

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

L/250

27 October 1954

Limited Distribution

FEDERATION OF RHODESIA AND NYASALAND

Action taken by the CONTRACTING PARTIES to effect the succession of the Federal Government to the rights and obligations of Southern Rhodesia, Northern Rhodesia and Nyasaland

Report by the Intersessional Committee

At the Eighth Session of the CONTRACTING PARTIES, the delegations of the United Kingdom and Southern Rhodesia presented a joint statement (L/132) informing the CONTRACTING PARTIES that the Constitution of the Federation of Rhodesia and Nyasaland provided for the transfer of jurisdiction over matters covered by the General Agreement to the Federal Government from the United Kingdom Government (in respect of Northern Rhodesia and Nyasaland) and from the Government of Southern Rhodesia (in respect of Southern Rhodesia). The joint statement further declared that the two governments would notify the CONTRACTING PARTIES of the date on which the actual transfer of jurisdiction would take place. In the light of this declaration the CONTRACTING PARTIES instructed the Intersessional Committee to prepare the changes with respect to the Agreement which would be required by this transfer of authority and to report to the Ninth Session.

On 29 October 1953, the Governments of the United Kingdom and Southern Rhodesia notified the CONTRACTING PARTIES (L/172) that, as from 30 October 1953, the Federal Government was to be looked to as the authority responsible for the implementation of international obligations affecting the three territories, including obligations under the General Agreement.

The following recommendations are submitted for consideration by the CONTRACTING PARTIES:

1. It is necessary for the CONTRACTING PARTIES to recognize in a formal instrument that the rights and obligations under the General Agreement of Southern Rhodesia on the one hand, and of the United Kingdom with respect to Northern Rhodesia and Nyasaland on the other, have been transferred to the Federal Government. The Committee suggests that the simplest way to achieve this objective is to follow a procedure similar to that provided for in paragraph 4(c) of Article XXVI. Accordingly, the draft declaration in the Annex is submitted for approval by the Ninth Session.
2. The Committee suggests two alternative courses for dealing with the problem of the schedule of Southern Rhodesia and with Annexes A and G. The Ninth Session will presumably determine the best course in the light of whatever information is supplied to it by the Federal Government concerning the timing and nature of the adoption of the uniform tariff which

it has in preparation. If it appears that the Federal Government plans to submit a new schedule to the CONTRACTING PARTIES for approval or renegotiation in the near future, the Ninth Session may wish to defer any formal action with respect to the schedule. If not, the Intersessional Committee suggests that the following changes be made during the Ninth Session:

- (a) The title of Schedule XVI should be changed to read "Rhodesia and Nyasaland", and the schedule should be divided into three parts, namely:

Section A: Southern Rhodesia (reproducing the list of items)

Section B: Northern Rhodesia (nil) *

Section C: Nyasaland (nil).*

- (b) In Annex A and Annex G, Southern Rhodesia is separately named. In Annex A, the other two territories of the Federation are included in "Dependent Territories of the United Kingdom". The phrase "(as on 10 April 1947)" might be added to these designations in order to delimit the areas covered by the Annexes.

These changes could be incorporated in the Fourth Protocol of Rectifications and Modifications.

* There is no schedule for Northern Rhodesia or Nyasaland, Section C of Schedule XIX (Dependent Territories of the United Kingdom) having been deleted in the First Protocol of Rectifications and Modifications of 26 October 1951.

ANNEX

Draft Declaration

Taking note of the joint Declarations by the Governments of the United Kingdom and Southern Rhodesia of 22 September and 6 November 1953, which informed the CONTRACTING PARTIES that the Federation of Rhodesia and Nyasaland had acquired full responsibility for matters covered by the General Agreement in the territories of Southern Rhodesia, Northern Rhodesia and Nyasaland, and

Considering that, by these declarations, the Government of the United Kingdom has established the fact that the Federation is qualified in the sense of paragraph 4(c) of Article XXVI of the Agreement to become a contracting party in respect of the territories of Northern Rhodesia and Nyasaland, on behalf of which the Government of the United Kingdom had accepted the Agreement, and

Considering further that by the said Declarations the Government of Southern Rhodesia has notified the CONTRACTING PARTIES that the Federal Government has succeeded to the rights and obligations under the Agreement formerly accepted by Southern Rhodesia,

The CONTRACTING PARTIES declare:

1. that the Government of the Federation of Rhodesia and Nyasaland shall henceforth be deemed to be a contracting party to the General Agreement on Tariffs and Trade and to have acquired the rights and obligations under the General Agreement of the Government of Southern Rhodesia and of the Government of the United Kingdom in respect of the territories of Northern Rhodesia and Nyasaland, and
2. that the election of Southern Rhodesia under Article XIV:1(d) on 31 December 1948 to be governed by the provisions of Annex J shall be deemed to apply to the Federal Government of Rhodesia and Nyasaland.