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國際學碩士學位論文

**Analysis of Korea's Policy on Steel
Trade Disputes with the United States:
Compared with Japan and China**

미국과의 철강 무역 분쟁에 대한 한국의 정책 연구:
한중일 비교 연구를 중심으로

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이 논문을 국제학석사학위논문으로 제출함

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Abstract

Analysis of Korea's Policy on Steel Trade Disputes with the United States: Compared with Japan and China

This paper studies the protectionism measures taken by the US in steel industry and the response of Japan, China and South Korea in dealing with trade disputes. To achieve this goal, this article takes a research framework of multilateral, regional/bilateral, and domestic influence in forging a country's international trade policy. Looking through the macro approach of overall reaction to trade disputes, and micro, case study of safeguard measures by the US government in 2002-03, this paper analyzes the distinctive features of Korea's trade policy.

Keywords: Steel Industry; trade dispute; safeguard; anti-dumping; trade policy; WTO

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I. Introduction

1.1. Research Background

The steel industry is one of the most important parts of the economy for Japan, China and South Korea. Japan first became the top producer and followed by South Korea and China. Thus, conflicts in international steel trade are favored subject to discuss among various researchers and policy makers. Especially, the United States and the steel industry have been a center of trade conflicts. The US government has been adopted various import restrictive measures, including the quotas and antidumping policies on steel trade since the late 1960s.¹ To resolve these frictions among nations, both bilateral talks and multilateral system including GATT/WTO and OECD have been used.

Although many researches argue on the economic impact of US protectionist measures on steel trade,² not many have focused on the government reactions of trading partners after adopting those measures. Yoshimatsu examined the influence of protectionist policy of US steel trade on Japan's reactions and policies against the measures in his research in 2007. However, research on Korean governments' policies and behavior is still lacked. Thus, this study fills the gap in

¹ Yoshimatsu, 2007

² Lenway, Stefanie. Douglas Schuler. "The Determinants of Corporate Involvement in Trade Protection: The Case of the Steel Industry."; Harris. Richard G. "Trade and Industrial Policy for a 'Declining' Industry: The Case of the U.S. Steel Industry."

research by exploring how the Korean government has reacted to US steel trade policy compared with Japan and China.

This is important to analyze the factors for governmental policies and difference from other countries in order to plan affective strategies. Moreover, strategies for responses and policies can be extended to other industries, not only to the steel industry. By considering various factors and reasons for reaction Korea and other countries have made, it would be easier to come up with alternatives and right strategies.

1.2. Research Objectives and Methods

This paper analyzes the protectionism measures taken by the US in steel industry and the response of Japan, China and South Korea in handling trade disputes. To do so, this study forms a research framework considering bilateral factors as well as international and domestic ones for adopting a country's international trade policy. By doing so, the study analyzes different factors for certain policy reaction.

To analyze the reactive policies the Korean government has taken in dealing with trade disputes against the US steel industry, this study takes both macro and micro approaches. This study analyzes, through a macro approach, Korea's general reactions to the trade conflicts against the US steel industry and analyzes important factors in reactions. After analyzing entire aspects, the paper dives deeper into a micro approach by analyzing a certain case of imported steel safeguard actions

implemented by the United States in 2002. Although other studies focus only on differences or similarity, this study analyzes both factors by adopting a two-track approach. By doing so, this paper considers factors that can not be found when it is only focused on one side of macro or micro.

Before examining the macro and micro responses against the US protectionist policies in the steel industry, this study explains the important features of steel trade in US history. Research Questions are as followed: What features in bilateral factors impacted Korea's response against the US protectionist measures in steel trade? What features in the multilateral system and regional factors impacted Korea's policies and countermeasures? What features in domestic systems impinged Korea's attitude and behavior in coping with the conflicts with the United States in the steel industry?

II. History of the United States Steel Trade

For a long term, the US government has been taking the protectionism policy in steel trade. In 1974, with support of congressional members, steel makes in the United States submitted petitions for antidumping and countervailing duty. In 1978, the US government and the president Carter started the trigger price policy to decide a minimum level of price for steel imports and also to examine steel from foreign countries with below the price. After the policy was expired in 1982, the government then started the import quota system. The import quota system had even broader target, including both developed and developing countries. After the expiration of the import quota system in 1992, the US government adopted the antidumping measure again.³

Steel Crisis, which began with the falling of world steel industries after Asian and Russian financial crisis in 1997 caused the United States to adopt reactivate safeguard measures. In March 1998, the steel industry submitted petitions for antidumping accusing imported stainless steel round wire, and stainless-steel plate in coils from several member nations. After 3 months, four US steel makers and several unions raised antidumping petitions against imported stainless steel sheet and strip in coils of 9 members such as France, Germany and Japan. In 1998, 12 steel makers and two unions, USWA and the Independent Steel Workers Union, raised

³ Yoshimatsu, 2007

complaints of antidumping against imported hot-rolled steel from Russia, Brazil and Japan. As a result, a broad arrange of imported goods related to steel was targeted as antidumping petitions.⁴

Moreover, the US government also adopted other policies as well as antidumping measures to protect its own steel industry from imported steel. In August 1999, the Steel Action Program with 12 measures was proposed by the Clinton administration. The measures were including expanding examination of the imported steel, investigation of trade barriers and subsidies of other steel industry. After 2000, when the Bush administration has been established, adopting the protectionism measures in steel industry became more active. In March 2002, President Bush announced three-year safeguard tariffs under the pressure from steel labor unions and Congress.

Recently, Trump Administration started investigations of the effect of steel import on the US national security of aiming to revive its steel industry. The investigation was based on Section 232 of the Trade Expansion Act which has not been used since 2001.

⁴ Yoshimatsu, 2007

III. US steel trade policies for and the reaction of Japan, China and Korea

3.1. Japan's Reaction to US steel trade policies

In 1990s, the Japanese government faced protectionism measures exploited by the United States, and Japan slowly increased its opposing postures. As an action to this attitude, the Japanese government began to use the WTO system practically. Since its first case in 1995, the Japanese government raised complaint 23 times with the WTO. However, the number is not big compared with other members including the European Committee and the United States.

Japan filed 8 cases against the United States from 12 cases until 2008. This number is quite huge considering Japan's apparently weak status against the United States since it is dependent in security and military issues based on Japan – China Security Treaty. Between the 1970s and 80s, the Japanese government allowed the United States to restrain exports and open Japanese market by negotiating peacefully not to face unnecessary conflicts with the United States. The increased cases with the WTO against the US government proves that the Japanese government became more confident in using the WTO system to challenge the US government's arbitrary use of trade measures.

Especially, every case from 1999 to 2004 was regarding trade conflicts against the United States and its steel industry. From 6 cases in total, two were related

to trade remedy policy taken by the United States, and the rest of cases were relevant to legislation of the United States that had affected steel import and export in the US market. 2 out of the total 6 cases, the Japanese government raised complaints jointly with other members. In the Byrd Amendment case, the Japanese government jointed ten members to raise complaints. Also, Japan was one of eight members for the safeguard measure case. Moreover, all cases entered the step of the panel and appellate body, which means that the Japanese government was careful in selecting cases and afraid of confronting unnecessary conflicts concentrating on winning games.⁵ This was proved also by the results of the cases. Except for the one case, the Steel Flat Product case, the Japanese government could win with the results that the United States violated the WTO rules and they should amend their policies.

The Japanese government faced problems that the US government did not comply with the WTO, so Japan started adopting countermeasures. Also, Japan increased its intention to use actively of retaliation. In January 2002, when Japan was dealing with the case of Antidumping Act of 1916, it asked for the retaliation action which was close to the act. After 2 months, the Japanese government and the US government agreed on suspension of arbitrary use, but retained the right to ask for reactivating the arbitration.⁶

Not only warning but the actual application of retaliation started in Byrd

⁵ Araki 2006: 794

⁶ METI 2005: 19

Amendment case. In November 2004, eight members including Japan was admitted by the WTO to activate countermeasures to the United States since it did not comply with the WTO. In September 2005, the Japanese government imposed 15 percent retaliatory tariffs on 15 types of products such as steel-related products, printing machines, fork lift trucks and ball bearings. Since then, the Japanese government had never put any retaliatory duty on other members. The Japanese government followed the same path of the EU, although there was a gap of 4 months.

In August 2001, the Dispute Settlement Body decided to recommend the US government to revise the conflicting US provisions until November 2002 as a due date. Japan announced at the WTO meeting in November that the government would consider retaliatory actions if the United States did not comply within the due date.⁷ Nevertheless, the United States requested several times, on November 2002, November 2003, July 2004, for an extension of the deadline for implementation, and the Japanese government allowed the extension. This time, the Japanese government did not implement retaliation, waiting for the US government's action.

3.2. China's Reaction to US Steel Trade Policies

After China has accessed to the WTO as WTO's 143rd member in 2001, China filed 17 complaints with the WTO. Among these, 12 cases were against the

⁷ Nihon Keizai Shimbun, (12 November 2002)

United States. After its accession to WTO in 2001, China rather was an observer in the WTO system until 2007, except when China raised a complaint against the US government regarding the safeguard measures in 2002. In this safeguard measure, China acted promptly and also actively against the United States.

However, it was only after 2007 that China became more active in the WTO legal system. China, as well as Japan, became more and more active in using the WTO system to fight against the US's protectionist measures. In 2018, China raised a complaint against the US government and the tariff on imported steel and aluminum under the Trump Administration. Moreover, China also requested for consultation on this case for sixty days.

3.3. Korea's Reaction to US Steel Trade Policies

In the 1990s, the Korean government took clear measures against the US antidumping measures. The Korean government benefited from the international trade system provided by the WTO, and accused the United States of its antidumping actions inconsistent with the WTO. Moreover, Korea put an effort to forge linkages with other countries. Changed from the former passive and conciliatory measures, the Korean government became more willing to form a collective response against the US protectionism actions.

South Korea intensified its active posture against the US measures to reduce steel imports from the international trade system. With regards to the policy that the

US government adopted to put dumping tariffs on imported stainless-steel plate in coils and stainless-steel sheet and strip in coils from Korea, South Korea raised complaints in 1999. In 2000, the Korean government raised another complaint against the US government regarding circular welded carbon quality line pipe, after the Clinton Administration relieved the safeguard for its producers under Section 201 of the Trade Act of 1974. South Korea and Japan, both increased their active attitude using the multilateral dispute settlement system against arbitrary exploitation of trade measures taken by the US government and its steel industry.

Before the mid-1990s, Japan and Korea rather tried to solve disputes as an arbitrary implementation of antidumping policies conciliatorily with the US government. In 1990, Multilateral Steel Agreement was brought on the table by the US government, and the Japanese and Korean government argued that provision for antidumping must be contained.⁸ However, the proposal by two governments was declined by the US government and its steel industry.

South Korea changed its behavior dramatically in handling trade conflicts. In the 1970s and 80s, although Korea faced numeral trade conflicts with other countries including the United States and the European countries, the Korean government was long cautious about using the international dispute settlement system to solve the disputes.⁹ However, in 1997, the Korean government could win

⁸ Nobayashi. *Kanri Boeki no Seiji Keizai Gaku*, 263-68.

⁹ Dukgeun Ahn (2002) "Korean Experience of the Dispute Settlement in the World Trading

its first case in WTO which was against the United States using arbitrary antidumping measures on imported color television receivers. Since then, South Korea has raised complaints sixteen times using WTO mechanism, and twelve cases were against the US government.

Compared with other members including the European Union, Japan, China and Korea have raised less cases in WTO system. On the other hand, when it comes to conflicts in steel industry with the United States, their reactions were not much different from their international counterparts. Especially, their response to the US protectionist steel policy included important parts for the entire trade policy. Pekkanen, in 2001, described the Japanese government's active participation in WTO system as 'aggressive legalism.' Korea has a similar tendency for being aggressive in using the legal actions in WTO.¹⁰

3.3.1. Multilateral Factors

South Korea was a reluctant player in WTO, but it changed its attitude more and more active in utilizing WTO systems to protect its own trade benefits.¹¹ South Korea mainly targeted the United States in using the WTO legal system. The

System.”

¹⁰ Pekkanen (2001)

¹¹ Dukgeun Ahn (2003) Korea in the GATT/WTO Dispute Settlement System.

Korean government raised complaints against the US government 7 times, among total 12 cases from 1995 to 2005. Also, 4 cases among those filed were regarding steel trade. Korea's change in approach in handling trade conflicts against the US steel industry can be explained by two reasons. First, Korea became to perceive the WTO as an effective tool, as Korea could win similar cases in WTO. Reflecting such a turbulent experience and history, Korea was a reluctant player in the WTO mechanism to deal with the trade disputes.¹² However, in 1997, Korea made use of this multilateral system against the US antidumping measures adopted on color television receivers imported from Korea. From then, South Korea raised complaints against sixteen cases in WTO, and twelve cases were against the US government.

Especially, the Korean government showed its confidence in Safeguard disputes in 2002-03 case, after the WTO raised Korea's hand in the case of the safeguard policies taken on February 11, 2000 by the US against the Korean circular welded carbon quality line pipe. Although South Korea requested for the bilateral talks with the US, Korea did not actually expect much result from it. An official of the Ministry of Finance and Economy mentioned before the talk that the United States should accommodate most of Korea's demands in order for the complaint to be withdrawn, but the chance is very low.¹³ The memory of victory motivated Korea

¹² Dukgeun Ahn (2002) "Korean Experience of the Dispute Settlement in the World Trading System".

¹³ Kyungnam Shinmun, 2002-03-12

to take strict actions against the US through WTO.

Second, Korea, as well as Japan put tremendous efforts in formatting WTO legal rules, including reviewing WTO antidumping measures. The Korean and Japanese government remained putting higher points for more stringent antidumping rules than other top lists for the Doha Round. They participated in the FANs, Friends of Antidumping Negotiations, and played a role to strengthen the WTO antidumping rule and to avoid examinations.¹⁴ Korea and Japan actively participated in formatting the WTO rule, and by doing so, the governments became more and more familiar with the WTO itself. The content of the WTO agreement was not satisfactory to many countries, although it introduced the changed rules and disciplines on the standard of review and the cumulative examination of injury. The US government could prevent from introducing more stringent rules in the agreement. The United States' steel industry played huge roles in stopping this by putting much effort by lobbying to the government.¹⁵

When the WTO ministerial was being prepared in 1999, South Korea proposed an agenda regarding antidumping. The proposal pictured numerous failings of the current Antidumping Agreement, and also recommended the appropriate amendment of the agreement to clear the essential points to minimize the

¹⁴ The FANs include fifteen countries and regions: Brazil, Chile, Colombia, Costa Rica, Israel, Japan, Korea, Norway, Mexico, Switzerland, Turkey, Chinese Taipei, Singapore, Thailand and Hong Kong.

¹⁵ Nobayashi, Takeshi. "Kanri Boeki no Seiji Keizai Gaku: Amerika no Tekko Yunyu Rejimu." 1959-1995.

possibilities of conflicting interpretations.¹⁶ Japan and Korea decided to have a collective attitude in advocating the need for reformation of the antidumping rule in WTO. The leaders in both countries, Korea and Japan, concurred in 1999 on the point that they need to have collective action in the next negotiation in WTO, and to oppose against the United States exploiting antidumping actions.¹⁷ These movements taken by the Japanese and Korean government impacted on the statement draft in Seattle. In October 1999, the first draft was issued, but it did not include the antidumping rules, only stressing the significance of a market approach in agriculture and service sectors. On the other hand, the next draft issued after 13 days contained a line that the antidumping disciplines would be examined and revised according to the proposals from member countries if needed.¹⁸ However, the Seattle ministerial failed as the United States refused to examine on antidumping issues. This is mainly because the US steel producers lobbied the US government to protest against having antidumping revise as an agenda in the negotiation.¹⁹

¹⁶ World Trade Organization, "Preparations for the 1999 Ministerial Conference: Agreement on Implementation of Article VI of the GATT 1994."

¹⁷ Nihon Keizai Shimbun, 23 October 1999

¹⁸ The Nikkei Weekly, 25 October 1999

¹⁹ Barringer and Pierce, Paying the Price for Big Steel.

3.3.2. Regional and Bilateral Factors

Another reason that South Korea could pursue the altered attitude against the US was the forged bond with other member nations to deal with conflicts in trade against the US government. South Korea was active in forming conversations with other countries. Especially, Korea was willing to have a close relationship with East Asian counterparts and establish bilateral meetings. First, Korea – China Steel Cooperation Committee was formed in October 2001, led by the steel industries in both countries. South Korea and China decided to put more effort on having higher level conversations with government officials and industry leaders participated.²⁰ Moreover, South Korea, with Japan, also tried to form broader linkages with Southeast Asian countries, not only stayed with East Asian countries. South Korea also put an effort to establish policy conversation in steel trade with Thailand and Malaysia.²¹

Moreover, the Korean government as well increased cooperative movement with the Japanese counterpart to deal with conflicts against the US steel trade. Since both South Korea and Japan was having similar conflicts with the US trade measures, two governments decided to have collective movement at a multilateral forum. For instance, in 1999, when the President Kim Jong-pil met his Japanese counterpart Keizo Obuchi, they decided to have cooperative action in the next discussion of

²⁰ Korea Times, 28 January 2001

²¹ Hidetaka Yoshimatsu, U.S.-East Asian Trade Friction: Exit and Voice in the Steel Trade Regimee,

WTO against the US government and its arbitrary implementation of antidumping action.²² Moreover, Korea and Japan put efforts to have closer relations by having bilateral conversation regarding steel trade policy, and started the meeting in April 1999. The priority goal of these meetings was to share the knowledge and information regarding steel trade and global market, and have collective responses against the United States and its arbitrary use of protectionist measures. Japan and Korea had its third meeting in November 2000, and they agreed that the Byrd Amendment was not rational. The Japanese government showed its plan to file complaints and trade policies, and the Korean government confirmed to also file a complaint after Japan.²³ The fourth meeting was held in April 2001, and the Japanese and Korean government agreed on the concerns on the US steel market and its potential use of Section 201. Through this dialogue, they decided to have joint reaction to the possible US protectionism policies.²⁴

Also, the Japanese and Korean government forged cooperative links with other countries to cope with trade conflicts. Both government formed close relations with the European Union to settle disputes with the US regarding the steel trade. In March 2001, the Ministry of Commerce, Industry and Energy of Korea and the Korea Iron and Steel Association established meetings with the EC and the European Confederation of Iron and Steel Industries. The purpose of this meeting was to have

²² Nihon Keizai Shinbun, 23 October 1999

²³ Asahi Shimbun, 11 April 2001

²⁴ Japan Metal News, 11 April 2001

cooperative action to prevent the United States from abusing protectionism trade measures against steel imports. In October 2001, the US government announced that 16 types of products from the entire 33 types harmed the US steel market, after conducting examinations by the Bush Administration. After the announcement, MOCIE, KOSA and steel makers set dialogues to decide how to deal with the measures, such as having alliance with other countries including the European Union.²⁵ The US government issued a ruling arguing that activating Section 201 of the 1974 Trade Act is needed to restrict imported steel in the US market. After the ruling, the Korean government and the EU consented on having collective action in handling the US trade policy.²⁶ Moreover, in December 2000, the Japanese and Korean government collaborated with the European Union to raise complaints against the US government and the Byrd Amendment. They requested for consultations to pressure the United States to abandon the Byrd Amendment and also to make other countries to become less attempting to adopt such protectionist legislation.²⁷

Also, the Japanese and Korean government tried to have close links with other Asian counterparts. In the late 1990s, Korean, Chinese, the Japanese government, and the Association of Southeast Asian Nation countries started to promote collaborative movement in Asia through ASEAN Plus Three(APT). In this

²⁵ Korea Times, 26 October 2001

²⁶ Korea Times, 20 November 2001

²⁷ Ministry of Economy, Trade and Industry, Fukosei Boeki Hakusho (2001).

meeting, antidumping-related issues were one of the important topics. In APT economic ministers' meetings, they stated antidumping issues in almost every meeting. Moreover, Asia Europe Meeting (ASEM) was interested in antidumping-related topics as well. In October 1999, when they had second economic ministers' meeting, they agreed that they should discuss on current Antidumping Agreement through negotiations in Seattle.

The policy dialogues were particularly important for East Asian countries. The reason is that those dialogues offered them a chance to coordinate their trade policy with other countries. In fact, other steel exporting countries were able to take coordinated trade policy and have collective movements by using the Steel Committee at the Organization for Economic Cooperation and Development (OECD). However, East Asian steel making countries did not own similar system even though East Asia produced about 40 percent of the entire steel supply after 1990s. As a result, policy dialogues were considered to be such institutional mechanism to coordinate their trade policy and to settle the trade disputes they all have similarly. Also, as Chinese steel industry became bigger and its government increased the tendency of exploiting antidumping actions to procure its interests, South Korea and Japan became more desperate to have policy dialogues and collective actions.²⁸

²⁸ Yoshimatsu, US East Asian Trade Friction Exit and Voice in the Steel Trade Regime

IV. Case Study: Safeguard Measures in 2002-03

4.1. US Safeguard Measures

Conflicts with the US government dealing with the safeguards in the steel industry started with the Multilateral Initiative on Steel which was proposed in June 2001. This system looked for difficulties in the US steel market by different ways: negotiations on the elimination of excess capacity of steel production worldwide; negotiations on rules that govern the steel trade and eliminate market-distorting subsidies; and an investigation of the possibility to impose safeguard measures.²⁹

Accordingly, the US government propelled to investigate 33 steel products under Section 201 of the Trade Act of 1974 regarding safeguard. On 7 December 2001, the US government issued a final report arguing that 85 percent of the US imports seriously harmed the US steel market, and proposed safeguard measures of 20 to 40 percent and the quota as well.

On 5 March 2002, the US government announced to impose tariffs unilaterally from 8 to 30 percent on 14 categories of steel imported from 20 March applied for 3 years. This safeguard measures had significant impact on steel producing countries, including the EU, Japan and South Korea. According to studies, there were numerous factors affected the US government to adopt safeguard measures: to satisfy states for upcoming polls, to gain Trade Promotion Authority

²⁹ Yoshimatsu, 2007

from Congress, and to exploit the safeguard measures to negotiate on the demolition of surplus capacity in Ukraine, Brazil and Russia.³⁰

After the safeguard tariff was announced, the European Union requested for the consultation to resolve the conflicts. Not only the EU but also South Korea, China, Japan, Norway, Switzerland, Brazil and New Zealand also asked for consultation with the US government. However, since resolution steps were not successful in 60 days, member countries requested for a panel establishment.

When the US government announced the implementation of safeguards, it also mentioned that an exemption list would be proposed in 120 days. On 7 June, the US government presented the list of 61 steel-related goods, and another list of 46 goods on 24 June. At last, the United States proposed the 7th list of exemption on 22 August.

On 11 July 2003, the panel announced that the safeguards taken by the United States were not consistent with the WTO Safeguard Agreement and GATT 1994. The decision was that imported steel was not rising significantly in the United States and therefore no serious harm from the rise of imports was found. The next month, the United States presented a petition to the appellate body. On 10 November 2003, the appellate body maintained the panel and argued that the safeguard measure did not satisfied the conditions of unforeseen developments, increased imports and

³⁰ Cafruny 2002: 9–10

exclusion of imports from certain sources.³¹ The United States finally made an announcement of the termination of all the safeguard measures subject to the dispute on 4 December 2003.

4.2. China's response to the safeguard measures

China sued participated in 17 cases in the WTO as a complainant since its accession to WTO on December 2001. However, until 2007, China normally was quiet rather than active, watching other members' interaction, except for one case occurred against US steel safeguard measures.³² Although China seemed quite passive in the WTO system after its accession, China learned through observing other nations' know-how and also enjoyed the charitable behavior of the EU and US.³³

After the safeguard was announced, China blamed the US that the safeguard policies taken by the US government in the steel industry were not consistent with WTO obligations. The Chinese government expressed serious concern, made an effort to procure legitimate rights and interests of the Chinese steel industry, and paid

³¹ Yoshimatsu, 2007

³² USC Annenberg, China's Reluctant Usage of the WTO Dispute Settlement System, October 25, 2011.

³³ Leïla Choukroune, China and the WTO Dispute Settlement System , China Perspectives, 2012/1 | 2012, 49-57.

close attention to the progress of events.

On 24 July 2001, China hired an American lawyer on behalf of the Chinese Iron and Steel Association and the Chinese Import and Export Chamber of Commerce on Minmetals Chemicals. This lawyer submitted to the USITC an application in respect of the investigation under Section 201 as well as an application to secure the confidentiality of production data belonging to the companies involved. These applications were submitted on time to ensure that the steel industry could fully participate in the subsequent proceedings and effectively defend their legitimate rights and interests in these proceedings.

After the announcement of the safeguard on 26 February 2002, the Chinese government issued a statement to the effect that the US government's decision would have a serious impact on normal exports made by China's steel companies to the US and would cause them to suffer huge losses. The Chinese government expressed its strong dissatisfaction, and stated that the problems faced by the US steel industry at that time should not be attributed to foreign imports. It argued that the export of Chinese steel products to the US was not enough to constitute an injury or threat thereof to US steel companies, and opined that the US government went on to say that it reserved the right to raise complaints under the WTO's dispute settling mechanism.³⁴

³⁴ Yen Kong Ngangjoh Hodu, Zhang Qi, *The Political Economy of WTO Implementation and China's Approach to Litigation in the WTO*, 2016

On 7, 20 and 26 March, 3 and 4 April, and 14 and 21 May 2002, the EU, Japan, Korea, China, Switzerland, Norway, New Zealand and Brazil requested consultations with the US. On 14 March, China dealing with the related provisions of the WTO safeguard actions, consulted with the United States about the Section 201 steel safeguard actions. The Chinese government announced that the US, as one of the world's major trading nations, bore a heavy responsibility to maintain the international trade system and should fully consider the significant damage it had caused to the international trade order. China demanded that the US should become fully aware of the specific situation in China and properly resolve the issue, stating that China and the US are important trade partners and that the two countries have great economic complementarity. China hoped to resolve the problem through bilateral consultations as soon as possible to avoid damaging China-US economic and trade relations.

After the effort to solve it through bilateral consultations failed, the Chinese government announced on November to adopt the definitive safeguard measures on imported steel. The targeted products are five categories from seventeen original categories of which were treated when the provisional measures were taking place.³⁵ China also decided to delay cutting off the tariff for US imported goods, such as soybean oil, electric compressors and paper products that Beijing promised under terms of its accession to WTO.

³⁵ Ministry of Foreign Affairs of Japan, November 20, 2002

4.3. Japan's response to the safeguard measures

The Japanese government responded to the safeguard action taken by the US actively and aggressively. After the Bush Administration announced the use of safeguard action, the Ministry of Foreign Affairs of Japan instantly stated a great regret: 'we consider it deeply regrettable that, despite the opposition of major trading partners and domestic users of steel in the United States, the US government has decided to provide relief that constitutes a de facto import ban'.³⁶ On 20 March, Japan asked for consulting meeting with the WTO on this issue, arguing that the US government is not consistent with the WTO. The rule is that safeguard measures only can be used when national industry was seriously harmed by increased imports. However, the Japanese government argued that steel imports to the United States fell compared with the figure in 1998. Japan also charged the US government of exempting Mexico and Canada from these measures.

Not only appealing to the WTO, Japan requested for the bilateral discussion with the United States on compensation to cover the harm made by the safeguard action. On March 2002, the negotiations were held, and the Japanese government argued that the US government should pay a compensation by lowering duties of \$169 million on products including video cameras, wristwatches. This request on compensatory action was the first one asked by the Japanese government under the

³⁶ Comment by Minister of Economy, Trade and Industry Takeo Hiranuma on Steel Import Safeguards Introduced by the US government; accessed at <http://www.meti.go.jp/english/topic/data/eSteel020306e.html>.

WTO system. Nonetheless, the Japanese government's request for the compensation was declined by the US government, claiming that its safeguard policies were consistent with WTO rules.

After the compensation request was declined by the United States, Japan began planning retaliation as a countermeasure. On 17 May 2002, Japan informed the WTO that Japan was planning to put 100-percent tariffs on imported products from the United States as retaliation. The Japanese government made lists for the plan. The short list was planned to adopt from 18 June 2002 on steel products which were worth 600 million yen (\$4.88 million). Moreover, the long list was planned to be adopted after WTO decided that the safeguard measures implemented by the US government were not consistent with WTO. The list included products which were worth 14.9 billion yen (\$123.4 million). On 18 June 2002, Japan officially announced the suspension of tariff concessions. The government issued an ordinance that tariffs on US steel imports would be suspended. However, the Japanese government suspended applying the tariff concessions.

Although Japan promptly arranged for retaliation, it also showed a conciliatory attitude as well. The Japanese government did not want to face conflicts concerning G8 summit in Kananaskis, Canada in 26 June 2002. Also, the Japanese government became less aggressive after the US government announced an exemption of several products from tariffs. On 22 August, the US government announced to exclude 178 more products 23 of which were from Japan. As a result, the steel products from Japan receiving exclusion became 40 percent, 553,000 tons,

of total steel products exported to the United States.³⁷ On 31 August, Minister of Economy, Trade and Industry announced that the Japanese government would not apply increasing customs duties until the WTO had the final decision related to the safeguard policies taken by the US government.³⁸

When the WTO appellate body finally decided to maintain the panel report, Japan stated that the government would look forward to the termination of the US safeguard actions instantly. Moreover, the Japanese government also mentioned that if the US government did not compromise and ignore the WTO rules, it would inform the WTO countermeasures by the end of November. On 26 November 2002, Japan officially notified the WTO that they would prepare for the retaliatory actions. Retaliation included raising tariffs which was worth annual 10.7 billion yen (\$85.22 million). The list contained 310 products including coal, plastics, textile and steel-related products. Also, the tariff was planned to be imposed 30 percent on intermediate products and 5 percent on consumer goods including clothing. On 17 December, Japan stopped the plan as the United States finally chose to abandon the safeguard measures.

³⁷ Japan Times, 27 August 2002.

³⁸ Minister of Economy, Trade and Industry Takeo Hiranuma on Steel Safeguards Measures by the US government.

4.4. Korea's response to the safeguard measures

South Korea also reacted to this measures by the United States promptly. On March 15, Korean representatives requested to withdraw and revise the steel safeguard with bilateral consultations in Washington under the safeguard agreement, but failed. Thus, Korea also filed the case to the WTO after the measure went into force.

On 20 March 2002, the Korean government requested for the consultation about the safeguard policies by the United States on certain imported steel and Section 201. Regarding Section 201 action by the US, it was the first time Korea requested for a trade compensation based on Article 8 of the Agreement on Safeguards. After the consultation on the compensatory plan was failed by the Bush government, a few members informed the Council for Trade in Goods of the suspension of concessions, but the Korean government did not participate in this movement. This means that Korea was afraid adopting the suspension of concessions against the United States, which is one of the most important players in Korean international trade outside of the DSB authorization.³⁹

Member countries reacted quickly after the tariff policy by the Bush Administration. Right after the announcement of the policy, the Russian president officially made an announcement to stop importing chicken legs from the United

³⁹ Ahn, Korea in the GATTWTO dispute settlement system

States.⁴⁰ The European Union also adopted retaliation against the US. WTO has rules that admit members negatively impacted by the US safeguard policy to adopt tariffs on US imported products for compensatory measure.⁴¹ The EU chose particular products that are produced in states where were quite important for the US president and the party for the upcoming elections, including Ohio, North and South Carolina, Georgia, Florida, Pennsylvania and West Virginia. Korea also claimed compensation for damages of domestic steel companies of the US\$ 171.56 million because of the US government triggered safeguard actions on Korean steel products.⁴² Until then, Korea has never levied a retaliatory tariff although there was trade sanction, considering over 20% of all Korean exports depend on the US. However, the request of compensation failed as well by the Bush administration.

Moreover, the Korean government also looked-for cooperation with other countries. Korean officials were also well aware that having a close tie with other members such as the EU, Japan and China would be the best option for Korea.⁴³

⁴⁰ Wines, Tavernise (2002)

⁴¹ Meller (2002)

⁴² If a victim claims compensation to the issuing country within 60 days and no compensation agreement is reached within 30 days, a retaliatory tariff may be imposed through CTG(Council for Trade in Goods)

⁴³ UPI, Korea's steel industry facing a challenge, March 6, 2002.

4.4.1. Bilateral Factors

There is no huge gap in reactive policies of the Japanese and Korean governments since they both reacted promptly on issues regarding the steel trade against the US. However, there are slight differences in terms of using compensation and retaliatory measures.

Japan's trade policy changed to a different level in opposing protectionist trade measures of other countries by taking retaliation actions. Japan relied on WTO multilateral trade rules, and also tried to benefit from retaliatory actions by taking economic sanctions when other countries did not comply with the WTO. Also in this Safeguard case, Japan adopted retaliatory measures. As a reaction against the safeguard measures adopted by the US, the Japanese government contested to the WTO, requested for compensatory action and prepared instant retaliation measures. In June 2002, Japan picked 63 trade goods related to steel for a retaliatory measure as a short-list. Then, in November 2003, Japan broadened the products by including non-steel items, and raised the figure to 301 as well. It contained clothing goods which could be acted as a huge burden for the United States and Bush Administration.⁴⁴

This difference can be explained by the close relationship between Japan and the European Union. After 1999, Japan raised complaints 5 times closely

⁴⁴ Hidetaka Yoshimatsu(2007) Japan's policy on steel trade disputes with the United States

coordinating with the EU among the total 6 cases. The Japanese government jointly raised complaints with the EC in several cases such as Antidumping Act of the 1916 case and the Byrd Amendment. Except for one dispute regarding Hot-rolled Steel, the sunset review cases were raised by the EU as well. Through having an ally like the European Union, Japan could gain appropriateness of raising the complaint against the United States and learn how to react effectively through certain measures against the policies implemented by the US government.

In the Hot-rolled Steel case, the Japanese government decided not to retaliate, only taking the request of the US government to postpone the implementing due date for multiple times. One of the reasons for this less aggressive behavior is considered to be the absence of supporters in handling the conflicts. As a response to the safeguard policy by the US, the Japanese government again took measures analogous to the EU measures. Only these two countries among all members requested for the compensation as well as making ready of instant retaliation. The rest members adopted less aggressive measures for this case.

4.4.2. Domestic Factors

Even Compared with China, Korea lacked retaliatory measures. After the effort to solve it through bilateral consultations failed, the Chinese government adopted the definitive safeguard measures on imported steel. The targeted products are five categories from seventeen original categories of which were treated when

the provisional measures were taking place.⁴⁵ China also decided to delay cutting off the tariff for US imported goods, such as soybean oil, electric compressors and paper products that Beijing promised under terms of its participation to World Trade Organization.

The reasons of this difference can be explained by domestic factors. First, the Chinese government tried to convince its people that China is having a strong voice against any harm. One Chinese economist insisted that the reason why China reacted strictly against US safeguard measures was that the Chinese government was concerned more on showing its people than the US. Since China was not a net exporter in international trade, China was less concerned about losing its export. For its accession to WTO in 2001, the government had to convince its people that China needed to embrace changes for trade liberalism. However, after the safeguard case took place, the government needed to show its people that China also can do what the US could do.⁴⁶

Also, Korea lacked a mechanism to link private interest groups to the trade dispute settlement system. For example, the US government has Section 301 mechanism which is to establish mechanism that private interest groups are able to pressure the US government to raise a formal complaint. Moreover, China also has a similar mechanism to let private interest groups to lodge complaints when they

⁴⁵ Ministry of Foreign Affairs of Japan, November 20, 2002

⁴⁶ The Washington Post, May 23, 2002.

were treated inconsistent to WTO in terms of international trade, and it leads the Chinese government to raise official complaints in WTO.⁴⁷ The lack of such mechanism in Korea led Korean government officials to have less motivation to be aggressive.

⁴⁷ Ahn, Korea in the GATT/WTO dispute settlement system

V. Conclusions

Korea was a reluctant player in the multilateral legal system against the United States, but more and more took an opposing attitude in conflicts in steel trade. The factors are such as the successful application of the dispute settling system, intensified commitments in the formation of WTO rules, and growing linkages with other countries. However, the Korean government was less aggressive than its Japanese and Chinese counterpart in terms of retaliation. This can be explained by features of all three countries. Japan had a close relationship with the European Union when it comes to setting cases against US steel disputes, and China had to be aggressive for domestic politics right after the accession to WTO in 2001. In case of Korea, because of its lack of a mechanism to link private interest groups to the trade dispute settling the mechanism in WTO made government officials to be less aggressive.

Figures and Tables

Table 1. WTO cases initiated by Japan

| | | |
|---------|---|-------|
| 5/1995 | United States — Imposition of Import Duties on Automobiles from Japan under Sections 301 and 304 of the Trade act of 1974 | DS6 |
| 7/1996 | Brazil — Certain Automotive Investment Measures | DS51 |
| 10/1996 | Indonesia — Certain Measures Affecting the Automobile Industry | DS55 |
| 11/1996 | Indonesia — Certain Measures Affecting the Automobile Industry | DS64 |
| 7/1997 | United States — Measure Affecting Government Procurement | DS95 |
| 7/1998 | Canada — Certain Measures Affecting the Automotive Industry | DS139 |
| 2/1999 | United States — Anti-Dumping Act of 1916 | DS162 |
| 11/1999 | United States — Anti-Dumping Measures on Certain Hot-Rolled Steel Products from Japan | DS184 |
| 12/2000 | United States — Continued Dumping and Subsidy Offset Act of 2000 | DS217 |
| 1/2002 | United States — Sunset Review of Anti-Dumping Duties on Corrosion-Resistant Carbon Steel Flat Products from Japan | DS244 |

| | | |
|---------|---|-------|
| 3/2002 | United States — Definitive Safeguard Measures on Imports of Certain Steel Products | DS249 |
| 11/2004 | United States — Measures Relating to Zeroing and Sunset Reviews | DS322 |
| 5/2008 | European Communities and its Member States — Tariff Treatment of Certain Information Technology Products | DS376 |
| 9/2010 | Canada — Certain Measures Affecting the Renewable Energy Generation Sector | DS412 |
| 3/2012 | China — Measures Related to the Exportation of Rare Earths, Tungsten and Molybdenum | DS433 |
| 8/2012 | Argentina — Measures Affecting the Importation of Goods | DS445 |
| 12/2012 | China — Measures Imposing Anti-Dumping Duties on High-Performance Stainless Steel Seamless Tubes (“HP-SSST”) from Japan | DS454 |
| 7/2013 | Russian Federation — Recycling Fee on Motor Vehicles | DS63 |
| 10/2013 | Ukraine — Definitive Safeguard Measures on Certain Passenger Cars | DS468 |
| 5/2015 | Korea — Import Bans, and Testing and Certification Requirements for Radionuclides | DS495 |
| 7/2015 | Brazil — Certain Measures Concerning Taxation and Charges | DS497 |
| 3/2016 | Korea — Anti-Dumping Duties on Pneumatic Valves from | DS504 |

| | | |
|---------|--|-------|
| | Japan | |
| 12/2016 | India — Certain Measures on Imports of Iron and Steel Products | DS518 |

Source: Author compiled from data on the WTO homepage.

Table 2. WTO cases initiated by China

| | | |
|---------|---|--------|
| 3/2002 | United States — Definitive Safeguard Measures on Imports of Certain Steel Products | DS252 |
| 10/2007 | United States — Preliminary Anti-Dumping and Countervailing Duty Determinations on Coated Free Sheet Paper from China | DS368, |
| 10/2008 | United States — Definitive Anti-Dumping and Countervailing Duties on Certain Products from China | DS379, |
| 4/2009 | United States — Certain Measures Affecting Imports of Poultry from China | DS392, |
| 7/2009 | European Communities — Definitive Anti-Dumping Measures on Certain Iron or Steel Fasteners from China | DS397, |
| 10/2009 | United States — Measures Affecting Imports of Certain Passenger Vehicle and Light Truck Tires from China | DS399, |
| 2/2010 | European Union — Anti-Dumping Measures on Certain Footwear from China | DS405, |

| | | |
|---------|--|--------|
| 2/2011 | United States — Anti-Dumping Measures on Shrimp and Diamond Sawblades from China | DS422, |
| 5/2012 | United States — Countervailing Duty Measures on Certain Products from China | DS437, |
| 10/2012 | United States — Countervailing and Anti-Dumping Measures on Certain Products from China | DS449, |
| 11/2012 | European Union and certain Member States — Certain Measures Affecting the Renewable Energy Generation Sector | DS452, |
| 12/2013 | United States — Certain Methodologies and their Application to Anti-Dumping Proceedings Involving China | DS471, |
| 4/2015 | European Union — Measures Affecting Tariff Concessions on Certain Poultry Meat Products | DS492, |
| 12/2016 | United States — Measures Related to Price Comparison Methodologies | DS515, |
| 12/2016 | European Union — Measures Related to Price Comparison Methodologies | DS516, |
| 4/2018 | United States — Tariff Measures on Certain Goods from China | DS543, |
| 4/2018 | United States — Certain Measures on Steel and Aluminum Products | DS544 |

Source: Author compiled from data on the WTO homepage.

Table 3. WTO cases initiated by Korea

| | | |
|---------|---|-------|
| 7/1997 | United States— Anti-Dumping Duties on Imports of Color Television Receivers from Korea | DS89 |
| 8/1997 | United States — Anti-Dumping Duty on Dynamic Random-Access Memory Semiconductors (DRAMS) of One Megabit or Above from Korea | DS99 |
| 7/1999 | United States — Anti-Dumping measures on Stainless Steel Plate in Coils and Stainless-Steel Sheet and Strip from Korea | DS179 |
| 6/2000 | United States — Definitive Safeguard Measures on Imports of Circular Welded Carbon Quality Line Pipe from Korea | DS202 |
| 12/2000 | Philippines — Anti-Dumping Measures Regarding Polypropylene Resins from Korea | DS215 |
| 12/2000 | United States — Continued Dumping and Subsidy Offset Act of 2000 | DS217 |
| 3/2002 | United States — Definitive Safeguard Measures on Imports of Certain Steel Products | DS251 |
| 6/2003 | United States — Countervailing Duty Investigation on Dynamic Random-Access Memory Semiconductors (DRAMS) from Korea | DS296 |
| 7/2003 | European Communities — Countervailing Measures on Dynamic Random-Access Memory Chips from Korea | DS299 |
| 9/2003 | European Communities — Measures Affecting Trade in Commercial Vessels | DS301 |
| 2/2004 | European Communities — Aid for Commercial Vessels | DS307 |

| | | |
|----------------|---|-------|
| 12/2004 | Japan — Import Quotas on Dried Laver and Seasoned Laver | DS323 |
| 3/2006 | Japan — Countervailing Duties on Dynamic Random-Access Memories from Korea | DS336 |
| 11/2009 | United States — Use of Zeroing in Anti-Dumping Measures Involving Products from Korea | DS402 |
| 1/2011 | United States — Anti-dumping measures on corrosion-resistant carbon steel flat products from Korea | DS420 |
| 8/2013 | United States — Anti-Dumping and Countervailing Measures on Large Residential Washers from Korea | DS464 |
| 12/2014 | United States — Anti-Dumping Measures on Certain Oil Country Tubular Goods from Korea | DS488 |
| 2/2018 | United States — Anti-Dumping and Countervailing Duties on Certain Products and the Use of Facts Available | DS539 |

Source: Author compiled from data on the WTO homepage.

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요약 (국문초록)

이 글은 철강 산업에서 미국이 취한 보호주의 조치와 무역 분쟁에 대한 일본, 중국 및 한국의 반응을 연구한다. 이 목표를 달성하기 위하여, 국가가 국제 무역 정책을 결정하는데 있어 다자간, 지역 / 양자 간 및 국내 요소들이 어떠한 영향을 미치는지에 대한 연구 프레임 워크를 사용하여 분석한다. 미국과의 무역 분쟁에 대한 대책 마련의 거시적인 분석과 함께, 2002-2003 년에 발생한 미국의 세이프가드 조치에 대한 대응 및 정책을 검토하는 미시적인 연구를 통해 한국 무역 정책의 특징을 분석했다.

주요어: 철강산업; 무역분쟁, 세이프가드, 안티덤핑, 무역정책, WTO

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