

Contracting Parties

Third Session

Working Party 10 on New Tariff Negotiations

STATEMENT BY THE DELEGATION OF THE UNITED STATES  
REGARDING CERTAIN LEGAL QUESTIONS RELATIVE TO  
THE ACCESSION OF THE REPUBLIC OF KOREA TO  
THE GENERAL AGREEMENT ON TARIFFS AND TRADE

The Constitution of the Republic of Korea, adopted July 12, 1948, provides that the President shall conclude treaties, with certain requirements as to the approval thereof by the legislature and the State Council (arts. 42, 59 and 72).

Several months after the adoption of this Constitution the General Assembly of the United Nations, in its resolution on Korea of December 12, 1948, while reciting that the unification of Korea had not been achieved, declared that the Government of the Republic of Korea had been established as a lawful government having effective control and jurisdiction over that part of Korea in which a great majority of the people of Korea resided, and that it was the only such government of Korea (par. 2). The resolution recommended that Members of the United Nations and other nations should take these facts into account in establishing their relations with the Government of the Republic of Korea (par. 9).

The resolution recommended as early withdrawal of the occupation forces as was practicable (par. 3), and such withdrawal has since taken place.

The Government of the Republic of Korea has already been recognized by twenty-two countries including, among the contracting parties, Australia, China, France, Netherlands, United Kingdom, and United States of America. It has concluded a few bilateral international agreements, and is a Member of the World Health Organization.

In view of this clear recognition by the United Nations of the status of the Republic of Korea in spite of the fact that it did not include all the territory commonly known as Korea, and in view of the membership of the Republic in an international organization brought into relationship with the United Nations, there would seem to be no legal bar to its accession to the General Agreement under Article XXXIII.