

the FLORENCE AGREEMENT

On the Importation of Educational, Scientific, and Cultural Materials

Should bona fide educational institutions pay duties when they import scientific apparatus that is not manufactured by domestic industry? They do not in countries adhering to the Florence Agreement, an international convention that provides for the duty-free entry of scientific apparatus, books, art objects, and similar educational and cultural materials. Ratification and implementation of the Florence Agreement by the United States has been recommended by the President and is now under consideration by the United States Senate.

By Robert W. Frase and Sanborn C. Brown

AFTER several years of delay, the United States seems about to join thirty-one other countries which have ratified the Agreement on the Importation of Educational, Scientific, and Cultural Materials, the so-called "Florence Agreement". This agreement is one of several international conventions drawn up under the auspices of UNESCO and designed primarily to facilitate the freest possible international movement of persons, ideas, and materials in the fields of education, culture, and science. Some of the other conventions in this series are the Universal Copyright Convention (1952), the convention on audio-visual materials (1948), and the convention on the protection of cultural property in wartime (1954).

Frequently referred to as the Florence Agreement or Florence Convention, the agreement under discussion here was approved by the General Conference of UNESCO which met in Florence, Italy, in 1950. The United States participated in the drafting conference on the Agreement which was held in Geneva in March 1950 and voted for it at the Florence conference later that year. However, it was not until August 25, 1959, that the President requested Senate ratification.

The ratification will be of major significance from the point of view of international cultural and educational relationships. It will also produce tangible bene-

fits for US culture, education, and scholarship by a slight lowering of the price of imported books and music and by making available the best of new and imaginative scientific, teaching, and research equipment to American educational and research institutions free of the present rather prohibitive system of import duties and customs procedures. It should also prove to be a favorable influence on US exports of books, music, and scientific equipment to other signatory countries. The balance of factors seems to be so overwhelmingly in favor of US adherence that the Congress can be expected to take early and favorable action in 1960, providing that full consideration is given to the objective facts with respect to each of the educational, cultural, and scientific materials covered by the Agreement.

Content of the Agreement

Among the adhering nations the Agreement eliminates tariffs and special import taxes not levied on domestic products on a wide variety of educational, scientific, and cultural materials, and in some cases also binds the contracting States to provide import licenses and foreign exchange for the importation of such materials. The following is a brief description of the Agreement from the UNESCO publication, *Trade Barriers to Knowledge* (1955 Ed.).

Contracting States to the Agreement grant duty-free entry, under prescribed conditions, to a wide range of materials. These are grouped in five categories: (a) books, publications and documents; (b) works of art and collectors' pieces; (c) visual and auditory mate-

Sanborn C. Brown is associate professor of physics at the Massachusetts Institute of Technology and chairman of an American Association of Physics Teachers committee that has studied the effects of the tariff on educational equipment. Robert W. Frase, associate managing director of the American Book Publishers Council, is similarly interested in the effects of the tariff on book importations.



LINCOLN LABORATORY

invites inquiries from persons
with superior qualifications.

SOLID STATE Physics, Chemistry, and Metallurgy

RADIO PHYSICS and ASTRONOMY

NEW RADAR TECHNIQUES

COMMUNICATIONS:

Techniques

Psychology

Theory

INFORMATION PROCESSING

SYSTEMS:

Space Surveillance

ICBM Detection and Tracking

Strategic Communications

Integrated Data Networks

SYSTEM ANALYSIS

Research and Development

LINCOLN LABORATORY

Massachusetts Institute of Technology

BOX 15

LEXINGTON 73, MASSACHUSETTS



rials, consigned to approved institutions; (d) scientific instruments and apparatus, consigned to approved institutions; (e) articles for the blind.

Contracting States furthermore grant licenses and foreign exchange for the importation of books and publications consigned to public libraries; official government publications; books and publications of the United Nations and its Specialized Agencies; and articles for the blind. Internal taxes on imported articles must not exceed those levied on domestic products. Governments also undertake to simplify administrative procedures governing the importation of educational, scientific, and cultural materials; to facilitate the expeditious and safe customs clearance of such materials; and to continue their efforts to promote the free circulation of these articles.

A Contracting State may extend the Agreement to all or any of the territories for the conduct of whose foreign relations it is responsible. Revision of the Agreement may be undertaken by a meeting called by the UNESCO General Conference, at the request of one third of the Contracting States.

The Agreement is open to all Member States of UNESCO and of the United Nations, and to any non-Member State to which an invitation has been sent by the Executive Board of UNESCO.

In adopting the Agreement, the UNESCO General Conference urged Member States "to consider [it] a minimum standard, to implement its provisions in the most liberal manner and to promote, through their national legislation and practices and by means of international agreements, the progressive elimination of trade barriers to the free flow of educational, scientific, and cultural materials."

The Agreement has annexed to it a special protocol which permits the United States to adhere to the Convention with an "escape clause" reservation. This reservation would give the United States the right to suspend the Agreement in whole or in part "if as a result of the obligation incurred . . . under this agreement any product covered by this agreement is being imported . . . in such relatively increased quantities and under such conditions as to cause or threaten to cause serious injury to the domestic industry." Other countries adhering to the Agreement are likewise given the right to suspend the Convention under this protocol with respect to the United States.

Countries Now Adhering

The Convention was opened for signature on November 22, 1950, and came into effect on May 21, 1952, when it had been ratified by the first ten countries. As of October 1, 1959, the following thirty-one countries had adhered: Afghanistan, Austria, Belgium, Cambodia, Ceylon, Cuba, El Salvador, Federal Republic of Germany, Federation of Malaya, Finland, France, Ghana, Greece, Haiti, Israel, Jordan, Laos, Luxembourg, Monaco, Netherlands, Norway, Pakistan, Philippines, Spain, Sweden, Switzerland, Thailand, Egypt, United Kingdom, Vietnam, Yugoslavia.

In addition, the following further nine countries have signed but have not yet ratified the Convention: Bolivia,

China, Colombia, Dominican Republic, Ecuador, Guatemala, Iran, New Zealand, United States of America.

Importance of US Adherence

The importance of US adherence to the Agreement, as a matter of international relations, was clearly set forth in the following statement by Ambassador Henry Cabot Lodge at the United Nations on June 24, 1959:

The aim of this agreement is to encourage the importing of books and scientific and cultural materials by exempting them as far as possible from customs and other charges. To a great extent this is already the established practice in the United States. In signing this agreement we are thus, in effect, taking a step to reaffirm our tradition.

From the beginning the American people, under our Constitutional guarantee of a free press, have benefited by the best thought and art of many nations. Our citizens import millions of foreign books every year. It is not the government but the people—individual readers, booksellers, and publishers—who decide what foreign books to import. The same is true of republication of foreign books in accordance with the Universal Copyright Convention, to which the United States is already a party.

The duty of government is to see that barriers in the way of all these transactions are kept to a minimum. The signing of this agreement, therefore, is a further proof that the United States intends to continue doing its part toward creating—in President Eisenhower's words—"a world community of open societies".

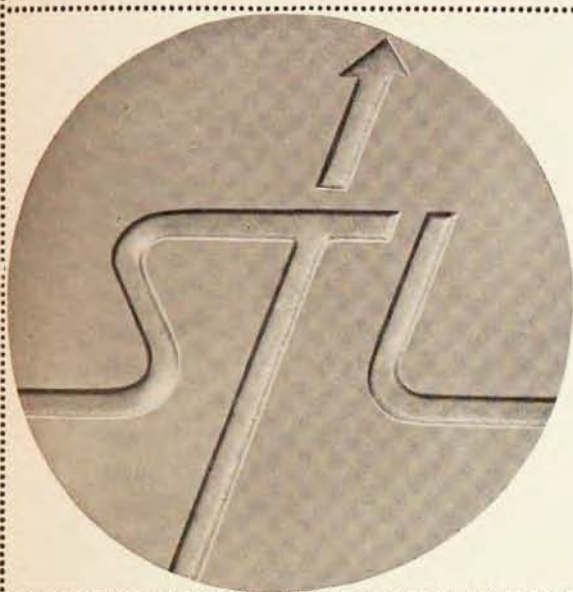
Domestic Effects—Publications

United States membership in the Agreement will also have some significant benefits for American education, scholarship, culture, and industry. These domestic effects can best be analyzed by treating separately books and other publications as one category and scientific instruments and apparatus as another. The principal US tariffs on publications which would be removed are a 5 percent duty on music and on books in the English language by foreign authors. American scholars and other individuals wishing to buy imported books and music would benefit by the removal of these duties in the form of somewhat lower prices and by the simplification and speeding up of the import procedures. Public libraries and educational institutions do not have to pay these duties on their direct imports, but these institutions would also benefit by the elimination of the paper work now required to secure the tariff exemption to which they are entitled. On the export side, the principal US publishing associations in the fields of books and music have gone on record as favoring US adherence to the Agreement and look forward to a favorable effect on US exports in these materials. American book exports are already several times as large as dutiable book imports into the United States.

Domestic Effects—Scientific Apparatus

Annex D of the Florence Agreement states that included within its provisions will be:

SCIENTISTS AND ENGINEERS: There are two sides to the STL coin...



What STL does:

Space Technology Laboratories is making significant contributions in theoretical analysis, research, development and technical management of advanced ballistic missile and space systems. STL conducts advanced space flight experiments under the executive management of the Air Force on behalf of such agencies as ARPA and NASA. In addition STL's leadership in military applications of space technology is illustrated by its successful accomplishments as the contractor responsible for over-all systems engineering and technical direction of the Atlas, Titan, Thor, and Minuteman portions of the Air Force Ballistic Missile Program.



What STL offers:

For scientists and engineers with outstanding capabilities, STL offers unusual growth opportunities in many areas of technical activity, including:

- Electronic and Electromechanical Systems
- Vehicle Engineering and Development
- Propulsion and Guidance Systems
- Computer Technology
- Systems Engineering and Technical Direction
- Telecommunications
- Airborne Systems
- Ground Support Equipment

The Technical Staff of STL is the largest professional group in the nation devoted exclusively to research, development, and systems engineering in the field of ballistic missiles, space projects, and related advanced technology. If you want to apply your skills and talents, in these advanced areas working with leaders in your field, investigate positions at STL now. Please send your resume today to Mr. Richard A. Holliday.

*Space Technology Laboratories, Inc., P.O. Box 95004
Los Angeles 45, California*



SPACE TECHNOLOGY LABORATORIES, INC.

Scientific instruments or apparatus, intended exclusively for educational purposes or pure scientific research, provided:

- (a) That such scientific instruments or apparatus are consigned to public or private scientific or educational institutions approved by the competent authorities of the importing country for the purpose of duty-free entry of these types of articles, and used under the control and responsibility of these institutions;
- (b) That instruments or apparatus of equivalent scientific value are not being manufactured in the country of importation.

In recent years, European supply houses have brought out new and imaginative teaching equipment for student laboratory work and for lecture demonstrations. Many of these products of European manufacturers are for the teaching of modern advances in science. US import duties and customs procedures for scientific apparatus effectively discourage teachers in the United States from giving their students the benefit of these developments. Although the complicated schedule of duties on scientific apparatus cannot be briefly presented, the duties on most equipment of interest to physics teachers are not small ones. A 27% duty was levied, for example, in 1958 on a demonstration electrometer and attachments, which were imported from West Germany by a college in the United States solely for the instruction of students in physics. Equivalents of many of these devices are not available commercially in this country, and the serious and increasing shortage of science teachers makes it totally unrealistic to expect our science teachers to build this equipment themselves.

Studies by the Committee on Apparatus for Educational Institutions of the American Association of Physics Teachers indicate that very little loss would be suffered by domestic industry if science teachers were permitted to import from abroad without payment of duty only that scientific equipment which is not available in this country. Staple articles needed for science instruction and any new scientific equipment produced in the United States would be purchased from domestic manufacturers. Yet the small amount of equipment imported duty-free could have an immensely beneficial effect on our science teaching.

National defense requires that we remain educationally strong as well as militarily and industrially strong. Building sound educational programs and providing scientific teaching tools in the quantity and quality required by our teachers is of great importance. It seems hardly necessary to point out that, in large part, our crucial scientific manpower problem will have to be solved in the classrooms of the nation. The dubious advantages to a small segment of American industry of tariff barriers against educational equipment must be weighed against the disadvantages of such tariff policies to our educational system. The passage of the National Defense Education Act of 1958, which expresses the clear intent of Congress to encourage the improvement of scientific laboratory facilities in our schools, lends

great force to the argument that import duties on scientific equipment, that is unavailable in this country and is imported by educational institutions, are outmoded and should be removed by ratification and implementation of the Florence Agreement.

An analogy from the field of scientific manpower is illuminating. The number of foreign scientists and technologists who immigrate to this country is relatively small, but as the careers of Fermi, Einstein, von Neumann, Bethe, Segrè, and a few others demonstrate, their contribution has been large and profoundly important. At the moment, the tariff laws insulate the US educational system from the equivalent influence of good ideas in the equipment field.

Action Required of the Congress

US ratification of the Agreement will require two separate actions by the Congress. First, the Agreement itself must be recommended by the Senate Committee on Foreign Relations and ratified as a treaty by a two-thirds vote of the Senate. Following such action, both Houses of the Congress must pass implementing legislation making the required specific changes in the present US tariff laws. The Senate Committee on Foreign Relations received the Agreement too late in the 1959 session of Congress to take any action, but the committee did have the Agreement and the President's message published as a Congressional document (Executive I, 86th Congress, First Session). It is hoped that the committee will schedule hearings on the Agreement early in the 1960 session. A number of organizations have endorsed the Agreement and urged early and favorable action by the Senate, including the American Council on Education, the American Association of Physics Teachers, the American Institute of Physics, the Association of American Colleges, the American Library Association, the American Book Publishers Council, the Music Publishers Association, and the Authors League of America.

A recommended draft of implementing legislation has not yet been submitted to the Congress by the Department of State but such action can be expected as soon as the Senate has completed work on the treaty. In fact, the substance of the implementing bill will probably be presented earlier to the Senate Committee on Foreign Relations in order that the full effect and significance of the treaty may be properly considered. It is understood that because of the most-favored-nation clause in the other US treaties and international agreements, the implementing legislation will involve the elimination of US duties on the materials covered by the Florence Agreement, not only on imports from other adhering countries but from all countries. The implementing bill itself must go before the committees which handle tariff legislation: the Ways and Means Committee of the House of Representatives and the Committee on Finance in the Senate. Any opposition on the part of domestic protectionist interests is likely to be concentrated in the hearings before these two committees.