

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

L/2297
17 November 1964

Limited Distribution

CHAPTER ON TRADE AND DEVELOPMENT

Report by Legal Drafting Group

1. The Legal Drafting Group was set up by the Council at its meeting on 28-30 October 1964 with the following terms of reference:

- (i) to remove any legal drafting imperfections in the new Chapter;
- (ii) to ensure conformity between the texts in the two official languages;
- (iii) to make a recommendation on the most appropriate means for incorporating the Chapter in the General Agreement;
- (iv) to draw up the protocol of amendment.

The members of the Committee on the Legal and Institutional Framework were invited to nominate experts to serve on this Group. Experts were nominated by the European Economic Community and by the Governments of Brazil, India, Japan, Nigeria, United Kingdom and United States.

2. The Group examined the text of the draft Chapter on Trade and Development, contained in Annex I of document L/2281. The Group made the changes necessary to improve the legal drafting and to ensure conformity between the French and English texts, but noted that certain parts of the text had not yet been finalized and would have to be examined from a legal drafting point of view at a later stage. The Group also considered the most appropriate means for incorporating the new provisions in the General Agreement and decided to recommend that Part II of the GATT should be divided into three chapters: the first chapter, comprising Articles III (IV revised) to XVII, to be entitled "General Trade Provisions"; the second chapter, comprising the new provisions as Article XVIII:I and the existing Article XVIII as Article XVIII:II, to be entitled "Trade and Development"; the third chapter, comprising Articles XIX to XXIII, to be entitled "Exceptions, Consultations and Complaints". The Group considered that this method of incorporating the new provisions in the GATT has the great advantage of requiring a minimal number of consequential amendments throughout the General Agreement and avoids the necessity of renumbering existing Articles.

3. The text of Chapter 2 as prepared by the Group is attached in Annex A. The passages in which changes have been made by the Group have been indicated by vertical lines in the margin in order to facilitate comparison with the previous text. A draft Protocol to give effect to the amendments, including a few consequential amendments in other Articles, is attached in Annex B. The Protocol has been modelled on the amendment protocols which were drawn up by the CONTRACTING PARTIES at the Review Session in 1955.

4. A member of the Group felt that because of the difference in legal value between the preambular and the operative part of an international treaty the language of paragraph 1 of Article XVIII:I properly belonged in a preamble to the Protocol. He felt that the presentation recommended by the Group would leave some doubt as to whether the language of paragraph 1 was a preamble in the strictly formal sense, although it had no effect other than as a preamble. Other members of the Group recognized that paragraph 1 is preambular in character, but noted that similar preambular provisions appear as separate paragraphs in the main body of the Agreement.

5. The Group draws attention to sub-paragraph 13(b)(i) of Article XVIII:I. It was the view of the Group that there was some ambiguity arising from the phrasing of the first four lines of this sub-paragraph (and especially the use of the words "without prejudice to any bilateral consultations which may be undertaken") which could lead to differences in interpretation of the substance contained in the sub-paragraph.

6. The Group considered the proposed insertion of a paragraph in Section B of existing Article XVIII to provide that a less-developed contracting party may impose import surcharges in place of quantitative restrictions, subject to appropriate criteria and procedures. The Group noted that the text proposed for such a paragraph (Annex II of L/2281) had not been closely examined by the Legal Committee. It appeared to the Group that there were problems of interpretation and implementation which were beyond the competence of the Group to resolve. Accordingly, in the draft chapter the Group has not provided for the insertion of such a paragraph. If agreement is reached later on the manner in which existing Article XVIII should be amended, the Protocol will have to be altered before it is finally approved by the CONTRACTING PARTIES. In addition, consequential amendments in other articles may be required. Further, some members of the Group expressed the view that an amendment of Article XVIII, along the lines proposed in Annex 1 of L/2281, may involve consequential amendments to articles the amendment of which, in accordance with the provisions of Article XXX, could not be effected except by unanimity.

7. Some members of the Group felt that the limitation of the terms of reference and the limited time available had handicapped the Group in establishing a text of the Chapter fully satisfactory from a legal point of view and they noted that with the inclusion of the existing Article XVIII in the Chapter certain amendments to improve the text seemed necessary. However, the Group noted that the Council had recommended a review of existing Article XVIII in the near future ~~of~~ and considers that that review is now all the more urgent.

8. The Group considered the request by the Council that it should look into the legal advisability of including in the Chapter an appropriate reference to the machinery required for pursuing the work of the CONTRACTING PARTIES as provided in the Chapter. The Group noted that there was no precedent in the General Agreement for such a provision. The Group also noted that such a reference might present legal difficulties both for the CONTRACTING PARTIES and for individual contracting parties. The Group therefore concluded, with one member reserving his position, that it would not be desirable to introduce a reference to the machinery to be established.

9. It is customary for governments when they have approved a protocol of amendment to sign a document authenticating the text. For this purpose a draft Final Act has been prepared and is attached hereto in Annex C.

10. The experts from the European Economic Community reserved their right to propose an amendment to the expressions "governments" and "contracting parties" in the Protocol and in the Final Act.

11. The Group also considered the request by the Legal Committee and by the Council that it should explore the possibility of the new provisions being applied on a de facto basis pending their formal entry into effect when the Protocol has been accepted by two thirds of the contracting parties. It is the view of the Group that the best way this can be done is by the governments represented at the session adopting a Declaration announcing their intention to implement the amendments on a de facto basis for a certain period. A draft of such a declaration is attached in Annex D. It is suggested in this draft that the de facto application should begin on 1 January 1965 and should be co-terminous with the closing date for acceptance of the Protocol or until the amendments enter into effect if that should be at an earlier date. Thus, if the amendments have not entered into effect by the end of 1965 the CONTRACTING PARTIES, when considering whether to extend the closing date for acceptance of the Protocol, could review the arrangement for de facto implementation.

12. In submitting the draft declaration for consideration the Group had in mind that the procedure for its adoption would be the following. At the Special Session the CONTRACTING PARTIES would approve the text of the Declaration and would refer it to the proposed meeting at ministerial level. At that meeting the Declaration could be approved without a formal vote or signature.

13. The Group draws attention to the fact that, since it is only the contracting parties which can amend the General Agreement, the Protocol will not be open for acceptance by governments which have acceded provisionally. The Group therefore suggests that the CONTRACTING PARTIES may wish to consider how governments which have acceded provisionally and which wish to observe the new provisions might be accommodated. As for the interim period of de facto implementation, the governments which have acceded provisionally will presumably be invited to participate in the adoption of the Declaration.

14. Finally, the Group thought it would be helpful to add to its report a note on the powers required of representatives for signing the Protocol and the Final Act:

- (a) The Protocol can be accepted by signature or by the deposit of an instrument of acceptance with the Executive Secretary. Full powers (in the form of a communication from the Head of State, the Head of Government or the Foreign Minister, specifically authorizing signature) will be necessary to sign the Protocol.
- (b) Such full powers will not be required for signing the Final Act. This can be signed by the leader or a member of the delegation participating in the session or by any other duly appointed representative.

ANNEX A

Chapter 2: TRADE AND DEVELOPMENT

ARTICLE XVIII:I

Promotion of Economic Development

1. The contracting parties,
 - (a) recalling that the basic objectives of this Agreement include the raising of standards of living and the progressive development of the economies of all contracting parties, and considering that the attainment of these objectives is particularly urgent for less-developed contracting parties;
 - (b) considering that export earnings of the less-developed contracting parties can play a vital part in their economic development and that the extent of this contribution depends on the prices paid by the less-developed contracting parties for essential imports, the volume of their exports, and the prices received for these exports;
 - (c) recognizing that individual and joint action is essential to further the development of the economies of less-developed contracting parties, in order to bring about a rapid advance in the standards of living of these countries so as to raise their standards of living as quickly as possible towards the levels of the developed contracting parties/; and substantial increase in standards of living in less-developed contracting parties, and a concomitant reduction in wide economic disparities between the less-developed contracting parties and the developed contracting parties/; and
 - (d) recognizing that international trade as a means of achieving economic and social advancement should be governed by such rules and procedures - and measures in conformity with such rules and procedures - as are consistent with the objectives referred to in this Article;

agree to the provisions contained in the following paragraphs of this Article.

Ad paragraph 1

This Article is based upon the objectives set forth in Article I as it will be amended by Section A of paragraph 1 of the Protocol Amending Part I and Articles XXIX and XXX when that Protocol enters into force.

Section A - Principles and Objectives

2. There is need for a rapid and sustained expansion of the export earnings of the less-developed contracting parties.
3. There is need for positive efforts designed to ensure that less-developed contracting parties secure a share in the growth in international trade commensurate with the needs of their economic development.
4. Given the continued dependence of many less-developed contracting parties on the exportation of a limited range of primary products, there is need to provide in the largest possible measure more favourable access to markets for these products, and wherever appropriate to devise measures designed to stabilize and improve conditions of world markets in these products, including in particular measures designed to attain stable, equitable and remunerative prices, thus permitting an expansion of world trade and demand and a dynamic and steady growth of the real export earnings of these countries so as to provide them with expanding resources for their economic development.
5. The rapid expansion of the economies of the less-developed contracting parties will be facilitated by a diversification of the structure of their economies and the avoidance of an excessive dependence on the export of primary products. There is, therefore, need for increased access in the largest possible measure to markets under favourable conditions for processed and manufactured products currently or potentially of particular export interest to less-developed contracting parties.

Ad paragraph 5

A diversification programme would generally include the intensification of activities for the processing of primary products and the development of manufacturing industries, taking into account the situation of the particular contracting party and the world outlook for production and consumption of different commodities.

6. Because of the chronic deficiency in the export proceeds and other foreign exchange earnings of less-developed contracting parties, there are important inter-relationships between trade and financial assistance to development. There is, therefore, need for close and continuing collaboration between the CONTRACTING PARTIES and the international lending agencies so that they can contribute most effectively to alleviating the burdens these less-developed contracting parties assume in the interest of their economic development.

7. There is need in appropriate cases for collaboration between the CONTRACTING PARTIES and other intergovernmental bodies, including organs and agencies of the United Nations system, whose activities relate to the economic development of less-developed countries.
8. There is need for this Agreement / the CONTRACTING PARTIES to provide flexibility in the application of its provisions / the provisions of this Agreement to enable less-developed contracting parties to use such special measures as may be necessary to promote their trade and development without discrimination among / between such contracting parties and to meet the difficulties of less-developed contracting parties arising from a shortage of foreign exchange in relation to growing import needs associated with their economic development.
9. The developed contracting parties should not expect reciprocity for commitments made by them in trade negotiations to reduce or remove tariffs and other barriers to the trade of less-developed contracting parties.¹

Ad paragraph 9

It is understood that the phrase "should not expect reciprocity" means, in accordance with the objectives of this Article, that the less-developed contracting parties should not be expected, in the course of trade negotiations, to make contributions which are inconsistent with their individual development, financial and trade needs, taking into consideration past trade developments.

This paragraph would apply in the event of action under Section A of Article XVIII:II, Article XXVIII, Article XXVIII bis (Article XXIX after the amendment set forth in Section A of paragraph 1 of the Protocol Amending Part I and Articles XXIX and XXX shall have become effective), Article XXXIII, or any other procedure under this Agreement.

10. The adoption of measures to give effect to these principles and objectives shall be a matter of conscious and purposeful effort on the part of the contracting parties both individually and jointly.

¹As there was a difference of view as to where this paragraph should appear, it is also reproduced in paragraph 14(d).

Section B - Commitments

11. To give effect to the foregoing principles and objectives, the contracting parties undertake the commitments set forth in this section.
12. The developed contracting parties shall to the fullest extent possible - that is, except when compelling reasons of broad national interest, which may include legal reasons, make it impossible - give effect to the following provisions:

(a) accord high priority to the reduction and elimination of barriers to products currently or potentially of particular export interest to less-developed contracting parties, including customs duties and other restrictions which differentiate unreasonably between such products in their primary and in their processed forms;

Ad paragraph 12(a)

This paragraph would apply in the event of negotiations for reduction or elimination of tariffs or other restrictive regulations of commerce under Articles XXVIII, XXVIII bis (XXIX after the amendment set forth in Section A of paragraph 1 of the Protocol of 10 March 1955 Amending Part I and Articles XXIX and XXX shall have become effective), and Article XXXIII, as well as in connexion with other action to effect such reduction or elimination which contracting parties may be able to undertake.

(b) refrain from introducing, or increasing the incidence of, customs duties or non-tariff import barriers on products currently or potentially of particular export interest to less-developed contracting parties; and

(c) (i) refrain from imposing new fiscal measures, and

(ii) in any adjustments of fiscal policy accord high priority to the reduction and elimination of fiscal measures,

which would hamper, or which hamper, significantly the growth of consumption of primary products, in raw or processed form, wholly or mainly produced in the territories of less-developed contracting parties, and which are applied specifically to those products.

13. (a) (i) When a contracting party determines that it is not giving effect, in any particular case, to the provisions of sub-paragraph (b) or (c)(i) of paragraph 12 it may shall report the matter to the CONTRACTING PARTIES.

(ii) When any interested contracting party considers that effect is not being given to the provisions of sub-paragraph (a), (b) or (c) of paragraph 12 it may report the matter to the CONTRACTING PARTIES.

(b) (i) The CONTRACTING PARTIES shall, if requested so to do by any interested contracting party, and without prejudice to any bilateral consultations that may be undertaken, consult with the contracting party concerned and all interested contracting parties with respect to the matter with a view to reaching solutions satisfactory to all contracting parties concerned and without requiring any restrictive action by the less-developed contracting parties as a condition for the implementation of the provisions of sub-paragraph (a), (b) or (c) of paragraph 12 with a view to reaching solutions satisfactory to all contracting parties concerned in order to further the objectives of this Article. In the course of these consultations, the reasons given in cases where effect was not being given to the provisions of sub-paragraph (a), (b) or (c) of paragraph 12 shall be examined.

(ii) As the implementation of the provisions of sub-paragraph (a) (b) or (c) of paragraph 12 by individual contracting parties may in some cases be more readily achieved where action is taken jointly with other developed contracting parties, such consultation might, where appropriate, be directed towards this end.

(iii) The consultations by the CONTRACTING PARTIES might also, in appropriate cases, be directed towards agreement on joint action designed to further the objectives of this Agreement as envisaged in paragraph 1 of Article XXV.

14. The developed contracting parties shall:

(a) make every effort, in cases where a government directly or indirectly determines the resale price of products wholly or mainly produced in the territories of less-developed contracting parties, to maintain trade margins at equitable levels;

(b) give active consideration to the adoption of other measures designed to provide greater scope for the development of imports from less-developed contracting parties and collaborate in appropriate international action to this end;

Ad paragraph 14(b)

The other measures referred to in this paragraph might include steps to promote domestic structural changes, to encourage the consumption of particular products, or to introduce measures of trade promotion.

(c) have special regard to the trade interests of less-developed contracting parties when considering the application of other measures permitted under this Agreement to meet particular problems and explore all possibilities of constructive remedies before applying such measures where they would affect essential interests of those contracting parties;

(d)¹ the developed contracting parties should not expect reciprocity for commitments made by them in trade negotiations to reduce or remove tariffs and other barriers to the trade of developing contracting parties;

(e) without prejudice to the generality of the above provisions, in establishing and administering their agricultural policies, adjust and moderate protective measures and avoid restrictive measures in order to facilitate exports of agricultural products of particular interest to the less-developed contracting parties. in formulating and implementing their domestic policies affecting trade in primary products, avoid measures which stimulate in their countries uneconomic production in such a way as to deprive developing countries of the opportunity to obtain a fair and reasonable share of world markets and market growth. Where existing levels of protection have adverse effects upon the trade and trade opportunities of developing countries, developed countries should aim to modify the form or reduce the aggregate of such protection.

¹If it is decided to place this sub-paragraph here the interpretative notes at present reproduced under paragraph 9 would also appear here and some drafting changes would be required in view of the fact that the opening words of paragraph 14 are not consistent with the wording of the sub-paragraph.

15. The less-developed contracting parties shall promote measures aimed at expanding trade and at furthering co-operation amongst themselves, bearing in mind the importance of a world-wide expansion of trade. Such measures should not be inconsistent with the nature of their economic structure, their individual development, financial and trade needs, and should take into consideration past trade developments as well as the trade interests of other less-developed contracting parties. The less-developed contracting parties, therefore, undertake those of the foregoing commitments which are consistent with the considerations and aims mentioned in this paragraph.
16. Those contracting parties, the economies of which are in the course of industrial development and which are seeking to avoid an excessive dependence on a limited range of primary products for their export earnings but which are not less-developed contracting parties, shall endeavour, with due regard to their own development needs and policies, to apply to the maximum possible extent the obligations which other contracting parties accept under paragraphs 12 to 14.
17. In the implementation of the commitments set forth in paragraphs 12 to 16, each contracting party shall afford to any other contracting party or contracting parties full and prompt opportunity for consultations under the normal procedures of this Agreement with respect to any matter or difficulty which may arise.

Section C - Joint Action in Relation to Economic Development

18. The contracting parties shall collaborate jointly, within the framework of this Agreement and elsewhere, as appropriate, to further the objectives set forth in this Article.
19. In particular, the CONTRACTING PARTIES shall:
- (a) where appropriate, take action, including action through international arrangements, to improve conditions of access to markets for primary products of particular interest to less-developed contracting parties and to devise measures designed to stabilize and improve conditions of world markets in these products including measures designed to attain stable, equitable and remunerative prices for exports of such products;
 - (b) seek appropriate collaboration in matters of trade and development policy with the United Nations and its organs and agencies, including any institutions that may be created on the basis of recommendations by the United Nations Conference on Trade and Development;
 - (c) collaborate in analyzing the development plans and policies of individual less-developed contracting parties and in examining trade and aid relationships with a view to devising concrete measures to promote the development of export potential and to facilitate access to export markets for the products of the industries thus developed and, in this connexion, seek appropriate collaboration with governments and international organizations, and in particular with organizations having competence in relation to financial assistance for economic development, in systematic studies of trade and aid relationships in individual less-developed contracting parties aimed at obtaining a clear analysis of export potential, market prospects and any further action that may be required;
 - (d) keep under continuous review the development of world trade with special reference to the rate of growth of the trade of less-developed contracting parties and make such recommendations to contracting parties as may, in the circumstances, be deemed appropriate; and
 - (e) collaborate in seeking feasible methods to expand trade for the purpose of economic development, through international harmonization and adjustment of national policies and regulations, through technical and commercial standards affecting production, transportation and marketing, and through export promotion by the establishment of facilities for the increased flow of trade information and the development of market research.

ARTICLE XVIII:II

Governmental Assistance to Economic Development

7The existing Article XVIII7

ANNEX B

Draft

P R O T O C O L

AMENDING THE GENERAL AGREEMENT ON TARIFFS AND TRADE
TO INTRODUCE A CHAPTER ON TRADE AND DEVELOPMENT

The Governments which are contracting parties to the General Agreement on Tariffs and Trade (hereinafter referred to as "the contracting parties" and "the General Agreement" respectively),

DESIRING to effect amendments to the General Agreement pursuant to the provisions of Article XXX thereof,

HEREBY AGREE as follows:

1. The provisions of Part II and Article XXXI and of Annex I shall be amended as follows:

A

Immediately after the heading "PART II" there shall be inserted the sub-heading

"CHAPTER 1 - GENERAL TRADE PROVISIONS"

B

In paragraphs 1 to 5 of Article XIV the words "Section B of Article XVIII" shall be replaced by "Section B of Article XVIII:II".

C

In paragraph 2 of Article XV the words "paragraph 9 of Article XVIII" shall be replaced by "paragraph 9 of Article XVIII:II".

D

Immediately after Article XVII there shall be inserted the following sub-heading and new Article:

"CHAPTER 2 - TRADE AND DEVELOPMENT

Article XVIII:I - Promotion of Economic Development"

/Text to be inserted/

E

Article XVIII shall be renumbered "Article XVIII:II".

F

Immediately above Article XIX there shall be inserted the sub-heading
"CHAPTER 3 - EXCEPTIONS, CONSULTATIONS AND COMPLAINTS"

G

In Article XXXI the words "paragraph 12 of Article XVIII" shall be replaced by "paragraph 12 of Article XVIII:II"

H

In Annex I (which, pursuant to Section BB(i) of the Protocol Amending the Preamble and Parts II and III, is to become Annex H) -

(i) in the note to paragraph 1 of Article XIV the words
"paragraph 12 of Article XVIII" shall be replaced by
"paragraph 12 of Article XVIII:II";

(ii) after the notes to Article XVII, there shall be inserted
the following notes:

"Ad Article XVIII:I"
/Text to be inserted/

(iii) the heading "Ad Article XVIII" shall be replaced by "Ad Article XVIII:II", and the words "Article XVIII" appearing in the notes to paras. 11 and 19 shall be replaced by "Article XVIII:II".

2. The provisions of Article XXX (as it will be amended by Section D of paragraph 1 of the Protocol Amending Part I and Articles XXIX and XXX when that Protocol enters into force) shall be amended as follows:

In paragraph 3 the words "Article XVIII" shall be replaced by
"Article XVIII:II".

3. This Protocol shall be deposited with the Executive Secretary to the CONTRACTING PARTIES to the General Agreement. It shall be open for

acceptance, by signature or otherwise, by the contracting parties to the General Agreement until 31 December 1965; provided that the period during which this Protocol may be accepted in respect of any contracting party may, by a decision of the CONTRACTING PARTIES, be extended beyond that date.

4. Acceptance of this Protocol in accordance with the provisions of paragraph 3 shall be deemed to constitute an acceptance of the amendments set forth in paragraphs 1 and 2 in accordance with the provisions of Article XXX of the General Agreement.

5. In accordance with the provisions of Article XXX of the General Agreement, the amendments set forth in paragraph 1 shall become effective following acceptance of the Protocol by two-thirds of the governments which are then contracting parties, and the amendment set forth in paragraph 2 shall become effective following acceptance of the Protocol by all the governments which are then contracting parties.

6. Acceptance of this Protocol by a contracting party, to the extent that it shall not have already taken final action to become a party to the following instruments and except as it may otherwise notify the Executive Secretary in writing at the time of such acceptance, shall constitute final action to become a party to each of the following instruments:

- (i) Protocol Amending Part I and Article XXIX and XXX, Geneva, 10 March 1955;
- (ii) Protocol Amending the Preamble and Parts II and III, Geneva, 10 March 1955;
- (iii) Protocol of Rectifications to the French Text, Geneva, 15 June 1955;
- (iv) Procès-Verbal of Rectifications Concerning the Protocol Amending Part I and Articles XXIX and XXX, the Protocol Amending the Preamble and Parts II and III and the Protocol of Organizational Amendments, Geneva, 3 December 1955;
- (v) Fifth Protocol of Rectifications and Modifications to the Texts of the Schedules, Geneva, 3 December 1955;
- (vi) Sixth Protocol of Rectifications and Modifications to the Texts of the Schedules, Geneva, 11 April 1957;

- (vii) Seventh Protocol of Rectifications and Modifications to the Texts of the Schedules, Geneva, 30 November 1957;
- (viii) Protocol Relating to the Negotiations for the Establishment of New Schedule III - Brazil, Geneva, 31 December 1958;
- (ix) Eighth Protocol of Rectifications and Modifications to the Texts of the Schedules, Geneva, 18 February 1959; and
- (x) Ninth Protocol of Rectifications and Modifications to the Texts of the Schedules, Geneva, 17 August 1959.

7. The Executive Secretary to the CONTRACTING PARTIES to the General Agreement shall promptly furnish a certified copy of this Protocol and a notification of each acceptance thereof to each contracting party to the General Agreement.

8. This Protocol shall be registered in accordance with the provisions of Article 102 of the Charter of the United Nations.

DONE at Geneva in a single copy, in the English and French languages, both texts authentic, this day of November, one thousand nine hundred and sixty-four.

ANNEX C

Draft

F I N A L A C T

OF THE SECOND SPECIAL SESSION OF THE CONTRACTING PARTIES
TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE

The CONTRACTING PARTIES, by a resolution adopted at the meeting of Ministers on 21 May 1963, recognized the need for an adequate legal and institutional framework to enable the CONTRACTING PARTIES to discharge their responsibilities in connexion with the work of expanding the trade of less-developed countries.

The CONTRACTING PARTIES, which held a special session in Geneva from 17 to November 1964, have drawn up a protocol, entitled "Protocol Amending the General Agreement on Tariffs and Trade to Introduce a Chapter on Trade and Development" to be submitted to the contracting parties for acceptance.

The text of the Protocol, in the English and French languages, is annexed hereto and is hereby authenticated.

IN WITNESS WHEREOF, the duly authorized representatives of the governments which have taken part in that session, have signed the present Final Act.

DONE at Geneva in a single copy, in the English and French languages, both texts authentic, this day of November, one thousand nine hundred and sixty-four.

ANNEX D

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DECLARATION
ON THE DE FACTO IMPLEMENTATION OF THE PROVISIONS
OF THE PROTOCOL AMENDING THE GENERAL AGREEMENT ON TARIFFS AND TRADE
TO INTRODUCE A CHAPTER ON TRADE AND DEVELOPMENT

On the occasion of the signature of the Final Act of the Second Special Session of the CONTRACTING PARTIES, authenticating the text of the Protocol Amending the General Agreement on Tariffs and Trade to introduce a Chapter on Trade and Development, each of the governments represented at the Session,

Considering that there will be some delay in the entry into effect of the amendments provided for in the said Protocol,

Recognizing that no obligation will arise prior to the entry into effect of the said amendments, and

Desiring to proceed as rapidly as possible towards the attainment of the objectives set forth in the Protocol,

Hereby Declares that, from 1 January 1965⁷ and until 31 December 1965⁷ or until the amendments enter into effect, whichever date is the earlier, it intends to implement the amendments on a de facto basis to the extent permitted by constitutional rules in force and to the extent that the amendments can in practice be implemented.