Some Comments of the Japanese Delegation on Draft Organizational Agreement Contained in Spec/48/55/Rev.1

1. **Title**

"Convention (or Charter) on the International Organization for Trade Co-operation", instead of "agreement", in order to avoid confusion in references to the two agreements in the respective texts.

2. **Article 2**

Replace "by two-thirds vote" by "by a majority of two-thirds of the votes cast", if it is so meant.

3. **Article 4**

In relation to Article XXII of GATT (and in particular reference to the proposal of Pakistan contained in L/291), consultations on those matters which have no direct bearing on any provision in the text of GATT should better be brought under this article.

4. **Article 10**

Add "at its regular (annual) session" after "Assembly" in the first sentence.

5. **Article 12**

Should the Executive Committee be entrusted with settlement of disputes among Members, it would be more fair to make provisions to the effect that in case only one party to a dispute is a member of the Executive Committee, either that party is excluded from voting on the issue or the other party is co-opted in the settlement with a vote.

6. **Article 30**

The procedure of amendments which do not alter the obligations of Members may additionally be provided for as in Article 100 of the Havana Charter.

7. **Article 31**

It is suggested that paragraph (a) should read as follows:
(a) The original of this agreement shall be deposited with the Executive Secretary of ICITO-GATT, and after entry into force of this Agreement, with the Director General of the Organization; and it shall be open for acceptance on and after ...... by signature or otherwise by those governments which are contracting parties to the General Agreement.

8. Article 32

This Article should be placed after Article 33 and grouped under the heading "transitory provisions" together with the two articles hereunder.

9. The following article should be inserted as a transitory provision:

Article (34) Previous Decisions of the CONTRACTING PARTIES

"Decisions taken by the CONTRACTING PARTIES to GATT prior to the entry into force of this Agreement under Article 31, except those decisions which are incompatible with the provisions of this Agreement or with the provisions of the GATT as amended by the Protocol amending the General Agreement after the latter's entry into force, shall be considered as decisions of the Organization".

10. Replace "Secretary-General of the United Nations" in Articles 28(b) and 33(a) by "Director-General of the Organization", and the following Article shall be inserted:

Article (35)

Pending the entry into force of this Agreement, "Director-General of the Organization" in Articles 28(b) and 33(a) shall read "Executive Secretary of ICITO-GATT" (or "Secretary-General of the United Nations").