

## TABLE OF CONTENT

<b>ENDORSEMENT .....</b>	<b>ii</b>
<b>APPROVAL .....</b>	<b>iii</b>
<b>DISCLAIMER.....</b>	<b>iv</b>
<b>LETTER OF ACKNOWLEDGEMENT.....</b>	<b>v</b>
<b>LIST OF ABBREVIATION.....</b>	<b>vii</b>
<b>TABLE OF CONTENT.....</b>	<b>viii</b>
<b>ABSTRACT .....</b>	<b>xiii</b>
<b>ABSTRAK.....</b>	<b>xiv</b>
<b>CHAPTER I INTRODUCTION.....</b>	<b>1</b>
A. UNDERLYING BACKGROUND .....	1
B. STATEMENT OF RESEARCH QUESTION .....	10
C. RESEARCH PURPOSE .....	11
D. ORIGINALITY OF RESEARCH.....	12
E. RESEARCH BENEFIT .....	15
<b>CHAPTER II THEORETICAL REVIEW.....</b>	<b>16</b>
A. International Trade .....	16
B. General Agreement on Tariffs and Trade 1994 .....	21
1. Object and Purpose .....	21
2. Most Favored Nation Principle .....	22
3. Exceptions in Article XXI.....	24
C. Dispute Settlement Mechanism .....	26
1. Dispute Settlement Understanding.....	28
2. Consultation .....	28
3. Good Offices, Conciliation, and Mediation .....	29
4. Dispute Settlement Body .....	31
5. Formation of Panel.....	33
6. Appellate Body .....	34

7.	Surveillance of Implementation .....	36
8.	Retaliation (Compensation and the Suspension of Concessions) .....	37
D.	Method of Interpretation .....	39
1.	Article 31 .....	41
2.	Article 32.....	43
a.	<i>Travaux Préparatoires</i> .....	44
b.	Circumstances of Its Conclusion.....	45
<b>CHAPTER III RESEARCH METHODS.....</b>		<b>47</b>
A.	CHARACTERISTIC OF RESEARCH .....	47
B.	TYPE OF DATA .....	48
1.	Primary Source of Data.....	48
2.	Secondary Source of Data.....	48
3.	Tertiary Source of Data.....	49
C.	DATA COLLECTION .....	49
D.	DATA ANALYSIS .....	49
1.	Grammatical Interpretation .....	51
2.	Teleological Interpretation.....	51
3.	Extensive Interpretation .....	52
<b>CHAPTER IV RESEARCH RESULT AND ANALYSIS.....</b>		<b>54</b>
A.	INTERPRETATION AND APPLICATION OF ARTICLE XXI OF GATT 1994 AND ARTICLE 22 OF DSU .....	54
1.	Article XXI of GATT 1994 .....	54
a.	Ordinary Meaning .....	56
(1)	Paragraph (a).....	57
(2)	Paragraph (b).....	58
(a)	Sub-paragraph (i) .....	59
(b)	Sub-paragraph (ii) .....	60
(c)	Sub-paragraph (iii) .....	61
(3)	Paragraph (c).....	61
b.	Context, Object and Purpose.....	63

c.	<i>Travaux Préparatoire</i> .....	68
(1)	Placing the Security Exception .....	68
(2)	Discussion on the ‘Self-Judging’ Provision.....	71
d.	Circumstances of Its Conclusion and Case Laws .....	73
(1)	US-Czechoslovakia Case .....	74
(2)	Ghana-Portugal Case.....	76
(3)	Swedish Shoes Case.....	78
(4)	Restrictions on Argentinian Imports .....	80
(5)	US-Nicaragua Case .....	83
(6)	Landmark Case of DSB Panel Ruling of Ukraine – Russia (DS512).....	88
e.	Other Authorities and Scholars .....	93
2.	Article 22 of DSU .....	95
a.	Text of Article 22 .....	96
b.	Nature and Purpose of Countermeasures under Article 22 of DSU..	99
c.	Usage of Article 22 of DSU .....	102
(1)	Competent Bodies in Relation to Article 22 .....	102
(a)	Panel and Appellate Body.....	103
(b)	Dispute Settlement Body .....	103
(c)	Arbitrator(s) .....	104
(2)	Specificity in the Request for Suspension of Concessions or Other Obligations .....	106
(3)	Practicability and Effectiveness .....	107
(4)	Level of Equivalence.....	109
d.	Article 3.7 of DSU as a General Provision .....	110
e.	Article 23 of DSU in Connection with Article 22 of DSU .....	112
(1)	Purpose of Article 23 .....	113
(2)	Relationship between Article 23.1 and 23.2 .....	114
(3)	Interpretation of Wordings.....	115
(a)	Article 23.1: “ <i>seeking the redress of a WTO violation</i> ” .....	115

(b)	Article 23.2(a): “a determination to the effect that a violation has occurred” .....	117
(c)	Article 23.2(b): “determination of reasonable period of time” .....	119
(d)	Article 23.2(c): “determination of level of suspension” .....	119
<b>B.</b>	<b>UNDER ARTICLE XXI OF GATT 1994 AND 22 OF DSU, TO WHAT EXTENT THE IMPOSITION OF TARIFFS ON STEEL AND ALUMINUM BETWEEN USA AND CHINA ADHERES THE MOST-FAVORED NATION PRINCIPLE UNDER GATT 1994.....</b>	<b>120</b>
1.	United States of America Steel and Aluminum Tariffs Imposition According to Article XXI of GATT 1994.....	121
a.	Section 232 of the Trade Expansion Act of 1962 as the Domestic Legal Basis of USA’s Steel and Aluminum Tariffs Imposition .....	121
(1)	Overview of Section 232.....	121
(2)	Section 232 on the Steel and Aluminum Industry .....	124
(a)	General Overview on the Result of Section 232 on Steel and Aluminum Industry .....	125
(b)	Section 232 Investigation on Steel Industry .....	130
(c)	Section 232 Investigation on Aluminum Industry .....	131
B.	Legality of Steel and Aluminum Tariff Imposition by the United States of America According to Article XXI of GATT 1994.....	133
(1)	Applicability of Article XXI for the Steel and Aluminum Tariff Imposition by the United States of America .....	133
(a)	Essential Security Interest .....	134
(b)	Necessity of Measures .....	139
(2)	Adherence to the Most-Favored Nation Principle under Article I of GATT 1994.....	145
2.	People’s Republic of China Measures According to Article 22 of DSU .....	148
A.	Prior Authorization .....	149
b.	Equivalence of the Countermeasures .....	151
c.	Practicability and Effectivity of the Countermeasures.....	152
d.	Adherence to the Most-Favored Nation Principle under Article I of GATT 1994 .....	154

<b>CHAPTER V CLOSURE .....</b>	<b>157</b>
A. CONCLUSION .....	157
B. RECOMMENDATION .....	159
<b>BIBLIOGRAPHY .....</b>	<b>162</b>
A. BOOK, LITERATURE, AND DOCUMENTS .....	162
B. JOURNAL, ARTICLE, NEWS, RESEARCH, AND OTHER SOURCES 163	
C. INTERNET SOURCE .....	167
D. CASE LAW .....	172
E. LEGAL SOURCE.....	174