

GENERAL AGREEMENT ON TARIFFS AND TRADE

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ORIGINAL: ENGLISH

CONTRACTING PARTIES
Sixth Session

ITEM 28: APPLICATION UNDER ARTICLE XXIII
RELATING TO WITHDRAWAL OF ITEMS
1021(1) AND 1021(3) FROM GENEVA
SCHEDULE XX

Note by the Delegations of Haiti and United States

It will be recalled that the Government of Haiti, in a memorandum dated September 3, 1951 (GATT/CP/115/Add.2) placed on the Sixth Session Agenda an application under Article XXIII in connection with the United States' withdrawal of Items 1021(1) and 1021(3) from Schedule XX (Geneva). A subsequent note by the Haitian Delegation bearing on this agenda item (Item 28) was circulated among the Contracting Parties as GATT/CP.6/32 on September 28, 1951.

This item was discussed briefly by the Contracting Parties in the ninth plenary meeting of the Sixth Session, on September 21, 1951. At that time the Contracting Parties deferred further action on Haiti's application until later in the Session, in order to afford the two Delegations an opportunity to explore the matter more fully in an attempt to find a mutually satisfactory procedure for its solution. It was agreed that the two Delegations would report back to the Contracting Parties on the outcome of these discussions.

The United States and Haitian Delegations have now explored the matter in more detail and desire to report to the Contracting Parties as follows:

1. The Government of the United States first notified the Haitian Government of its intention to withdraw certain concessions, including those on Items 1021(1) and 1021(3) of Schedule XX (Geneva) on July 11, 1950, in Washington and on July 20, 1950, in Port-au-Prince. Simultaneously the United States Government invited the Government of Haiti to consult about any of these items in which the latter felt it had a substantial interest. These notifications were in the form of a note from the State Department to the Haitian Embassy in Washington, and a memorandum from the American Embassy in Port-au-Prince to the Haitian Foreign Office.

2. The Government of Haiti first indicated to the United States Government that it might have an interest in these items on November 16, 1950. This indication was given by a letter of that date from the Secretary of the Haitian Delegation in Torquay to the United States Delegation, inquiring as to the possibility of negotiations at Torquay between the United States and Haiti on rush and sisal squares for use as floor coverings.

3. The United States Delegation was without authority to enter such negotiations at Torquay, because, in the absence of any earlier indication of Haiti's interest in this item, no provision had been made therefore in the public notice and official list of items to be negotiated, such notice and listing being required under United States law in advance of the opening of tariff negotiations.

4. Independently, and in anticipation of the Sixth Session, the United States Government was preparing to submit for consideration by the Contracting Parties a proposed procedure for holding tariff negotiations among two or more Contracting Parties during the interval between regular sessions.

In view of its intention to submit such a proposal, the United States Government also considered that, in the event such a procedure were approved by the Contracting Parties at the Sixth Session, it might incidentally afford a method for solution of the specific problem presented by Haiti's desire to negotiate with respect to floor coverings in which it had expressed an interest.

5. A general proposal of this type has in fact been presented to the current session of the Contracting Parties and the subject is now under study by Working Party 4. There now appears to be a reasonable probability that some procedure for holding tariff negotiations between sessions will be adopted by the Contracting Parties during the Sixth Session.

6. Under these circumstances, therefore, the two Delegations have agreed upon the following steps:

- a) The Haitian Delegation hereby withdraws Haiti's application, dated September 3, 1951, under Article XXIII.
- b) The Government of the United States and the Government of Haiti will consult, after the close of the Sixth Session, to consider what further action may be possible, looking toward a solution of the problem originally raised by the Delegation of Haiti at the Torquay Conference.