

GENERAL AGREEMENT
ON TARIFFS AND
TRADE

ACCORD GENERAL SUR
LES TARIFS DOUANIERS
ET LE COMMERCE

LIMITED B.
GATT/CP.4/5
19 January 1950
ORIGINAL: ENGLISH

Contracting Parties
Fourth Session

COMMON TEXT OF THE GENERAL AGREEMENT ON TARIFFS
AND TRADE

Letter from the Union of South Africa

The following letter dated 11 January has been received from the Union of South Africa for consideration at the Fourth Session of the Contracting Parties.

I have the honour to inform you that the Government of the Union of South Africa have recently had under consideration the question whether, in the interests of establishing a common text of the General Agreement on Tariffs and Trade which would equally apply to all contracting parties alike, the CONTRACTING PARTIES should not at their Fourth Session formally invite the contracting parties individually to sign all amending protocols to the General Agreement which have not yet been accepted by them.

The Government of the Union of South Africa believe that the present state of affairs under which, in the case of certain articles of the General Agreement different versions of the same article embodying different rights and obligations are in force for different contracting parties will, in the course of time, create confusion and considerably impair the smooth operation of the Agreement.

Since the countries which are to become contracting parties to the General Agreement by accession pursuant to the terms of the Ancey Protocol of Accession are required to accept all amendments to the Agreement which have been introduced up to the date of their respective signatures of that Protocol, it is felt that the CONTRACTING PARTIES might well consider whether the time is not propitious for initiating action which would secure the adherence to these amendments also of all present contracting parties.

South Africa's own position with respect to the various amendments to the General Agreement which were introduced during the first three sessions of the CONTRACTING PARTIES is briefly as follows. It has not yet accepted the Special Protocol relating to Article XXIV, whilst it has, on the invitation of the CONTRACTING PARTIES, signed the Havana Protocol modifying certain provisions of the General Agreement with a reservation in respect of Article XXXV.

With a view to facilitating the early achievement of a common text for the General Agreement and thereby ensuring the successful operation of the Agreement, the Government of the Union of South Africa would be prepared to sign the Special Protocol relating to Article XXIV, and at the same time to withdraw their reservation in respect of Article XXXV on the clear understanding, however, that their withdrawal of the latter reservation should in no way be interpreted as reflecting a change in their original attitude towards Article XXXV. The Government of the Union of South Africa still consider that this Article embodies an unfortunate departure from the fundamental objective underlying the General Agreement on Tariffs and Trade, but are nevertheless prepared to withdraw their reservation thereto since they believe that by doing so, they could contribute towards the objective of a common text of the General Agreement without having to sacrifice any of the principles upon which their original objections against Article XXXV were based.

I have the honour to request that copies of this communication be circulated to all contracting parties for consideration and discussion at the Fourth Session. If it should appear at the February meeting that it is not yet possible to secure the unanimous acceptance by all contracting parties of the amendments to the General Agreement introduced to date, the Government of the Union of South Africa would still desire the CONTRACTING PARTIES to take note of South Africa's desire to adhere to the Special Protocol relating to Article XXIV and to withdraw its reservation in respect of Article XXXV.