

No. 7065

**NEW ZEALAND
and
JAPAN**

Exchange of notes constituting an agreement concerning the establishment of full relationships in terms of the General Agreement on Tariffs and Trade. Tokyo, 9 March 1962

Official texts: English and Japanese.

Registered by New Zealand on 14 January 1964.

**NOUVELLE-ZÉLANDE
et
JAPON**

Échange de notes constituant un accord pour la pleine application, dans leurs relations mutuelles, de l'Accord général sur les tarifs douaniers et le commerce. Tokyo, 9 mars 1962

Textes officiels anglais et japonais.

Enregistré par la Nouvelle-Zélande le 14 janvier 1964.

No. 7065. EXCHANGE OF NOTES CONSTITUTING AN AGREEMENT¹ BETWEEN NEW ZEALAND AND JAPAN CONCERNING THE ESTABLISHMENT OF FULL RELATIONSHIPS IN TERMS OF THE GENERAL AGREEMENT ON TARIFFS AND TRADE.² TOKYO, 9 MARCH 1962

I

The Honourable J. R. Marshall, Deputy Prime Minister and Minister of Overseas Trade of New Zealand, to His Excellency Mr. Zentarō Kosaka, Minister of Foreign Affairs of Japan

Tokyo, 9 March 1962

Your Excellency,

I have the honour to refer to our recent discussions regarding trading relations between Japan and New Zealand :

The Government of New Zealand is aware of the importance which the Government of Japan attaches to full participation in the General Agreement on Tariffs and Trade² and I am happy to inform you that my Government will immediately notify other Contracting Parties through the Executive Secretary that New Zealand no longer intends to apply the provisions of Article XXXV of the General Agreement in respect of Japan.³

¹ Came into force on 9 March 1962 by the exchange of the said notes.

² United Nations, *Treaty Series*, Vol. 55, p. 187; Vols. 56 to 64; Vol. 65, p. 335; Vol. 66, pp. 353 and 359; Vol. 68, p. 286; Vol. 70, p. 306; Vol. 71, p. 328; Vol. 76, p. 282; Vol. 77, p. 367; Vol. 81, pp. 344 to 377; Vol. 90, p. 324; Vol. 92, p. 405; Vol. 104, p. 351; Vol. 107, p. 83; Vol. 117, p. 387; Vol. 123, p. 303; Vol. 131, p. 316; Vol. 135, p. 336; Vol. 138, p. 334; Vol. 141, p. 382; Vols. 142 to 146; Vol. 147, p. 159; Vol. 161, p. 365; Vol. 163, p. 375; Vol. 167, p. 265; Vol. 172, p. 340; Vol. 173, p. 395; Vol. 176, p. 3; Vol. 180, p. 299; Vol. 183, p. 351; Vol. 186, p. 314; Vol. 188, p. 366; Vol. 189, p. 360; Vol. 191, p. 364; Vol. 220, p. 154; Vol. 225, p. 258; Vol. 226, p. 342; Vol. 228, p. 366; Vol. 230, p. 430; Vol. 234, p. 310; Vol. 243, p. 314; Vols. 244 to 246; Vol. 247, p. 386; Vol. 248, p. 359; Vol. 250, p. 290; Vol. 253, p. 316; Vol. 256, p. 338; Vol. 257, p. 362; Vol. 258, p. 384; Vol. 261, p. 390; Vol. 265, p. 328; Vol. 271, p. 386; Vol. 274, p. 322; Vol. 277, p. 346; Vol. 278, p. 168; Vol. 280, p. 350; Vol. 281, p. 394; Vol. 283, p. 308; Vol. 285, p. 372; Vol. 287, p. 343; Vol. 300, p. 371; Vol. 306, p. 332; Vol. 309, p. 362; Vol. 317, p. 317; Vol. 320, p. 326; Vol. 321, p. 244; Vol. 324, p. 300; Vol. 328, p. 290; Vol. 330, p. 352; Vol. 338, p. 334; Vol. 344, p. 304; Vol. 346, p. 312; Vol. 347, p. 362; Vol. 349, p. 314; Vol. 350, p. 3; Vol. 351, p. 380; Vol. 355, p. 406; Vol. 358, p. 256; Vol. 362, p. 324; Vol. 363, p. 402; Vol. 367, p. 314; Vol. 373, p. 350; Vol. 376, p. 406; Vol. 377, p. 396; Vol. 381, p. 380; Vol. 382, p. 330; Vol. 386, p. 376; Vol. 387, p. 330; Vol. 388, p. 334; Vol. 390, p. 348; Vol. 398, p. 316; Vol. 402, p. 308; Vol. 405, p. 298; Vol. 411, p. 296; Vol. 419, p. 344; Vol. 421, p. 286; Vol. 424, p. 324; Vol. 425, p. 314; Vol. 429, p. 268; Vol. 431, p. 202; Vol. 435, p. 310; Vol. 438, p. 342; Vols. 440 and 441; Vol. 442, p. 302; Vol. 444, p. 322; Vol. 445, p. 290; Vol. 449, p. 280; Vol. 451, p. 322; Vol. 452, p. 282; Vol. 456, p. 488; Vol. 460, p. 296; Vol. 462, p. 330; Vol. 463, p. 336; Vol. 468, p. 410; Vol. 471, p. 294; Vol. 474, p. 302; Vol. 475, p. 348; Vol. 476, p. 254; Vol. 478, p. 408, and Vol. 483.

³ United Nations, *Treaty Series*, Vol. 425, p. 314.

As the above notification will establish full relations between our two countries in terms of the General Agreement on Tariffs and Trade, we have today signed a protocol providing for the amendment of the Agreement on Commerce between New Zealand and Japan signed at Wellington on 9 September, 1958.¹ This protocol will be ratified as soon as possible and it is understood that in the meantime neither Government will take action under Article V of the Agreement referred to above.

In our discussions we noted that trade between our two countries had increased significantly since the signing of the Agreement on Commerce between New Zealand and Japan and we agreed that there was further scope for the expansion of mutual trade. We also recognized the value of the annual review of the trade between our two countries provided for by our existing Agreement and noted that these arrangements would continue. We were agreed that difficulties which might arise should, in principle, be settled through the process of consultation.

It was also agreed that the future expansion could be facilitated by recognition of the special difficulties which still remained. Our discussions resulted in the following understandings which I set out and explain below :

- (a) I referred to the special difficulties inherent in the small size of the New Zealand market for manufactured goods and in the development of manufacturing industries in New Zealand, which make domestic industries particularly vulnerable to excessive competition from imports. You referred to the vulnerability inherent in some sectors of primary industry in Japan, and your Government's concern that serious difficulties might arise as a result of excessive competition from import. It was understood that in either of the circumstances explained above the Government of the exporting country would give urgent and sympathetic consideration to any request by the Government of the importing country for the adoption of appropriate remedial measures if the export of any particular commodity was causing or was likely to cause serious injury to a domestic industry in the importing country.
- (b) It was also understood that in cases where there was no time for prior consultation either Government may, in order to avoid damage to domestic industry, take immediate remedial action by way of restricting imports. Should such action be taken and the Government of the exporting country consider that its trade was being unduly affected, the Government of the importing country would be willing to discuss the matter upon receiving a request to do so.

I should be grateful if you would inform me whether the understandings set out above are acceptable to your Government. If so, I have the honour to suggest that this Note and your reply thereto should constitute an agreement between our two Governments which shall come into force on the date of your reply.

I avail myself, Excellency, of this opportunity to renew the assurances of my highest consideration.

J. R. MARSHALL

¹ United Nations, *Treaty Series*, Vol. 325, p. 119, and p. 361 of this volume.

[TRANSLATION¹ — TRADUCTION²]

His Excellency Mr. Zentaro Kosaka, Minister of Foreign Affairs of Japan, to The Honourable J. R. Marshall, Deputy Prime Minister and Minister of Overseas Trade of New Zealand

Tokyo, 9 March 1962

Your Excellency,

I have the honour to acknowledge the receipt of your Note of today's date which reads as follows :

[See note I]

I have the honour to confirm the understandings set out in your Note on behalf of my Government and to agree that your Note and this reply should constitute an agreement between our two Governments which shall come into force on today's date.

I avail myself, Excellency, of this opportunity to renew the assurances of my highest consideration.

Zentaro KOSAKA

¹ Translation by the Government of New Zealand.

² Traduction du Gouvernement de la Nouvelle-Zélande.