

Protocol Amending the Agreement on Commerce
between New Zealand and Japan

The Government of New Zealand and the Government
of Japan,

Desiring to amend the Agreement on Commerce between
New Zealand and Japan, signed at Wellington on 9 September,
1958, (hereinafter referred to as "the Agreement") as a
result of the disinvocation by the Government of New
Zealand of Article XXXV of the General Agreement on Tariffs
and Trade in respect of Japan,

Have agreed as follows:

Article I

Paragraphs 1 and 2 of Article IV of the Agreement
are deleted and replaced by the following:

"Nothing in this Agreement shall affect the rights
and obligations that either country has or may have as a
contracting party to the General Agreement on Tariffs and
Trade, so long as both countries are contracting parties
to the General Agreement on Tariffs and Trade."

Article II

Article V of the Agreement is deleted.

Article III

Paragraph 3 of Article VII of the Agreement is amended by deleting the phrase "or paragraph 3 of Article V."

Article IV

This Protocol shall be subject to ratification by each Government and shall enter into force on the date of the exchange of the instruments of ratification which shall take place in Wellington as soon as possible.

IN WITNESS WHEREOF the representatives of the two Governments, duly authorized for the purpose, have signed this Protocol.

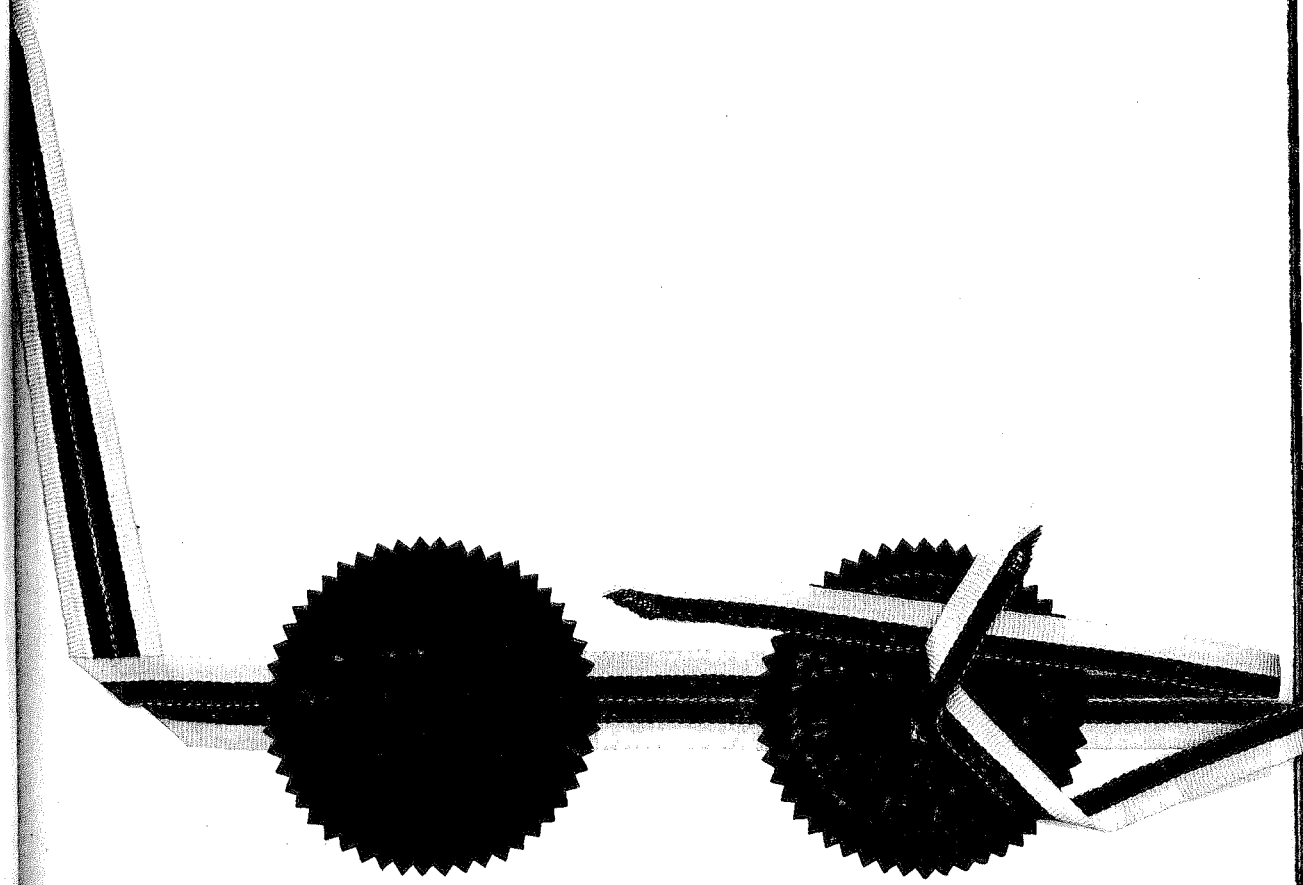
DONE at Tokyo, in duplicate, in the English and Japanese languages, both equally authentic, this ninth day of March, 1962.

For the Government of New Zealand:

J Marshall

For the Government of Japan:

Jin Taro Kosaka





EMBASSY OF NEW ZEALAND

T O K Y O

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 Trade 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 XXV of the General Agreement in respect of Japan.

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. 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

His Excellency Mr Zentaro Kosaka,
Minister for Foreign Affairs of Japan,
TOKYO.

Government's concern that serious difficulties might arise as a result of excessive competition from imports. 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.

Deputy Prime Minister and
Minister of Overseas Trade
of New Zealand

(Translation)

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:

"

(New Zealand Note)

"

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)

Minister for Foreign Affairs

The Hon. J. R. Marshall,
Deputy Prime Minister and
Minister of Overseas Trade
of New Zealand



EMBASSY OF NEW ZEALAND
T O K Y O

9 March, 1962

Your Excellency,

With reference to our discussions held in Tokyo from 28 February to 9 March, 1962, I have the honour to confirm on behalf of my Government the following understandings:-

1. Following the establishment of full relations between our two countries in terms of the General Agreement on Tariffs and Trade, our Governments will as soon as possible enter into tariff negotiations.
2. In the course of the above negotiations, the Government of New Zealand will, in particular, request assurances that the existing rates of duty in Japan on mutton and lamb will not be increased, and I understand that the Government of Japan will accede to this request.
3. In those negotiations, the Government of Japan will, in order to balance the concessions offered by them, request assurances that, among other things, the Government of New Zealand will not increase the existing rates of duty either on canned salmon or on canned crustacea and mollusca, and I understand that the Government of New Zealand will accede to this request.

I should be grateful if you would be good enough to confirm the understandings as set out above on behalf of 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.

Deputy Prime Minister and
Minister of Overseas Trade
of New Zealand

His Excellency Mr Zentaro Kosaka,
Minister for Foreign Affairs of Japan,
Tokyo.

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(Zentaro Kosaka)

Minister for Foreign Affairs

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