

GENERAL AGREEMENT ON  
TARIFFS AND TRADE

RESTRICTED

TN.64/NTB/4

4 November 1963

Special Distribution

Sub-Committee on Non-Tariff Barriers

Original: English

NON-TARIFF BARRIERS

Submission by the Government of the Federation of Rhodesia  
and Nyasaland

1. At the meeting of the GATT Trade Negotiations Committee on 19/20 September 1963, it was agreed that the work of the Sub-Committee on Non-Tariff Barriers and Other Special Problems should be based on proposals which would be submitted by participating governments.
2. The Federation of Rhodesia and Nyasaland wishes to draw the attention of the Sub-Committee to a factor which, although it may not be used intentionally as a protective device or as a disguised restriction on trade, is discriminatory and restrictive in its effect on certain meat producer countries, of which the Federation is one. This is the use of sanitary controls as a measure to prevent the spread of animal diseases.
3. Article XX of the GATT states:  
  
"Subject to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries where the same conditions prevail, or a disguised restriction on international trade, nothing in this Agreement shall be construed to prevent the adoption or enforcement by any contracting parties of measures ..... necessary to protect human, animal or plant life or health."
4. The ability to impose controls of this kind is undeniably necessary but their application should be confined to cases of necessity.
5. In this connexion a recommendation has been made by the International Epizootic Organisation that, as Africa and Asia are areas which suffer from a variety of animal diseases, particularly foot and mouth diseases, of a type not found in Europe, the importation of carcasses of cloven-hoofed animals from these areas should be forbidden. This "blanket" recommendation applies not only to countries where conditions are such as to make the products concerned a danger to an importing country, but it also applies to countries in the two continents where conditions are quite different, or where exports are subjected to vigorous and effective sanitary controls. At the same time it exempts other exporting countries which could present serious threats to animal health in importing countries, purely because these exporters are outside Africa and Asia.

6. It is a matter of considerable importance to the Federation, its constituent territories and other countries in a similar situation that sanitary import restrictions should not be imposed on this arbitrary basis without regard to their effects on the trade of those individual countries which exercise effective sanitary measures on exports.

7. The Federal Government would therefore suggest that the Sub-Committee give consideration to the following proposals:

- (i) That contracting parties be invited to draw the attention of the International Epizootic Organisation to the apparent arbitrary and discriminatory effect of their recommendation.
- (ii) That contracting parties should invite those countries applying blanket sanitary restrictions on imports of meat to afford the opportunity of consultation with those countries against whom they apply such restrictions.