

GATT/AIR/302

2 October 1962

SUBJECT: STATUS OF RWANDA AND BURUNDI

IN ACCORDANCE WITH RESOLUTION 1746 (XVI), ADOPTED BY THE UNITED NATIONS GENERAL ASSEMBLY ON 27 JUNE 1962, THE UNITED NATIONS TERMINATED THE TRUSTEESHIP AGREEMENT IN RESPECT OF RUANDA-URUNDI ON 1 JULY 1962. ON THAT DATE THE FORMER TRUST TERRITORY WAS DIVIDED INTO TWO INDEPENDENT AND SOVEREIGN STATES CALLED RWANDA AND BURUNDI.

AN EXAMINATION OF THE RECORDS OF THE SECRETARIAT HAS SHOWN THAT THE COMMUNICATION TRANSMITTED TO THE SECRETARY-GENERAL OF THE UNITED NATIONS BY THE GOVERNMENT OF BELGIUM ON 28 JULY 1948, PURSUANT TO PARAGRAPH 2 OF THE PROTOCOL OF PROVISIONAL APPLICATION, GAVE NOTIFICATION OF INTENTION TO APPLY THE GENERAL AGREEMENT TO THE TERRITORY OF THE BELGIAN CONGO BUT MADE NO MENTION OF THE TRUST TERRITORY OF RUANDA-URUNDI. HOWEVER, IN A COMMUNICATION TO THE EXECUTIVE SECRETARY DATED 24 AUGUST 1951, THE GOVERNMENT OF BELGIUM CLEARLY INDICATED (AS REPORTED IN GATT/CP/108/ADD.2 OF 11 SEPTEMBER 1951) THAT IT WAS APPLYING THE GATT IN RUANDA-URUNDI AS WELL AS IN THE BELGIAN CONGO. IN VIEW OF THE TERMINATION OF THE TRUSTEESHIP AGREEMENT, THIS MATTER HAS BEEN TAKEN UP WITH THE GOVERNMENT OF BELGIUM WHICH HAS ADVISED, IN A LETTER DATED 9 AUGUST 1962, THAT THE NOTIFICATION OF 1948 WAS "VALID FOR THE THREE TERRITORIES FORMING A SINGLE CUSTOMS TERRITORY" AND THAT "THE PROVISIONS OF THE GENERAL AGREEMENT HAVE ALWAYS BEEN APPLIED IN BOTH THE BELGIAN CONGO AND RUANDA-URUNDI".

IN THESE CIRCUMSTANCES IT IS SUGGESTED THAT THE CONTRACTING PARTIES MAY WISH TO ESTABLISH RELATIONSHIPS WITH THE GOVERNMENTS OF RWANDA AND BURUNDI AS THOUGH BELGIUM'S NOTIFICATION OF 28 JULY 1948 TO THE SECRETARY-GENERAL HAD CONTAINED A SPECIFIC REFERENCE TO RUANDA-URUNDI. THIS WOULD MEAN THAT RWANDA AND BURUNDI WOULD HAVE THE RIGHT TO ADMISSION AS CONTRACTING PARTIES UNDER THE PROVISIONS OF PARAGRAPH 5(c) OF ARTICLE XXVI AND THAT THE RECOMMENDATION OF 18 NOVEMBER 1960, WHICH PROVIDES FOR THE DE FACTO APPLICATION OF THE GATT ON A BASIS OF RECIPROCITY FOR A PERIOD OF TWO YEARS, WOULD APPLY TO THESE TWO STATES. UNLESS I RECEIVE OBJECTIONS TO THIS PROCEDURE BY THE BEGINNING OF THE TWENTIETH SESSION, I PROPOSE TO ADD THESE TWO COUNTRIES TO THE LIST OF NEWLY-INDEPENDENT STATES (SEE L/1724 AND ADDENDA) TO WHICH THE RECOMMENDATION OF 18 NOVEMBER 1960 APPLIES, AND TO COMMUNICATE WITH THE TWO GOVERNMENTS CONCERNING THEIR FUTURE RELATIONS WITH THE GENERAL AGREEMENT.

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