Statement Made by the Hon. George W. Ball, Under-Secretary of State, Government of the United States, on 27 November 1961

Article XXXV and Japan

I shall accede to your proposal that we be as brief as possible, but in doing so, I should like to make it clear that the brevity of my remarks is not intended in any way to diminish the conviction with which they are uttered. I listened with a great deal of interest this morning to the distinguished Minister of Trade and Commerce from Canada, Mr. George Hees, who urged the Member nations of the GATT to disinvoke Article XXXV if they were already invoking it. I should like very strongly to endorse the statement which Mr. Hees made, I should like also to express our gratification at the news that Mr. Erroll has just given us that there is a strong probability that the United Kingdom will be able to take the action of disinvoking Article XXXV with regard to Japan.

Now, as we all know, Japan is the principal sufferer in the application of Article XXXV, and while we are not questioning the legality of Article XXXV as a part of the General Agreement, we do question the wisdom of its use in many cases. I would like to suggest, first, that in a number of cases in the five years since Japan has been a Member of the General Agreement, circumstances have changed and trading conditions have shifted and altered, so that whatever reasons there may have been on the part of certain of the nations that invoked Article XXXV at that time, it is not at all certain that valid reasons still exist.

With regard to those nations which are considering accession to the General Agreement, I should hope that they will not feel that, in acceding to the General Agreement, it is normal procedure to invoke Article XXXV; I urge that they explore to the greatest extent possible all alternatives to such action which might meet the requirements of their own policy.

In summary, I only wish to express the hope here this afternoon, that we can move forward as promptly as possible to the acceptance of Japan as a full Member of the General Agreement without the reservations implied in the invocation of Article XXXV. I think this should be very early business for GATT Members.

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