

GENERAL AGREEMENT ON TARIFFS AND TRADE

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SUMMARY RECORD OF THE TENTH MEETING

Held at the Palais des Nations, Geneva
on Friday, 20 March 1964 at 10 a.m.

Chairman: Mr. J.H. WARREN (Canada)

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1. Peruvian import surcharges (L/2193)

The CHAIRMAN recalled that a working party had been established at the fourth meeting of the session to examine the request of the Government of Peru for authority to maintain a surcharge on bound items and to enter into re-negotiations on its Schedule. The report of the Working Party had been circulated in document L/2193.

Mr. PRESS (New Zealand), the Chairman of the Working Party said that the Working Party had dealt with the two aspects of the Peruvian request: the request for a waiver for the surcharges on bound items and the renegotiation of Schedule XXXV after the new tariff had been introduced. In its draft decision the Working Party recommended the granting of a waiver to cover the surcharges and proposed that the Council be empowered to deal with the renegotiation aspect when full information was available on the new tariff. In terms of the proposed waiver Peru would be authorized to maintain the surcharges until the end of the twenty-second session or until the introduction of the new Schedule whichever was the earlier. Mr. Press pointed out that the approach of the Working Party to the Peruvian request typified the manner in which the GATT dealt with such requests from contracting parties which were forced to take action outside the provisions of the Agreement.

The text proposed in the annex to document L/2193 was approved for submission to a vote under Article XXV:5.¹

Mr. LETTS (Peru) thanked the Chairman and members of the Working Party and the CONTRACTING PARTIES for the prompt and sympathetic manner with which they had dealt with the Peruvian request.

2. Relations with less-developed countries (L/1990)

The CHAIRMAN recalled that at their twentieth session the CONTRACTING PARTIES had appointed a working party to "examine whether practical and satisfactory ways can be devised for participation in the work of the GATT by less-developed countries which do not yet feel in a position to accept the obligations of the General Agreement". The Working Party had met in April 1963, and its report (document L/1990) had been presented to the Council by the Chairman of the Working Party, Mr. Santiapillai (Ceylon). The Council had acted on one of the recommendations put forward in the report, namely that, if the Ministers should decide at their meeting in May 1963 to convene a trade negotiating conference, the Executive Secretary should write to less-developed countries enquiring whether they wished to take this opportunity to negotiate for accession to the GATT. It was agreed by the Council to refer the remainder of the report to the CONTRACTING PARTIES at their twenty-first session.

The DEPUTY EXECUTIVE SECRETARY said that, following the decision of the Council, the Executive Secretary had addressed an enquiry to less-developed countries which had not acceded to the GATT and which were not participating in the work of the CONTRACTING PARTIES. As a result of this enquiry the Government of Iceland had applied for provisional accession and would be negotiating for full accession during the Kennedy Round. A decision in this connexion had been taken by the CONTRACTING PARTIES during the current session. The Government of Viet-Nam had submitted an application for accession and had requested that this be considered at the next session of the CONTRACTING PARTIES. Several governments had expressed an interest in acceding to the GATT and had sought detailed information about the rights and obligations of contracting parties and the procedures for accession. Active discussions were being pursued with these governments by the Executive Secretary. A number of other governments had advised that the matter was under active consideration and the Executive Secretary had indicated to these governments that the secretariat was fully prepared to discuss with them any problems they might have in connexion with accession to the General Agreement.

The Executive Secretary had also been giving active consideration to the question of defining more precisely the terms under which the CONTRACTING PARTIES might be prepared to accept the accession of less-developed countries under Article XXXVIII. This problem had been raised by one delegation in the Committee on the Legal and Institutional Framework and in the course of discussion the view was expressed that, since Article XXXVIII enabled the CONTRACTING PARTIES to decide the terms on which governments not parties

¹The Decision was adopted.

to the Agreement could accede, no change in the provisions of the General Agreement was necessary. The view had been expressed in the Committee that it might be appropriate for the CONTRACTING PARTIES to give consideration to the drawing up of a detailed specification of the terms on which less-developed countries could expect to accede, particularly in relation to the so-called "entrance fee" or tariff concessions, which were considered to be a counterpart to the benefits newly-acceded countries would derive from existing tariff concessions amongst contracting parties. In this connexion it had been pointed out that the Ministers at their meeting in May 1963 had decided that developed countries could not expect to receive reciprocity from less-developed countries. Consideration was being given to this problem but as yet there was no specific proposition for the CONTRACTING PARTIES to consider. The Deputy Executive Secretary suggested that the matter might be referred to the Council to which the Executive Secretary on the conclusion of consultations with interested countries might submit a specific suggestion. As regards the plan outlined in paragraph 6 of L/1990, he suggested that it would be appropriate for the CONTRACTING PARTIES to take note of the report and make arrangements for the continuation of the discussion at the twenty-second session.

Mr. NARASIMHAN (India) suggested that less-developed countries had hesitated in acceding to the General Agreement because it entailed obligations which were no less than those undertaken by developed countries. However, it was probable that, following the work of the Committee on the Legal and Institutional Framework and the coming into force of the new chapter, less-developed countries not at present members would be attracted to the GATT.

The proposals by the Deputy Executive Secretary were approved.

3. Latin American Free-Trade Association (L/2189)

The CHAIRMAN recalled that when the Montevideo Treaty, establishing a free-trade area among a number of Latin American countries, had been examined by the CONTRACTING PARTIES at their seventeenth session, the members of the Association which were contracting parties to the GATT had expressed their readiness to furnish further information as the Association developed. A statement by these contracting parties on the implementation of the Treaty was contained in document L/2189.

Mr. GARCIA OLDINI (Chile), speaking on behalf of those contracting parties signatories to the Montevideo Treaty, outlined the progress made in the LAFTA in the past year in relation to the provisions of the General Agreement. The Treaty stipulated that members should remove tariff and other obstacles affecting intra-trade, this was being done on a product-by-product basis. He noted, in this connexion that the Treaty provided that each country should make an annual reduction with respect to the other member countries amounting to not less than 8 per cent of the weighted average of existing duties and charges applicable to third countries. As regards non-tariff barriers on intra-trade, the Treaty provided that these should be removed before the end

of the twelve-year transitional period without fixing any specific time-table within the period. In the negotiations carried out, the member countries of the Association had gone beyond the requirements of the Treaty in suppressing non-tariff restrictions. In the negotiations of 1961, 1962 and 1963 as well as the special negotiations pertaining to Colombia's accession, some eight thousand decisions had been entered into as a result of this product-by-product approach to tariff reduction. The system was clearly difficult to administer and it was possible that in future a linear approach would be adopted, but there had been no agreement as yet. Some initial thought had also been given to the creation of a common external tariff. In 1962, the first full year of liberalization in intra-trade, exports of member countries of the Association to other members had grown from \$291 million to \$348 million or by 19.6 per cent.

During 1964, negotiations would commence on the common Schedule provided for in the Montevideo Treaty. Initially the Schedule was to comprise products accounting for not less than 25 per cent of the aggregate value of trade among member States. With regard to items included in the Schedule, member States would have to eliminate all duties and charges and other restrictions applied on imports from other member States. The minimum percentage of 25 per cent would be raised to not less than 50 per cent during the second three years of operation of the Treaty and to not less than 75 per cent during the third three-year period thus ensuring the substantial liberalization of intra-trade at the end of the third three-year period. Mr. Garcia Oldini concluded by expressing the hope that the report would enable contracting parties to understand more fully the work being undertaken by LAFTA.

Mr. BEECROFT (Nigeria) stressed the belief of his Government in the value of regional economic integration whether it embraced industrialized countries, less-developed countries or a combination of both. Such integration was useful in facilitating economic development. He expressed the hope that once LAFTA had established a common external tariff, it would be submitted to the CONTRACTING PARTIES for examination.

Mr. PROPPS (United States) expressed the satisfaction of his delegation at the progress made in the implementation of the Montevideo Treaty. Trade generated by such regional arrangements would assist in the development efforts of the member States. He pointed out, however, that it would be useful if the member States when submitting future reports, could include more detail on the type of work being undertaken at individual meetings. In this connexion he cited meetings listed on page 5 of document L/2189. Such information would enable contracting parties, both developing and developed, to obtain a closer insight of the problems and techniques associated with regional integration. He also requested that future reports should contain more general as well as legal information.

Mr. GARCIA OLDINI (Chile) replying to the representative of Nigeria, pointed out that the idea of a LAFTA common external tariff had only just been proposed and that time would necessarily elapse before any concrete proposals were evolved. He could nevertheless give an assurance that any common external tariff that was arrived at would be submitted to the CONTRACTING PARTIES for examination. As regards the request by the United States for further information, Mr. Garcia Oldini undertook to transmit this to the LAFTA, when, he was sure, would as far as possible, comply with this request.

The information supplied by the contracting parties, members of LAFTA was noted.

4. Balance-of-payments import restrictions - arrangements for consultations in 1964 (L/2191)

The CHAIRMAN noted that in document L/2191 the secretariat had enumerated the consultations which should be undertaken by the Committee on Balance-of-Payments Restrictions during 1964. Two meetings of the Committee were envisaged, one in the spring and the second in the autumn. The Chairman observed that references were made in the secretariat paper to the legal question as to which provisions of the GATT were relevant to the consultations conducted with certain countries. He suggested that as the item on the agenda related only to the programme for the consultations, this legal question could be left over.

Mr. DE SILVA (Ceylon) requested that the consultation with Ceylon scheduled for the spring should be deferred until the autumn.

Mr. NARASIMHAN (India) pointed out that the Indian Government presented its budget in May and would have to consult shortly afterwards with the International Monetary Fund. He suggested therefore that it would be more fruitful to hold the consultation with India in the autumn.

Mr. PROPPS (United States) said that it was the understanding of his delegation that the distinction between countries consulting under Article XII and Article XVIII was relevant only in the particular context of the consultations on balance-of-payments restrictions.

The CHAIRMAN proposed that the Executive Secretary should, in the light of IMF consultations and other relevant factors, discuss with contracting parties which were scheduled for consultation during the autumn of 1964, the possibility of some of them consulting in the spring in order to maintain a balance between the spring and autumn consultations.

The arrangements for consultations in 1964 contained in document L/2191, amended to take account of the requests of Ceylon and India, were approved.

5. Programme of meetings for 1964 (W.21/11)

With reference to the note on meetings to be held in 1964, submitted by the Executive Secretary in document W.21/11 the CONTRACTING PARTIES agreed that a short special session should be convened in the week commencing 16 November in order to examine a report by the Committee on the Legal and Institutional Framework regarding the proposed new chapter of the GATT, and that the twenty-second session should be held from 1-26 March 1965. It was further agreed that the Committee on Balance-of-Payments Import Restrictions should meet on 18 May and again from 2-13 November. The CONTRACTING PARTIES instructed the Council to meet at an early date to draw up a programme for the meetings of other subsidiary bodies.

Mr. NARASIMHAN (India) noted that document W.21/11 made no provision for meetings of the sub-committees of the Action Committee, and asked whether the Action Committee would be responsible for convening meetings of its sub-committees.

The CHAIRMAN confirmed that the Action Committee was empowered to determine the date of meetings of its sub-committees.

Mr. CARMODY (Australia) said that, although he appreciated the difficulties of the secretariat in this regard, it was extremely difficult for countries as distant from Geneva as his own to attend meetings called at short notice and to examine relevant documentation issued immediately prior to a meeting.

The CHAIRMAN said that note would be taken of the point raised by the representative of Australia. He suggested that the Council should attempt to establish a time-table for meetings of the subsidiary bodies which would not be altered at a later date, and that the secretariat should endeavour to provide documents at a satisfactory interval before the start of meetings.

The DEPUTY EXECUTIVE SECRETARY said that the secretariat was aware of the difficulties encountered by delegations of countries distant from Geneva. The secretariat had always tried to circulate documents well in advance of meetings. The dates of some recent meetings had, it was true, been changed at short notice at the request of delegations. He would take this opportunity to appeal to delegations to supply information for inclusion in documents promptly and if at all possible to refrain from requesting changes in agreed time-tables of meetings. Thus while the secretariat would do its best to avoid the problems mentioned by the representative of Australia he would appeal for the full co-operation of delegations in this respect.

Miss LOVAT-WILLIAMS (United Kingdom) observed that the session of the CONTRACTING PARTIES scheduled for November 1964 was termed "special" and she asked whether ordinary business would be included on the agenda of this session.

The CHAIRMAN confirmed that it was not intended that business other than the new chapter should be included on the agenda of the special session unless it were urgent.

Mr. HAMZA (United Arab Republic) observed that the question of the provision of a new building for the GATT had not been included on the agenda of the twenty-first session. He expressed the hope that it would appear on the agenda of the next session. His delegation had instructions to support a proposal for a new building providing other delegations agreed.

The CHAIRMAN said that it was his understanding that the question of a new building could not be dealt with in the time available for this session. The support of the United Arab Republic for the new building would be noted.

Mr. GARCIA OLDINI (Chile) said that the CONTRACTING PARTIES would have to consider not only the question of a new building but also that of the provision of accommodation for delegations and certain other more general aspects pertaining to the siting of the GATT.

6. Report on Action Committee (AC/10)

The Chairman reminded the CONTRACTING PARTIES that the Ministers, at their May 1963 meeting, had decided that an Action Committee should be established to assist in the implementation of the Programme of Action and "to initiate, process and co-ordinate further positive measures mentioned in the Conclusions adopted by Ministers to help developing economies to strengthen their production potential and export capacity in order that the expansion of international trade may contribute to their economic development". The Chairman pointed out that the report distributed in document AC/10 was a report by the Chairman of the Action Committee.

Mr. LALL (India), Chairman of the Action Committee, said that he felt he would be reflecting the concensus of the Committee in assuming that Ministers would be disappointed with the progress that the Action Committee had made in implementing policy decisions they had agreed on. Although some decisions had been taken in compliance with the Programme of Action, it was regrettable that progress in a number of fields was slow or lacking. He would appeal to contracting parties to exercise the necessary political will to speed up the pace with which they were implementing the Programme. The Action Committee was prepared to play its full part in finding solutions to the problems posed and to process and co-ordinate the implementation of the Programme.

Mr. VALLADAO (Brazil) said that the Brazilian delegation had, on various occasions, expressed disappointment at the lack of progress made in implementing the Programme of Action, which had given rise to so much hope among less-developed countries. He fully shared the view expressed in paragraph 17 of AC/10 that political will was necessary to give additional impetus to the implementation of the Programme. There was no need for further analysis of the problem and action was now required. In the interest of both the less-developed countries and the GATT, he would associate Brazil with the appeal voiced by the Chairman of the Committee.

Mr. LETTS (Peru) associated his delegation with the statement made by the representative of Brazil.

Mr. BOSCH (Uruguay) also associated himself with the remarks of the representative of Brazil, in particular in relation to paragraph 17 of AC/10. He hoped that the necessary political will would be displayed to enable a more vigorous implementation of the Programme of Action.

Mr. GARCIA OLDINI (Chile) pointed out that any judgement on the effectiveness of GATT could not be related to the organization but had to apply to the contracting parties as such. GATT could only function with the full co-operation of contracting parties. For this reason, it would be difficult to maintain that the United Nations would succeed where GATT had failed. Referring specifically to paragraph 12 of AC/10 he noted the "feeling of frustration among less-developed countries has been intensified by what, to many of them, appears to be a reluctance on the part of governments, both as regards action in the GATT or other international bodies ... to come to final arrangements at the present time." This reflected, he suggested, a degree of dissatisfaction with international bodies, which could have harmful consequences. He suggested that those contracting parties which could take action in conformity with the Programme of Action should do so without delay. The discussion and examination of AC/10 would be useful in bringing home more vigorously to the developed countries the desirability of attempting to find solutions to the problems of the less-developed countries.

Mr. EVANS (United States) said that the conclusions of the United States regarding the progress made in the Action Committee differed somewhat from those of certain other countries and in some respects from those of the Chairman of the Action Committee. It was, however, appropriate that the Chairman should be dissatisfied with the progress made so that he could continue to concentrate the energies of the Committee on the tasks before it. The progress made within the Action Committee had to be seen in the light of the amount of work that had to be performed in translating the ministerial directives into legislation. In this connexion he noted that quantitative restrictions applied to items of interest to less-developed countries had been considerably reduced since this matter had come before Committee III. COM.III/119/Rev.1 showed that quantitative restrictions maintained on items in the three Committee III lists had been removed in 232 cases out of 289 originally recorded and even this figure did not include cases where quotas had been significantly increased. Moreover, many industrialized countries had recently announced the removal of barriers or their intention to do so in 1964. Furthermore, no new barriers had been imposed. The United States no longer applied any quantitative restrictions or fiscal charges which were inconsistent with the Programme of Action and it was the intention of the United States Government to make full use of the Kennedy Round to reduce customs duties on items of interest to less-developed countries.

On the broader aspects of the problems confronting less-developed countries, much had been done. Progress had been made in the drafting of a new chapter aimed at meeting the needs of the less-developed countries. Committee III was considering additional products of interest to less-developed countries with a view to their inclusion in the Programme of Action and was embarking on studies, with respect to individual countries, of trade and aid relationships. Moreover, the Trade Information and Trade Promotion Advisory Services would start operations soon and training activities in export promotion and in the more traditional field of GATT activities were being expanded. He had cited these accomplishments in order to give a better balance to the assessment of progress achieved but was not suggesting that there should be any relaxation of effort. Inevitably the pace of compliance with the Programme of Action would give rise to dissatisfaction, but realism had to be displayed. Detailed work had to be undertaken if real progress were to be made. The United States reaffirmed its support for the Action Programme and its intention to work with all possible speed towards the implementation of the mandate of Ministers. It was the hope of the United States delegation that new proposals would be presented in concrete form and that the less-developed countries would co-operate in devising new and practical approaches to the problems confronting world trade.

Mr. DE SILVA (Ceylon) expressed the disappointment of his delegation at the degree of progress achieved in the Action Committee. Some industrialized countries could, he suggested, show greater urgency in implementing the Programme of Action. Less-developed countries were asked to pin their hopes on the Kennedy Round and he looked forward to an outcome of the negotiations which would be more satisfactory to them than that of past tariff negotiations. He associated his delegation with the statement of the representative of Brazil.

Mr. BEECROFT (Nigeria) associated his delegation with the views expressed by other less-developed countries and joined them in their appeal to industrialized countries to take urgent action in implementing the Programme of Action.

Mr. MIYAZAKI (Japan) said that his Government was aware of the importance attached by less-developed countries to the removal of barriers confronting their exports. In the last few years Japan had introduced substantial measures of liberalization which covered items of export interest to less-developed countries. This liberalization had been extended to all less-developed countries. Liberalization had been introduced in respect of tropical timber and their semi-manufactures in January of this year and in respect of lead and zinc in February. Japan would make every effort to remove remaining restrictions on items of interest to less-developed countries. It had however to be borne in mind that individual less-developed countries met with particular trade problems and he would suggest that such problems be dealt with on a country-by-country rather than product-by-product basis. The work

of Committee III included a number of new subjects and should be aimed at providing a concrete analysis of the problems posed and not a general dissertation on them. Japan had shown her preparedness to participate in international commodity agreements and had recently completed the necessary domestic procedures to enable her to participate in the International Coffee Agreement.

Mr. HAMZA (United Arab Republic) associated his delegation with the regret expressed that more progress had not been made and the hope that the position would change in the future. The problem arising from the fact that the gap in the export earnings of the developed and the less-developed countries was growing, needed to be dealt with on a broader front. Less-developed countries could not be too satisfied with what had been done in the past. It was his hope that the Kennedy Round would present an opportunity to solve a number of problems. Referring to AC/10, he drew attention to the desirability of arrangements being made for ensuring the continuation of the Committee's work, and to the appeal for the necessary political will.

Miss LOVAT-WILLIAMS (United Kingdom) recognized that dissatisfaction existed over the progress made by the Action Committee. She suggested that this was inevitable in view of the broad range of problems with which the Committee was attempting to deal. However, the progress made should not be ignored. The United Kingdom would continue to play an active rôle in promoting the work of the Action Committee and hoped for the co-operation of all members of the Committee in undertaking the necessary preparatory work and in determining priorities.

Mr. POPIC (Yugoslavia) said that his country was interested in finding solutions to the problems confronting the trade of less-developed countries and had followed the endeavours of GATT in this field with both interest and hope. He noted that, notwithstanding the efforts of the Action Committee, progress in implementing the conclusions of the ministerial meeting of 1963 had been slow. There was, he suggested, a gap between intent and performance. The disappointment expressed by less-developed countries was justified in his opinion by the failure of the industrialized countries to act. In the Kennedy Round an attempt was being made to find broad solutions to trade problems confronting the developed countries. In the case of the problems of the less-developed countries, however, no such broad approach had been adopted.

The Yugoslav delegate supported the remarks by the representatives of less-developed countries pertaining to the work of the Action Committee. In particular, he stressed the desirability of industrialized countries demonstrating the necessary political will to implement the Programme of Action. The present session of the CONTRACTING PARTIES had shown that much remained to be done and it was to be hoped that the United Nations Conference would provide new ideas which would enable faster progress to be made.

Mr. STONER (Canada) said that, although by the very nature of the subject and whatever had already been achieved there would always be need for action, he believed that there was the necessary political will in the industrialized countries to undertake the implementation of the Programme of Action. Progress already made in this direction proved this. It had to be noted, however, that there was a certain amount of justifiable concern by developing countries over a number of matters and in particular over the continued maintenance of quantitative restrictions on many items of interest to them. Canada's record in this regard was well known and he suggested that other industrialized countries should take prompt and decisive action to remove remaining restrictions so that developing countries would derive benefits in addition to those accruing from the Kennedy Round.

Mr. HAKIM (Indonesia) associated his delegation with the remarks of other less-developed countries' representatives concerning their disappointment over progress made in implementing the Programme of Action. He appealed to industrialized countries to display the necessary political will in this regard.

Mr. LERENA (Argentina) said that he had experienced some difficulty in deciding whether to be optimistic or pessimistic as regards further progress in the implementation of the Action Programme. The amount of progress so far achieved had been disappointing and it was difficult, moreover, to be optimistic over the possibility that, in future, industrialized countries would display the necessary political will to apply solutions to the problems concerning less-developed countries. However, he suggested that solutions had to be found within the shortest possible time and, at the very latest, by the end of the Kennedy Round and the United Nations Conference on Trade and Development.

Mr. LALL (India) expressed his thanks, as Chairman of the Action Committee, to contracting parties for the confidence they had shown in the work of the Committee. He noted that blame for lack of progress in the Action Committee seemed to have been laid on contracting parties and not on the Action Committee itself. If he had not, in his report and in his earlier statement, made sufficient reference to the achievements of the Committee, it was only because he considered that it would be inappropriate to do so, given the magnitude of its task. The Action Committee and the Sub-Committees had not, however, been inactive, and much preparatory work had been undertaken. Contracting parties had unquestionably shown their desire to solve the immense problems before them in the Committee and had unanimously adopted a programme of work. He suggested that it would be desirable for the Action Committee to attempt to ensure, as far as was possible, the fulfilment of the Programme of Action before further implementation procedures were necessitated by the Kennedy Round and the United Nations Conference on Trade and Development.

The CHAIRMAN noted that contracting parties had expressed their appreciation to the Action Committee and its Chairman for the work achieved. Many less-developed countries had expressed their agreement with paragraph 17 of AC/10, the essence of which was that, although progress had been achieved, action in a number of fields had been slow or lacking, and they had appealed for the display of the necessary political will by industrialized countries. Representatives had alluded to the responsibility of the governments of some or all industrialized countries in this regard. Representatives of industrialized countries had related the limited progress made by the Action Committee to the extremely complex and challenging problems with which it was confronted and the need for careful preparation in the Committee's work. In this connexion attention had also been drawn to the importance of the Kennedy Round and the United Nations Conference on Trade and Development. There was general support for the continuation of the Action Committee's work in order to bring about an implementation of the Ministerial Conclusions of May 1963.

The report of the Chairman of the Action Committee (AC/10) was noted.

7. Ghana/Upper Volta Free-Trade Area

The CHAIRMAN recalled that the Government of Ghana had submitted, in May 1962, for the information of the CONTRACTING PARTIES, the text of the trade agreement concluded on 28 June 1961 between Ghana and Upper Volta. This text had been circulated in document L/1766. A representative of Ghana had said, in this connexion, that the agreement established a free-trade area between the two countries. Contracting parties had been invited to address to the secretariat questions and requests for further information about the agreement. A number of questions had been received from contracting parties and these, together with the replies received from the Government of Ghana, had been circulated in document L/2010. He suggested that the item might be considered as having been disposed of, it being understood that it would remain open to any contracting party to raise any question relating to the agreement if the need should arise.

This proposal was adopted.

The meeting adjourned at 12.30 p.m.