

GENERAL AGREEMENT  
ON TARIFFS AND  
TRADE

ACCORD GENERAL SUR  
LES TARIFS DOUANIERS  
ET LE COMMERCE

RESTRICTED  
LIMITED B  
GATT/CP/33  
13 September 1949  
ORIGINAL: ENGLISH

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CONTRACTING PARTIES

APPLICATION OF THE GENERAL AGREEMENT ON TARIFFS AND TRADE  
OUTSIDE THE CUSTOMS TERRITORY OF THE UNITED STATES

The following statement has been received from the Govern-  
ment of the United States of America:

Reference is made to a statement by the representative of the United States, at the Third Session of the CONTRACTING PARTIES, relative to the application of the General Agreement to customs territories for which the United States has international responsibility other than the customs territory of the United States (GATT/CP.3/SR.5,p.5). There follows the text of a note, presented in a matter that has now been satisfactorily adjusted, which explains the situation somewhat more fully.

"The Embassy of the United States of America presents its compliments to the Ministry of State of the Republic of Cuba, and has the honor to refer to previous conversations which have been held between representatives of our two governments relative to the application of the General Agreement on Tariffs and Trade between the Republic of Cuba and various territories and possessions of the United States and the Canal Zone, and to decree No. 4414 of the Ministry of the Treasury of Cuba dated December 22, 1948.

"According to paragraph 2 of this decree Cuba will consider the General Agreement as applicable to territories outside the customs territory of the United States thirty days from the receipt by the Secretary-General of the United Nations of a notice of application of the Agreement to such territories. This language implies that the Cuban Government interprets paragraphs 1 and 2 of the Protocol of Provisional Application of the General Agreement as limiting the effectiveness of the General Agreement to the "metropolitan territory" of the United States until

such a notice of application to other territories is given to the Secretary-General in accordance with paragraph 2 thereof.

"It will be noted, however, that a parenthetical qualification as to signature "in respect of its metropolitan territory" is not included following the enumeration of the United States in paragraph 1, as is the case with the enumeration of Belgium and several other countries. In view of this unqualified reference to the United States in paragraph 1, the signature of the United States to the protocol was intended to apply to all territories for which the United States has international responsibility. These include in addition to those included in the customs territory of the United States (that is, principally, Alaska, Hawaii, and Puerto Rico), the Virgin Islands, Guam, American Samoa, Wake Island, Midway Islands, Kingman Reef, the Canal Zone, and the Trust Territory of the Pacific Islands. Consequently the United States considers that the General Agreement has applied between these territories and Cuba since January 1, 1948, and that it is unnecessary for the Cuban Government to await any further action by the United States Government before applying the General Agreement with respect to these territories.

"A copy of this note is being sent to the Executive Secretary of the Interim Commission for an International Trade Organization with the suggestion that, in view of this question that has been raised with respect to application of the General Agreement to these territories, he might consider it appropriate to circulate the text of the note to all the contracting parties.

"The Embassy avails itself of this opportunity to renew to the Ministry of State the assurances of its highest consideration.

"Habana, Cuba, March 23, 1949".