COMMUNICATION FROM KOREA

The following communication, dated 20 December 1991, has been received from the Permanent Mission of Korea, with the request that it be brought to the attention of the Uruguay Round participants.

The Government of the Republic of Korea expresses its serious concern over the intention of the European Communities to unilaterally deny Korea the status of a less developed contracting party in the sense of Part IV of the General Agreement, and thus exclude her from the application of special and differential treatment in the context of the implementation of the results of the Uruguay Round.

The Korean government wishes to make it clear that a unilateral action by one contracting party against another should not be condoned unless it is grounded upon a clear legal basis in GATT.

Korea's status as a less developed contracting party has been confirmed not only in GATT, but also in other international organizations such as UNCTAD on the basis of convention and practice.

The fact that Korea has been a beneficiary of the GSP treatment and has disinvoked Article XVIII:B of the General Agreement is but one proof of its status as a less developed country.

The Korean Government therefore considers the position of the European Communities embodied in the said communication as lacking any legal basis in the General Agreement.

No contracting party in the GATT should be permitted to change a long established status of other contracting parties under the General Agreement through a unilateral decision. If such a unilateral action of the European Communities should be allowed to prevail, it would constitute a very dangerous precedent in GATT which could affect seriously the interests of other contracting parties in the future. Should the European Community question the status of Korea and that of two other contracting parties as.
less developed, it is the European Communities that should bear the burden of bringing the matter to the relevant forum of the GATT.

The Korean Government hopes that the intention of the European Communities is not a move to improve, in any way, its negotiating position in this critical phase of the Uruguay Round negotiations, in contravention of the spirit of the Punta del Este Declaration.