SUMMARY RECORD OF THE SEVENTH MEETING

Held at Hotel Verdun, Annecy,
on 8 July, 1949 at 3.30 p.m..

Chairman: Mr. W. MULLER (Chile)


Mr. SHACKLE (United Kingdom), at the request of the Chairman, introduced the report of the Joint Working Party and gave a brief summary of its provisions. He called attention to the various points which had been considered by the Working Party, such as the method and time by which accession would be decided upon by the Contracting Parties, and the recommendation of the Working Party that each contracting party should reach a decision as soon as possible instead of waiting for the final date set by the Protocol. Notes had been inserted in the report in order to make various points clear: e.g. the interpretation of paragraph 4 regarding the withholding of concessions, and the obligation upon acceding governments to accept rectifications, amendments and modifications of the Agreement. He pointed out that the date by which notifications of measures to be maintained under Article XVIII was required was now considered adequate by the acceding governments concerned and also by the Contracting Parties; and he explained that the anomaly which had arisen under paragraph 8 (b) through an accident in the original drafting had been removed. A new Annex C to the Protocol had been
added corresponding to Annex H of the Charter, as a result of a request made by the delegate of Colombia to cover the preferential rates of duty in the Colombian tariff.

The CHAIRMAN thanked Mr. Shackle for his explanations and also for his chairmanship of the Joint Working Party. He hoped that the extensive work by the Working Party would shorten the discussion in the Tariff Negotiations Committee, and he requested general comments on the Report.

Mr. POLITIS (Greece) expressed satisfaction with the Report.

Mr. ALVAREZ CINA (Uruguay) pointed out a discrepancy between the remarks concerning the date of January 1, 1950 appearing in two of the previous documents to which reference was made in this Report, namely, GATT/CP.3/37 and GATT/CP.3/WP.1/10.

The CHAIRMAN informed him that this error appeared only in the French text and would be corrected.

Mr. ALVAREZ CINA (Uruguay) wished to amplify some remarks he had already made in the Joint Working Party concerning his disagreement with the procedure followed in the preparation of the Draft Protocol and with various provisions of the text, particularly paragraphs 3 and 11. The governments invited to this meeting could not have thought that they would be subject to a collective vote for each one of them regarding their accession, nor to the requirement of later notification in which each contracting party would declare whether or not it intended to make the concessions effective. They must have thought that, as is the case for the contracting parties, only Articles XXXV and XXV: 5(b) would be operative for the exclusion of any one of them.
It was, however, too late to press this point of view. Nor did he consider that the method of drawing up the Protocol had been very fair. The Joint Working Party, having taken up this matter at so late a stage, had only effected a few minor and quite unimportant modifications to the text of the Protocol in order to give the impression of a common effort to what was in fact a unilateral decision by the contracting parties. Although very laudable efforts had been made to take account of different opinions, the final result had in fact been a draft protocol before which the only alternatives for the acceding governments were acceptance or refusal. It had therefore become what was called in private law a contract of acceptance, in which one party draws up the conditions of the contract and the other either accepts or rejects them. This was not, however, in accordance with Article XXXIII of the General Agreement, which states that any government may adhere to the Agreement "on terms to be agreed between such government and the Contracting Parties". Apart from all these factors, it seemed to him that reading this document would not produce a favourable psychological effect on the parliaments of the acceding countries. This was not to say that the governments invited would refuse to accede. It was possible that in the last analysis the draft would be acceptable, but he wished to emphasize that legislative bodies gave much attention to both the texts of the agreements submitted for their approval and the method followed for adhering to such agreements. It would be lamentable if the work done in Annecy seemed unsatisfactory to those who must examine and decide upon its application.

Mr. Hewitt (Australia) enquired how the Committee intended to dispose of this Protocol and when it would be made public in its entirety, that is to say, with the schedules attached; it might not be
completed before 30 November, nor effective before 1 January, 1950.

Mr. JOHNSEN (New Zealand) thought that a brief period after
30 November 1949 would be necessary before publication in order that
the position of acceding governments could be known.

Mr. CATUDAL (United States) considered it essential to make
the results of the Annecy Conference public immediately upon its close.
He pointed out that the General Agreement of Geneva was made public
two weeks after the close of the Conference. It would be difficult to
maintain secrecy if publication were delayed and it would be advisable
to release the document as a whole.

The CHAIRMAN thought that this question should be viewed not
in the light of convenience or inconvenience to delegations but in the
face of the existing facts. Certain governments would have to send the
document to their parliaments before effect could be given to the
Annecy negotiations and, if it were sent to parliament, it would have
to be published. Consequently, if it were hoped to give an early
effect to the decisions of the Annecy Conference, early publication
was necessary.

Mr. POLITIS (Greece) agreed with the Chairman and pointed out
that his Government would be forced to publish the results immediately
following the Annecy meeting.

Mr. JOHNSEN (New Zealand) understood the force of the
Chairman's arguments. With regard to the remarks by the delegates of
the United States and Greece, he wished to point out that publication
at Geneva had not been made until the final date for signature by the
original signatories, and that on any matter of customs tariffs or
commercial treaties, which was of common interest to many countries, a prior decision regarding publication must be taken in order that publication could be made simultaneously in the various capitals.

Mr. COUILLARD (Canada) stated that his delegation was strongly in favour of the earliest possible publication. Delegations would have to tell their governments and people what had been happening in closed sessions in Annecy during five months and, in any case, many countries would be forced to publish immediately. He was in favour of publication immediately following the date when the document was closed for signature at Annecy, or failing that, two weeks after the closing date as had been done in Geneva.

Mr. HEWITT (Australia) said that he was interested in hearing the views of the Committee as to the time of publication. Concerning the argument about presenting the document to parliaments, he referred to the last three lines at the bottom of page 1 of the Report, where it was stated that the results could not be presented to parliaments of the acceding countries until their governments knew whether a favourable decision had been taken by the Contracting Parties; consequently it would be impossible for acceding governments to present the document to their parliaments before 30 November. Also, when this Report was considered in the Contracting Parties, two contracting parties had stated that they might be unable to take action at so early a date and had requested sympathetic consideration for an extension of time to April 30th. He also enquired what document would be released, if publication were undertaken before November 30. He wondered whether a document carrying no signatures would make a very good impression upon the general public. To wait until November 30, the date until which signatures could be attached, would follow the precedent set by the
Geneva Conference, although with a greater time lag.

Mr. KUMLIN (Sweden) said that his delegation had no objection to the earliest possible publication and suggested that it be done as soon as delegations had had time to report to their governments. Regarding the publication of the Protocol, he thought a summary could be issued at the close of the Conference and complete publication made together with schedules somewhat later.

Mr. LECUYER (France) said that the head of his delegation had authority to sign the Protocol immediately following the Annecy session and that his Government intended to apply the concessions well before the final date set for application. Consequently, it would be mandatory to inform parliament and publish information and he was consequently in favour of immediate publication. It was the intention of his Government to publish the French Schedule in any case as soon as possible, taking into account any decision made at this meeting.

Mr. POLITIS (Greece) said there could be no question of submitting the Annecy Protocol to the Greek parliament until the decision of the Contracting Parties were known, but it would nevertheless be necessary to make known the results of the proceedings at Annecy immediately upon the return of the delegation.

Mr. BANERJI (India) thought there would be no difficulty in publishing the text of the Protocol immediately following the Annecy session, but there might be some advantage in deferring publication of the Schedules until November 30, or a little earlier but not before it was possible to have a clear idea of whether a two-thirds decision had been made. In view of possible speculation it was better to wait until
Mr. COUILLARD (Canada) referred to Mr. Hewitt's argument concerning the time at which it would be possible for acceding governments to present the results of negotiations to their parliaments; it seemed to him that this argument lost sight of the fact that it was possible and in fact hoped that a number of acceding governments might know at the end of the Annecy Conference that they would be contracting parties. If this occurred and such an acceding government was bound to publish the results, then this discussion was rather futile. He did not entirely agree with the argument that the document should not be published until signatures were attached, and he pointed out that the Havana Charter had been published, with signatures which only validated the authenticity of the text. In Geneva, after all, the Agreement and all of the Schedules were published two weeks after signature of the Final Act, although only eight or nine of the schedules were then effective. Mr. Banerji's point regarding speculation had also been discussed in Geneva and it had been decided that it was not of major concern, and also that it was possible that speculation would be greater if the results were withheld.

Mr. THOMMESSEN (Norway) said that his government was also in favour of early publication.

Mr. SHACKLE (United Kingdom) considered that there were strong arguments on both sides. The most important argument was that peoples and parliaments should know as soon as possible what had been done in Annecy and all of the Protocol and Schedules should be released at the same time. He thought that the speculation risk was
overrated; such a risk was only serious when duties were being raised, not when they were being reduced. Also governments must be in a position to lay the document before their parliaments as soon as possible. On the other hand, he agreed that a better presentation would be made if a few signatures were attached to the document and no decision could of course be expected until it was known which acceding governments had obtained the support of two-thirds of the contracting parties. Also, there were the evident difficulties of certain countries in the face of early publication. He, therefore, proposed, although an always unsatisfactory solution, that a compromise might be reached if publication by the Secretariat were to take place at the end of September or early October.

Mr. ALVAREZ CINA (Uruguay) said that the Annecy documents could not be considered secret, since they must be presented to parliaments and therefore they must be published. The only question was when and how. He thought, therefore, that all the final documents should be communicated by the Secretariat to interested governments and that once it was known whether the concessions would be put into effect, they should be published in final form by the Secretariat.

Mr. CATUDAL (United States) wished to add a few remarks to his arguments for the earliest possible publication. All countries, he thought, were anxious to have the results of the negotiations put into force as soon as possible and if that were to be done, early publication was necessary or acceding governments would not be able to submit the results of Annecy to their parliaments for acceptance. He strongly supported the suggestion of the delegation of Canada.
Mr. HSUEH (China) supported the compromise suggested by Mr. Shackle. This question had been raised before in the Contracting Parties when discussing the first report of the Working Party on Accession, chiefly as a result of the difficulties of the Australian Government. At that time the Australian delegate undertook to report to his Government and inquire whether his Government would reconsider the question. Mr. HSUEH wondered whether he had received any reply.

Mr. HEWITT (Australia) replied that this question had been referred to his Government but as no definite decision had been made by the Committee on what it intended to do, it had not been possible to report any definite position of the Committee and no further instructions had been received from his Government. He would like to know the exact intention of this Committee with regard to disposal of the document in order to be able to report more fully.

Mr. LAMSVELT (Netherlands) supported early publication and the Canadian proposal.

Mr. JOHNSEN (New Zealand) reminded delegates of the difficulties experienced at Geneva for distant countries such as his own in complying with a two weeks' deadline and hoped that 30 September would be the earliest date decided upon.

Mr. KASTOFT (Denmark) agreed on two weeks.

Mr. POLITIS (Greece) said that he could give no guarantee of silence after two weeks.

Mr. HEWITT (Australia) agreed with Mr. Johnsen and strongly emphasised the distance difficulties and the unfortunate results if publication were made before delegations had had time to inform their governments. Two weeks would no doubt be a sufficient period for
delegations from nearby countries but would not be long enough for those at a great distance from their capitals.

Mr. THOMMSEN (Norway) wondered if a lapse of thirty days following the close of the Conference could be agreed upon.

In reply to a question by Mr. Shackle, the EXECUTIVE SECRETARY said that printing would take approximately one month but that the question of printing was a decision that would have to be taken by the Contracting Parties in view of budgetary limitations. If the document were to be mimeographed, the delay would of course be less.

Mr. STEYN (South Africa) agreed with the delegates of New Zealand and Australia.

The CHAIRMAN summarised the discussion. The question concerned publication in the different countries and official publication by the Secretariat which must necessarily follow or coincide with the date set for the former. Most delegations were in favour of early publication, not so much from preference as finding it necessary in view of the legal requirements within many countries. Any delay would make it more difficult to take a decision before 30 November and as many countries were afraid that it would be difficult in any case within that period, it was perhaps advisable to publish as early as possible. The thirty days compromise had been suggested to overcome the distance and language difficulties of some countries, and in view of the need for simultaneous publication. Publication by the Secretariat would be the result of this decision as it could not take place before publication in the various countries. He suggested that it might be possible to agree on the thirty days.

Mr. SHACKLE (United Kingdom) thought thirty days was too short and suggested six weeks.
The CHAIRMAN pointed out that no country was obliged to publish within thirty days; it was rather the minimum limit for publication. With regard to the technical difficulties mentioned, it would be possible now to start on both translation and reproduction of the Protocol and of some of the Schedules.

Mr. BRAGA (Brazil) agreed with this solution.

Mr. Di NOLA (Italy) pointed out that the situation was different for contracting parties and acceding governments, as an acceding government would be unable to publish until it knew whether it would be a contracting party, and contracting parties might be unwilling to publish before they knew whether acceding governments would be accepted. He thought that the procedure would have to be completed before publication took place.

The CHAIRMAN repeated that there was no obligation to publish at the date suggested. With regard to the Schedules, if the procedure of a country requires publication, they would have to be published whether the government were a contracting party or not, as no action could be taken until after publication.

Mr. POLITIS (Greece) said that if the Committee decided on thirty days he would give a personal guarantee but would have to reserve the position of his Government. He could not guarantee that the matter would not be raised in Parliament or that a minister might not have to reply to questioning.

Publication thirty days following the close of the meeting was agreed upon.

Mr. HEWITT (Australia) thanked the Committee for its decision and hoped that he would be able to reply to the question of the delegate of China in the light of this decision.

The meeting was adjourned at 6:10 p.m.