GENERAL AGREEMENT
Amendments to Part III
Proposed by the Australian Delegation

Article XXII

1. Transfer this Article to Part II of the Agreement.
2. Paragraph 3(b)

No contracting party shall initiate put into operation or maintain ......

Comment

This Article appears to have relevance only to the provisions of Part II which may be accepted "provisionally to the fullest extent not inconsistent with existing legislation". It should, therefore, be the subject of acceptance which is similarly limited.

Article XXIII

1. Paragraph 7

As soon as the I.T.O. has been established and is capable of exercising its functions the contracting parties by amendment pursuant to Article XXVII may discontinue the meetings provided for in this Article shall be discontinued and may transfer to the Organisation the function of giving effect to those provisions of this Agreement which involve joint action by the contracting parties shall be transferred to the Organisation.

2. Paragraph 8a

The Committee may take such action as it deems necessary for the performance of its functions and may enter into such arrangements with the Secretary-General of the United Nations as may be necessary for this purpose.

Comment

Some arrangements may need to be made for staff, finance, etc.
Article XXIV

1. Paragraph 3(b), second sentence

The government of such separate customs territory shall with the consent of the Committee and upon such terms as the Committee may determine be entitled to "appoint a representative to the Committee."

Comment.

Membership of the I.T.O. is subject to conditions such as these except that those particular separate customs territories which are invited to the World Conference are automatically entitled to a form of Membership in I.T.O. If it is desired to afford automatic membership in the Committee to these territories they could be specified in the Agreement.

Article XXVII

1. (If; on or after the day of the signature of the Charter of the I.T.O., two-thirds of the contracting parties so agree) On the day of coming into force of the Charter Part II of this agreement (in whole or in part) shall for those contracting parties who have accepted the Charter in relation to other contracting parties who also have accepted the Charter be (suspended on a specified day and shall, on and after such day, be) superseded by the provisions of the Charter (for such time as the Charter remains in force provided that all the contracting parties to this Agreement shall on that date have become members of the International Trade Organisation) provided that if by 31st December 1948 the Charter shall not have come into force or if on any date thereafter during the operation of this agreement the Charter shall cease to be in force, the contracting parties agree to consult as to the way the provisions of this agreement should be supplemented or amended.

Comment.

This amendment is designed -

(a) to make it automatic that the provisions of the Charter replace the relevant parts of the Agreement;

(b) to avoid the situation created by the present draft which in the event of any contracting party failing to join the I.T.O., the remaining parties are obliged to work under both the Charter and the General Agreement whose provisions may differ significantly.

The amendment is put forward provisionally. It cannot be clear what form this clause should take until the content of Part II and the protocol is agreed upon.

Article XXIX

1. Paragraph 1.

Obligations entered into under this Agreement shall supersede any prior international obligations between contracting parties to the extent that they are inconsistent therewith.
2. Paragraph 2

The contracting parties shall after the Agreement shall have definitively entered into force take all necessary steps to terminate any prior international obligations with any non-contracting party to the extent that they are inconsistent with this Agreement.

Comment.

Two of these amendments are for clarification only. It seems unreasonable to require a contracting party to terminate obligations it has entered into with a non-contracting party while the Agreement is only provisionally in force.

Article XXXII

Paragraph 1; last line, "... shall on and after (Nov.1, 1947) December 15, 1947 ..."

Paragraph 2; last line, "... The Australian Delegation considers that the place and time of signature should be left open for the present."