The special case for early and decisive action on illegal restrictions, in the view of the delegation proposing this solution, was the increasing difficulty of containing protectionist forces in a situation in which it was known that many restrictions were maintained in other countries which had, and for years past had had no justification in GATT terms.

Some delegations considered that the proposal to remove all illegal restrictions as a priority matter was somewhat unrealistic and even inequitable. More liberalization was within view and they considered that it would be preferable to arrange for general movement as would be assured by considering quantitative restrictions as a whole. As for the equities involved, it was pointed out that it was to some extent a historical accident whether certain restrictions were or were not "legal" in GATT terms. Furthermore, arguments would certainly be advanced for justifying increasing numbers of restrictions as legal on one ground or another; thus, one could not even be certain which restrictions would be included in such a proposal. One delegation also pointed to large numbers of export restraints which it regarded as disguised import restrictions of an extra-legal character.

Some delegations also noted that the proposal was substantially the same as that made by New Zealand. This meant that it was subject to the reservations then expressed by some concerning the difficulty of dealing with agricultural restrictions except in a context linked to solution of problems of agricultural policy. Others, whilst not accepting to make action in this important field contingent on action in another very difficult area, supported the idea of a broad approach to the problem which would

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consider legal and illegal restrictions alike and which would, in particular, include restrictions covered by protocols, waivers, invocation of Article XXXV and similar circumstances.

The view was expressed that such a broad approach should envisage progressive relaxation and gradual elimination of the barriers in the framework of the general programme of work of the CONTRACTING PARTIES either in the Industrial Committee or in the Council, based on proposals made in the Joint Working Group or in this Group concerning procedures for notification and periodic consultation on the restrictions.

There was wide support for the view that all restrictions of special interest to developing countries and all restrictions having a significant effect on trade and not falling within well-defined exceptions provided for in GATT provisions should be included within the purview of whatever action was decided upon.