

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

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NEWLY-INDEPENDENT STATES

De Facto Application of the GATT

1. By the Decision of 14 November 1962 (LIS/53) it was recommended to contracting parties that they continue to apply the GATT on a de facto basis, under the Recommendation of 19 November 1960, with respect to certain newly-independent States in Africa, to whose territories the GATT had previously been applied by the Governments of France and Belgium, "until the close of the last ordinary session of the CONTRACTING PARTIES in 1963". At the same time it was decided that the status of these territories should be reviewed by the CONTRACTING PARTIES before the end of 1963.

2. Most of the States to which this Recommendation applied have become contracting parties during the course of 1963 and, in preparation for the review, letters were addressed in July to the remaining States. In reply the Governments of Congo (Leopoldville) and Niger have requested a further extension of the arrangement for de facto application; the communications from these two Governments are reproduced in the annex to this document. No reply has been received from Mali or Togo.

3. There are three other newly-independent States to which the Recommendation of 18 November 1960 is at present applicable, but with respect to them the Recommendation remains valid until mid-1964.

Expiry date under Recommendation
of 18 November 1960
(two years after date of independence)

Algeria	3 July 1964
Burundi	1 July 1964
Rwanda	1 July 1964

ANNEX

Communication, dated 27 November, from Congo (Leopoldville)

"The time limit granted to the Republic of the Congo in connexion with de facto status in GATT expires in November 1963.

"As from the end of November the question will therefore arise of what decision the Congolese authorities envisage taking with respect to GATT.

"In this regard the Government of the Congo wishes to emphasize that it is aware of the interest which GATT presents in the field of international trade.

"Having regard, however, to the fact that the Government is currently engaged in a general plan of organization after the dramatic events experienced by the country, which caused upheavals in its economy and trade, an examination of all the problems to hand shows that the conditions to which those events gave rise have not improved as much or as rapidly as had been hoped when the time limit was set for the period of de facto application by the Congo of the General Agreement on Tariffs and Trade.

"For these reasons, and being confident that the CONTRACTING PARTIES will appreciate the situation, the Congolese Government requests an extension of the de facto status granted to it by the CONTRACTING PARTIES under the Recommendation of 18 November 1960, having regard to its commercial situation and to the fact that the Congo had been a contracting party since 1947.

"While requesting a prolongation of its observer status, the Government of the Congo is keeping the matter under consideration with a view to arriving within a reasonable period at a definitive decision for accession to GATT."

Communication, dated 9 November, from Niger

"By the Decision of 14 November 1962 the CONTRACTING PARTIES to GATT recommended that contracting parties should continue to apply, on a de facto basis, the provisions of the General Agreement in their relations with certain African States, including the Republic of Niger, and decided to review the status of those States at their last ordinary session in 1963.

"Despite my Government's keen desire not to go beyond the time limit granted, its original expectations have been delayed because of my country's membership of the Customs Union of West African States which requires prior consultations with the partner countries on various technical matters.

"These consultations should in the normal way be concluded in the coming weeks. In the circumstances, it would seem to me difficult for Niger's application for admission under Article XXVI:5(c) to reach you before the next ordinary session of GATT.

"I therefore have the honour to request a further extension of the Recommendation of 18 November 1960, while expressing the hope that the CONTRACTING PARTIES will show the same understanding as in the past towards the special situation of the newly-independent African States. Furthermore, this fresh extension would in no way modify the present relationship between the CONTRACTING PARTIES and Niger, since the de facto application of the provisions of the General Agreement would be maintained."