

GENERAL AGREEMENT  
ON TARIFFS AND  
TRADE

ACCORD GENERAL SUR  
LES TARIFFS DOUANIERS  
ET LE COMMERCE

RESTRICTED

LIMITED C

GATT/CP.3/WP.1/4  
21 April, 1949

ORIGINAL: ENGLISH

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CONTRACTING PARTIES

Third Session

Working Party I on Accession

Note by the U.K. Delegation on Accession to  
the General Agreement on Tariffs and Trade

To complete the whole process of accession, provisional application, and amendment of the text of the General Agreement we appear to need:-

- (1) A decision taken by a two-thirds majority of the CONTRACTING PARTIES under Article XXXIII approving the terms of accession.
- (2) An agreement between the acceding governments and the CONTRACTING PARTIES embodying the terms of accession.
- (3) A protocol enabling provisional application by the acceding governments.
- (4) An instrument amending the text of the General Agreement in accordance with the terms of accession.

It will probably be convenient to combine (2) and (3) in one document. This might be called the Annex Protocol. The decision of the CONTRACTING PARTIES should be to the effect that the Annex Protocol contains the terms agreed for the purpose of Article XXXIII. It should also say that any government, being a party to the Annex Protocol and not entitled to accept the General Agreement under Article XXVI, may accede to the General Agreement at any time after its entry into force. This procedure would place the acceding governments in substantially the same legal position as the present

contracting parties, while maintaining the formal distinction provided for in Articles XXVI and XXXIII of the General Agreement between acceptance and accession.

There does not seem to be any need now to go through the formal process of amendment of the text of the General Agreement, (i.e. (4) above.) In due course it may be convenient to do this by an instrument consolidating the General Agreement as amended from time to time.

In reaching a conclusion on the problem of the general approach to be adopted there are two points which should be particularly borne in mind. First, there is at least serious doubt about the competence of the CONTRACTING PARTIES to amend the General Agreement by proceeding under Article XXXIII. Any attempt to use the accession procedure for the purpose of amendment may lead to consequences not foreseen at present. For example, one may speculate on the applicability of the procedure relating to withdrawal mentioned in the second sentence of paragraph 2 of Article XXX.

Secondly, it is in principle open to grave objection to attempt to force treaty relations upon a government which has not clearly accepted them either generally in advance or specifically in the particular case.

On the whole, therefore, it would be wise to follow as closely as possible the procedure contemplated in Article XXXIII and not to regard that Article as replacing the procedure for amendment under Article XXX. The substance of what is wanted now can be achieved by an agreement, broadly on the lines of the Secretariat Draft (GATT/CP 3/W.1) coupled with a suitable decision by the CONTRACTING PARTIES. Accordingly, it is suggested that GATT/CP 3/W.1 should be adopted as the working paper by the Working Party on Accession.