Tariff Negotiations

CORRESPONDENCE EXCHANGED BETWEEN THE PRESIDENT OF THE DOMINICAN REPUBLIC DELEGATION AND THE EXECUTIVE SECRETARY REGARDING THE SECRECY OF NEGOTIATIONS

The following is the text of a letter dated 25 August, 1949, received by the Executive Secretary from the President of the Dominican Republic Delegation, and the Executive Secretary's reply, dated 2nd September, 1949:

"The Dominican Delegation wishes to draw your attention to a serious break of faith which occurred during the third session of the Contracting Parties in Annecy and wishes to convey to you its great concern with regard to these regrettable incidents which most seriously impaired the interest of the Dominican Republic.

"At the beginning of the Conference in Annecy it had been agreed upon the secrecy of all negotiations carried on between the Delegations of the represented countries. In spite of this agreement Cuba felt herself free to publish the secret offers made by the United States to the Dominican Republic and to discuss the matter openly in the Cuban press and Cuban radio. The Cuban Delegation referred furthermore in their statements on margins of preference before the Contracting Parties to the tentative offers which the Delegation of the United States had made to the Delegation of the Dominican Republic. After the end of the discussion of the Cuban statement on margins of preference it was given publicity through the Cuban radio stations to the fact that the U.S. Delegation had withdrawn the original offer to the Dominican Republic involving a reduction in the sugar preference.

"This break of faith is very much resented by the Dominican Delegation, especially as the representative of the United States, Mr. Evans, by announcing the withdrawal of the offer stressed the fact that "this statement should be considered as secret as all offers were considered secret" (GATT/CP.3/SR.37 - page three, line three).
"The Dominican Delegation protests against this violation of the rules of secrecy laid down by the Contracting Parties and expects that appropriate action will be taken in the future against such breaks of faith which endanger the proper function of the tariff negotiations within the framework of GATT."

"I have had your letter of 25 August about the unauthorized disclosure of details of tariff negotiations. I entirely agree with you as to the importance of the maintenance of secrecy regarding tariff negotiations and this consideration has always figured very prominently in the arrangements for such negotiations. As regards the particular instance to which you refer, there is of course no useful action that can be taken ex post facto. You will recall that the statement presented by the Cuban Delegation to the Contracting Parties, in which certain disclosures were made was, upon the protest of the United States Delegation, withdrawn, and the summary incorporated in the summary record does not contain the statement to which objection was made.

"I entirely share your feeling that precautions should be taken in the future against breaches of the rules relating to secrecy of negotiations and I am therefore circulating your letter and this reply to the Governments which participated in the Annecy negotiations. We shall also take steps prior to the opening of any future series of tariff negotiations to emphasise once again the importance of strict observance of the rules for preserving secrecy."