

GENERAL AGREEMENT ON TARIFFS AND TRADE

Contracting Parties  
Second Session

Article XXIX, Paragraph 1  
Note by the Indian Delegation

1. Certain Delegations have proposed that the text of Article XXIX, paragraph 1, recommended by Working Party No. 3 in GATT/CP.2/22/Rev.1, be amended as follows :  
: "The contracting parties undertake to observe to the fullest extent of their executive authority the general principles of Chapters I - VI and IX of the Havana Charter pending their acceptance of it in accordance with their constitutional procedures."
2. The Indian Delegation has hitherto opposed this amendment because of its view that the amendment may create a misunderstanding about the attitude of the Contracting Parties towards any general principles contained in Chapters VII and VIII of the Havana Charter. The Indian Delegation considers it necessary to guard against any such possibility of misunderstanding.
3. The Indian Delegation would, therefore, be prepared to recommend to its Government the acceptance of the above amendment if the intention of the Contracting Parties in excluding reference to Chapters VII and VIII of the Havana Charter from Article XXIX, paragraph 1, were made clear by expressing it in the following words :  
"Chapters VII and VIII of the Havana Charter have been excluded because they mainly deal with the organization, functions and procedures of the International Trade Organization."
4. The Indian Delegation hopes that with the above clarification the unanimity which is required to amend Article XXIX will now be achieved.

RESTRICTED  
LIMITED B

GATT/CP.2/29  
3 September 1948

ORIGINAL : ENGLISH

GENERAL AGREEMENT ON TARIFFS AND TRADE

Contracting Parties

Second Session

REPORT OF THE LEGAL WORKING PARTY UPON THE REQUEST OF THE  
GOVERNMENT OF CHILE FOR AN EXTENSION OF TIME IN WHICH TO  
SIGN THE PROTOCOL OF PROVISIONAL APPLICATION.

1. The Legal Working Party recommends that the CONTRACTING PARTIES should adopt the attached draft resolution and protocol.
2. It was agreed that under the draft resolution and protocol the Government of Chile would at the appropriate time become a contracting party in accordance with the concessions negotiated at the Second Session of the Preparatory Committee and embodied in the Schedules to the General Agreement.

Draft Resolution Regarding the Applicability of Article XXXIII to Signatories of the Final Act of October 30, 1947 Failing to Sign the Protocol of Provisional Application by June 30, 1948.

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CONSIDERING that Article XXXIII of the General Agreement on Tariffs and Trade, as amended, provides for the accession to the General Agreement of governments not "party" to that Agreement, and

CONSIDERING the fact that the Protocol of Provisional Application of the General Agreement, which stated that it should remain open for signature until June 30, 1948, was not signed by that date on behalf of all the governments signatory to the Final Act of the Second Session of the Preparatory Committee for the United Nations Conference on Trade and Employment, signed October 30, 1947.

THE CONTRACTING PARTIES resolve that a government signatory of the Final Act of October 30, 1947 on behalf of which the Protocol of Provisional Application was not signed by June 30, 1948 shall not be considered to be a "party" within the meaning of Article XXXIII of the General Agreement, as amended, and consequently that any such government may accede to the General Agreement pursuant to the provisions of Article XXXIII, as amended.

PROTOCOL FOR THE ACCESSION OF SIGNATORIES OF THE FINAL ACT OF OCTOBER 30, 1947.

CONSIDERING the fact that the Protocol of Provisional Application of the General Agreement on Tariffs and Trade,

which by its terms remained open for signature until June 30, 1948, was not by that date signed by all the governments signatory to the Final Act of the Second Session of the Preparatory Committee for the United Nations Conference on Trade and Employment.

CONSIDERING the Resolution of the Second Session of the Contracting Parties that such a government shall not be considered to be a "party" to the General Agreement within the meaning of Article XXXIII thereof, and

CONSIDERING the desirability of affording an additional opportunity for the provisional application between such a government and the contracting parties of the provisions of the General Agreement which was concluded at the Second Session of the Preparatory Committee and authenticated on October 30, 1947.

IT IS AGREED with regard to the terms upon which such a government, by signature of the present protocol, may accede under Article XXXIII of the General Agreement:

1. Any such government shall, without prejudice to its right to accept the General Agreement under Article XXVI, apply the General Agreement, as amended and rectified, provisionally in accordance with the provisions of paragraphs 1(a), 1(b), and 5 of the Protocol of Provisional Application. Such government shall also have the right of election provided for in sub-paragraph (d) of paragraph 1 of Article XIV of the General Agreement as if it had signed the Protocol of Provisional Application before July 1, 1948; Provided the written notice of such election is communicated to the CONTRACTING PARTIES before January 1, 1949 or before the day on which such government becomes a contracting party, whichever is the later.

2. Such provisional application shall take effect for any such government on the thirtieth day after the signature hereof by such government, provided such signature is affixed before \_\_\_\_\_, and provided further that this Protocol has on the day of such signature been signed by two-thirds of the governments then contracting parties to the General Agreement. Upon signature of this protocol by two-thirds of the contracting parties it shall constitute a decision for the purpose of Article XXXIII of the General Agreement.

3. The original of this Protocol shall be deposited with the Secretary-General of the United Nations, where it will remain open for signature. The Secretary-General is authorized to effect registration of the Protocol.

IN WITNESS WHEREOF the respective representatives, duly authorized, have signed the present Protocol.

DONE at Geneva, in a single copy, in the English and French languages, both texts authentic, this \_\_\_\_\_ day of September, 1948.