

# Contents

<b>1</b>	<b>Introduction</b>	1
	References	3
<b>2</b>	<b>The First Generation of National Security Exceptions:</b>	
	<b>The GATT and Its Legacy</b>	5
2.1	Introductory Remarks	5
2.2	Article XXI of the GATT: A Brief Overview	6
2.3	The GATT Security Exception in Practice	10
2.3.1	Setting the Scene: The GATT Years	10
2.3.2	The Renaissance of the Security Exception in WTO Practice	12
2.4	Review of Security Measures Under Article XXI of the GATT and the Problem of Justiciability	16
2.5	The Standard of Review Under Article XXI(b) of the GATT	19
2.6	Appraisal: In Support of a Nuanced Approach	26
	References	28
<b>3</b>	<b>The Second Generation of National Security Exceptions:</b>	
	<b>Departing from the GATT Tradition?</b>	31
3.1	Security Exceptions in FCN Agreements	31
3.2	Security Exceptions in Investment Agreements	38
3.2.1	A Brief Overview of Security Exceptions in Investment Agreements	38
3.2.2	The Review of Security Measures Under Investment Agreements and the Problem of Justiciability	40
3.2.3	The Quest for an Objective Standard of Review	50
	References	60

<b>4 The Third Generation of National Security Exceptions: Protecting the Sovereign State . . . . .</b>	<b>63</b>
References . . . . .	68
<b>5 Conclusion . . . . .</b>	<b>71</b>
References . . . . .	73