

**LEGAL ANALYSIS OF ARTICLE XXI(b)(iii) GATT: WTO  
JURISPRUDENCE AND THE IMPLICATIONS FOR CLIMATE  
EMERGENCY POLICIES**

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**ABSTRACT**

This research aims to examine and analyze: i) the parameters of Article XXI(b)(iii) GATT based on previous World Trade Organization ("WTO") decisions, specifically Russia - Measures Concerning Traffic in Transit, United States - Certain Measures on Steel and Aluminum, United States - Origin Marking Requirements, and Saudi Arabia - Measures Concerning The Protection of Intellectual Property Rights; and subsequently ii) whether global climate emergency could fall within the scope of Article XXI(b)(iii).

The methodology employed in this research is normative juridical utilizing a case approach. The research's approach is comparative-descriptive, with data collection techniques involving literature studies drawing from international legal sources, journals, books, other relevant legal articles, and internet sources related to global climate emergency. The focus lies on exploring whether the global climate emergency could be justified under Article XXI(b)(iii) based on four prior WTO decisions.

The findings indicate that: i) expanding Article XXI(b)(iii) to include the global climate emergency is presently unlikely; ii) States could explore alternative exceptions such as Article XX of General Agreement on Tariffs and Trade ("GATT"); iii) the exception clauses within the GATT framework entail strict and vague standards that may pose challenges for invoking States; and iv) consequently, multilateral actions are necessary to address climate change.

**Keywords: Article XXI(b)(iii) GATT, Global Climate Emergency, WTO.**

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## **ANALISIS HUKUM TERHADAP PASAL XXI(b)(iii) GATT: YURISPRUDENSI WTO DAN IMPLIKASINYA TERHADAP KEBIJAKAN BENCANA IKLIM DARURAT**

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### **INTISARI**

*Penelitian ini bertujuan untuk menyelidiki dan menganalisis: i) parameter Pasal XXI(b)(iii) GATT berdasarkan keputusan-keputusan sebelumnya dari World Trade Organization ("WTO"), khususnya Russia - Measures Concerning Traffic in Transit, United States - Certain Measures on Steel and Aluminum, United States - Origin Marking Requirements, dan Saudi Arabia - Measures Concerning The Protection of Intellectual Property Rights; dan selanjutnya ii) apakah keadaan bencana iklim global dapat termasuk dalam lingkup Pasal XXI(b)(iii).*

*Metode yang digunakan dalam penelitian ini adalah yuridis normatif dengan pendekatan kasus. Pendekatan penelitian adalah komparatif-deskriptif, dengan teknik pengumpulan data melalui studi literatur yang mengacu pada sumber-sumber hukum internasional, jurnal, buku, artikel hukum lainnya yang relevan, serta sumber internet terkait bencana iklim global. Fokus penelitian adalah untuk mengeksplorasi apakah bencana iklim global dapat dijustifikasi di bawah Pasal XXI(b)(iii) berdasarkan empat keputusan WTO sebelumnya.*

*Hasil penelitian menunjukkan bahwa: i) perluasan Pasal XXI(b)(iii) untuk mencakup bencana iklim global saat ini belum memungkinkan; ii) Negara-negara dapat mengeksplorasi klausa pengecualian alternatif seperti Pasal XX General Agreement on Tariffs and Trade ("GATT"); iii) klausa pengecualian dalam kerangka GATT berisi standar yang ketat dan rancu yang mungkin menimbulkan hambatan bagi Negara-negara yang menggunakan klausa tersebut; dan iv) aksi multilateral diperlukan untuk mengatasi bencana iklim global.*

**Kata Kunci: Pasal XXI(b)(iii) GATT, Bencana Iklim Global, WTO.**

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