

3 UNCTAD/Trade and Development Board, 28th Session, 1984, TD/B/978: Protectionism and Structural Adjustment. An Improved and More Efficient Safeguard System (A note by the Secretariat), p. 20.

4 It should be recalled that that Act empowered the President to agree to tariff-free entry for a wide range of goods under the so-called "dominant supplier" provision; this was intended to provide a wide range of "free trade" if the U.K. entered the Common Market and to provide an incentive for the U.K. and the Six to agree; when the U.K. candidacy was vetoed by France, this provision in the TEA was rendered virtually null and void, and the scope for tariff reductions thereby much reduced. But at the drafting stage, the Kennedy Round Trade Bill was very ambitious, and therefore powerful domestic interests likely to be opposed had to be placated.

5 See Clubb, op. cit.

6 Prior to the accession by Japan to the GATT, a number of countries negotiated bilateral understandings, which turned on Japan's m.f.n. tariff rights and obligations, and on the right to take restrictive action against imports of particular products. For Canada, as an example, there was an exchange of notes covering such matters; under that arrangement, Canada had taken action against one category of imports from Japan — knitted gloves. The restriction, a minimum value-for-duty — was applied on a formally non-discriminatory basis, although only imports from Japan were affected.

7 "The question of safeguards" with regard to imports from Japan is referred to in paragraph 9 of the report of the GATT Working Party which examined the issue of Japanese participation in the work of the signatories to the GATT. See 25 BISD, January, 1954, p. 115. The issue of countries invoking Article XXXV in order to retain the right to discriminate against Japan — that is to not give Japan full Article XIX rights, is dealt with in the report of the Working Party which, in 1961, examined the operation of the GATT with regard to Japan: See 105 BISD, at p. 69. This examination paralleled the development of the agreed "arrangements" to restrict imports of cotton textiles. See 105 BISD, p. 18, for "Cotton Textiles: Arrangement Regarding International Trade/drawn up on 21 July 1961".

8 For perhaps the most important and most carefully negotiated agreement between Japan and a European country, of the kind noted above, see the U.K.-Japan Agreement of 1962: HMSO, Japan No. 2 (1962) Treaty of Commerce, etc., Cmd. 1874, 1962, and HMSO, Board of Trade, Government Statements on the Anglo-Japanese Commercial Treaty, Cmd. 1875, 1962; see especially First Protocol of the Treaty for agreement regarding action to be taken in regard to disruptive imports, and paragraph 14 of Statement for reference to U.K. disinvoking Article XXXV, and mutual waiver of GATT rights regarding non-discrimination. For a discussion of this issue, see Rodney de C. Grey: "Some Aspects of Japan's Impact on Trade and Trade Relations", a paper prepared for the Nissan Institute of Japanese Studies, St. Anthony's College, Oxford, 1982; to be published in a revised version.

9 We are not aware of any detailed study of this issue, but it appears that the Canadians had recourse to negotiating with Japan for export restraints on non-textile items for some products for which the U.S. had in place a more