

TRADE AND
COMMERCE



Treaty Series No. 81 (1973)

Exchanges of Notes terminating Trade Agreements

between the Government of the
United Kingdom of Great Britain and Northern Ireland
and the Governments of Australia, Canada, India,
New Zealand, Pakistan and South Africa

*Presented to Parliament
by the Secretary of State for Foreign and Commonwealth Affairs
by Command of Her Majesty
September 1973*

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**EXCHANGES OF NOTES
TERMINATING TRADE AGREEMENTS BETWEEN THE
GOVERNMENT OF THE UNITED KINGDOM OF
GREAT BRITAIN AND NORTHERN IRELAND AND THE
GOVERNMENTS OF AUSTRALIA, CANADA, INDIA,
NEW ZEALAND, PAKISTAN AND SOUTH AFRICA**

AUSTRALIA

No. 1

*The Acting United Kingdom High Commissioner at Canberra to the
Minister for Trade and Industry of Australia*

*British High Commission,
Canberra.*

Mr. Minister,

28 July 1972.

I have the honour to refer to the Trade Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Commonwealth of Australia, signed at Canberra on 26 February 1957⁽¹⁾, Article 15 (3) of which provides that either Government may terminate the Agreement by giving to the other Government six months' notice, and to the recent discussions by representatives of the two Governments about the termination of the Agreement in view of the impending accession of the United Kingdom to the European Communities.

It is the mutual desire of both Governments that no action be taken to terminate the Agreement until all steps preparatory to United Kingdom accession to the European Communities have been completed. The United Kingdom has confirmed that it is not its intention as a consequence of its accession to withdraw or reduce privileges enjoyed by Australian exporters to Britain until 1 February 1973 when incompatible obligations under the Common Agricultural Policy of the European Economic Community are due to come into effect in the United Kingdom market. On this understanding and both Governments being willing to accept as from 31 December 1972 one month's notice of termination of the Agreement, I have been instructed to propose on behalf of the Government of the United Kingdom that paragraph 3 of Article 15 of the Agreement be amended to read as follows:

" Subject to paragraph 2 of this Article, either Government may, as from 31 December 1972 terminate this Agreement by giving to the other one month's notice."

I further propose that should the foregoing be acceptable to the Australian Government, this note together with your reply to that effect shall constitute an agreement between the two Governments in the matter, which shall enter into force on 31 December 1972.

I avail myself of this opportunity, Sir, to renew to you the assurance of my highest consideration.

D. P. AIERS

(1) Cmnd. 91.

No. 2

*The Minister for Trade and Industry of Australia to the Acting
United Kingdom High Commissioner at Canberra*

Sir,

28 July 1972.

I have the honour to acknowledge receipt of your Note of today's date which reads as follows:

[As in No. 1]

I have the honour to inform you that the foregoing proposals are acceptable to the Government of the Commonwealth of Australia and I agree that your Note of today's date together with this reply, shall together constitute and evidence an Agreement in the matter between our two Governments which shall enter into force on 31 December 1972.

Please accept, Sir, the assurances of my highest consideration.

J. D. ANTHONY

No. 3

*The United Kingdom High Commissioner at Canberra to the
Minister for Overseas Trade of Australia*

*British High Commission,
Canberra.*

Sir,

22 December 1972.

I have the honour to refer to discussions which have taken place between representatives of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Commonwealth of Australia in the light of the impending accession of the United Kingdom to the European Communities. In those discussions it was noted that under the Treaty of Accession to the European Communities the United Kingdom would have to take initial steps towards adaptation to the Common Agricultural Policy on 1 February 1973 and that incompatible obligations to Australia would have to be terminated by that date.

Accordingly I have the honour to refer to the Trade Agreement between the two Governments signed at Canberra on 26 February 1957 and, in accordance with Article 15 of that Agreement as amended by the Exchange of Letters signed at Canberra on 28 July 1972, to give one month's notice of termination of the said Agreement to commence on 31 December 1972.

Please accept, Sir, the assurances of my highest consideration.

MORRICE JAMES

No. 4

*The Minister for Overseas Trade of Australia to the
United Kingdom High Commissioner at Canberra*

*Minister for Overseas Trade,
Canberra.*

Dear Sir Morrice,

22 December 1972.

I have the honour to acknowledge receipt of your Note of today's date giving one month's notice of termination of the Trade Agreement between the Government of the Commonwealth of Australia and the Government of Great Britain and Northern Ireland, signed in Canberra on 26th February, 1957. I understand that the one month period of notice will commence on the 31st December, 1972.

Please accept, Sir, the assurances of my highest consideration.

JIM CAIRNS

No. 5

*The United Kingdom High Commissioner at Canberra to the
Minister for Overseas Trade of Australia*

*British High Commission,
Canberra.*

Sir,

26 January 1973.

I have the honour to refer to our exchange of letters of 22 December 1972 on the termination of the United Kingdom/Australia Trade Agreement, 1957.

In order to complete arrangements for the termination of obligations incompatible with the Treaty of Accession to the European Communities it is also necessary for certain residual provisions of the Ottawa Agreement, signed by the two Governments on 20 August 1932⁽²⁾, to be brought to an end.

Accordingly I have the honour, pursuant to Article 16 of the Ottawa Agreement, to give notice of termination of the residual provisions of that Agreement as of today's date.

At the same time, I would be grateful for your confirmation that the residual provisions will not apply after 31 January 1973.

I avail myself of this opportunity, Sir, to renew to you the assurance of my highest consideration.

MORRICE JAMES

⁽²⁾ Cmd. 4174, p. 42.

No. 6

*The Minister for Overseas Trade of Australia to the
United Kingdom High Commissioner at Canberra*

*Department of Overseas Trade,
Canberra.*

Dear Sir Morrice,

26 January 1973.

I have the honour to acknowledge receipt of your Note of today's date giving notice of termination of the residual provisions of the Ottawa Agreement of 20 August 1932.

I have further the honour to confirm that the residual obligations under the Agreement will not apply after 31 January 1973.

I avail myself of this opportunity, Sir, to renew to you the assurance of my highest consideration.

JIM CAIRNS

CANADA

No. 7

*The United Kingdom Acting High Commissioner at Ottawa to the
Secretary of State for External Affairs of Canada*

*British High Commission,
Ottawa.*

Sir,

29 December 1972.

I have the honour to refer to discussions with regard to the United Kingdom/Canada Trade Agreement of 1937⁽³⁾, as subsequently amended and revised, which took place in June and July of this year between the representatives of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Canada in the light of the impending accession of the United Kingdom to the European Communities. It was stated by the United Kingdom Government that, since under the Treaty of Accession to the European Communities the United Kingdom would have to take initial steps towards adaptation to the Common Agricultural Policy on 1 February 1973, incompatible obligations to Canada would have to be terminated by that date. The Government of the United Kingdom proposed to give one month's notice of termination of the above Agreement on 31 December, 1972. An understanding was reached between the Government of the United Kingdom and the Government of Canada that the United Kingdom Government would proceed in that manner.

(³) Cmd. 5382.

Accordingly, I have the honour to give, on behalf of the Government of the United Kingdom, one month's notice of termination of the United Kingdom/Canada Trade Agreement of 1937 signed at Ottawa on 23 February 1937, and of the related Exchanges of Letters of 1938⁽⁴⁾ and 1947⁽⁵⁾, such notice to commence on 31 December, 1972.

I have the honour to be,
with the highest consideration,

Sir,

Your obedient Servant,

PETER HAYMAN

No. 8

*The Secretary of State for External Affairs of Canada to the
United Kingdom High Commissioner at Ottawa*

*The Secretary of State for External Affairs,
Ottawa.*

Excellency,

January 31, 1973.

I have the honour to acknowledge the receipt of your letter of December 29, 1972, referring to the discussions which have taken place between representatives of the Government of Canada and the Government of the United Kingdom of Great Britain and Northern Ireland leading to an understanding that the provisions of the Trade Agreement between Canada and the United Kingdom, signed at Ottawa, February 23, 1937, in force effective September 1, 1937 be modified so as to permit the termination of that Agreement, and the subsidiary arrangements thereto, on the expiry of one month from the date on which Notice of Termination is given by one Government to the other Government. I have the honour to state that the Government of Canada accepts that understanding, and regards your letter of December 29, 1972, and this reply, as constituting an Agreement between our two Governments amending the Trade Agreement, 1937, so as to permit termination on the expiry of one month from the date on which Notice of Termination is given.

Accordingly, I have the honour to state that the Government of Canada accepts the Notice of Termination set out in your letter of December 29, 1972 as terminating, effective January 31, 1973, the Trade Agreement between Canada and the United Kingdom of 1937 and the related Exchanges of Letters of 1938 and 1947.

I wish here to record the Canadian Government's view that the listing of certain tariff rates in Part II of Canada's GATT Schedule in 1947 was integral to the Exchange of Letters of that year, and thus should be considered as ceasing to have force, simultaneously with the termination of the Exchange of Letters of 1947.

Accept Excellency, the renewed assurances of my highest consideration.

Yours sincerely,

MITCHELL SHARP

(⁴) British and Foreign State Papers, vol. 142, p. 123.

(⁵) Cmd. 7258.

*Secrétaire d'Etat aux Affaires extérieures,
Ottawa, le 31 janvier 1973.*

Monsieur le Haut Commissaire,

J'ai l'honneur d'accuser réception de votre lettre du 29 décembre 1972 concernant les discussions qui ont eu lieu entre les représentants du Gouvernement du Canada et du Gouvernement du Royaume-Uni de Grande-Bretagne et d'Irlande du Nord et qui ont abouti à une entente voulant que les dispositions de l'Accord commercial entre le Canada et le Royaume-Uni, signé à Ottawa le 23 février 1937 et entré en vigueur le 1^{er} septembre 1937, soient modifiées de façon à permettre la dénonciation de l'Accord ainsi que des dispositions complémentaires pertinentes, à l'expiration du mois qui suit la date où un Gouvernement signifie l'avis de dénonciation à l'autre Gouvernement. J'ai l'honneur de déclarer que le Gouvernement du Canada souscrit à cette entente et qu'il considère votre lettre du 29 décembre 1972, ainsi que la présente réponse, comme constituant un Accord conclu par nos deux Gouvernements, accord modifiant l'Accord commercial de 1937 afin d'en permettre la dénonciation à l'expiration du mois qui suit la date où l'avis de dénonciation est signifié.

En conséquence, j'ai l'honneur de déclarer que le Gouvernement du Canada accepte que l'avis de dénonciation contenu dans votre lettre du 29 décembre 1972 mette fin, à compter du 31 janvier 1973, à l'Accord commercial conclu entre le Canada et le Royaume-Uni en 1937 ainsi qu'à l'échange de lettres de 1938 et 1947.

Je désire signaler, par la présente, que le point de vue du Gouvernement canadien selon lequel la liste des tarifs constituant la Partie II du barème canadien du GATT de 1947 faisait partie intégrante de l'échange de lettres de cette année-là et qu'elle devrait par conséquent être considérée comme n'étant plus applicable au moment même où prend fin l'échange de lettre de 1947.

Veillez agréer, Monsieur le Haut Commissaire, les assurances renouvelées de ma très haute considération.

MITCHELL SHARP

INDIA

No. 9

*The Acting United Kingdom High Commissioner at New Delhi
to the Minister of External Affairs of India*

*British High Commission,
New Delhi.*

Excellency,

31 July 1972.

I have the honour to refer to my letter of July 31, 1972⁽⁶⁾ conveying the decision of the United Kingdom Government to give six months' notice of termination of the United Kingdom-India Trade Agreement of March 20, 1939⁽⁷⁾.

⁽⁶⁾ Not published.

⁽⁷⁾ Cmd. 5966.

The United Kingdom Government assures the Indian Government of its desire for continuing close commercial relations between their two countries. In particular the United Kingdom Government affirms its continued readiness to consult with the Indian Government on any problem arising in their commercial relations on which the Indian Government may request consultation.

As the Indian Government is aware, Her Majesty's Government would have been prepared to defer notice of termination until the end of this year immediately before United Kingdom entry into the European Communities on the basis of a jointly agreed decision to shorten the notice of termination to one month instead of six. Should the Indian Government be ready to agree to the necessary amendment of the Agreement before 31 August, Her Majesty's Government would, of course, be ready to withdraw the notice embodied in its letter and proceed accordingly.

P. J. E. MALE
Acting High Commissioner

No. 10

*The Joint Secretary in the Ministry of Foreign Trade of India to the
Acting United Kingdom High Commissioner at New Delhi*

New Delhi.

Excellency,

August 24, 1972.

I have the honour to refer to your letter dated the 31st July, 1972, addressed to the Minister of External Affairs, Government of India, New Delhi, regarding the shortening of the period of notice of termination to one month in respect of the United Kingdom-India Trade Agreement of 20th March, 1939.

This is to inform that the Government of India agree to the amendment of Article 16 of the United Kingdom-India Trade Agreement, 1939, to provide for shortening the period of notice of termination of the Agreement from six months to one month.

Yours sincerely,

S. K. BAGCHI

No. 11

*The United Kingdom High Commissioner at New Delhi to the
Minister of External Affairs of India*

*British High Commission,
New Delhi.*

Excellency,

30 December 1972.

I have the honour to refer to the exchanges which have taken place between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of India in the light of the impending accession of the United Kingdom to the European Communities. In the course of these

exchanges it was noted that, bearing in mind that the United Kingdom would have to take on 1 February 1973 the first steps towards adaptation to the common agricultural policy, and that the trade agreements with the Commonwealth countries contained obligations incompatible with this, it would be necessary to terminate all these agreements by that date.

2. Accordingly I have the honour to refer to the Trade Agreement between the two Governments signed at London on 20 March 1939 and, in accordance with Article 16 of that Agreement as amended by the exchange of letters dated 31 July 1972 and 24 August 1972, to give one month's notice of termination of the said Agreement to commence on 31 December 1972.

TERENCE GARVEY

NEW ZEALAND

No. 12

*The United Kingdom High Commissioner at Wellington to the
Minister of Overseas Trade of New Zealand*

*British High Commission,
Wellington.*

My dear Minister,

28 July 1972.

I have the honour to refer to the Trade Agreements between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of New Zealand, signed at Wellington on 12 August 1959⁽⁸⁾ and 24 November 1966⁽⁹⁾ (hereinafter referred to as "the 1959 Agreement" and "the 1966 Agreement" respectively) and to the impending accession of the United Kingdom to the European Communities.

It is the wish of both Governments that Article II of the 1966 Agreement (which provides for the admission into the United Kingdom without restriction of quantity of New Zealand meat and dairy products) should remain in force until the 1959 Agreement terminates.

It is also the wish of both Governments that the 1959 Agreement and the 1966 Agreement should continue in force until incompatible obligations under the common agricultural policy of the European Economic Community come into effect in the United Kingdom market, and in the light of the impending accession of the United Kingdom to the European Communities, both Governments are prepared to accept, from 31 December 1972, one month's notice of termination of the 1959 Agreement.

Accordingly I have the honour to propose on behalf of the Government of the United Kingdom that the 1966 Agreement be amended by the substitution in paragraph 1 of Article II and paragraphs 3 and 4 of Article VI of "the date

⁽⁸⁾ Cmnd. 830.

⁽⁹⁾ Treaty Series No. 13 (1967), Cmnd. 3221.

of termination of the 1959 Trade Agreement” for “ 30 September 1972”, and that paragraph 3 of Article 19 of the 1959 Agreement be amended to read as follows:

Begins:

“ Either Government may from 31 December 1972 give to the other Government notice of intention to terminate this Agreement. In such case, this Agreement shall terminate upon the expiration of one month from the date on which the notice is received.”

Ends.

I further propose that should the foregoing be acceptable to the Government of New Zealand, this note together with your reply to that effect shall constitute an agreement between our two Governments in the matter, which shall enter into force on 30 September 1972.

Yours sincerely,

ARTHUR GALSWORTHY
High Commissioner

No. 13

*The Minister of Overseas Trade of New Zealand to the
United Kingdom High Commissioner at Wellington*

*Office of the Minister of Overseas Trade,
Wellington.*

Dear Sir Arthur,

28 July 1972:

I refer to your letter of today's date, which reads as follows:

[As in No. 12]

I have the honour to inform you that your proposals are acceptable to the Government of New Zealand which agrees that your letter and this reply should constitute an agreement between the two Governments which shall enter into force on 30 September 1972.

Yours sincerely,

BRIAN TALBOYS
Minister of Overseas Trade

No. 14

*The United Kingdom High Commissioner at Wellington to the
Minister of Foreign Affairs of New Zealand*

*British High Commission,
Wellington.*

My dear Minister of Foreign Affairs,

31 December 1972.

I have the honour to refer to the discussions which have taken place between representatives of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of New Zealand in the light of the

impending accession of the United Kingdom to the European Communities. In these discussions it was noted that under the Treaty of Accession to the European Communities, the United Kingdom Government would have to take initial steps towards adaptation to the Common Agricultural Policy on 1 February 1973 and that incompatible obligations to New Zealand would have to be terminated by that date.

Accordingly, I have the honour to refer to the Trade Agreements between the two Governments signed at Wellington on 12 August 1959 and 24 November 1966 respectively. In accordance with Article 19 (3) of the 1959 Agreement, as amended by the Letters exchanged between the two Governments at Wellington on 28 July 1972, I have the honour to give one month's notice of the United Kingdom Government's intention to terminate that agreement as from 31 January 1973. The 1966 Agreement by virtue of the provisions of Article VI (1) will terminate on the same date as the 1959 Agreement.

I also refer to the Agreement between the two Governments signed at Ottawa on 20 August 1932⁽¹⁰⁾ and give one month's notice of the United Kingdom Government's intention to terminate as from 31 January 1973 the provisions of that Agreement which remained effective by virtue of Article 12 of the 1959 Agreement.

Yours sincerely,

ARTHUR GALSWORTHY

PAKISTAN

No. 15

*Her Majesty's Ambassador at Islamabad to the Foreign Secretary
of Pakistan*

*British Embassy,
Islamabad.*

My dear Foreign Secretary,

29 July 1972.

I have the honour to refer to the Trade Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Pakistan, signed at Karachi on 2 April 1951⁽¹¹⁾, Article XIV of which provides that either Government may terminate the Agreement by giving to the other Government six months' notice, and to the recent discussions by representatives of the two Governments about the termination of the Agreement in view of the impending accession of the United Kingdom to the European Communities.

It is the mutual desire of both Governments to delay formal notice of termination of the Agreement until shortly before the United Kingdom's entry into the European Communities. On this understanding, and both Governments being willing to accept as from 31 December 1972 one month's notice of termination of the Agreement, I have been instructed to propose

⁽¹⁰⁾ Cmd. 4174, p. 56.

⁽¹¹⁾ Cmd. 8187.

on behalf of the Government of the United Kingdom that Article XIV of the Agreement be amended to provide, with effect from 31 December 1972 that the period for notice of termination of the Agreement should be reduced from six months to one month.

I further propose that should the foregoing be acceptable to the Government of Pakistan, this Note together with your reply to that effect shall constitute an Agreement between the two Governments in the matter, which shall enter into force on 31 December 1972.

Yours sincerely,

J. L. PUMPHREY
H.M. Ambassador

No. 16

*The Joint Secretary in the Ministry of Commerce of Pakistan to
Her Majesty's Ambassador at Islamabad*

*Ministry of Commerce,
Government of Pakistan.
Islamabad, the 31st July, 1972.*

The Government of Pakistan has the honour to acknowledge the receipt of the Note dated July 29, 1972 from the British Embassy, on the subject of the Trade Agreement between the Government of United Kingdom of Great Britain and Northern Ireland and the Government of Pakistan signed at Karachi on 2nd April, 1951.

It is confirmed that the Government of Pakistan agree to the proposal set forth in the Note and is willing to accept as from 31st December, 1972 one month's notice of termination of the Agreement. The Government of Pakistan further agree that the Note from the British Embassy dated 29th July, 1972, and this reply constitute an amendment of Article XIV of the Agreement.

S. A. QURESHI
*Joint Secretary
Ministry of Commerce
Islamabad*

No. 17

*Her Majesty's Ambassador at Islamabad to the Foreign Secretary
of Pakistan*

*British Embassy,
Islamabad.*

Your Excellency,

29 December 1972.

I have the honour to refer to the exchanges which have taken place between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Pakistan in the light of the impending accession of the United Kingdom to the European Communities. In the course of these exchanges it was noted that, bearing in mind that the United Kingdom

would have to take on 1 February 1973 the first steps towards adaptation to the Common Agricultural Policy, and that the Trade Agreements with the Commonwealth Preference Area countries contained obligations incompatible with this, it would be necessary to terminate all these Agreements by that date.

Accordingly I have the honour to refer to the Trade Agreement between the two Governments signed at Karachi on 2 April 1951 and, in accordance with Article XIV of the Agreement as amended by the Exchange of Letters dated 29 and 31 July 1972, to give one month's notice of termination of the said Agreement to commence on 31 December 1972.

I avail myself of this opportunity to renew to Your Excellency the assurances of my highest consideration.

J. L. PUMPHREY
Her Britannic Majesty's Ambassador

SOUTH AFRICA

No. 18

*Her Majesty's Ambassador at Pretoria to the Minister of
Foreign Affairs of South Africa*

*British Embassy,
Pretoria.*

Your Excellency,

31 July 1972.

I have the honour to refer to the Trade Agreement between the Government of the United Kingdom and the Government of the Union of South Africa, signed at Ottawa on 20 August 1932⁽¹²⁾, Article 14 of which provides that either Government may terminate the Agreement by giving to the other Government six months' notice and to the recent discussions by representatives of the two Governments about the termination of the Agreement in view of the impending accession of the United Kingdom to the European Communities.

It is the mutual desire of both Governments to delay formal notice of termination of the Agreement until shortly before the United Kingdom's entry into the European Communities. The United Kingdom has confirmed that it is not its intention as a consequence of its accession to withdraw or reduce privileges enjoyed by South African exporters to Britain until 1 February 1973 when incompatible obligations under the Common Agricultural Policy of the European Economic Community are due to come into effect in the United Kingdom market. On this understanding and both Governments being willing to accept as from 31 December 1972 one month's notice of termination of the Agreement, I have been instructed to propose on behalf of the Government

(12) Cmd. 4174, p. 62.

of the United Kingdom that the second sentence of the first paragraph of Article 14 of the Agreement be amended to read as follows:

“ It shall remain in force for a period of five years and if not denounced six months before the end of that period shall continue in force thereafter until a date one month after notice of denunciation has been given by either party.”

I further propose that should the foregoing be acceptable to the South African Government, this note together with your reply to that effect shall constitute an Agreement between the two Governments in the matter, which shall enter into force on 31 December 1972.

A. W. SNELLING

No. 19

*The Minister of Foreign Affairs of South Africa to
Her Majesty's Ambassador at Pretoria*

Pretoria.

Your Excellency,

31 July 1972.

I have the honour to refer to your letter of today's date which reads as follows:

[As in No. 18]

I have the honour to confirm that the foregoing is acceptable to the South African Government, and that your note and this reply shall constitute an Agreement between the two Governments in the matter, which shall enter into force on 31 December 1972.

H. MULLER

Minister of Foreign Affairs

No. 20

*Her Majesty's Ambassador at Pretoria to the Minister of
Foreign Affairs of South Africa*

*British Embassy,
Pretoria.*

Your Excellency,

22 December 1972.

I have the honour to refer to discussions which have taken place between representatives of the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of South Africa in the light of the impending accession of the United Kingdom to the European Communities. In those discussions it was noted that, since under the Treaty of Accession to the European Communities the United Kingdom would have

to take initial steps towards adaptation to the Common Agricultural Policy on 1 February 1973, incompatible obligations to the Republic of South Africa would have to be terminated by that date.

Accordingly I have the honour to refer to the Trade Agreement between the two Governments signed at Ottawa on 20 August 1932 and, in accordance with Article 14 of that Agreement as amended by the exchange of letters signed at Pretoria on 31 July 1972 I hereby give one month's notice of termination of the said Agreement to commence on 31 December 1972.

A. W. SNELLING