

DAFTAR PUSTAKA

BUKU

- Alexandroff, Alan S. dan Sharma Rajeev. “*The National Security Provision—GATT Article XXI*”, dalam *The World Trade Organization: Legal, Economic and Political Analysis*. ed. Macrory P.F.J., et.al, (Springer: Boston, 2005).
- Aust, Anthony, *Modern Treaty Law and Practice (Second Edition)*, (Cambridge: Cambridge University Press, 2007).
- Bagwell, Kyle dan Robert W. Staiger, *The Economics of the World Trading System*, (Cambridge: The MIT Press, 2002).
- Crawford, James R., *Brownlie’s Principle of Public International Law (8th Edition)*, (Oxford: Oxford University Press, 2012).
- Djeffal, Christian, *Static and Evolutive Treaty Interpretation*, (Cambridge: Cambridge University Press, 2016).
- Fitzmaurice, Malgosia, et. al., *Treaty Interpretation and the Vienna Convention on the Law of Treaties: 30 Years on*. (Leiden: Martinus Nijhoff, 2010).
- Gardiner, Richard, *Treaty Interpretation (Second Edition)*, (Oxford: Oxford University Press, 2017).
- Garner, Bryan A., *Black’s Law Dictionary 8th Edition*, (USA: West Publishing Co., 1990).
- Herdegen, Matthias, *Principles of International Economic Law (2nd Edition)*, (Oxford: Oxford University Press, 2016).
- Hooft, Ph. Visser’t, *Penemuan Hukum*, terjemahan oleh B. Arief Sidharta. (Bandung: Laboratorium Hukum Fakultas Hukum Universitas Parahyangan, 2001).
- Kumar, Rajeev, *Internationalized Armed Conflicts in International Law: Is Neutrality Possible?*, (Palgrave Macmillan: London, 2019).
- Kusumaatmadja, Mochtar dan Etty R. Agoes, *Pengantar Hukum Internasional*, (Bandung: PT. Alumni).
- Marzuki, Peter Mahmud, *Penelitian Hukum* (Jakarta: Prenamedia Group, 2005).
- Matsushita, Mitsuo, et. al., *The World Trade Organization: Law, Practice and Policy (Third Edition)*, (Oxford: Oxford University Press, 2015).

- McNair, *The Law of Treaties*, (Oxford: Oxford University Press, 1986).
- Parthiana, I Wayan, *Hukum Perjanjian Internasional (Bagian Pertama)*, (Bandung: CV. Mandar Maju, 2018).
- Pelc, Krzysztof J., *Making and Bending International Rules: The Design of Exceptions and Escape Clauses in Trade Law*, (Cambridge: Cambridge University Press, 2016).
- Roisah, Kholis, *Hukum Perjanjian Internasional: Teori dan Praktek*, (Malang: Setara Press, 2015).
- Shaw, Malcolm N., *International Law (Sixth Edition)*, (Cambridge: Cambridge University Press, 2008).
- Soekanto, Soerjono dan H. Abdurrahman, *Metode Penelitian Hukum*, (Jakarta, 2003).
- Soekanto, Soerjono dan Sri Mamudji, *Penelitian Hukum Normatif Suatu Tinjauan Singkat*, (Jakarta: Rajawali Pers, 2010).
- Solis, Gary D., *The Law of Armed Conflict: International Humanitarian Law in War*, (Cambridge: Cambridge University Press, 2010).
- Sood, Muhammad, *Hukum Perdagangan Internasional*, (Jakarta: PT Raja Grafindo Persada, 2011).
- Vandevelde, Kenneth J., *The First Bilateral Investment Treaties: U.S. Postwar Friendship, Commerce, and Navigation Treaties*, (Oxford: Oxford University Press, 2017).

PERATURAN INTERNASIONAL

- 1969 Vienna Convention on the Law of Treaties* (Konvensi Wina tahun 1969 tentang Perjanjian Internasional).
- Dispute Settlement Rules: Understanding on Rules and Procedures Governing the Settlement of Disputes* (Dispute Settlement Understanding).
- General Agreement on Tariffs and Trade* (Perjanjian Umum Mengenai Tarif dan Perdagangan).
- Marrakesh Agreement Establishing the World Trade Organization* (Perjanjian Pembentukan World Trade Organization).

United Nations General Assembly, *Resolution No. 68/262: Territorial Integrity of Ukraine*, UN. Doc. A/RES/68/262, 2014.

_____, *Resolution No. 71/205: Situation of human rights in the Autonomous Republic of Crimea and the city of Sevastopol (Ukraine)*, UN. Doc. A/RES/71/205, 2016.

_____, *Resolution No A/75/L.38/Rev.1: Problem of the militarization of the Autonomous Republic of Crimea and the city of Sevastopol, Ukraine, as well as parts of the Black Sea and the Sea of Azov*, 2020.

United Nations Security Council, “*Resolution 1373*”, UN Doc. S/RES/1373, 2001.

YURISPRUDENSI

Canada – Measures Affecting Exports of Unprocessed Herring and Salmon: Report of the Panel, (WTO Doc. L/6268 - 35S/98, 1988).

Canada – Certain Measures Affecting the Automotive Industry: Appellate Body Report, (AB - 2000 – 2, 2000).

China - Measures Related to the Exportation of Various raw Materials: Report of the Appellate Body, (WTO Doc. WT/DS394/AB/R, 2012).

Competence of the General Assembly for the Admission of a State to the United Nations: Advisory Opinion (ICJ Rep, 1950).

Military and Paramilitary Activities in and against Nicaragua (Merits): Nicaragua v. United States of America (ICJ Rep, 1986).

Questions of Jurisdiction and/or Admissibility, Nuclear Tests Case (Judgment): Australia v. France (ICJ Rep, 1974).

Questions of Mutual Assistance in Criminal Matters (Judgment): Djibouti v. France (ICJ Rep, 2008).

Rights of Nationals of the United States of America in Morocco (Judgment), France v. United States of America (ICJ Rep, 1952).

Russia – Measures Concerning Traffic in Transit: Request for Consultation by Ukraine, (WTO Doc. WT/DS512/1, 2016).

Russia – Measures Concerning Traffic in Transit of Ukrainian Products: Request for the Establishment of Panel by Ukraine, (WTO Doc. WT/DS512/3, 2017).

Russia – Measures Concerning Traffic in Transit: Report of the Panel, (WTO Doc. WT/DS512/R, 2019).

Thailand – Restrictions on Importation of and Internal Taxes on Cigarettes: Report of the Panel, (WTO Doc. WT/DS371/R, 2010).

United States – Section 337 of the Tariff Act of 1930: Report by the Panel, (L/6439 - 36S/345, 1987).

United States – Standards for Reformulated and Conventional Gasoline: Report of the Appellate Body, (WTO Doc. WT/DS2/AB/R, 1996)

United States – Import Prohibition of Certain Shrimp and Shrimp Product: Report of the Appellate Body, (WTO Doc. WT/DS58/AB/R, 2001)

JURNAL

Alcaraz, Isabel, “The concept of necessity under the GATT and national regulatory autonomy.” *Via Inveniendi Et Iudicandi* Vol. 10 No. 2, 2016.

Alford, Roger P., “The Self-Judging WTO Security Exception”, *Utah Law Review* No. 697, 2011.

Bebler, Anton, “Crimea and the Russian-Ukrainian Conflict.” *Romanian Journal of European Affairs* Vol. 15 No. 1, 2015.

Blank, Laurie R. & Benjamin R. Farley, “Identifying the Start of Conflict: Conflict Recognition, Operational Realities and Accountability in the Post-9/11 World.” *Michigan Journal of International Law* Vol. 36, 2015.

Bossche, Peter Van den dan Sarah Akpofure. “The Use and Abuse of the National Security Exception under Article XXI(b)(iii) of the GATT 1994.” *World Trade Institute Working Paper* No. 03, 2020.

Briese, Robyn dan Stephan W. Schill, "Djibouti v France: self-judging clauses before the International Court of Justice", *Melbourne Journal of International Law* Vol. 10 No. 1, 2009.

- Burke-White, William W., "The Argentine Financial Crisis: State Liability Under BITs and the Legitimacy of the ICSID System," *Faculty Scholarship at Penn Law*, 2008.
- Cann, Wesley A. Jr., "Creating Standards and Accountability for the Use of WTO Security Exception: Reducing the Role of Power-Based Relations and Establishing a New Balance Between Sovereignty and Multilateralism", *Yale Journal of International Law* Vol. 26, 2001.
- Dragneva, Rilka & Kataryna Wolczuk, "Between Dependence and Integration: Ukraine's Relations with Russia." *Europe-Asia Studies* Vol. 68 No. 4, 2016.
- Ferraro, Tristan, "Determining the beginning and end of an occupation under international humanitarian law", *International Review of the Red Cross* Vol. 94 No. 885, 2012.
- _____, "The ICRC's legal position on the notion of armed conflict involving foreign intervention and on determining the IHL applicable to this type of conflict." *International Review of the Red Cross* Vol. 97 No. 900, 2015.
- Garcia-Santaolalla, Nadia, "A Proposal to Reform "Security-Emergency" Exceptions in Trade." *Policy Hackathon on Model Provisions for Trade in Times of Crisis and Pandemic in Regional and other Trade Agreements*, 2021.
- Hahn, Michael J., "Vital Interests and the Law of GATT: An Analysis of GATT's Security Exception", *Michigan Journal of International Law* Vol. 12 No. 558, 1991.
- Kurtz, Jürgen, "Adjudging the Exceptional at International Law: Security, Public Order and Financial Crisis." *International Law and Justice Working Papers* No. 6, 2008.
- Lindsay, Peter "The Ambiguity of Gatt Article XXI: Subtle Success or Rampant Failure?" *Duke Law Journal*, Vol. 52 No. 6, 2003.
- Mamlyuk, Boris N., "The Ukraine Crisis, Cold War II, and International Law", *German Law Journal* Vol. 16 No. 3, 2015.
- Marceau, Gabrielle, "Evolutive Interpretation by the WTO Adjudicator", *Journal of International Economic Law* Vol. 21, 2018.
- Messerlin, Patrick. "Need for Coherence Among the WTO's Escape Clauses." *Sciences Po publications*, 2005.

- Milanovic, Marko, “The End of Application of International Humanitarian Law.” *International Review of the Red Cross* Vol. 96 No. 893, 2014.
- Pejic, Jelena, “The protective scope of Common Article 3: more than meets the eye.” *International Review of the Red Cross* Vol. 93 No. 881, 2011.
- Pelc, Krzysztof J., “Seeking Escape: The Use of Escape Clause in International Trade Agreement.” *International Studies Quarterly* Vol. 53, No. 2, 2009.
- Pinchis-Paulsen, Mona “Trade Multilateralism and U.S. National Security: The Making of the GATT Security Exceptions”, *Michigan Journal of International Law* Vol. 41 No. 109, 2020.
- Priyono, FX. Joko, “Prinsip Most Favoured Nations dan Pengecualiannya dalam World Trade Organization”. *Masalah – Masalah Hukum* Vol. 42 No. 4, 2013.
- Rose-Ackerman, Susan dan Benjamin Billa, “Treaties and National Security.” *New York University Journal of International Law and Politics* Vol. 40 No. 437, 2008.
- Schill, Stephan dan Robyn Briese, ““If the State Considers”: Self-Judging Clauses in International Dispute Settlement”, *Max Planck Yearbook of United Nations Law Online*, 2009.
- Szpak, Agnieszka, “Legal Classification of the Armed Conflict in Ukraine in light of International Humanitarian Law.” *Hungarian Journal of Legal Studies* Vol. 58 No. 3, 2017.

WEBSITE

- BBC News, *Crimea referendum: Voters 'back Russia union'*, <https://www.bbc.com/news/world-europe-26606097> (diakses pada 3 Januari 2021).
- CIS Legislation, “*Order of the Government of the Russian Federation of September 19, 2014 No. 959*”, <https://cis-legislation.com/document.fwx?rgn=69818> (diakses pada 18 April 2021).
- _____, *Resolution of The Cabinet Minister of Ukraine of 30 December 2015 No. 1146*, <https://cis-legislation.com/document.fwx?rgn=83214>, (diakses pada 5 Desember 2020).

European Commission, *Resolution of the Government of the Russian Federation No. 778 of 7 August 2014*
https://ec.europa.eu/food/sites/food/files/safety/docs/ia_eu-russia_ru-eu-import-ban_20140820_unoff-trans-en.pdf, (diakses pada 10 Desember 2020).

European Commission, “*Russian import ban on EU products*”,
https://ec.europa.eu/food/safety/international_affairs/eu_russia/russian_import_ban_eu_products_en (diakses pada 17 April 2021);

International Crisis Group, *Russia and the Separatists in Eastern Ukraine*,
<https://www.crisisgroup.org/europe-central-asia/eastern-europe/ukraine/russia-and-separatists-eastern-ukraine> (diakses pada 13 April 2021).

International Law Commission, *Yearbook of the International Law Commission Vol. II*,
https://legal.un.org/ilc/texts/instruments/english/commentaries/1_1_1966.pdf, (diakses pada tanggal 2 Februari 2021).

Ministry of Economic Development, Trade, and Agriculture of Ukraine, *Ukraine Declared that Russia has Failed to Comply with its Commitments Regarding the Freedom of Transit within the Framework of the WTO*,
<https://www.me.gov.ua/News/Detail?lang=en-GB&id=0630c885-1e66-4224-8847-6fdc96b7a455&title=UkraineDeclaredThatRussiaHasFailedToComplyWithItsCommitmentsRegardingTheFreedomOfTransitWithinTheFrameworkOfTheWto>, (diakses pada 10 Desember 2020).

Mondaq, *Worldwide: Starting from January 2016 The Mutual Trade Restrictions Between Ukraine And The Russian Federation Come Into Force*,
<https://www.mondaq.com/International-Law/458292/Starting-From-January-2016-The-Mutual-Trade-Restrictions-Between-Ukraine-And-The-Russian-Federation-Come-Into-Force>, (diakses pada 8 September 2020).

Office of Foreign Assets Control, “*Ukraine/Russia – Related Sanctions Program*”,
https://home.treasury.gov/system/files/126/ukraine_overview_of_sanctions.pdf (diakses pada 17 April 2021).

Reuters, “*Ukraine takes Russia to WTO for obstructing freight transit*”,
<https://www.reuters.com/article/us-ukraine-russia-trade-idUSKCN11L0L9> (diakses pada 5 Desember 2020).

RULAC: The Rule of Law in Armed Conflict, *Military occupation of Ukraine by Russia*, <https://www.rulac.org/browse/conflicts/military-occupation-of-ukraine#collapse1accord> (diakses pada 13 Maret 2021).

The New York Times, *Fighting Escalates in Eastern Ukraine, Signaling the End to Another Cease-Fire*, <https://www.nytimes.com/2021/03/30/world/europe/ukraine-russia-fighting.html> (diakses pada 13 April 2021).

United Nations Conference on Trade and Development, “*The Protection of National Security in IIAs*”, UNCTAD Series on International Investment Policies for Development, 2009, https://unctad.org/system/files/official-document/diaeia20085_en.pdf (diakses pada 17 April 2021).

United Nations Economic and Social Council, “*Verbatim Report: Thirty-Third Meeting of Commission A*”, U.N. Doc. E/PC/T/A/PV/33, 1947, <https://docs.wto.org/gattdocs/q/UN/EPCT/APV-33.PDF> (diakses pada 17 April 2021).

_____, *Analytical Index to the General Agreement: Note by the Executive Secretary*, U.N. Doc. EPCT/A/PV/25, 1952, [52-61.PDF \(wto.org\)](https://www.wto.org/gattdocs/q/UN/EPCT/APV-25-61.PDF) (diakses pada 17 April 2021).

United Nations Human Rights Committee, “*CCPR General Comment No. 29: Article 4: Derogations during a State of Emergency*”, CCPR/C/21/Rev.1/Add.11, 2001, <https://www.refworld.org/docid/453883fd1f.html> (diakses pada 18 April 2021).

United Nations Peacemaker, *Protocol on the results of consultations of the Trilateral Contact Group (Minsk Agreement)*, <https://peacemaker.un.org/UA-ceasefire-2014> (diakses pada 13 April 2021).

United States Department of State, *Argentina (94-1020) – Treaty Concerning the Reciprocal Encouragement and Protection of Investment*, Treaty Doc. No. 103–2, 1994, <https://www.state.gov/94-1020> (diakses pada 10 April 2021).

World Trade Organization, *Analytical Index of the GATT: Article XXI*, https://www.wto.org/english/res_e/booksp_e/gatt_ai_e/art21_e.pdf (diakses pada 12 Maret 2021).

_____, WTO Analytical Index: DSU – Article 3 (Jurisprudence), https://www.wto.org/english/res_e/publications_e/ai17_e/dsu_art3_jur.pdf (diakses pada 3 Februari 2021).

_____, “*GATT/WTO Dispute Settlement Practice Relating to GATT Article XX, Paragraphs (b), (d), and (g): Note by the Secretariat*”, <http://www.oas.org/dsd/Toolkit/Documents/MOduleII/GATT%20WTO%20Dispute%20Settlement%20Practice.pdf> (diakses pada 16 April 2021).

_____, *Understanding the WTO: Basics*, https://www.wto.org/english/thewto_e/whatis_e/tif_e/fact2_e.htm, (diakses pada 12 April 2021).

WTO Secretariat, *Export Prohibitions and Restrictions Information Note*, The WTO Document, 2020.