

ACTION
LIMITED B
GATT/CP.3/7
9 March 1949

ORIGINAL: ENGLISH

GENERAL AGREEMENT ON TARIFFS AND TRADE

Contracting Parties

Third Session

NOTE BY THE EXECUTIVE SECRETARY ON THE STATUS OF THE AGREEMENT AND PROTOCOLS (as at March 4, 1949)

Protocol of Provisional Application and the Protocol for Accession

At the Second Session the Contracting Parties made a special arrangement for the provisional application of the Agreement by the Government of Chile. This was done by means of the "Protocol for the Accession of Signatories of the Final Act of October 30, 1947".

The Protocol for Accession was signed on September 14, 1948 by more than two-thirds of the Contracting Parties and thus it constituted on that day a decision for the purpose of Article XXXIII. The Protocol for Accession was signed by the Government of Chile on February 14, and consequently the Government of Chile will be a Contracting Party to the General Agreement as from March 16, 1949. Thus, all the twenty-three Governments which participated in the negotiations in Geneva in 1947 will be Contracting Parties when the Third Session opens.

There has been no change in the provisional application of the Agreement in respect of overseas territories, pursuant to paragraph 2 of the Protocol of Provisional Application, since the issue of GATT/CP.2/4/Corr.1 on August 24, 1948.

The Protocols of Rectification

The First and Second Protocols of Rectification, signed respectively at Havana on March 24, 1948 and at Geneva on September 14, 1948, entered into force on the days of signature. The rectifications included in these Protocols have been applicable as if they had formed a part of the Agreement on October 30, 1947.

Protocol Modifying Certain Provisions, Havana, March 24, 1948

The modifications provided for in this Protocol became an integral part of the Agreement on April 15, 1948.

At the Second Session the Government of South Africa objected to the amendment of the Agreement by means of this Protocol. As a result of the discussions the Government of South Africa was invited to sign the Protocol subject to a reservation of non-acceptance of

Article XXXV and on the understanding that at the Third Session the Contracting Parties would give sympathetic consideration to approval of the reservation. On February 16 the Government of South Africa signed the Protocol subject to a reservation of non-acceptance of Article XXXV.

The only other Contracting Party which has not signed this Protocol is the Government of Southern Rhodesia. During the final discussion on this Protocol at the Second Session the Chairman suggested, as a part of his proposal concerning the objection raised by the Government of South Africa, that the Contracting Parties should "also invite Southern Rhodesia to add its signature". The proposal of the Chairman was adopted (GATT/CP.2/SR.16). Southern Rhodesia was not represented at the Session and no communication has been received concerning its attitude to this proposal.

Special Protocol Modifying Article XIV, Havana,
March 24, 1948.

This Protocol entered into force on April 19, 1948 and has been signed by all of the Contracting Parties with the exception of Southern Rhodesia.

The text of Article XIV was amended as provided in the Protocol as from January 1, 1949, and at the same time Annex J was added to the Agreement. Contracting Parties wishing to be governed by the provisions of Annex J in lieu of the provisions of paragraphs 1(b) and 1(c) were required to give written notice before January 1, 1949. Six Contracting Parties elected in favor of the Annex, namely, Canada, Ceylon, Lebanon, Syria, the Union of South Africa and the United Kingdom. In addition the Government of Southern Rhodesia explained that:

"As Southern Rhodesia has not signed the Special Protocol modifying Article XIV it remains bound by the Geneva text. If, however, it is desired that in the interests of uniformity Southern Rhodesia should sign, we are prepared to do so, provided we are allowed to continue the Geneva policy by being given the option of electing to have Annex J applicable".

Special Protocol Relating to Article XXIV, Havana,
March 24, 1948

The amended version of Article XXIV became effective on June 7, 1948, for those Contracting Parties which had accepted it. The Contracting Parties which have deposited instruments of acceptance are Belgium, Canada, China, Cuba, Czechoslovakia, France, Luxembourg, Netherlands, the United Kingdom and the United States. It is effective also for Chile by virtue of its signature of the Protocol for Accession.

Australia was a Contracting Party ^{India.} when this Protocol became effective; since the Government of Australia has not deposited an instrument of acceptance,

the original Article XXIV applies to Australia. The remaining eleven Contracting Parties became Contracting Parties after this amendment of the Agreement became effective; as none of them has deposited an instrument of acceptance they also remain subject to the provisions of the original version of Article XXIV.

Protocol Modifying Part II and Article XXVI, Geneva, September 14, 1948

Two-thirds of the Contracting Parties accepted this Protocol by 14 December and consequently it became effective on that date. It is effective for Chile by virtue of its signature of the Protocol for Accession. It is now effective for all Contracting Parties with the exception of Brazil and ~~Czechoslovakia~~.

Protocol Modifying Part I and Article XXIX, Geneva, September 14, 1948.

This Protocol will not enter into force until it has been accepted by all the Contracting Parties. It has not yet been accepted by Brazil, Chile and ~~Czechoslovakia~~. On November 19 the Government of Southern Rhodesia notified the Secretary-General of its acceptance of the Protocol, but this was accompanied by the following statement:

"The Government of Southern Rhodesia desires to draw attention to the fact that it did not accept the Special Protocol amending Article XXIV of the General Agreement on Tariffs and Trade signed at Havana on the 24th day of March, 1948. Accordingly, while it is prepared in terms of Section I of the new Article XXIX to observe the general principles of Chapters I to VI inclusive and of Chapter IX of the Havana Charter, the Government of Southern Rhodesia desires to record that it finds the present form of the interpretative Note in Annexure P to paragraph 5 of Article 44 of the Havana Charter to be unacceptable, and, therefore, reserves its position with regard to Article XXIV of the General Agreement on Tariffs and Trade."

The Legal Department of the United Nations has treated this statement as though it were a reservation to Southern Rhodesia's acceptance of the Protocol and has asked the Contracting Parties for their views.

Reprinting of the Agreement

It was the opinion of the representatives at the Second Session that a reprint of Volume I of the Agreement in the form in which it has been amended

by its various protocols would be useful. The Government of the United States undertook to print the consolidated text in English and to supply copies to the Contracting Parties. The Government of France undertook to print the French text. The text of the Agreement, incorporating all the amendments, was issued in GATT/CP/2.

The reprinting of the Agreement has been deferred pending the entry into force of the Protocol Modifying Part I and Article XXIX.

