

GENERAL AGREEMENT
ON TARIFFS AND
TRADE

ACCORD GENERAL SUR
LES TARIFS DOUANIERS
ET LE COMMERCE

RESTRICTED
LIMITED B
GATT/CP/35
13 September
1949
ORIGINAL: ENGLISH

CONTRACTING PARTIES

CUSTOMS UNION BETWEEN THE UNION OF SOUTH AFRICA
AND SOUTHERN RHODESIA

Statement by the Government of Czechoslovakia on the
inclusion of South West Africa

"The Czechoslovak Government wishes to draw the attention of the contracting parties to the General Agreement on Tariffs and Trade to the fact that, in accordance with the provisions of Article 103 of the Charter of the United Nations, in the event of conflict between the obligations of the members of the United Nations under the Charter and their obligations under any other international agreement their obligations under the Charter shall prevail.

"According to the report of Working Party 4 (GATT/CP.3/24), the Union of South Africa has included South West Africa as a part of the territory of the Union. In accordance with Articles 77 and 79 of the Charter of the United Nations, however, the trusteeship system should be applied to the above mentioned territory, and in this connection we would like to recall the resolutions of the General Assembly, No. 65 of 14 December 1946, No. 141 of 1 November 1947 and No. 227 of 26 November 1948.

"In the view of the Czechoslovak Government, no agreement or decision of the Contracting Parties can derogate from the provisions of the United Nations Charter, and the Contracting Parties cannot implicitly give consent to the unilateral incorporation of South West Africa in the Union contrary to the relevant provisions of the Charter of the United Nations."

The Czechoslovak Government states that, with the exception of this reservation, it has no objection to the proposed customs union between the Union of South Africa and Southern Rhodesia as considered by the Contracting Parties at their Third Session.

