

GENERAL AGREEMENT ON TARIFFS AND TRADE

RESTRICTED

C/30
26 April 1963

Limited Distribution

COUNCIL
25 April-1 May 1963

ADMISSION OF CONTRACTING PARTIES UNDER THE PROCEDURES OF ARTICLE XXVI:5(c)

Note by the Executive Secretary

The Governments of Cameroon, Central African Republic, Congo (Brazzaville), Kuwait and Upper Volta, which have been applying the General Agreement on a de facto basis pursuant to the Recommendation of 18 November 1960, have advised that they wish to become contracting parties under the provisions of paragraph 5(c) of Article XXVI.

It has been customary to refer such requests to the CONTRACTING PARTIES although, provided certain conditions are fulfilled, the admission of the new State must follow automatically. Paragraph 5(c) of Article XXVI reads:

"If any of the customs territories, in respect of which a contracting party has accepted this Agreement, possesses or acquires full autonomy in the conduct of its external commercial relations and of the other matters provided for in this Agreement, such territory shall, upon sponsorship through a declaration by the responsible contracting party establishing the above-mentioned fact, be deemed to be a contracting party."

It has happened in recent years that requests for admission under these provisions have been received shortly before or during a session of the CONTRACTING PARTIES and in each case the admission has been formalized by means of a declaration by the CONTRACTING PARTIES. If requests are received at a time when no session is to be held, it would be unfortunate if mere formalities were to cause delay in the admission of the new contracting parties. Therefore, the Council might consider it appropriate to devise a simpler procedure than that followed in the past. A simplified procedure might merely call for a certification by the Executive Secretary to the effect that the conditions of Article XXVI:5(c) have been fulfilled in respect of a certain State and advising that the State has therefore become a contracting party and has acquired the rights and obligations of the General Agreement. These certifications would be brought to the notice of the Council or the CONTRACTING PARTIES when next in session so that note could be taken of them and a welcome be extended to the new contracting parties.

If this proposal is acceptable to the Council, the following statement will be issued in respect of Cameroon and corresponding statements in respect of the Central African Republic, Congo (Brazzaville) and Kuwait:

./.

"ADMISSION OF CAMEROON AS A CONTRACTING PARTY

"On 7 April 1960 the Government of France advised that the Government of Cameroon had acquired, as from 1 January 1960, full responsibility for matters covered by the General Agreement in its territory. Thus the French Government established the fact that Cameroon was qualified, in the sense of paragraph 5(c) of Article XXVI, to become a contracting party.

"The Government of Cameroon has been applying the General Agreement on a de facto basis, pursuant to the Recommendation of the CONTRACTING PARTIES of 18 November 1960, and has now advised, by a communication dated 27 March 1963, that it wishes to be deemed a contracting party to the General Agreement under the provisions of Article XXVI:5(c). Since the conditions required by Article XXVI:5(c) have been met, Cameroon has become a contracting party; its rights and obligations date from 1 January 1960."

In the case of Upper Volta, provision will have to be made for the establishment of a new schedule which will be composed of the concessions negotiated by France on behalf of the former French West Africa. For this purpose the Executive Secretary's statement will include the following paragraph:

"The concessions specified in Section C of Schedule XI will henceforth comprise a new Schedule XLVI relating to Upper Volta and formal provision for the establishment of this new schedule will be made through the procedure for certification of rectification and modifications to the Schedules to the General Agreement."