

36 Stegemann: op. cit., p. 21, and note 19.

37 Rodney de C. Grey: The Development of the Canadian Anti-dumping System, Montreal, Private Planning Association, 1973, p. 2.

38 Rodney de C. Grey: U.S. Trade Policy Legislation, p. 36.

39 Philip Slayton: The Anti-dumping Tribunal/A Study of Administrative Procedure in the Anti-dumping Tribunal, Ottawa, Law Reform Commission, 1979, p. 65.

40 Klaus Stegemann: "The Net National Burden of Canadian Anti-dumping Policy: Turbines and Generators" 15 Cornell International Law Journal, 1982, p. 347.

41 More recently, there are anti-dumping cases in which the margins appear to be so great, and the quantities so large, that it would be inappropriate to rule out predation; one example is the alleged dumping by Japanese firms of 64K D-RAM ("memory chips"). The U.S. firm concerned has filed an anti-dumping action and an anti-trust action. See Michael W. Miller: "Precipitous Decline of Memory Chip Firm Shades U.S. Industry" Wall Street Journal, Jan. 20, 1986; USITC 1735-64K, Dynamic Random Access Memory Components from Japan (731-TA-270), August 1985.

42 Epstein's view is, in general, supported in an article in the American Enterprise Institute's symposium on trade policy: - see Jacob S. Dreyer: "Countervailing Use of Monopoly Power" in Ryan C. Amacher et. al (eds.); op. cit., at p. 317-347; see also Thomas R. Howell: "Foreign Cartels and American Competitiveness", Jackson et al (eds): op. cit.

FOOTNOTES TO CHAPTER III

1 The issue of whether or not Article XIX allows a signatory to restrict imports on a discriminatory (or "selective") basis, or whether it is obliged, by the most-favoured nation obligations of Article I of the GATT, to similarly restrict imports from all sources, is a matter under discussion between GATT signatories. It is not an issue which concerns us in this chapter; however, the writer is convinced that to permit "selectivity" in Article XIX cases would be a retrograde step.

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3 A detailed study of these GATT provisions is Rodney de C. Grey: Injury, Damage, Disruption, UNCTAD/MTN/217, UNCTAD, Geneva, October 1981.

4 What can be taken as the standard reference (in English) is John H. Jackson: Legal Problems of International Economic Relations, (Cases, Materials and Text), West Publishing Co., St. Paul, 1977 (hereafter Jackson: Legal Problems), pp. 617-689.