Tariff Negotiations Working Party

STATUS OF URUGUAY IN THE TORQUAY NEGOTIATIONS

Statement by the Representative of Uruguay to the Tariff Negotiations Working Party on 26 Oct. 1950

We very much regret the delay that has occurred in bringing again before the Tariff Negotiations Working Party the matter I spoke about previously, that of Uruguay’s status at this Conference. It has not been possible to raise the question before today, owing to the need to study carefully the repercussions and effects of each of the various formulas that were taken into account. It would have been undesirable through undue haste to undo the work carried out last year, when we negotiated successfully with a large number of contracting parties and Annecy acceding governments. Further, special legal problems arose for one or two other governments under the solution that was, basically, that which we preferred owing to its simplicity: that of Uruguay being considered a Torquay acceding government and negotiating as such. This formula offered us no difficulties, in view of the fact that by non-ratification of the Annecy Protocol, Uruguay has not assumed any formal responsibility in respect of the General Agreement.

However, we have endeavoured to meet all points of view that were advanced to us on this question, and in the circumstances we would suggest the following:

1. That Uruguay’s Annecy concessions be revalidated by the contracting parties. There already exists a precedent of action taken in respect of another country which, if not identical, does have the virtue of indicating that the contracting parties have, in the past, been in a position to solve such questions satisfactorily. We would propose that the contracting parties extend the acceptance date of the Annecy Protocol as applicable to Uruguay, to whatever date is established for ratification of the Torquay Protocol, and Uruguay would then accede to the General Agreement under the Annecy Protocol.

We would welcome it if the contracting parties were to see their way clear to including this question under Item 3: "TARIFF NEGOTIATIONS", of the Agenda of the 5th Session, which will - we hope - be dealt with at an early date, and to taking an appropriate Decision in respect of Uruguay.

2. Such action by the contracting parties will require that Uruguay be in a position to re-negotiate certain Annecy items in accordance with the principles of Article XXVIII as applicable to our particular case. Otherwise, we would find ourselves in the unique position of not enjoying the privilege of re-negotiation under Article XXVIII which is the prerogative of all other countries that negotiated successfully at Annecy. As Uruguayan acceptance of our Annecy Schedule already implies a limitation of our freedom to negotiate at Torquay, we would expect to be able to make such alterations as have been recommended by the competent authorities in Montevideo. In any case, the list of Uruguayan items for re-negotiation will be circulated immediately the question of our status is settled, and I am in a position to state that it will not exceed a dozen items. It appears to us as if these re-negotiations will not require any particular formal action on the part of the contracting parties, in view of the fact that we would be acceding under the Annecy Protocol. The re-negotiated items would be included in the Torquay Protocol, which would be submitted to the Uruguayan Legislature together with the Annecy Protocol, for simultaneous ratification.
3. The Torquay Protocol of Assession should include the necessary references to Uruguay's special position which lies, in a sense, somewhere between a contracting party and a Torquay acceding government, for the purposes of the present Conference. We would suggest that the detailed drafting of the provisions to be incorporated in the Torquay Protocol be eventually entrusted to the Legal Working Party, once the principles involved have been agreed in this Working Party and in the Tariff Negotiations Committee which, we believe, should be consulted on this whole question.

To sum up, Mr. Chairman, we suggest:

1. extension of the date for ratification established in the Annecy Protocol to coincide in the case of Uruguay with the date to appear in the Torquay Protocol;
2. recourse to the principles of Article XXVIII in respect of certain concessions granted by Uruguay in Annecy; and

Perhaps I might add one word on the question of extending the date for ratifying the Annecy Protocol, to coincide with the date established for the Torquay Protocol. We are aware - and recognize - that this would be a considerable extension which is unusual within the structure of the General Agreement. However, our legislature will probably not be in a position to take up this question until the second quarter of next year, owing to the parliamentary recess and to the many important questions that will be dealt with as soon as it reconvenes after the general election which will take place at the end of this year. In addition, in accordance with Article 75 of the Constitution, international instruments such as the General Agreement require absolute majorities of both Houses and they must therefore be given special consideration. Given those circumstances, and keeping in mind the fact that the Uruguayan Government would be presenting the Annecy and Torquay Protocols together, for simultaneous ratification, we feel it is wise to prevent any further difficulty by establishing the same final date for the ratification of both instruments. Needless to say, this does not mean that Uruguay is not interested in securing the earliest possible application of the General Agreement to our international trade. The Government wishes to negotiate successfully at Torquay - as it did at Annecy - and to request our legislature for the earliest possible accession to the General Agreement. Therefore, the granting of the date I have mentioned, which we consider to be the most suitable in the light of our particular situation, will signify that the Government will in any way slacken its efforts to secure the most prompt parliamentary ratification of these instruments.

Finally, may I say that we are eager to carry on with our bilateral negotiations and that we trust this Working Party will see its way clear to recommending acceptance of the formula suggested by the Uruguayan Delegation. In this manner, we will be able to proceed with our work and facilitate our earliest accession to the General Agreement.