

# THE APPLICABILITY OF GATT RULES TO GAS TRANSIT AGAINST THE BACKDROP OF THE “BELT AND ROAD INITIATIVE”: CHINA’S PIPELINE TRANSIT TRANSPORT

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## ABSTRACT

*By analysing the transit countries of the Central Asia-China Gas Pipeline (CACGP), it is determined that some of the countries have the potential to hinder transit. The only multiple legally binding mechanism which China could resort to is the World Trade Organization (hereinafter “WTO”). However, there is doubt about whether the General Agreement on Tariffs and Trade (hereinafter “GATT”) Article V can be applied to pipeline gas transit issues. This research attempts to interpret GATT Article V in light of Article 31 of the Vienna Convention on the Law of Treaties (hereinafter “VCLT”) to demonstrate the applicability of GATT Article V to gas pipeline transit disputes. This applicability of GATT Article V was enhanced when the interpreter refers to the Trade Facilitation Agreement (hereinafter “TFA”) as a subsequent agreement; and refers to the Energy Charter Treaty (hereinafter “ECT”) as another international agreement in the sense of Article 31(3) of the VCLT. Therefore, this article maintains that China should promote the implementation of the TFA in Central Asian countries since the TFA*

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*resonates with the “interconnection” goal of China’s “Belt and Road Initiative” (BRI). China should join the ECT during the application of the BRI. When the freedom of transit is disrupted and the WTO dispute settlement mechanism is chosen, there will be a better reason to invoke the ECT to obtain the benefit of the contemporary meaning of certain terms in GATT Article V.*

**KEYWORDS:** *belt and road initiative, freedom of transit, GATT Article V, pipeline gas transit*