

ABSTRACT

International trade is a key pillar in driving global economic growth. However, in practice, countries often adopt policies that deviate from the basic principles of GATT/WTO in order to protect domestic interests, including through the imposition of trade barriers. In April 2025, the United States (US) under the Donald J. Trump administration established a reciprocal tariff policy on the grounds of a national emergency in response to the trade deficit and trading practices deemed unfair by partner countries. This policy then sparked widespread debate, both economically and legally, prompting the author to analyse the policy's compliance with the security exceptions principle in Article XXI of the GATT, particularly with regard to the elements of "essential security interests" and "necessary". The author uses a normative juridical method, examining international legal instruments, WTO rulings (particularly *Russia – Traffic in Transit*, *United States – Steel and Aluminium*, and *Japan – Korea DS590*), academic literature, and comparing the application of similar policies in previous cases. The analysis was conducted through an international agreement approach, a case approach, and an interpretation based on Vienna Convention on the Law of Treaties 1969. The results of the study indicate that the national emergency claim submitted by the US does not meet the objective parameters regarding 'emergency in international relations' and has no direct connection with essential security interests as understood in WTO practice. Trade deficits and tariff imbalances have been proven not to be threats equivalent to war, serious diplomatic conflicts, or strategic security risks. Furthermore, this study did not find good faith in the reciprocal tariff measures as fulfilling the element of "necessity", as they were not proven to have a rational and proportional relationship with the objective of protecting national security. These findings reinforce the view that the policy reflects protectionism rather than an effort to protect essential security interests. Although there has been no final ruling from the Supreme Court on the tariff policy case, the results of this study conclude that the US' reciprocal tariff policy based on the declaration of a national emergency is not in line with Article XXI of the GATT/WTO, both in terms of "essential security interests" and "necessity".

Keywords: Reciprocal Tariff, National Emergency, Article XXI of the GATT.