the assumption that the ship and its cargo are to be treated as one and indivisible—a theoretical idea repugnant to the spirit of the Brussels Convention and contradicted, moreover, by the use of the words “third parties”.

### (b) *The Ordinary Law.*

Under ordinary law, persons who, by their joint fault, have caused damage are jointly and severally liable to make good such damage. But, in order that joint fault may arise, is it sufficient that there should be concomitant faults producing a single consequence? Or is it necessary for the application of the rule that the fault should be the same and that there should be a single cause? The former solution bases liability upon an extraneous circumstance. If one of the faulty manœuvres had been carried out a moment sooner or later, there would perhaps have been successive collisions. The second solution alone constitutes a logical application of the theory of fault. If one of the separate faults had not been committed, the damage might in certain cases have been identical. On the other hand, there might have been no damage. As the intention is to base liability upon the degree of the faults committed and not upon the extent of the damage, it is necessary to establish a fixed relationship between these factors. How, then, can it be argued that the damage caused by B's fault should be chargeable to A when B's fault has nothing to do with A's action? If it is desired that A shall be responsible only for his own act, he can only be asked to contribute a share of damages corresponding to the degree of his own fault. This is the ruling laid down in a part of Belgian case-law and also in legal doctrine (Constant-SMEESTERS—*Droit maritime et Droit fluvial*, No. 924, page 560; Victor YSEUX, *Jurisprudence du Port d'Anvers*, 1924, page 525—note to a Brussels judgment of November 17th, 1923).

## B. WHAT SHOULD BE THE LAW?

(a) A solution was originally suggested which consisted in simply taking over the Brussels text. This solution had the advantage of assuring unity of maritime and fluvial law. But, as the question under discussion is of much greater importance from the point of view of river navigation than from that of maritime navigation, we declare our agreement with the desire of the majority for an independent solution.

(b) It should be pointed out that on this basis there is no reason to follow legal precedents. Judges are bound by what they believe to be the correct interpretation of the law and have not to decide what the law ought to be. Their opinions cannot therefore be invoked *de lege ferenda* in favour of this or that particular solution. Indeed, it is very possible that, if the Courts were consulted on the question of what the law should be, they might decide against joint and several liability.

(c) It is illogical to exclude joint and several liability in certain cases and to retain it in others. Let us suppose that, in the case quoted above (under A 2), vessels A and B have committed the same fault (two vessels roped together, for instance); how can it be logically contended that an action can lie against B in respect of A's cargo for half the amount of its damage only, whereas C's cargo has an action against B for the full amount of its damage? The conception of joint adventure, antiquated in maritime law, is still less admissible in river law, and, further, how could it be invoked when it is expressly precluded by the use of the words “third parties”?

(d) It is contrary to equity to allow vessel A to claim 100 per cent from vessel B, when the latter alone is solvent, if the full financial consequences of B's insolvency fall upon A directly it is admitted that A has committed a fault, even to the extent of only 1 per cent.

The system of joint and several liability is particularly shocking when it is admitted (and rightly) that a tug and the vessel towed are responsible only for their own acts.

Regarding the question from a higher standpoint, it must be remembered that collisions—apart from cases of fraud or gross negligence—are a normal risk in navigation. If it is not desired to carry this conception to its logical conclusion, at least the theory of fault should not be pressed to a point at which it results in a system which in the given subject-matter is really unjust.

If the principle of joint and several liability is to be adopted, it ought above all to be adopted for the case of a train of boats. It seems much more unfair that a lighter should claim from a third party guilty of a fault concomitant with that of a tug compensation for damage caused by the latter than that the lighter should be regarded as responsible for the act of its own tug.

(e) The system of joint and several liability is contrary to the requirements of business practice.

Joint and several liability has the effect of unduly multiplying litigation. There are, indeed, cases where theoretically it leads to a complete circle of actions. This is so, for instance, when the towage contract renders the towed vessel responsible for the act of the tug. In practice, the risk of collision is always covered by insurance. Although this argument is weaker in river navigation (where the owner is generally his own insurer for one-quarter of the amount) than in maritime navigation, it is none the less very weighty. The existence of a multiplicity of rights of recourse by persons affected by a collision against other persons affected unduly increases the insurance charges, which are borne in the last resort by the insured parties.

(f) The system of joint and several liability permits a legal practice which is the negation of sound justice in the matter of collisions. When the victim of a collision can claim the whole of the damage from each of the vessels in fault, there is the risk that the practice may be introduced of suing only one of those vessels (either the most solvent or, in the case of a towed vessel, generally the tug of the other train). It is true that the vessel sued can bring in the other vessels presumed to be in fault, but it is also true that the main action will turn exclusively upon the question whether the defendant was in fault or not. The question is therefore put in the wrong way from the beginning. The persons added as defendants take their stand on whichever of the two theses best accords with their interests, and there is a danger that the investigations may be incomplete.

Time passes, and it becomes impossible subsequently to remedy the defects of the initial enquiry. The essential question—that of the degree of fault of each of the parties—continues to be regarded as of secondary importance. There may in a collision be three or four vessels in fault. How can all this be cleared up if, from the outset, it is not in the interests of the plaintiff himself to bring all the parties into the case? We have come to these conclusions after experience of the practice followed in several countries with regard to river collisions. This experience has taught that, although the evils mentioned are to some extent counteracted under the practice adopted in certain countries by the fact that a defendant can bring in third parties, and by joinder of actions, there are other countries that suffer the full effect of these evils, which are much more serious in river navigation than in maritime navigation.

(Signed) P. CHARGUERAUD-HARTMANN.

(Signed) J. HOSTIE.

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