SECOND SESSION OF THE PREPARATORY COMMITTEE OF THE UNITED NATIONS CONFERENCE ON TRADE AND EMPLOYMENT

The Delegation of the United States of America submit the following proposal for a Protocol to the General Agreement on Tariffs and Trade:

PROTOCOL TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE

In Document E/PC/T/W/236, dated July 4, 1947, the United States Delegation indicated it would later submit to the Preparatory Committee a draft of a protocol with regard to relations with Germany, Japan, and Korea while under military occupation. The United States Delegation feels that while the question of a protocol to the Charter has now been deferred until the World Conference, it is necessary that this subject be covered explicitly with relation to the General Agreement on Tariffs and Trade. The following draft protocol is therefore submitted, with the proposal that it be signed by each signatory of the General Agreement:

The governments signatory to the General Agreement on Tariffs and Trade, dated __________, 1947, recognize the desirability that Germany, Japan and Korea as soon as is practicable assume the full obligations of said Agreement and of the Charter for the International Trade Organization. Also recognizing, however, that the external trade of these areas cannot be conducted in a normal manner under present circumstances of military occupation, the
Signatory governments agree that nothing contained in said Agreement shall apply in any way to Germany, Japan or Korea, or to any occupying authority therein, or to trade in either direction between the territory of any signatory government and any of these areas.

The signatories further agree that the provisions of this protocol shall remain in force respectively with regard to Germany, Japan and Korea until occupation of such area is officially declared at an end or until such area is found by the occupying authorities and the parties to said Agreement to be capable of undertaking the obligations of said Agreement.

The signatories further agree that any signatory or signatories may nevertheless make separate or joint agreements with the appropriate authorities of any such area under which the latter would derive certain or all of the benefits granted to the other signatories under said Agreement.

The terms "Germany, Japan or Korea" wherever used or referred to in this protocol shall mean "Germany, Japan or Korea or any part thereof".