

RESTRICTED
Limited B

GATT/CP.2/19
25 August 1948

Original: ENGLISH

GENERAL AGREEMENT ON TARIFFS AND TRADE

Contracting Parties

Second Session

STATEMENT OF THE DELEGATE OF CUBA TO BE INSERTED IN THE
SUMMARY RECORD OF THE MEETING OF THE CONTRACTING PARTIES
HELD IN THE MORNING OF AUGUST 25, 1948

The Delegate of Cuba expressed that his intervention in this discussion was not intended to interfere in a matter that relates directly to Brazil, the United States of America and the United Kingdom, although all Contracting Parties have an indirect interest in it according to Article I. He did not wish to express any opinion in relation to the commercial side of the question; in fact, the Cuban Delegation was ready to vote in favor of the Brazilian petition. But the Cuban Delegation has a deep interest in the procedure followed, by which a Contracting Party withdraws certain concessions in a form not contemplated in GATT, the application of Article XXV being very questionable in his opinion.

The Delegate of Cuba added that any decision adopted in this matter shall establish a precedent, notwithstanding that one Delegation or the whole Contracting Parties declare the contrary, for according to international law, decisions of a body interpreting a law always constitute precedent, and repeated precedents the jurisprudence.

The Delegate of Cuba expressed that his Government was very much worried in relation to the form in which GATT was being interpreted and applied, for it seems that it is easy for certain parties to find ways to solve their difficulties

through the Contracting Parties and others do not find sympathetic consideration to their problems.

He expressed that Cuba was facing great difficulties with the adjustment of certain items of their schedule with another Contracting Party included by error, that were jeopardizing the possibilities of the ratification of the GATT by the Cuban Congress and its membership in ITO.

The Cuban Delegate formally announced that if the difficulties his Government is facing in relation to silk hosiery, rubber tires and tubes, and ribbons and trimmings cannot be solved in this session, the Cuban Government will follow the precedent established by the Brazilian case, or avail itself of the right granted by Article XIX of GATT.