

## ARTICLE XXXI

### WITHDRAWAL

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I.	TEXT OF ARTICLE XXXI .....	1011
II.	INTERPRETATION AND APPLICATION OF ARTICLE XXXI .....	1011
	1. Withdrawal from GATT .....	1011
	2. Withdrawal of provisional application .....	1012
	3. Termination of Provisional Application of GATT .....	1012
III.	PREPARATORY WORK AND SUBSEQUENT MODIFICATIONS .....	1012
IV.	RELEVANT DOCUMENTS .....	1012

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#### 1. TEXT OF ARTICLE XXXI

##### Article XXXI

##### *Withdrawal*

Without prejudice to the provisions of paragraph 12 of Article XVIII, of Article XXIII or of paragraph 2 of Article XXX, any contracting party may withdraw from this Agreement, or may separately withdraw on behalf of any of the separate customs territories for which it has international responsibility and which at the time possesses full autonomy in the conduct of its external commercial relations and of the other matters provided for in this Agreement. The withdrawal shall take effect upon the expiration of six months from the day on which written notice of withdrawal is received by the Secretary-General of the United Nations.

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#### II. INTERPRETATION AND APPLICATION OF ARTICLE XXXI

##### 1. Withdrawal from GATT

The following contracting parties notified the Secretary-General of their withdrawal from the General Agreement:

Contracting party	Effective date of withdrawal	UN Treaty Series
Republic of China	5 May 1950	55 UNTS 196
Lebanon	25 February 1951	77 UNTS 367
Liberia	13 June 1953	163 UNTS 375
Syria	6 August 1951	90 UNTS 324

See also the material on withdrawal of provisional application, in the chapter on provisional application of the General Agreement.

See also the provision in Article XXVII permitting any contracting party “to withhold or to withdraw in whole or in part any concession ... in respect of which such contracting party determines it was initially negotiated with a government that has ... ceased to be a contracting party.”

By a letter dated 27 June 1951 the Government of Czechoslovakia submitted the following comment on the withdrawal by the United States under Article XXVII of concessions which had been initially negotiated with the Government of the Republic of China:

“With reference to the notification of the United States Government (GATT/CP/115) concerning the concessions negotiated with China, I have the honour to renew the declaration made by the Czechoslovak delegate at Torquay on 6 November 1950 that Czechoslovakia does not recognize the validity of the notification of the withdrawal of China from the General Agreement on Tariffs and Trade as the notification referred to was made by persons having no legal capacity to act on behalf of China.

“For this reason Czechoslovakia considers the United States withdrawal of the concessions negotiated with China illegal.”<sup>1</sup>

Article XXXI refers to Articles XVIII:12, XXIII and XXX:2 because these provisions refer to withdrawal.

## 2. Withdrawal of provisional application

The Protocol of Provisional Application of the General Agreement and the various accession protocols provide that governments applying them “shall be free to withdraw such application, and such withdrawal shall take effect upon the expiration of sixty days from the day on which written notice of such withdrawal is received”. See also the material on this subject in the chapter on provisional application of the General Agreement.

## 3. Termination of Provisional Application of GATT

See material in the chapters on Article XXVI, provisional application, and Institutions and Procedure.

## III. PREPARATORY WORK AND SUBSEQUENT MODIFICATIONS

The corresponding Article in the Havana Charter is Article 102. The 30 October 1947 text of the General Agreement provided that withdrawal could only be effected after 1 January 1951. The amendments to Article XXXI which were agreed at the 1954-55 Review Session deleted this date, and added a reference to paragraph 12 of Article XVIII (which was drafted at the Review Session). These amendments were effected through the Protocol Amending the Preamble and Parts II and III, which entered into force on 7 October 1957.

## IV. RELEVANT DOCUMENTS

### *Geneva*

Discussion: EPCT/TAC/PV/25  
 Reports: EPCT/135, 189, 196, 209,  
 214/Add.1/Rev.1  
 Other: EPCT/W/273, 274, 312

### *Review Session*

Reports: L/327, 3S/231  
 Other: L/189, W.9/62

<sup>1</sup>CP/115/Add.1