PUBLICATIONS

CULTURAL HERITAGE:

P.J. O'Keefe and L.V. Prott, Law and Cultural Heritage. Professional Books, Oxfordshire, 1984, pp.xxvii, 434, Table of Cases. Bibliography. Appendices. Index, Aus $39.00, paperback Aus $25.50.

The authors were, they observe, urged to write this study by cultural experts - curators, archaeologists, anthropologists and others. It is a study of the effects of existing laws on the cultural heritage. As they note, a good deal of work has been done on certain problem areas, e.g., movement of cultural heritage. An example is the burning issue of the location of the Elgin Marbles in the British Museum. In their early studies the authors saw the need for a complete treatment dealing with the basic legal problems of discovery of the archeological heritage, of relics, of the creation of art and so on. This volume, related to the excavation of relics, is therefore only the first of a series. Volume II, Creation and Preservation, will deal with the creation of cultural objects and the legal rights of their creators, owners and the State in relation to them. It will include a discussion of the developing law of conservation and restoration as well as a chapter on fraud, forgery and counterfeiting. An important study will be of law relating to the 'intangible cultural heritage' (skills, crafts and folk-lore). A final chapter will discuss the problems of enforcement of the laws dealt with in this volume.

The currently lively issue of movement of the cultural heritage will then be considered in Volume 111. Besides the question of illicit traffic and its connection with clandestine excavation and theft, there will be a discussion on the legal control of trade in cultural objects, the ethics and law of collecting, the current laws on control of import and export, and the currently hotly debated topic of restitution. This will be followed by Volume 1V, Monuments and Sites, in which a survey will be made of the law on the immovable cultural heritage, its relation to the control of the movable cultural heritage and the special issues which surround it. Finally, the series will end with Volume V, Principles,in which the authors will seek to assess the changes being wrought in the law by the development of special regulation to protect the cultural heritage, particularly in relation to limitations on the traditional concept of 'property' and how far legal enforcement is effective in this area.

The first volume is no doubt indicative of the methods and style to be used by the authors throughout the series. The approach is both that of the comparative and international lawyer, and is also bi-disciplinary. Thus it is of utility not only to lawyers but also to archeologists. The authors had set themselves an extraordinary task - to obtain the relevant legisiation, including subordinate legislation of every jurisdiction, including federations, as well as international materials. Thus in many instances translations were a necessity. The book opens

with an introduction to the series, which is followed by a discussion of the need to protect antiquities and the historical developments of legislation for this purpose. This is a wide ranging chapter, discussing the legislation of many states. Then the concept of jurisdiction, including marine jurisdiction is explained.

Two chapters follow of special interest to lawyers and draftsmen: how 'antiquities' should be defined in legislation and how 'ownership' is dealt with in the major legal systems of the world.

A chapter on chance finds and clandestine excavation precedes three chapters which give detailed information on the law controlling an archaeological excavation: its planning, execution and conclusion. A final chapter discusses problems and methods of enforcement.

This book is the culmination of an extraordinary amount of research, and reflects an understanding of different legal systems, and a commitment to the preservation of our cultural heritage. The authors show a surprising facility in moving beyond their own legal system and indeed, their own original discipline. As a minor illustration of the results of a bi-disciplinary approach, they have suppressed footnotes, and used the reference method most widely used in the natural sciences (i.e. author, date, page) which may be used in conjunction with the Table of Cases, Appendices and Bibliography.

The series is to consider the effects of law on our most noble achievement, our cultural heritage. The authors have committed themselves to a vast and ambitious undertaking, and the first volume is testimony that they will more than adequately fulfil their aim, one which is as noble as the subject of the series itself. This is an outstanding work, and should soon emerge as the international authority in this field.

D.F.

DISPUTE RESOLUTION:

M. Pryles and Kazuo Iwasaki, Dispute Resolution in Australian-Japan Transactions. Law Book Company Limited, Sydney, 1984. pp.XX1X, 185. Index. Aus $17.50.

This study, published with the assistance of the Australian-Japan Foundation, is primarily concerned with the resolution of disputes of a commercial nature usually arising out of a contract. The stages of dispute resolution are examined in four chapters - jurisdiction and competence; choice of law in international contracts; recognition and enforcement of foreign judgements, and finally, arbitration. Each chapter deals with the relevant

Australian and Japanese law. It is of course useful for an Australian practitioner to have an up-to-date, and necessarily not too detailed review of these issues. The great advantage is to have this beside corresponding Japanese law, including Japanese cases which are not so readily accessible to the Australian lawyer. Given the importance of the Japanese market to Australia, this is a timely publication which should be of considerable interest to all lawyers dealing in international business transactions. As much of our law is similar to that of many other common law jurisdictions, the Japanese reader should find the book useful not only in relation to Australia, but also as a useful reference for other Commonwealth jurisdictions.

D.F.

CYPRUS:

Mehmet Necati Munir Ertekun, In Search of a Negotiated Cyprus Settlement. Lefkosa, Nicosia, 1981, pp.v, 357. Appendices, Index.

The author, of Gray's Inn, read law at Cambridge, and was legal adviser to the Turkish Cypriot Interlocutor at the Intercommunal Talks on Cyprus. The book traces the historical background to the Cyprus problem from the Ottoman Empire to the Intercommunal Talks, 1980-1981. Thus it was completed before the unilateral Declaration of the Turkish Republic of Northern Cyprus, adopted by the Turkish Cypriot Parliament on 15 November 1983. The reaction, quite unfavourable, of the Australian government was noted at [1984] Australian I.L. News 82; this view was commonly held by most powers. The author, in effect an advocate for the Turkish Cypriot position, presents his argument skillfully in the first one hundred and twenty-eight pages. It does not purport to be the independent judgement of an outsider, and if accepted as such, is an interesting contribution. The collection of relevant documents in the detailed appendices adds to the utility of this work.

D.F.

EMERGENCY POWERS:

H.P. Lee, Emergency Powers. Law Book Company, 1984. pp.xℓ, 334. Bibliography. Index. Aus $50.

Emeritus Professor Geoffrey Sawer in his foreword observes that Australia has been more fortunate than most nations in its experience of situations requiring the exercise of emergency powers. It is not therefore surprising that the laws on such matters are obscure and scattered. In this work, Dr. Lee provides us with a valuable survey of the laws in this field. After his introduction he deals with the defence power, and then the prerogative in relation to emergencies. Throughout the book, Dr. Lee not only deals with the relevant laws and relevant cases and experiences from other common law countries, but he is prepared to consider and argue what the law should be in those grey areas where there are few authorities. This is illustrated in the chapter on the prerogative, where he argues that an extra-ordinary prerogative exists even to assuming the legislative power of the Commonwealth in the event of the paralysis of the legislative organs in an emergency. Of course, this is highly relevant to our experience in 1975; the danger of abuse in such a doctrine is attenuated in the final chapter, where the author strongly argues that the judiciary "... should not abdicate their role as guardians of the constitution ...". Other useful chapters deal with the maintenance of public order, including an anlysis of the inherent legislative power of the Commonwealth, and a conspectus of special powers legislation. In addition there is a chapter on the question of military aid to the Commonwealth. The author there discusses the employment of troops in aid of the civil power, martial law, and the status of such troops. There, the author supports the various recommendations of Mr. Justice Hope in his Protective Security Review. The author refers to some of the issues surrounding the Darwin cyclonic disaster and the Hilton bombing.

The book is a very useful survey of the laws on this problem. The author throughout makes recommendations which will be most useful when and if the question is reviewed officially, as it should be. This does not mean that all of Dr. Lee's views will enjoy unanimous support; their particular value is to draw attention to those problems.

D.F.

In a paper entitled 'The inter-play of Law and Economics in International Trade Regulatons' Andrew Farran of Monash University analyses the breakdown of the GATT system and suggests measures to restore symmetry and uniformity to international trade regulation. He suggests, among other things, that an amendment to GATT Article XXVIII should be made to allow parties to un-bind or modify previous tariff concessions at regular intervals, without penalty, if this is done as part of an overall package of arrangements to liberalise areas of trade otherwise entrenched by non-tariff barriers. Howver, it must be recognised that the extended use of the tariff mechanism for these purposes may not work out as intended while the present loose system of exchane rate adjustments - with the opportunities it presents for manipulaton continues to operate. Hence the IMF exchange rate regime would need to acquire more discipline, without necessarily reverting to the rigid fixed rate system of the past - which is probably both impracticable and undesirable in present conditions. These matters will require much greater consultation and coordination between the GATT and the IMF than has been the case in the past (p.23).

The article was prepared for the Conference on International Trade problems and Policies conducted by the Centre for Policy Studies, Monash University, Victoria Australia, on February 13-14 1984, and will be published in revised form in the Conference Proceedings J.R.C.

'OPEN LINES' INTERNATIONAL HUMANITARIAN LAW BULLETIN FOR THE ASIAN AND PACIFIC REGION

Vol No.1 of this Bulletin, published by the Australian Red Cross Society, was published in February 1984. The Deputy Secretary General of the Society writes:

> This is the first edition of a bulletin designed to extend the exchange of experience and ideas which began at the Seminar in Canberra in February 1983 on 'The Protection of the Human Being in Armed Conflict'. It is hoped that the bulletin will provide a continuing forum for exchanges on the development and dissemination of International Humanitarian law especially in the Asian and Pacific Region.
>
> The Australian Red Cross is willing to produce one or two editions of a similar bulletin per year, should there be sufficient interest in the region to support it. Copies will be forwarded to those who were in Canberra and to all National Red Cross/Red Crescent Societies in the Region. Extra Copies are available on request and may be obtained from ARCS Headquarters at the address below.
>
> The bulletin will succeed only if it becomes truly representative of developmens in this region. This requires regular contributions from interested persons in the academic as well as in the Red Cross world and we look forward to receiving them. We would also appreciate some indication as to what you would like to see covered in the bulletin and how frequently you would like it to appear. If any other society would be interested to produce an issue we would be delighted to hear from them.
>
> Meantime, we await your contributions, which we hope to publish early in the second half of 1984."

Copies can be obtained from: Australian Red Cross Society (ARCS)
206 Clarendon Street,
East Melbourne. VIC 3002
Tel (03) 419-7533

J R C

PUBLIC ORDER

A Hiller, Public Order and the Law. Law Book Company, Sydney, 1983. Ppxx,230. Bibliography Index. Cloth Aust $29.50 limp $19.50.

This is the first book on this topic in Australia and New Zealand and Mr Andrew Hiller who is a senior lecturer in Law at the University of Queensland has done a great service in collecting the relevant statutes, regulations and case law on the subject of public order in our two countries.

From the point of view of the International lawyer, there is much in the book to excite interest. The author indeed starts off in the first chapter with a reference to the rights of peaceful assembly and the right to freedom of expression which are incorporated in the international convenant on human rights.

The common law right of peaceful assembly which was recognised by the High Court in Melbourne Corporation v. Barry (1922) 31 CLR 174, has fared badly at the hands of police and local authorities. Their first reaction was to confer an unfettered discretion on the police to permit or ban processions in public streets. Although that discretion was to be exercised primarily by reference to considerations of traffic and the like, the danger of pre-censorship of political ideas or what in the United States is called "prior restraint" is great.

The most extreme example is no doubt found in the author's own state of Queensland where as a result of the amendments made in 1977 to the Traffic Act no appeal lies to the courts from a refusal by the district Superintendent and, on appeal from him, by the Commissioner of Police to permit a meeting or procession on any road. As the author puts it, somewhat cautiously at page 43, the decision of the Commissioner "may attract allegations that he in his turn, was influenced by ministerial views as to how applications should be dealt with". He wonders whether the Commissioner "might not prefer legislation which vests the ultimate decisions making power in the responsible minister". No doubt he would, but that would appeal to be a total negation of both the common law and the international right of peaceful assembly.

Lest it be thought that Queensland stands alone in this matter, a similar absolute discretion is vested in the Tasmanian police and it would seem in che municipal councils of Wellington, New Zealand and Melbourne. Indeed, in Melbourne legislation prohibits absolutely any gathering of more than 50 persons in a wide area around the State Parliament Building. In contrast, the NSW parliamentarians suffer gladly about almost weekly a band of protestors for some good cause or other and manage to survive!

Indeed, NSW, and to a lesser extent South Australia, come out well in comparison. Only in NSW is there no pre-censorship. There is no prohibition of processions per se. The Public Assemblies Act, 1979 (NSW), provides for a system of notification whereby a proposed procession may gain certain benefits and above all exemption from traffic rules. But persons who parade through the strets without prior notice are not thereby penalised. They only attract sanctions for any infringements of the general law of the State, including its traffic rules.

The author also reminds us that versions of the Riot Act, 1714 still prevail in most jurisdictions except NSW which has followed the sensible example of the mother country in abolishing it. In Queensland and South Australia it would seem that failure to disperse after the proclamation can lead to imprisonment with hard labour for life. In contrast, in the Australian Capital Territory the very attenuated form of the Old Act now found in the Public Order (Protection of Persons and Property) Act, 1971 provides for a maximum penalty of 6 months imprisonment. Absurd laws are, needless to say, rarely if ever invoked and therefore ought to be removed from the statute book. As the author rightly points out at page 79: "The effect of proclamation in its present form on a crowd of rioters in an Australian city in the 1980's may well be that it is either ignored or laughed at".

More insidious is the common law of offensive and disorderly behaviour, which is discussed in chapter 14. It has been clear since the sensible decision of O'Brien J. in Worcester v. Smith [1951] VLR 316 that the peaceful expression of political views, however repugnant, is not offensive. This was reinforced by Kerr J., as he then was, Ball v McIntyre (1966) 9 FLR 237, when he held that an Irish/Australian police sergeant could hardly be outraged by a student climbing the statute of the late King George V.

On the other hand, statements and actions which are not in themselves violent or inciting to violence, but are provocative to majority values have been held to be either offensive or calling for prevention action in having the actor bound over to keep the peace, as, for instance, the public burning of a Union Jack in Derbyshire v. Police [1967] NZLR 391, the laying of a wreath dedicated to the dead of both sides in the Vietnam war: Wainwright v. Butler [1968] NZLR 101, or the placing of a pig's head on the counter of a police court in Adelaide: Ellis v Fingleton [1972] 3 SASR 437. It is interesting to note that most of the example of police pre-censorship appear to come from New Zealand, a jurisdiction better known for its liberal democratic values. Perhaps the most extreme example is seen in Police v. Newnham [1978] 1 NZLR 844, where Mahon J., as he then was, upheld the arrest of a peaceful citizen who was the President of the Citizens Association for Racial Equality when he entered a public park, over police objections, to take photographs of a south African touring softball team which was playing in that park. His Honour took the view that since previous demonstrations surrounding that team had been violent, the police were entitled to remove all possible demonstrators whether known to be violent or not from that area. It is interesting to compare the United States position where a "clear and present danger" of riot, disorder or violence is required and not the mere likelihood of offences: Cantwell v. Connecticut 310 US 296 (1940).

The author deals in chapter 22 with the protection of internationally protected persons. Here the right of peaceful assembly and expression of views must be balanced against the international duty to protect diplomatic personnel. As Kerr J. said in his judgment in Wright v. McQuilte (1970) 17 FLR 305 at 321-322, diplomats in this day and age have to be used to the shouting of slogans and the display of placards in front of their premises which convey messages hostile to the governments they represent. Chapter 23 deals with the protection of aircraft, especially the international offence of hi-jacking, and chapter 24 with military aid to the civil power. In regrd to the latter, the author has reproduced the documents relating to the call-out of the armed forces in 1978 following the Hilton bombing incident. Unfortunately, he only touches on the fascinating question raised by that notorious event, what would have been the liability of an army officer or soldier has he purported to arrest a suspect or even were he to shoot or kill one? It would seem that in NSW at least, an army person would have had little or no protection afforded by the law. Mr Hiller suggests that provisions should be made along the lines of s 47 of the New Zealand Crimes Act, 1961, which protects a serviceman who acts in good faith to suppress a riot. In Australia it would seem that the army regulations still rely on the good old Riot Act, 1714, which as we have seen, no longer applies in NSW. It is disappointing that the learned author does not discuss the more fundamental question of the extent to which the law should give protection to servicemen acting in any situation short of active duty or martial law.

This indeed is one of the few criticisms I have of the book. It deals with so many interesting issues and contains a wealth of interesting material, but apart from a few snippets of comment, the author retells it. He does not seek to give us the benefit of his philosophy how the correct balance between public order and private freedom is to be achieved and on what side the scales should be tilted.

P.E. Nygh

FALKLANDS/MALVINAS:

In [1984] Australian I.L. News 98 we noted a number of articles on this matter. Our attention has also been drawn to Hope A.F, Sovereignty and Decolonisation of the Malvinas, (1983) 6 Boston College International and Comparative Law Review 391. In addition, at our request, the Argentinian Embassy has drawn our attention to the following monographs:-

Academia Nacional de la Historia, Los Derechos Argentinos sobre Las Islas Malvinas. Buenos Aires, 1964, pp.86.

Argentine Republic, Malvinas Issue. Beunos Aires, 1983. pp.33.

L.H. Destefani, The Malvinas, The South Georgias and the South Sandwich Islands, The Conflict with Britain. Buenos Aires, 1982. pp.143.

A.T. Discoli, La Comandancia Civil y Militar de Las Islas Malvinas. Beunos Aires, 1966, pp.15.

D.R.L. Quellet, Historia Politica de Las Islas Malvinas. Fuerza Area Argentina , Beunos Aires, 1982, pp.185.

Republica Argentina, Considerationes sobre Los Titulos Juridicos de La Republica Argentina acerca de Su Soberania en Las Islas Malvinos, Georgias del Sur y Sandwich del Sur. Buenos Aires, 1967. pp.62, plus bibliography.

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ISSN 0165-075
Martinus Nijhoff Publishers
The Hague
The Netherlands

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A Monthly Report on Federal and State Legislative and Regulatory Developments
Affecting Foreign Investments in the United States

Vol. 6, No. 2 February 1984

ANY LINGERING HOPES THAT THE U.S. SUPREME COURT would soon resolve the issue of whether individual states are infringing on federal prerogatives by applying unitary taxation to foreign-owned multinational companies are ended by the Court's decision not to intervene in a case involving the Canadian company Alcan Aluminium Ltd. Meantime, the California legislature will soon consider a bill that is designed to reduce the disincentive effects of the state's unitary tax for companies newly locating there . . . 2

THE "FOREIGN OWNERSHIP, CONTROL, OR INFLUENCE" RULES governing foreign control of U.S. defense contractors are changed by the U.S. Department of Defense. The changes are a mix – they relax certain requirements, and tighten up others . . . 5

INCREASED EXCHANGE OF TAX INFORMATION BETWEEN CARIBBEAN countries and the United States seems unlikely, despite the hopes of the U.S. Congress. Legislators wrote into the recent Caribbean Basin Initiative legislation a tax concession that was intended to encourage this exchange, but signs are that the countries involved are uninterested . . . 3

BUSINESS VISA PROCEDURES THAT APPLY TO EXECUTIVES who wish to work in the United States have been changed in several significant ways, notes New York City attorney Richard S. Goldstein . . . 6

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Investment/USA

A Monthly Report on Federal and State Legislative and Regulatory Developments
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Vol. 6, No. 3 March 1984

THE REPORTING RULES under the U.S. Foreign Investment in Real Property Tax Act (FIRPTA) are postponed by the Internal Revenue Service. However, if a proposal made in the Reagan Administration's budget goes through, the FIRPTA enforcement mechanism will be through withholding of tax from the proceeds of sales of U.S. real estate, instead of the present information reporting rules . . . 2

JAPANESE EXECUTIVES visiting the United States warn that withdrawal of investments from unitary tax states may well be the reaction if a way is not found out of the present impasse. West Germany also is becoming more active in protesting about the system . . . 3

A PLAN TO ENABLE U.S. companies to have direct access to foreign sources of capital bypassing the present Netherlands Antilles finance subsidiaries, is running into difficulties because of concern that general repeal of withholding on interest and dividends going outside the United States would not significantly improve the situation of U.S. companies drawing on Eurobond financing . . . 4

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BNA International Inc., London
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Investment/USA

A Monthly Report on Federal and State Legislative and Regulatory Developments Affecting Foreign Investments in the United States

Vol.6, No.4 **April 1984**

UNITARY TAX CONTINUES TO OCCUPY the attention of foreign companies in the United States, and they are advised at a Washington, D.C., conference to shift the focus of their attempts to restrict use of the tax from the Federal Government to the various state legislatures. In California, which has one of the most far reaching unitary tax systems, a group of companies is gearing up to try to persuade state authorities to change the present situation, and the Franchise Tax Board is expected soon to release a study of the revenue effects of repeal. In Florida, a commission appointed by the governor recommends repeal of that state's unitary tax system, but does not, according to state authorities, suggest adequate revenue-raising measures to take its place 4,14,16

NEW RULES ON FOREIGN OWNERSHIP of companies dealing with the U.S. Department of Energy are introduced. Under the new rules, the foreign ownership issue will be considered on a corporation-by-corporation basis, rather than contract-by-contract 12

VARIOUS TYPES OF TAX WITHHOLDING on income being remitted abroad from the United States are under examination in Washington, for different reasons. Momentum seems to be building up for repeal of the 30 percent withholding on dividend and interest payments, but the picture has become complicated by a new linkage with the U.S. foreign tax credit. Meantime, if 30 percent withholding remains, the U.S. Department of the Treasury says it favors tightening up the system to ensure that withholding is applied to income going abroad unless there is documentary proof of entitlement to tax treaty benefits; the rules would be less stringent than suggested earlier, but *more* stringent than the present system. And, in the context of gains from the sales of U.S. real estate, the Florida Bar adds its voice to those calling for introduction of withholding of U.S. tax, instead of the present complex, and much-criticized, reporting and security rules 2,11

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THE

TAX MANAGEMENT INTERNATIONAL FORUM

A quarterly comparative discussion of international tax law problems by distinguished practitioners in major industrial countries.

Vol. 5, No. 1 **March 1984**

ACQUISITION OF HOST COUNTRY LOSS CORPORATION

FACTS

F Co. is a country F corporation engaged in the business of manufacturing and selling industrial machinery in country F and various other countries. F Co. has a foreign branch in country H that it has operated profitably for a number of years. H Co. is a country H corporation which is a competitor of the F Co. branch in country H and which has a long history of operating losses. F Co. proposes to acquire H Co.'s business and to integrate H Co. operations with the operations of its country H branch under one of two alternative plans: (1) H Co. will be merged or liquidated into F Co. and F Co. will continue to operate its manufacturing business in country H as a foreign branch; or (2) F Co. will transfer the assets of its country H branch to H Co. and will thereafter operate its manufacturing business in country H as a foreign subsidiary to be called S Co.

QUESTIONS

1. If F Co. adopts the first plan, to what extent will F Co. be permitted, under the laws of country H: (a) To carry the operating losses sustained by H Co. before the acquisition back to its own prior taxable years and offset them against its country H income for those years; (b) To offset such operating losses of H Co. against its country H income for the taxable year of acquisition; and (c) To carry forward the operating losses of H Co. and offset them against its country H income for its subsequent taxable years?

2. If F Co. adopts the second plan, to what extent will S Co. be permitted, under the laws of country H, to offset the operating losses sustained by H Co. before the acquisition against S Co.'s income, including income attributable to assets transferred to S Co. from the former F Co. branch in country H, in the taxable year of acquisition and subsequent years?

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Trade/USA

A Monthly Report on U.S. Legislative and Regulatory Developments Affecting Trade with the USA

Vol.2, No.3 — March 1984

THE PROSPECTS FOR CONGRESSIONAL ACTION on international trade legislation are reviewed in a special survey that concludes that although U.S. legislators have many trade proposals before them, most are likely to fall by the wayside in the present abbreviated election-year session of Congress 2

THE CONFLICT OVER STEEL IMPORTS into the United States is intensifying with the filing of a petition that jeopardizes the existing agreement between the European Community and the United States on steel trade and the decision of the Community that it will impose retaliatory restrictions on U.S. exports in response to last year's action by the Reagan Administration to protect U.S. specialty steel producers 5

NINE MORE COUNTRIES ARE DECLARED ELIGIBLE for the benefits of the U.S. Caribbean Basin Initiative, and detailed regulations relating to the duty-free imports under the initiative are issued by the U.S. Customs Service and the U.S. Department of Agriculture 9

RECENT ACTION ON TEXTILE IMPORTS by the U.S. Administration comes in for sharp criticism domestically by importers who say the move will hurt U.S. consumers, and internationally by countries who charge that the action involves a violation of international textile accords 6

U.S. RULES ON CLASSIFICATION OF IMPORTS are examined in the first of a two-part article that reviews, among other things, procedures under which an advance ruling on product classification may be obtained and how rulings on classification may be challenged 10

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Trade/USA

A Monthly Report on U.S. Legislative and Regulatory Developments Affecting Trade with the USA

Vol. 2, No. 2 — February 1984

TEXTILE IMPORTS INTO THE UNITED STATES will be subject to new criteria, the White House announces. The new criteria will be used in reaching decisions on whether to initiate consultations with textile suppliers, and the criteria are expected to have a substantial effect on the U.S. import regime for textiles 2

ELEVEN COUNTRIES are deemed eligible for the benefits of the Reagan Administration's Caribbean Basin Initiative, and more countries will probably be nominated soon. Asian countries are concerned about the consequent displacement of their exports to the U.S. market 5

THE NEW EXPORT CONTROL PROPOSALS contained in legislation now before the U.S. Congress are analyzed by Washington, D.C., attorney, Stephen B. [illegible], who says that the prognosis for the legislation is still highly uncertain 9

GENERAL TRENDS IN U.S. POLICY on protection against imports are outlined by Washington, D.C., attorney Noel Hemmendinger. He suggests that the most important proposal for change now in Congress is the Ways and Means Trade Subcommittee plan to make major alterations to U.S. international trade law 3

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Trade/USA

A Monthly Report on U.S. Legislative and Regulatory Developments Affecting Trade with the USA

Vol.2,No.4 April 1984

RENEWAL OF THE GENERALIZED SYSTEM OF PREFERENCES in the United States is running into trouble in Congress, because of claims by groups in the United States that GSP is substantially benefiting the more developed Third World countries 2

NONMARKET ECONOMY COUNTRIES are not exempt from U.S. law on countervailing duties, the U.S. Department of Commerce rules in the first statement interpreting the status of subsidies from Communist governments on products that are destined for the U.S. market 8

THE FOREIGN SALES CORPORATION, a tax concession that would substitute for the U.S. Domestic International Sales Corporation (DISC) incentive for exporters, appears to be going ahead in Congress, despite signs that U.S. trading partners have doubts about the new plan's consistency with GATT 9

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