ARTICLE XXVI:5(c)

Admission of Newly-independent Territories as Contracting Parties

(Note by the Executive Secretary)

Since the sixteenth session a number of territories, for which certain contracting parties had international responsibility and in respect of which they had accepted the General Agreement, have acquired full autonomy (in the sense of paragraph 5(c) of Article XXVI) in the conduct of their external commercial relations and of the other matters provided for in the GATT. The territories in question are listed below together with, for each territory, the date of independence, the relevant GATT document and a note on the present status of the consultations initiated by the Executive Secretary under the procedures adopted on 1 November 1957:

A.

Federation of Nigeria
1 October 1960
(L/1303 and Add.1)

Nigeria has been deemed to be a contracting party pursuant to Article XXVI:5(c). A draft declaration for approval is annexed. Nigeria, unless it decides otherwise, will be governed by Annex J and will be having recourse to the provisions of Article XXXV:1 in relation to its trade with Japan.

B.

Somaliland (British Protectorate)
26 June 1960
(L/1312)

On 1 July the former protectorate of British Somaliland (to which the GATT had been applied) united with the former United Nations Trust Territory of Somalia (to which the GATT had not been applied) to form the Republic of Somalia. The Executive Secretary has written to enquire whether the Republic would wish to accede to the GATT under Article XXXIII.
C.

(An enquiry has been addressed by the Executive Secretary to the Governments of each of the following territories in accordance with the procedures adopted on 1 November 1957)

Republic of Cyprus
16 August 1960
(L/1304)

A representative is attending the session and has informed the Executive Secretary that the question of relations with the GATT is under consideration.

Togolese Republic
27 April 1960
(L/1182)

No reply has been received.

The Republic of Cameroun
1 January 1960
(L/1182)

A representative is attending the session and has informed the Executive Secretary that the question of relations with the GATT is under consideration.

Malagasy Republic
25 June 1960
(L/1251)

The Government has advised that it wishes to have time for consideration and meanwhile will continue to apply the GATT to contracting parties on a reciprocal basis.

Federation of Mali
20 June 1960
(L/1251)

In July the Executive Secretary wrote to the Government of the Federation, but since then the two constituent territories have dissolved the Federation and have formed the two independent states of the Republic of Mali and the Republic of Senegal. The Republic of Mali is represented at the session by an observer who has advised that the question of relations with the GATT is under consideration.

Republic of the Ivory Coast
7 August 1960
(L/1272)

The Prime Minister of the Republic has advised that negotiations are in progress with the Governments of the Republics of Dahomey, the Upper Volta and the Niger for the formation of a customs union of the four States; the question of relations with the GATT cannot be examined before the customs union has been created and the member States have jointly determined their common commercial policy. The Republic is represented at the session by an observer.
Republic of Dahomey  
1 August 1960  
(L/1273)  

Republic of the Upper Volta  
5 August 1960  
(L/1247)  

Republic of the Niger  
3 August 1960  
(L/1271)  

Central African Republic  
14 August 1960  
(L/1276)  

Republic of Chad  
11 August 1960  
(L/1275)  

Republic of the Congo  
(capital - Brazzaville)  
15 August 1960  
(L/1278)  

Gabon Republic  
17 August 1960  
(L/1279)  

Republic of the Congo  
(capital - Leopoldville)  
1 July 1960  

The Executive Secretary proposes to contact the Government in accordance with the procedures of 1 November 1957.

No reply has been received.

No reply has been received.

No reply has been received.

No reply has been received.

No reply has been received.

The only other territory which has acquired autonomy, in the sense of Article XXVI:5(c), and to which the procedures of 1 November 1957 are at present applied is the Republic of Guinea. It was reported to the CONTRACTING PARTIES at the fifteenth session that the Government of Guinea was considering its relations with the GATT and meanwhile was prepared to continue to apply the GATT to trade with contracting parties on a reciprocal basis. Thereupon the CONTRACTING PARTIES adopted a recommendation, dated 19 November 1959 (8S/8), recommending the application of the GATT as envisaged in the procedures of 1 November 1957.

In view of the large number of territories which have recently acquired independence (listed under C and D above), it is suggested that the CONTRACTING PARTIES might adopt a single recommendation on the reciprocal
application of the GATT vis-à-vis all these territories, the recommendation to be effective in each case for two years from the date of independence. Further, in view of the probability of other territories acquiring independence in the future, the CONTRACTING PARTIES might agree that, instead of waiting in each case for the next session of the CONTRACTING PARTIES to adopt a recommendation on the application of the GATT and instead of having a separate recommendation for each such territory, the recommendation adopted at this session should provide for its automatic application in respect of territories which acquire autonomy in the future. A draft recommendation, to give effect to these two purposes, is annexed for consideration. If this recommendation is adopted, the Executive Secretary will notify the contracting parties of each territory to which the arrangement becomes applicable and will report to the CONTRACTING PARTIES on his consultations with the territories concerned and on any other related developments.

I.

ADMISSION OF NIGERIA AS A CONTRACTING PARTY

Draft Declaration

Taking note of the declaration by the Government of the United Kingdom of 26 September 1960 which informed the CONTRACTING PARTIES that the Government of the Federation of Nigeria would acquire on 1 October 1960 full responsibility for matters covered by the General Agreement in its territory;

Considering that, by the said declaration, the Government of the United Kingdom established the fact that, as from 1 October 1960, the Government of the Federation of Nigeria is qualified, in the sense of paragraph 5(c) of Article LXVI of the Agreement, to become a contracting party in respect of the territory on behalf of which the Government of the United Kingdom had accepted the Agreement; and

Taking note of the declaration of the Government of the Federation of Nigeria of 1 October 1960 that, having acquired full autonomy in the conduct of its external commercial relations and of the other matters provided for in the Agreement, it wished to be deemed a contracting party to the Agreement pursuant to the provisions of paragraph 5(c) of Article LXVI;

The CONTRACTING PARTIES

Declare that the Government of the Federation of Nigeria is deemed to be a contracting party to the General Agreement on Tariffs and Trade as from 1 October 1960 and to have acquired the rights and obligations under the General Agreement of the Government of the United Kingdom in respect of its territory as from that date.
II.

APPLICATION OF THE GENERAL AGREEMENT TO TERRITORIES WHICH ACQUIRE AUTONOMY IN COMMERCIAL MATTERS

Draft Recommendation

Considering that paragraph 5(c) of Article XXVI of the General Agreement provides that if a territory, in respect of which the General Agreement has been applied, acquires full autonomy in the conduct of its external commercial relations and of other matters provided for in the Agreement such territory may be deemed to be a contracting party;

Considering that the CONTRACTING PARTIES, on 1 November 1957, adopted a recommendation as to procedure to be followed in cases in which a territory has acquired such full autonomy;

Considering that a number of territories, for which certain contracting parties had international responsibility and to which they applied the General Agreement, have recently acquired such full autonomy and that the Executive Secretary has entered into consultations in accordance with the said procedure with the governments of these newly-independent territories;

Considering further that other territories may acquire such full autonomy in the near future; and

Recognizing that the governments of newly-independent territories will normally require some time to consider their future commercial policy and the question of their relations with the General Agreement, and that it is desirable that meanwhile the provisions of the General Agreement should continue to be applied to trade between these territories and the contracting parties to the GATT;

The CONTRACTING PARTIES

Recommend that contracting parties should continue to apply de facto the General Agreement in their relations with any territory which has acquired full autonomy in the conduct of its external commercial relations and of other matters provided for in the General Agreement, for a period of two years from the date on which such autonomy was acquired, provided that the territory continues to apply de facto the Agreement to them.