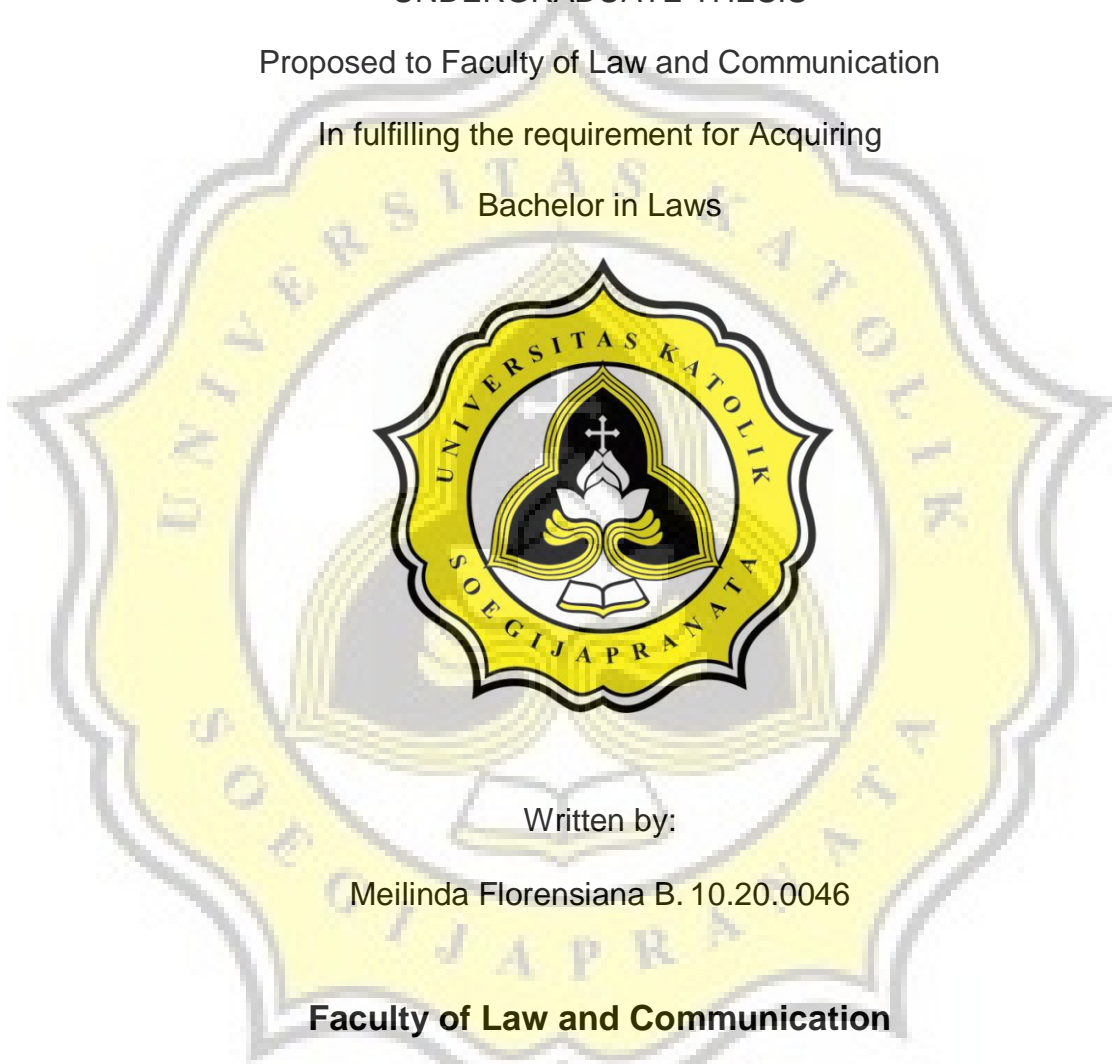


**Implementing Safeguard Policy of the WTO which based on
Agreement on Safeguard: Case Study on Import of Footwear
Argentina – European Communities (EC)**

UNDERGRADUATE THESIS

Proposed to Faculty of Law and Communication

In fulfilling the requirement for Acquiring
Bachelor in Laws



Written by:

Meilinda Florensiana B. 10.20.0046

Faculty of Law and Communication

Soegijapranata Catholic University

Semarang

2014

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Semarang, 29 October 2014

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STATEMENT of AUTHENTICITY

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This thesis contains no plagiarism from any sources, except the sources which are mentioned in the bibliography.

The undersigned student is willing to revoke the degree obtained and to follow the regulation applied in Soegijapranata Catholic University and/or other applicable regulations if there is proof of any plagiarism later.

Semarang, 29 October 2014

Meilinda Florensiana B.

ABSTRACT

Since the establishment in the 1947, the General Agreement on Tariffs and Trade (GATT) has given assistance for the developing countries and least-developed countries that joined GATT as the CONTRACTING PARTIES. There are several basic principles of GATT that through some addition will be used by the World Trade Organization (WTO) as its successor in 1995. Through the WTO Agreements, Article XIX of WTO about Emergency Action on Imports of Particular Products has been following by the Agreement on Safeguard.

The Agreement on Safeguard has been used by the WTO Members in resolving their disputes related to safeguard measures in accordance with Article XIX of WTO. In 1997, Argentina imposed safeguard measure over the European Communities (EC) imported product, Footwear. The Argentina Authorities claimed that there were increased quantities in imported products from the EC that caused "serious injury" to their domestic producing. The case was investigated under the light of Article XIX of WTO and Agreement on Safeguard by Panel and Appellate Body of WTO. Besides, in the WTO, there are two safeguard mechanism; special safeguard mechanism. The specific transnational safeguard mechanism applied in the Imports on Footwear Argentina - EC.

Keywords: GATT, WTO Agreements, Agreement on Safeguard, safeguard measure, Imports of Footwear

ABSTRAK

Sejak didirikan pada 1947, GATT telah memberikan bantuan bagi negara-negara berkembang dan negara kurang berkembang yang bergabung sebagai CONTRACTING PARTIES. Ada beberapa prinsip-prinsip dasar GATT yang melalui beberapa tambahan akan digunakan oleh Organisasi Perdagangan Dunia (WTO) sebagai penerusnya pada tahun 1995. Melalui Perjanjian WTO, Pasal XIX WTO mengenai Tindakan Darurat tentang Ketentuan Impor Produk Tertentu diikuti oleh *Agreement on Safeguard*.

Agreement on Safeguard telah digunakan oleh Anggota-anggota WTO dalam menyelesaikan sengketa yang mereka hadapi terkait untuk *safeguard measures* sesuai dengan Pasal XIX WTO. Pada tahun 1997, Argentina memberlakukan *safeguard measure* bagi European Communities (EC) atas produk impor, Alas Kaki. Otoritas Argentina mengklaim bahwa ada peningkatan jumlah dalam produk impor dari EC yang menyebabkan "serious injury" bagi produk domestik mereka. Kasus ini diselidiki berdasarkan Pasal XIX WTO dan *Agreement on Safeguard* oleh Panel dan Appellate Body di WTO. Selain itu, WTO memiliki dua mekanisme *safeguard*; *special safeguard mechanism* dan *specific transnational safeguard mechanism*. Mekanisme yang digunakan dalam kasus terkait impor alas kaki antara Argentina – EC adalah *specific transnational safeguard mechanism*.

Kata kunci: GATT, Perjanjian, Perjanjian *Safeguard*, *safeguard measure*, impor alas kaki

MOTTO

“If there is no struggle, there is no progress. Those who profess to favor freedom, and yet depreciate agitation, are men who want crops without plowing up the ground. They want rain without thunder and lightning. They want the ocean without the awful roar of its many waters. This struggle may be a moral one; or it may be a physical one; or it may be both moral and physical; but it must be a struggle. Power concedes nothing without a demand. It never did and it never will.” — Frederick Douglass

고생 끝에 낙이 온다.

Go-saeng Ggeut-eh naki eun-
At the end of hardship comes happiness.

“There is no passion to be found playing small – in settling for a life that is less than the one you are capable of living.” —Nelson Mandela

PREFACE

Thanks to GOD for his blessing over me, especially in writing this thesis entitled: **“Implementing Safeguard Policy of the WTO which based on Agreement on Safeguard: Case Study on Import of Footwear Argentina – European Communities (EC)”**. This thesis was written in fulfilling the requirement for acquiring Bachelor in Laws in Faculty of Law and Communication of Soegijapranata Catholic University.

In this writing, I would give information on the implementation of safeguard policy in case study on import of footwear Argentina- European Communities (EC), international trade organization’s agreements such as GATT Agreement and WTO Agreement also Agreement on Safeguard. This case was started in 1997 after the EC complaint about the safeguard measure imposed by the Argentina. This safeguard measure was encountered restriction on imported product from EC which is footwear. I analyzed the international regulations about the safeguard measures among the international trade organization, the WTO. Thereby, I can explained about the development of safeguard policy since GATT-WTO era and also determined the violations in WTO regulations by the Argentine Authorities.

In accordance with this thesis writing, I do realize for my lack of ability, knowledge and experience, so that I got help from others. Hence, I want to express gratitude to my Father Pither Boong and Mother Elizabeth Pakalla, and my Nephew Rifky Praditya as family with all of their love in supporting me.

Foremost, is a well-deserved thanks to Mr. B. Danang Setianto, SH., LL.M., MIL as my Supervisor as well as Dean of Faculty of Law and Communication, without his support and encouragement this thesis will never

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My university's life became one of the greatest experiences on the day-by-day in pursuing my academic education. Gratitude to Dr. Marcella E. Simandjuntak, SH., CN., M.Hum, as a lecturer who always support and helping me to explore knowledge beyond myself and gain more experiences during my study and Dr. Y. Trihoni Nalesti Dewi, SH., M.Hum, as my academic advisor who helped me to draw up the study plans. As well as Mr. Eddy Wiwoho, SH., M.Hum, as the Vice Dean for student affairs who helped me to gain more knowledge about leadership.

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Last but not least, I do realize that this thesis is not perfect and lacked of information in it and I have given all of my efforts, but hopefully this thesis will be useful for readers.

Semarang, 20 October 2014

Meilinda Florensiana B.



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