SUGGESTIONS ON THE DRAFT WAIVER BY THE DELEGATION OF NIGERIA

"1. As Nigeria will not be represented at the meeting of the Working Party taking place on 9 and 10 December I shall be grateful if you will convey the following comments to the Working Party. We shall of course be represented at the meeting of the Council which will among other things consider the Australian request for a waiver. Where there are two paragraphs bearing the same number I refer to the first as (a) and the second as (b)."

"2. (i) Our comments are concentrated on the operative part of the draft waiver. We consider that paragraph 1 should end with the following words: "on territories listed in Annex II to this decision". What follows is unnecessary because the aim of the waiver is to enable CONTRACTING PARTIES to grant Australia's request for special treatment of products coming from less-developed countries without extending the same privileges to developed countries as provided in Article I of the General Agreement."

(ii) Paragraph 3(a) is unacceptable to my Government.

(iii) Paragraph 3(b) is acceptable to my Government if it reads as follows: "Whenever the Government of Australia proposed to withdraw the benefit of the preferential treatment provided for in this waiver from any less-developed contracting party it shall notify the CONTRACTING PARTIES of the action which it intends to take and shall upon request consult with all the less-developed contracting parties likely to be affected by such action. If no request for such consultation is received within a period of thirty days of the date of the notification or if the consultation results in agreement the Government of Australia may take such action. If no agreement is reached within a period of thirty days the matter shall be referred to the CONTRACTING PARTIES for a decision which shall be final".

(iv) Paragraph 4 is acceptable with the deletion of the following already in brackets: "and shall give prompt attention to any representation in this regard"; "a mutually acceptable settlement"; "a settlement satisfactory to all or compensatory adjustment".

1 These suggestions relate to the text which was circulated to the Drafting Group in document INT(65)694.
3. My delegation feels that the question of the list of countries to benefit from the grant of this waiver should now be settled. In this connexion two alternative approaches are open for adoption:

(i) in addition to Australia's indicative list other countries not included in that list which consider themselves less-developed countries have applied for their names to be included in the list. The question to be decided is: Is Australia prepared to accept the consolidated list to represent countries which are to benefit by this waiver?

(ii) If above is unacceptable all countries referred to as less-developed contracting parties in Part IV should be let free to export to Australia commodities listed in Annex I. Should any of such countries be denied the advantages which this waiver seeks to confer then such country should bring the matter up for decision by CONTRACTING PARTIES.

(iii) If any of the two methods suggested above for arriving at a decision in respect of which countries should be considered less-developed is acceptable paragraph 5 of the draft is unnecessary. Paragraph 6(a) is unnecessary if paragraph 3(b) is accepted."

4. Australia should be limited to the review of preference duties, size of quotas and the coverage of the products listed in Annex I. All the countries of the world whether developed or less-developed are already known. There can be therefore no inclusion as the waiver is for the benefit of all less-developed countries. With regard to exclusion, this has already been dealt with in paragraph 3(b) of the draft."