

国际贸易热点话题

BRIEFINGS ON INTERNATIONAL TRADE DEVELOPMENTS

张冰姿 主编

华文出版社

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宋以敏协助翻译

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前 言

1991—1992年是学习和增长知识的一年。我借一些外国专家、学者、外交家访华之机,就大家所关心的国际贸易热点问题和他们进行了交谈,感到颇有收益。我们谈到了我国的最惠国待遇、恢复我国关贸总协定缔约国地位、知识产权、技术转让,我国纺织品出口、美国反倾销法对中美贸易的影响和美国解决争端的方式等问题,以及世界经济区域集团化的新动向,北美自由贸易区、欧共体统一大市场和东北亚、中俄经济贸易发展的近况等。

特别值得提出的是我的每位客人谈话都非常认真,对所谈内容了如指掌。他们是前欧共体驻华盛顿大使罗伊·登曼爵士(Sir Roy Denmann)、前美国助理国务卿约瑟夫·格林沃德(Joseph A Greenwald)、澳大利亚外交和贸易部关贸总协定事务主任彼得·梅(Peter May)、美国仲裁协会主席罗勃特·库尔森(Robert Coulson)、前香港美国商会主席康原(John Kamm)、联合国贸发会议主管国际贸易谈判部门的负责人默里·吉布斯(Murray Gibbs)、亚太经社会技术转让及发展部门区域顾问李·吉尔伯特(A·Lee Gilbert)、美国知识产权法专家、贝尔律师事务所的罗纳德·贝尔(Ronald Bell)、国际保护知识产权协会的查尔斯·米勒博士(Dr. Charles Miller)、国际律师协会贸易和关税法委员会主席大卫·帕尔米特博士(Dr. David Palmetter)、世界经济论坛纺织品工贸论坛负责人汉斯·迪克曼(Hans Erik Diekmann)、英国雅伦奥华利国际

律师事务所高级合伙人大卫·苏敦 (David Sutton)、国际贸易中心高级经济研究官员弗里德里克·冯·基尔巴赫 (Friedrich von Kirchbach) 和俄罗斯驻华商务副代表弗拉基米尔·谢尔加 (Vladimir Serga)。

这些谈话最早连载于《国际商报》。如今汇编成册，共得16篇，加上译文、注解和词汇表，供我们经贸战线的同事和海外读者阅读参考。本书还伴有教学录音带和录相带，希望大家不但可以从中了解一些国际经贸的新动向，还可以听到地道的专业英语，提高英语听力水平。

本书的编写和录制工作，受到了对外经济贸易大学孙维炎校长和程海波同志、对外贸易经济合作部国际经贸关系司副司长李仲周和李月印同志、联合国开发计划署孙声同志、中国国际贸易促进委员会法律专家唐厚志同志、中国国际贸易促进委员会联络部王锦珍同志、中国国际贸易促进委员会专利部王正发、侯迎等同志和亚太中心李伟同志的大力支持，国际商报社的于又燕、黄玉石、刘永年、潘继红、刘冬平、杨丽华、梁世瑜、彭小先、颜秀志、顾梅及郑梅、刘锦、对外经济贸易大学电教中心的崔吉财、魏济敏和全体录相组同志为本书的出版和录相带的录制做了大量的工作。

本书的出版，承蒙中国电子进出口总公司鼎力襄赞，在此一并表示感谢。

张冰姿

1992年12月于北京

Contents

Programme 1.	On the Question of Most Favored Nation Treatment	(1)
Programme 2.	On the Renewal of China's MFN Status.....	(29)
Programme 3.	On Gatt.....	(47)
Programme 4.	More on Gatt	(64)
Programme 5.	Also on Gatt	(83)
Programme 6.	ON Unctad	(111)
Programme 7.	The Impact of the US Anti-dumping Law on Sino-U. S. Trade	(127)
Programme 8.	On the U.S. Policy of International Trade	(149)
Programme 9.	The European Community and Its Single Market	(175)
Programme 10.	On the Question of Intellectual Property Rights	(205)
Programme 11.	The U. S. Intellectual Property Law	(239)
Programme 12.	On the Transfer of Technology ...	(286)
Programme 13.	On the Recent Development of Sino- Russian Economic and Trade	

	Relations.....	(311)
Programme 14.	Trade Development in Northeast Asia in the Context of the Tumen River Area Development Programme	(328)
Programme 15.	On the Question of Chinese Textile Exports	(367)
Programme 16.	Dispute Resolution in the United States	(395)

Programme 1

On the Question of Most Favored Nation Treatment

21 st. November, 1991

Bingzi. Hello everyone, welcome to the program. My guest today is John Kamm.

John Kamm is an old friend of the Chinese people. He has been a strong advocate of extending China's most-favored-nation status in the United States, and has testified five times before Congress in support of this measure. He is a graduate of Princeton and Harvard Universities. He has lived in Hong Kong since 1972. He was President of the American Chamber of Commerce in Hong Kong in 1990 and is presently the vice president of Occidental Chemical Corp. Mr Kamm, you have recently decided to resign from your position as Vice president of Occidental Chemical Corp. to devote full time to improving US-China relations. Why have you done this?

J.Kamm. Well, that is a very good question, Professor Zhang. First of all, let me say how pleased I am to come on your program. Thank you for that very kind introduction.

I have been working to promote US-China relations for nearly 20 years, since I left the United States, right after graduation from

University. That was the year President Nixon visited China.

Bingzi: That was 1972.

J•Kamm: That is correct, 1972. Since 1972 I have been working on US-China relations. But it would appear that over the last year or two the relationship between the two countries has been rather strained. It has deteriorated to the extent that there are many problems between the two countries. And this troubles me a great deal because my whole life has been devoted to good US-China relations. My wife is Chinese and most of my friends are Chinese in Hong Kong. So I had to decide what I could do beyond what I have been doing to promote the relationship. And so after a great deal of soul searching, a lot of thought, I decided to resign from my position and go out on my own and build an organisation which could help to overcome the many problems in the relationship.

Bingzi: -- What do you think is the present state of US-China relations?

J•Kamm: Despite some progress resulting from Secretary Baker's trip, I am afraid that the relationship is still rather strained. There is a great deal of misunderstanding and I should even say mistrust on both sides. And this is evidenced in the many problems that we are now facing. So my own assessment is that, the relations are at one of their lowest points. And next year of

course is an election year in the United States. Never in the history of American politics has China policy been an election-year issue. I'm afraid in 1992 it will be an election issue and that means we will be facing some very difficult times. I am sure there will be some very heated debates in the United States about policies towards China. And it is very necessary for those of us who put great stock in the relationship to become active in trying to resolve the differences that do exist between the two countries.

Bingzi. This is your fourth visit this year ?

J•Kamm. Yes, this is the fourth visit since June. And each time I feel that we are making some progress. The difficulty though is that in the United States I am afraid that in the opinion of Congress, whatever little progress has been made, it's too little, too late. So I am going to have to work even harder. After this visit to Beijing, I plan to go back to the United States and spend some time in Washington to get the flavor of what the situation is there.

Bingzi. We are supposed to talk about MFN today. Could you begin by explaining just what MFN means ?

J•Kamm. Oh sure. MFN means most-favored-nation. Most-favored-nation is a tariff treatment. It is a treatment which is bilaterally given and it provides for the lowest tariff in the tariff code.

That is important to understand, the term most-favored-nation implies that these are the lowest tariffs, in fact, that is not the case. Actually most-favored-nation tariffs status is really normal trading status. If, for instance, the United States grants a country what we call GSP (generalised system of preferences), that establishes even lower tariffs than MFN. In fact, the United States has granted MFN status to all but a mere handful of countries. I think there are now less than ten countries that do not have MFN. And I am afraid this is one of the reasons for a lot of misunderstanding. In the United States, people think that MFN is some kind of a special deal. In fact, it is not really special. MFN is just normal trading status and it gives a country the lowest tariffs in the tariff's schedule, but it is possible to have lower tariffs.

Bingzi. Why is it so important ?

J.Kamm. It is very important because the difference between the MFN tariff and the other tariff, which is called the general tariff, is very big. As an example, the largest Chinese export to the United States is toys. Chinese toys account for a very large part of the American market. To give you some idea of the difference, for a toy doll, if the country has MFN, then the tariff on the doll is 6%, but without MFN the tariff is 70%, more than ten times greater. There is

no question that if China lost its MFN status there would be a very sharp drop in Chinese exports to the United States, both direct exports and exports through Hong Kong because, as you may know, about 70% of US imports of Chinese goods comes through Hong Kong. So the loss of MFN will have a very serious impact on the Chinese economy and on Hong Kong's economy.

Bingzi. Why do members of Congress want to take MFN away from China ? What will happen to China, Hong Kong, and the United States if MFN is taken away ?

J•Kamm. Those are two questions. Let me try to answer them in order. Let me clarify that there are really two movements underway in Congress. One movement is to take MFN away from China, then there is another movement to place conditions on the renewal of China's MFN. I should give a little more background on the process.

Bingzi. Yes, please.

J•Kamm. Under US law, if the President wants to give most-favored-nation to a socialist country then he must, every year on a certain date certify that the country practises free emigration or he must certify that by giving the country MFN he promotes the eventual goal of free emigration. This is known as the Jackson-Vanik Amendment to the Trade Act of 1974.

That is the law. So the President every year by June 3rd must tell Congress what his decision is, will he extend or not. Congress then has 60 days beyond the expiration of the country's MFN to either support the President's decision or vote against it. And if the Congress votes against the President, then the President is able to veto or of course he can go along with it. That is the basic situation.

Within Congress, there are two movements. One movement is actually to take MFN away from China. They would do that by means of what we call a Resolution of Disapproval. Now in 1990 the House of Representatives passed such a resolution of disapproval by a rather large margin. This year they passed such a resolution of disapproval, but the margin is much smaller. So in that sense we can see some progress is being made. Over in the Senate there was not even a vote taken on the Resolution of Disapproval, principally because I believe that they would not have had a majority to take MFN away. So we are seeing some progress. However with regard to placing conditions on renewal, there are, in both the House and in the Senate, votes in favor of placing additional conditions on China's MFN.

Now you ask the second question, I do not want to go on and on here and spend all of the time, and I give you a chance to talk. But your

second question was, what will happen if MFN is lost? Well, as I just mentioned, China's exports will be severely affected and Hong Kong will be badly affected as well. China could lose somewhere between 10 and 15 billion USD in export contracts and Hong Kong could also suffer quite a bit. So as I am fond of saying, there is no question but that in the short term, China and Hong Kong will be very badly hurt and relatively speaking, hurt more than the United States. But what is very important for the Americans to understand is that in longer term, I believe the United States will be hurt more than China. That is my own personal opinion. I think in the short term, yes, China will be hurt more, but if we look long term, by cutting off normal trade with one quarter of mankind and in our present economy where the export sector is leading growth then I have to think in the long term the United States will be harmed relatively more than Hong Kong and China. So for these reasons, I have decided to devote all my time and effort to maintaining normal trade relation between the two countries.

Bingzi: So the MFN question this year is probably solved already?

J.Kamm: Well, yes for this year. But what I think is going to happen is that this issue will come up again very early in 1992. Congress will go into

recess around the time of our Thanksgiving which is the end of November. They stay out on recess through the Christmas holiday and into the next year. Now when they return in January, we will see some action. What I think will happen is that the House of Representatives and the Senate will try to merge their two bills to place conditions on MFN. This will be done in January or February. They will pass this new bill and they will send it to the President for his signature or veto . Now I am confident that the President will veto and I believe that his veto will be sustained. But because 1992 is an election year, the pressure on the President to accept this bill will be very strong. And if he is in a difficult position because of the economy and if his popularity is dropping, then it is going to be very difficult for him to defend his China policy. That is again where people like me come in. What we have to be able to do is to convince Congress that either taking MFN away or placing strict conditions on MFN is actually the wrong thing to do. And so that is why I am spending so much time in China trying to resolve some of these differences between us. So that I could go back to Congress and explain to them what is going on.

Bingzi.

What is your opinion of Secretary Baker's visit to China ? Was progress made ?

J•Kamm. Based on my own information, I think some progress was made. Progress is, however, a relative term. What appears to be progress for some people, does not look much like progress to others. And in some areas, more progress was made than in others. Some progress was made to resolve the issue of prison-made goods for export. The two countries seem to have reached at least some understanding on that issue. And it seems that some progress was made in the area of weapon sales. In the area of human rights, the American side's position is that not much progress was made. From my point of view, being rather close to the situation, I think some progress was made. Unfortunately in the eyes of the American Congress, very little progress was made. So that is how the situation stands. I think the trip was successful in that the two countries deepened the dialogue and made some progress on issues. But clearly the visit did not resolve all the problems. We must do a lot more to resolve the problems between us.

Bingzi. Aside from MFN, what other issues might affect China-US trade relations?

J•Kamm. There are many issues. One issue is the trade deficit. The American statistics indicate that the deficit will be between 12 and 13 billion dollars in 1991. China is the only major country with whom we are trading where the deficit

increased in 1990. In 1991, I think you will see the Japanese deficit going up again too. So that is a big issue.

Another issue is in the area of intellectual property rights. The American side feels there is inadequate protection in China. This is a very hard issue at the present time because the United States has indicated that unless progress is made soon, there will be sanctions applied to certain Chinese exports.

So those are two big issues, what we call "market access" and "intellectual property rights." Now in addition there is the issue that I have just mentioned, prison-made goods for export. Under US law, it is prohibited to import goods made in prisons anywhere in the world, not just in China. It now appears there were some exports of these goods to the United States. The amount does not seem to be very big, but still it is the law. So the two governments have been working to make sure this does not happen again.

Then of course there is another area of perpetual concern and it is the area of textiles. There has been government action in the United States to clamp down on exports of Chinese textiles above the established quota. And that is a very nettlesome problem that we have to resolve. It is also a political problem, largely because in the southern states, the textile