The United States' Stance on the Joint Statement Initiative on Electronic Commerce

Sara Ivarsson and Claudia Anguita Cedillo
Yonsei University

Abstract: *The members of the Joint Statement Initiative on Electronic Commerce published the stabilized text on the 26th of July 2024, after five years of collaboration. However, not all participating members signed the text; the United States being among them. A statement from the American Ambassador María Pagán confirmed that concerns regarding the national security exception were the basis for the choice to opt out. The Joint Statement Initiative on Electronic Commerce focuses on the promotion of digital trade, the reduction of barriers to E-Commerce, the protection of consumer privacy, the elimination of customs duties when purchasing digital products, and transparency from all involved parties over laws and regulations. This paper's findings argue that the United States' to-go-alone ability and isolationist tendencies from the start of the first Trump administration are causing the United States to withdraw from the multilateral trading system, using the national security exception as its basis. The importance placed on the national security exception by the United States can be seen in the evolution and differing format of these specific clauses in the American free trade agreements, which increasingly diverge from GATT 1994 Article XXI. Conclusively, the United States' isolationist "America First" policies cause the nation to move away from multilateral systems, including the Joint Statement Initiative on Electronic Commerce, finding fault in the existing national security exceptions as they no longer serve American interests.*

Keywords: Joint Statement Initiative on Electronic Commerce, GATT 1994 Article XXI, National Security Exception, American isolationism

Introduction

Due to the rapid growth of the global electronic trade market, the Joint Statement Initiative on Electronic Commerce (JSI) was initiated as an agreement with the purpose of creating a unified approach to regulation. The JSI was first introduced at the 11th Ministerial Conference in December 2017, followed by a confirmed commencement of a joint effort in 2019. Five years later, on July 26th, 2024, the stabilized text was brought forward by Australia, Japan, and Singapore, with most of the participating countries supporting the new version.

The stabilized text covers different adaptations to the trade market, focusing on rules for electronic commerce. It seeks to adjust the existing trade rules to accommodate the digital world by creating a framework to fit digital trade into existing schedules. However, the text lacks coverage on new moratoriums and does not detail specifics for online services. The stabilized text also leaves out cross-border data flows and data localization due to a lack of agreement among the members.[1]

The United States (US) is one of the countries that has participated in the discussions of the JSI for the past five years but opted out of the stabilized text, based on the lack of a security exception clause. While previous research, like Peng and Sun, addresses the issues of the security exception and digital trade and is thus relevant to this paper, the issue presented here widens the scope by combining earlier research with an analysis of the JSI and the US' usage of the security exception in its Free Trade Agreements. The objective is to assess why the US did not sign the stabilized text and how this decision is connected to the surrounding political policy environment. This includes a focus on the importance put upon national security and its relation to digital trade issues.

Research Statement

What is the WTO Joint Statement Initiative on Electronic Commerce, and how does the United States approach the JSI? What does this reveal about the United States' view of global digital trade and the e-commerce regulatory environment?

To answer these research questions a literature analysis of the stabilized text, the free trade agreements between the US and other World Trade Organization (WTO) members, as well as relevant research papers is employed.

Methodology

To answer the research questions, this paper builds on literature and comparative analysis. This includes a descriptive overview of the full body of the JSI and the US' proposals from 2018, to showcase both differences and similarities. Furthermore, a similar method is used to present the evolution of the US' formulation of the security exception in all its free trade agreements, starting from the US-Israel FTA in 1985 and continuing through the United States-Mexico-Canada Agreement (USMCA) in 2018**.**

These findings are combined with and supported by an analysis of previous research regarding the history and application of the GATT 1994 Article XI security exception, American trade policies, and the trend of declining multilateralism. To emphasize the connection between trade, national security,

statecraft, and international power politics, Gruber's concept of *to-go-alone ability,* as well as Kim's *Framer Vs. Follower* framework is used to analyze the US' decision to opt out of the finalized text of the JSI.

Power Asymmetry in Trade Practice and Negotiations

The practice of Joint State Initiatives as a part of the WTO system has been criticized for marginalizing developing countries and threatening the foundation of the multilateral trading system. The combination of the practice of single undertakings – where many different agreements are packaged into one and the agreement can only be signed as a whole – together with the need for consensus and each country's veto power, makes the WTO slow to progress. This has made actors like the European Union express a need for reforms and push for plurilateral agreements between like-minded countries to further develop the trade system. However, critics state that this allows developed economies to advance their interests to the detriment of developing countries. This is particularly the case as developing countries lack the ability to participate effectively in the negotiations and make their voices heard.[4]

In *Power Politics and the Free Trade Bandwagon*, Gruber introduces the political concept of a state's institutional *to-go-alone ability.*[5] It signifies the power a state has to thrive within its own regime without others' participation, where the regime is so powerful that reluctant states seek inclusion despite their lack of support, as the cost of being left out would be too high. This contrasts with the mutual-benefit paradigm of international cooperation where the purpose behind states' cooperation is mutual gains and not underlying power persuasion. Gruber concludes, however, that the to-go-alone ability concept does not exist as a mutually exclusive thought, but as a way to elaborate on the existence of power dynamics in joint actions such as free trade agreements. Azmeh argues that these power dynamics are the reason why developing countries join JSI negotiations despite a lack of possible influence, and Gruber follows this assumption by arguing that Mexico and Canada's participation in North American Free Trade Agreement (NAFTA) exemplifies the US' to-go-alone ability.[6]

These underlying power asymmetries are relevant in the formulation of free trade agreements, as the to-go-alone ability concept enables the US to opt out of those that do not promote its interests. The *Framer Vs. Follower* framework presented by Kim can be seen as exemplifying this power asymmetry within Free Trade Agreement's (FTA) formulations.[7] Through an analysis of South Korea's free trade agreements, Kim explains that the provisions which are consistent in both inclusion and wording across its portfolio are those which the nation prioritizes highly enough to put the power behind and secure the framing. This theorizes that through the to-go-alone ability, the US has the

ability to consistently wield its power to act as the framer, ensuring that the nation's prioritized national security gets protected.

Chow presents that with Donald Trump's first ascension to office in 2017, the US adopted an "America First" policy that began a trend of American noncompliance and disengagement from the WTO.[8] This signifies a change in policy direction, as the US was a dominant actor and active participant in the first few decades of the General Agreement on Tariffs and Trade (GATT) regime.[9] Currently, the most important issues for the US are its relations and competition with China. Viola found that from the WTO's founding to the early 2000s, the US viewed China's participation in the WTO as a way to manage its security competition.[10] The US believed that the WTO would encourage a political transformation in China through trade liberalization, leading to a more open China, and the US National Security Advisor Sandy Berge said in his speech in 2000 that if the goal of trade normalization is not reached he was "equally convinced that we will subvert that goal and damage our national security.".[11]

A powerful China without an agreement with the US is deemed a threat. Due to state sovereignty and the power asymmetries that exist in international governance, the same power asymmetry becomes an inherent part of trade relations.[12] A more powerful China would therefore threaten the power position held by the US, explaining the US' choice of withdrawal from the WTO because of the belief that the organization enabled the American geopolitical and economic rival. The weaponization of trade became a part of the US' economic security dilemma, and both the Trump and Biden administrations have stated that American commitment to the WTO now leads to a threat to their national security.[13] This portrays the intrinsic connection between trade policy, statecraft, and politics, where American power and to-go-alone ability provides the US with the possibility to revert to isolationist trade politics.

Joint Statement Initiative on E-commerce and the US Position

What is the Joint Statement Initiative on Electronic Commerce?

Due to the growing importance of global electronic commerce and its constant development, the JSI introduction sought to adapt to the world's current needs. At the July 2024 meeting, Australia, Japan, and Singapore presented the text on behalf of all the participating WTO members, however Brazil, Colombia, Guatemala, Indonesia, Kinmen and Matsu, Paraguay, Penghu, the Separate Customs Territory of Taiwan, Türkiye, and the US were against the proposed body.[14] Not all countries who opted out of the agreement were decidedly against the text. Indonesia is still in ongoing discussions about whether the moratorium is acceptable based on their national documents, and the US

believe the current proposed one is lacking measures for security, while they recognize the importance of the agreement.[15]

The US under the Trump administration presented its communication with regard to the JSI on E-commerce in April 2018, stating that cross-border data flow generated a bigger impact on world Gross Domestic Product (GDP) than global trade in goods, making data mobility a priority.[16] The rules proposed sought to ensure the free flow of data across borders and to prevent data localization, which would otherwise force companies to build digital infrastructure in each country. At the same time, they aimed to protect an open Internet by preventing governments from blocking or filtering online content.

Regarding digital products, the priorities are stated as ensuring duty-free and non-discriminatory treatment for permanently tariff-free electronic transmissions, based on the Moratorium agreement from 1998.[17] The US argues that in the digital economy sector much of the value lies in proprietary data, a position the US has stood by since the announcement of *The Digital Dozen* by the US' Trade Representative in 2016.[18] It therefore proposes safeguarding actors in this sector by protecting source code to prevent companies from having to share their trade secrets or algorithms. The US also opposes forced technology transfers which could deter both foreign and local firms from accessing global technology and information. Additionally, it seeks to ban discriminatory technology requirements, such as mandating the use of national technology as a condition for market access. On digital security, the US pushed for encryption of data and efforts in cybersecurity to protect the trust in digital trade.[19]

Lastly, to ensure access to digital innovations, the main proposals focused on digitally relevant market access by updating the outdated General Agreement on Trade in Services (GATS) commitments so new technologies can fit into the old text, as well as on opening government data, facilitating public access, and establishing liability for non-IP content, holding Internet intermediaries accountable for content created by third parties.[20]

The 2018 communication argues for agreements that enable freer trade. However, later in 2023 under the Biden administration, the US Trade Representative released a statement on the negotiations, retracting their support of provisions regarding data and protection of source code that could conflict with countries' domestic policies. The phrasing used in the statement is "to provide enough policy space", protecting the countries' rights to regulate.[21]

The points discussed in the JSI are enabling electronic commerce, openness and electronic commerce, trust and electronic commerce, transparency, cooperation, development, telecommunications, exceptions, institutional arrangements, and final provisions. The text recognizes that not all issues around

digital trade have been covered, and that some points from the text, such as the permanent ban on import duties and other signatories proposed, are to be revised in five years and two years, respectively.[22]

Some of the key points described are that no party should prohibit any electronic transaction, but may require electronic authentication, electronic invoicing, and the possibility of creating a paperless border between country members. However, while these forms should be provided online, all forms that are to be provided by customs or any government agency should be fully accessible online. The text also recognizes the rapid growth of payments done online. Therefore, it is proposed to support the development of safe, trustworthy, affordable, and accessible cross-border payments by applying international standards to promote innovation and competition among companies that provide international electronic payment services. This should be done in a timely manner in accordance with laws that regulate system risks.[23] It would involve setting the terms through the GATS Schedule of Commitments, where each party records a commitment under Mode 3 (Commercial Presence).

The proposal covers the trust and electronic e-commerce section, which states that suppliers of goods or services should deal fairly and honestly with consumers, providing accurate and transparent information about the goods or services that they provide. To ensure confidence and trust in the use of e-commerce, consumer data must be used properly and protected, and the sending of unsolicited commercial electronic messages minimized. Furthermore, on protection, the importance of risk-based approaches addressing possible threats to be identified and mitigated to minimize possible trade barriers is briefly mentioned in Article 17, Section D.[24]

The JSI provisions on capacity building address structural asymmetries between members. Developed countries and developing countries with sufficient resources would be tasked with assisting less-developed countries, providing technical support and extended timelines, and implementing aid. Through the whole analysis process of other countries' needs, transparency is critical to ensure that the provision of assistance is both adequate and effective. Trade experts have addressed concerns on the exceptions list and the unresolved issues in the body.[25] Particularly, Article 25 on cross-border data flows, which gives states wide discretion to opt out of the obligations.

When comparing the US with countries like Indonesia or Brazil, it can be argued that their refusal also stems from a protectionist perspective, but their positioning reveals asymmetries in areas such as market structure and regulatory capacity. For emerging economies, it supposes dependency on foreign platforms, accepting bans on localization and other protection measures would reduce the scope of regulators. By refusing the text, these countries keep the

instruments to support their own innovation systems and regulate digital risks. Withholding agreement on the provisions strengthens their bargaining leverage, allowing them to extract concessions in areas that would pose difficulties for the country, such as capacity building, phased timetables, or developmental flexibility.

For emerging countries, the issue is not to oppose the e-commerce body, but to be able to preserve control over national security risks like how data circulates, how technologies are governed, and how the benefits from digital trade are distributed.

What is the US stance on the Joint Statement Initiative on electronic commerce?

On the 26th of July 2024, the same day as the stabilized text of the JSI was released, the American ambassador María Pagán posted a statement on behalf of the US explaining Washington's decision to opt out of the stabilized text. While acknowledging the importance of the JSI and clarifying the US' intention to keep working to reach an agreement, the statement declares that the US believes more needs to be done to the text especially in consideration of the "essential security exception".[26]

The essential security exception in question can be found in Article 23: Security exception of the JSI, which states that "for the purposes of this Agreement, Article XXI of the GATT 1994 and Article XIV bis of the GATS shall apply, mutatis mutandis" (WTO, INF/ECOM/87).

The first historical introduction of exceptions in the multilateral trading system was in Article 37 of the International Trade Organization Charter draft on behalf of the US delegation.[27] This exception article was subsequently transformed into Article XX on General Exceptions of the GATT 1947, which would include the security exception that still exists as a part of Article XXI of the GATT 1994. The U.S. delegate John Leddy was at the time quoted saying that "We recognized that there was a great danger of having too wide of an exception [...] because that would permit anything under the sun. [...] We cannot make it too tight, because we cannot prohibit measures which are needed purely for security purposes.".[28]

Alford explains that the challenge with the security exception is that it can be seen and used as a loophole, since the exception is exercised based on the self-judgment of the invoking member state.[29] He continues that "the self-judging security exception has worked reasonably well" and that it "certainly has not undermined the effective functioning of the WTO". However, in the year 2025, this statement no longer rings true.[30]

Table 1. Summarized similarities and differences between the proposed Joint Statement Initiative on Electronic Commerce and the United States' comment in 2018.

JSI body proposal	US comment in 2018
-Enabling Electronic Commerce No Party shall prohibit electronic transactions. Authentication through electronic authentication or electronic signature. Electronic invoicing and paperless trading shall be promoted. Information controlled by customs or government agencies shall be available to the public.	-Free Flows of Information Cross-Border Transfer of Data: Internet users must be able to move data freely. Consumers and companies shall move data across borders without restrictions. Preventing Data Localization: economies of scale reduce costs, improve quality of service, and strengthen cybersecurity. Prohibiting Web Blocking: free and open Internet enable users to take advantage of wealth of information and services anywhere. -Trade Facilitation WTO Members looking to promote digital trade should fully implement the WTO Trade Facilitation Agreement, since digital trade includes the trade in goods purchased over the Internet. A de minis exemption for custom duties and taxes helps packages move smoothly across borders.
-Openness and Electronic Commerce Regional or local government documents shall be available digitally for public access. Publicly accessible data should be machine-readable in open format, searchable, updated in a timely manner, at reasonable or no cost.	-Fair Treatment of Digital Products Duty-Free Treatment of Digital Products: ensure that the agreement from WTO 1998 continues and is permanent for eschewing customs duties on digital products. Non-Discriminatory Treatment of Digital Products, ensure against discrimination when products are digitized and distributed electronically. -Facilitating Internet Services Digitally Relevant Market Access Commitments: agree that old classifications under the GATS can apply to new technologies. Open Government Data: facilitate public access to and use of government for economic and social development. Liability for Non-IP Content: hold Internet intermediaries liable for content created by third parties.

-Trust and Electronic Commerce Transparent measures for consumer trust. Suppliers of goods and services should deal honestly. Promoting confidence and trust in electronic commerce. Address threats while minimizing trade barriers.	-Protection of Proprietary Information Protecting Source Code: ensure that governments do not mandate access to proprietary information or share it with local firms, such as source code, trade secrets or algorithms. Barring Forced Technology Transfer: prohibit requirements to transfer technology, trade secrets or other proprietary information. Barring Discriminatory Technology Requirements: prevent arbitrary mandates to use national technology. -Digital Security Encryption: to guarantee privacy and security. Cybersecurity: ensure that governments build their capabilities to prevent and respond to incidents.
-Transparency, Cooperation, and Development Exchange information on laws and regulations Support developing countries in technical assistance and capacity building. Assist and support countries during the long acquisition time.	
-Telecommunications Ensure the regulatory authority does not hold financial interest. Ensure the assignment of frequency bands is through an open process.	-Competitive Telecom Markets Every WTO member should be ready to adopt the Reference Paper from WTO Telecommunications into their GATS Schedule and provide market access to telecommunications investors.
-Exceptions Based on Articles XX, XXI, and XIV bis of the GATT 1994, mutatis mutandis. Nothing shall prevent a Party from adopting or maintaining measures on the protection of personal data.	
-Institutional Arrangements and Final Provisions Articles XXII and XXIII of GATT 1994 or Articles XXII and XXIII of GATS shall apply to consultations and settlements. A Committee on Trade-Related Aspects of Electronic Commerce is established and shall be open to all Parties. No later than two years after the date of entry, all Parties shall undertake a review of this Agreement.	

As of the 10th of December 2019, the WTO Appellate Body is no longer able to fulfill its role after the US blocked the appointment of new judges in 2017.[31] The state's reason for this is related to the high value put on the state's sovereignty, which is related to the Dispute Settlement Body (DSB) panel's conclusion against the US' claims that Article XXI(b) is self-judging in the *Russia-Measures Concerning Traffics*.[32] The decision to block the judges not only undermines the effective functioning of the WTO as stated by Alfred, it brings a part of the WTO to non-functionality.

The importance of the security exception for the US is evident not only in its blocking of Appellate Body judge appointments and its decision not to support the stabilized text of the JSI, but also in the drafting of its FTAs. The US has FTAs with 20 countries; bilateral ones with Australia, Bahrain, Colombia, Israel, Jordan, Korea, Oman, Panama, Peru, Singapore, and plurilateral ones with Mexico and Canada through the USMCA as well as Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua and the Dominican Republic as part of the Dominican Republic-Central America Free Trade Agreement.[33] The first US FTA was signed with Israel in 1985, and the exception provisions of the agreement state that Articles XX and XXI of the GATT are incorporated with and a part of the agreement.[34] Similarly, the predecessor to the USMCA, NAFTA, has a security article that is closely comparable to Article XXI of GATT.[35]

As seen in Table 2, the GATT 1994, NAFTA, and USMCA all use different names for the security exception that signal varying levels of essentiality, with the USMCA's strongest statement that the security exceptions are not only relevant for the nation but fully essential and fundamental.[36] Both NAFTA and USMCA differ from GATT 1994 in clause (a), as they apply not only to the furnishing of information disclosure but also to the granting of access. NAFTA and USMCA signal the interest in protecting the validity of sovereign states' right to self-judgment in relation to the security exceptions with the usage of "determines" instead of "considers" as in the GATT 1994. The (b) clause of GATT 1994 and NAFTA describes specific instances in which the security exceptions are applicable. These parts do not exist in the USMCA, which instead favors a broader approach by solely stating that the measures applicable are necessary for the fulfillment of its obligations to both the maintenance and restoration of international peace or security, or the protection of its essential security interests. The USMCA does not mention the United Nations Charter, a possible implication of further withdrawing from strong participation in all types of multilateral international organizations, and not only the WTO.

Table 2. Security exceptions in GATT 1994, NAFTA and USMCA.

GATT 1994	NAFTA	USMCA
Article XXI: Security Exceptions	Article 2102: National Security	Article 32.2: Essential Security
Nothing in this Agreement shall be construed (a) to require any contracting party to furnish any information the disclosure of which it considers contrary to its essential security interests; or (b) to prevent any contracting party from taking any action which it considers necessary for the protection of its essential security interests (i) relating to fissionable materials or the materials from which they are derived; (ii) relating to the traffic in arms, ammunition, and implements of war and to such traffic in other goods and materials as is carried on directly or indirectly for the purpose of supplying a military establishment; (iii) taken in time of war or other emergency in international relations; or (c) to prevent any contracting party from taking any action in pursuance of its obligations under the United Nations Charter for the maintenance of international peace and security.	1. Subject to Articles 607 (Energy - National Security Measures) and 1018 (Government Procurement Exceptions), nothing in this Agreement shall be construed: (a) to require any Party to furnish or allow access to any information the disclosure of which it determines to be contrary to its essential security interests; (b) to prevent any Party from taking any actions that it considers necessary for the protection of its essential security interests (i) relating to the traffic in arms, ammunition, and implements of war and to such traffic and transactions in other goods, materials, services, and technology undertaken directly or indirectly for the purpose of supplying a military or other security establishment, (ii) taken in time of war or other emergency in international relations, or (iii) relating to the implementation of national policies or international agreements respecting the non-proliferation of nuclear weapons or other nuclear explosive devices; or (c) to prevent any Party from taking action in pursuance of its obligations under the United Nations Charter for the maintenance of international peace and security	1. Nothing in this Agreement shall be construed to: (a) require a Party to furnish or allow access to information the disclosure of which it determines to be contrary to its essential security interests; or (b) preclude a Party from applying measures that it considers necessary for the fulfillment of its obligations with respect to the maintenance or restoration of international peace or security, or the protection of its own essential security interests.

All other US FTAs are identical to the security exception of the USMCA, and the only other current FTA of the US that mentions the UN charter besides the US-Israel FTA is the US-Chile agreement.[37] The US-Panama FTA, as well as the US-Peru FTA, also includes a footnote which states that "For greater certainty, if a Party invokes Article 21 in an arbitral proceeding initiated under Chapter […] (Investment) or Chapter […] (Dispute Settlement), the tribunal or panel hearing the matter shall find that the exception applies.". [38]

Table 3. Summarized similarities and differences between the security exceptions of GATT 1994, NAFTA, and USMCA.

	GATT 1994	NAFTA	USMCA
Title name	Security Exceptions	National Security	Essential Security
(a) clause	"Furnish", "considers"	"furnish or allow access", "determines"	"furnish or allow access", "determines"
(b) clause	"for the protection of its essential security interests", (i) "fissionable materials", (ii) traffic in military equipment, (iii) taken in time of war or other emergency	"for the protection of its essential security interests", (i) traffic in military equipment, added "services, and technology" (ii) taken in time of war or other emergency (iii) relating to the implementation of national policies respecting the "non-proliferation of nuclear weapons"	N/A. The comparison of the (b) clause in USMCA better corresponds to the (c) clauses of GATT 1994 and NAFTA
(c) clause	"Obligations under United Nations Charter"	"Obligations under United Nations Charter"	(b) Measures considered necessary for the fulfillment of its "obligations with respect to the maintenance or restoration of international peace or security, or the protection of its own essential security interests"

Schoenbaum presents an analysis, stating that the Trump administration's "America First" policies led to an abandonment of the US' global leadership role.[39] President Trump's first administration's national security policy states that "we have also continued to make clear that the US will no longer tolerate economic aggression or unfair trading practices." and that the US will continue "[...] building trade relationships based on fairness and reciprocity, and defending America's sovereignty without apology."[40] Instead of participating in the multilateral trading systems, the President established high tariffs and not only retreated from active WTO engagement, but blocked the functionality of the DSB.[41]

The Biden administration that followed continued with a domestic-focused trade policy.[42] The Biden administration's national security policy stated that the goal was to "position the United States to outmaneuver our geopolitical competitors" and that "the United States will continue to defend democracy around the world [...]". This will be done by "partner[ing] with any nation that shares our basic belief that the rules-based order must remain the foundation for global peace and prosperity.".[43] While more positively inclined to working with other countries than the first Trump administration, the national security policy mentions the threat of China and Russia on the national playing field, two countries that are also a part of the WTO.

The second Trump administration has followed the footsteps of the first, with a focus on "America First". The administration has again withdrawn from international organizations such as the United Nations High Commissioner for Refugees, United Nations Relief and Works Agency, the Organization for Economic Cooperation and Development Global Tax Deal, the Paris Climate Agreement, and the World Health Organization, showing further movement away from multilateral efforts.[44] Isolationist policies have led to the levying of high tariffs on countries across the world and renegotiations of trade agreements.[45] These tariffs were imposed by President Trump under the International Emergency Economic Powers Act (IEEPA), providing the president an exception to the rights to handle tariffs that normally lies within the congress. The US Trade Representative states that this aids President Trump in "taking urgent action to protect the national security and economy of the US. [As] The current lack of trade reciprocity […] has weakened our economic and national security.". This continues the discourse of trade issues as potential threats to national security, aligning with Trump's isolationist America First policies, where the use of security exceptions is not only legitimized but also expected. All of this is done under the pretense of protecting the nation while simultaneously supporting trade decisions that promote America's power.

In digital trade, the balance is most tenuous between the legitimate use of security exceptions to protect the nation and their use as blatant protectionism. All nations must coexist within cyberspace, and with free flows of data arises the contentious issue of applicable jurisdictions. Curbing free flows of data as efforts for increased cybersecurity will lead to barriers for free trade.[46] Sun presents that cybersecurity and cybersecurity threats may constitute "essential security interests" and "emergency in international relations" under Article XXI GATT 1994, respectively.[47] This once more highlights the interconnectivity between national policies and trade, with national security at its center. While the self-judging aspect of Article XX is debated, the very existence of the clause within WTO international law signifies an acceptance by members that threats to national security constitute a legitimate exception. The US' arguing that the article is self-judging can be critiqued for being protectionist, but

from the American standpoint, the threat of cyber-attacks and related digital trade issues in trade law are recognized as threats towards national security.

Conclusion

The Joint Statement on E-commerce's stabilized text lost the support of the US, despite the state being an active participant during the negotiation period. The official statement through Maria Pagán in 2024 declares that the US views future participation in the discussion positively, and that while the text generally needs more work, the main problem relates to the essential security exception. The US also requested more internet-based security details to be incorporated, concerning cybersecurity and data encryption. The nation places great importance on protecting its national security, which is evident in several decisions, including its refusal to support the stabilized text of the JSI, the provisions of its FTAs, the national security policy documents of the past two presidential administrations, and its blocking of WTO Appellate Body judge appointments. These decisions can be viewed as the US pulling away from the multilateral trading system, which is in opposition to their previous role as a global leader and proponent for trade liberalization in the beginning decades of the GATT regime. While the proposals in the US' comments for the JSI in 2018 align with a positive view of trade liberalization – such as implementing of the WTO Trade Facilitation Agreement to create a *de minimis* exemption for custom duties and taxes, permanently eschewing customs duties and non-discriminatory treatment on digital products, and prohibiting web blocking to promote a free Internet – the Biden administration's 2023 statement prioritizes domestic regulation and policy space over certain JSI proposals. The 2018 proposals do not fully align with the stabilized text of the JSI, but both share common elements such as the free flow of information, the prohibition of restrictions on electronic transactions, and open access to government data.

Similarly to Chow, this paper argues that the two Trump administrations' "America First" policies serve as a foundation for the US' disengagement from the WTO and its decision not to participate in the stabilized text of the JSI.[48] The "America First" policy puts domestic interest at the forefront, which was a foundational concept in the Biden administration as well. China's participation in the WTO system was believed to be a way to control the security risk that the state posed against the US. The WTO judgement against the US claims that Article XXI(b) is self-judging in the Russia-Measures Concerning Traffic in Transit case, together with the changed American perception of the WTO as enabling China, established the organization as a threat to US sovereignty and security rather than a tool to support American interests. Since the US believes that the WTO does not promote its domestic interests, it sees no profit in participating in the organization and being bound by its commitments.

According to Gruber's concept of to-go-alone power and Kim's *Framer Vs. Follower* framework, the US has enough power in the international political field to not become a follower but instead stay outside of the agreements that do not support the state's interests, and frame the security exceptions in its FTA's in a way that promotes the US' national security policies.[49] The cohesiveness across the security exceptions in the nation's free trade agreements is consistent with Kim's framework, where the security exceptions are worded in a way that the US prefers them to be, acting as the framer. In conclusion, despite the US stating that it views the JSI positively and wants to participate in the negotiations, the priority of domestic protection led to the withdrawal from the stabilized text.

Endnotes

1 WTO. "Joint Statement on E-Commerce," (2021): 1-23; https://www.wto.org/english/tratop_e/ecom_e/joint_statement_e.htm

2 Peng, Shin-Yi. "Digital Economy and National Security: Contextualizing Cybersecurity-Related Exceptions." AJIL Unbound 117 (2023): 122-127; see also Nanxiang Sun, "Internet Regulation and the Invocation of Security Exceptions in the WTO Agreement," Journal of WTO and China 13, no. 3 (2023): 3-22.

3 Azmeh, Shamel. "Developing Countries and Joint Statement Initiatives at the WTO: Damned if You Join, Damned if You Don't?" Development and Change 55, no. 3 (May 1, 2024): 375–97. https://doi.org/10.1111/dech.12836.; see also Jane Kelsey, The Illegitimacy of Joint Economic Law 25, no 1 (January 31, 2022): 2-24. https://doi.org/10.1093/jiel/jgac004.; as well as Kholofelo Kugler and Dacio Castillo, "Article: The Joint Statement on Electronic Commerce: Are We There Yet'?" Global Trade and Customs Journal 19, no. Issue 4 (April 1, 2024): 267-76. https://doi.org/10.54648/gtcj2024014.

4 Shamel Azmeh. "Developing Countries and Joint Statement Initiatives at the WTO: Damned if You Join, Damned if You Don't?" Development and Change 55, no. 3 (May 1, 2024): 375–97. https://doi.org/10.1111/dech.12836.; see also Jane Kelsey, The Illegitimacy of Joint Economic Law 25, no 1 (January 31, 2022): 2-24. https://doi.org/10.1093/jiel/jgac004.

5 Lloyd Gruber. "Power Politics and the Free Trade Bandwagon." Comparative Political Studies 34, no. 7 (September 1, 2001): 703–41.

6 Shamel Azmeh. "Developing Countries and Joint Statement Initiatives at the WTO: Damned if You Join, Damned if You Don't?" Development and Change 55, no. 3 (May 1, 2024): 375–97. https://doi.org/10.1111/dech.12836.; see also Lloyd Gruber. "Power Politics and the Free Trade Bandwagon." Comparative Political Studies 34, no. 7 (September 1, 2001): 703–41. https://doi.org/10.1177/0010414001034007001.

7 Evan Y Kim. "E-Commerce in South Korean FTAs: Policy Priorities and Provisional Inconsistencies." World Trade Review 18, no. S1 (February 11, 2019): 85–98. https://doi.org/10.1017/s1474745618000447.

8 Daniel C. K Chow. “United States Unilateralism and the World Trade Organization.” SSRN Electronic Journal, (January 1, 2018):1-33. https://doi.org/10.2139/ssrn.3210584.

9 Shamel Azmeh. “Developing Countries and Joint Statement Initiatives at the WTO: Damned if You Join, Damned if You Don’t?” Development and Change 55, no. 3 (May 1, 2024): 375–97. https://doi.org/10.1111/dech.12836.

10 Lora Anne Viola. “The Quest for Leadership in Multilateral Institutions: Great Power Rivalries and Middle Powers in the

WTO.” Contemporary Security Policy, (October 30, 2024):98-125. https://doi.org/10.1080/13523260.2024.2419175.

11 Lora Anne Viola. “The Quest for Leadership in Multilateral Institutions: Great Power Rivalries and Middle Powers in the

WTO.” Contemporary Security Policy, (October 30, 2024):99. https://doi.org/10.1080/13523260.2024.2419175.

12 Shamel Azmeh. “Developing Countries and Joint Statement Initiatives at the WTO: Damned if You Join, Damned if You Don’t?” Development and Change 55, no. 3 (May 1, 2024): 375–97. https://doi.org/10.1111/dech.12836.

13 Lora Anne Viola. “The Quest for Leadership in Multilateral Institutions: Great Power Rivalries and Middle Powers in the

WTO.” Contemporary Security Policy, (October 30, 2024):120. https://doi.org/10.1080/13523260.2024.2419175.

14 WTO. “Joint Statement on E-Commerce,” (2024): 1. https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/INF/ECOM/87.pdf&Open=True.

15 Deborah Elms, “Getting to Yes: E-commerce’s Landmark Deal at the WTO | Article | Hinrich Foundation.” Hinrich Foundation (July 26, 2024). https://www.hinrichfoundation.com/research/article/digital/the-ecommerce-jsi-reaches-landmark-at-the-wto/.; see also Chris Horseman, “WTO Members Seal Plurilateral E-Commerce Deal – US Opts Out - WITA.” WITA (August, 2024). https://www.wita.org/atp-research/wto-e-commerce/.

16 WTO. “Joint Statement on Electronic Commerce Initiative Communication From the United States,” (2024): 1-4. https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/INF/ECOM/5.pdf&Open=True.

17 WTO. “Joint Statement on E-Commerce,” (2024): 10-12. https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/INF/ECOM/87.pdf&Open=True.

18 United States Trade Representative. “The Digital Dozen,” (April, 2016): 1–4. https://ustr.gov/sites/default/files/Digital-2-Dozen-Final.pdf

19 WTO. “Joint Statement on Electronic Commerce Initiative Communication From the United States,” (2024): 3. https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/INF/ECOM/5.pdf&Open=True.

20 WTO. “Joint Statement on Electronic Commerce Initiative Communication From the United States,” (2024): 3-4. https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/INF/ECOM/5.pdf&Open=True.

21 Elms, Deborah. “Getting to Yes: E-commerce’s Landmark Deal at the WTO | Article | Hinrich Foundation.” Hinrich

Foundation, (July 26, 2024). https://www.hinrichfoundation.com/research/article/digital/the-ecommerce-jsi-reaches-landmarkat-the-wto/

22 WTO. “Joint Statement on E-Commerce,” (2024): 16-17. https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/INF/ECOM/87.pdf&Open=True.

23 WTO. “Joint Statement on E-Commerce,” 2024: 9-10. https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/INF/ECOM/87.pdf&Open=True.

24 WTO. “Joint Statement on E-Commerce,” 2024: 15. https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/INF/ECOM/87.pdf&Open=True.

25 Elms, Deborah. “Getting to Yes: E-commerce’s Landmark Deal at the WTO | Article | Hinrich Foundation.” Hinrich

Foundation, (July 26, 2024). https://www.hinrichfoundation.com/research/article/digital/the-ecommerce-jsi-reaches-landmarkat-the-wto/.

26 U.S. Mission Geneva. “Statement by Ambassador María L. Pagán on the WTO E-Commerce Joint Statement Initiative - U.S. Mission to International Organizations in Geneva.” U.S. Mission to International Organizations in Geneva, (July, 2024): https://geneva.usmission.gov/2024/07/26/statement-by-ambassador-maria-l-pagan-on-the-wto-e-commerce-joint-statement-initiative/.

27 Alan Wm. Wolff, and Warren Maruyama. “Saving the WTO From the National Security Exception.” SSRN Electronic Journal, (January 1, 2023):14 https://doi.org/10.2139/ssrn.4453718.

28 Alan Wm. Wolff, and Warren Maruyama. “Saving the WTO From the National Security Exception.” SSRN Electronic Journal, (January 1, 2023):16 https://doi.org/10.2139/ssrn.4453718.

29 Roger P. Alford. “The Self-Judging WTO Security Exception.” Utah Law Review, n.3 (2011):698-759.

https://scholarship.law.nd.edu/law_faculty_scholarship/330/; see also: Roger P. Alford. “The Self-Judging WTO Security Exception.” Utah Law Review, n.3 (2011):758. https://scholarship.law.nd.edu/law_faculty_scholarship/330/.

30 Roger P. Alford. “The Self-Judging WTO Security Exception.” Utah Law Review, n.3 (2011):758. https://scholarship.law.nd.edu/law_faculty_scholarship/330/.

31 WTO Secretariat’s Information and External Relations Division. “Members Urge Continued Engagement on Resolving Appellate Body Issues,” (December 18, 2019). https://www.wto.org/english/news_e/news19_e/dsb_18dec19_e.htm

32 Alan Wm. Wolff, and Warren Maruyama. “Saving the WTO From the National Security Exception.” SSRN Electronic Journal, (January 1, 2023):3 https://doi.org/10.2139/ssrn.4453718.

33 United States Trade Representative. “Free Trade Agreements,” (2021). https://ustr.gov/trade-agreements/free-trade-agreements.

34 United States Trade Representative. “Israel Free Trade Agreement,” (2017):2. https://ustr.gov/sites/default/files/files/agreements/FTA/israel/Israel%20FTA.pdf

35 Canada, Global Affairs. “North American Free Trade Agreement – Part Eight: Other Provisions” GAC (November 30, 2016). https://www.international.gc.ca/trade-commerce/trade-agreements-accords-commerciaux/agr-acc/nafta-alena/fta-ale/21.aspx?lang=eng ; see also Marrakesh Agreement Establishing the World Trade Organization (1994), 1867 U.N.T.S. 197, 33 I.L.M. 1153. https://www.wto.org/english/docs_e/legal_e/gatt47_02_e.htm#articleXX

36 Canada, Global Affairs. “North American Free Trade Agreement – Part Eight: Other Provisions” GAC (November 30, 2016). https://www.international.gc.ca/trade-commerce/trade-agreements-accords-commerciaux/agr-acc/nafta-alena/fta-ale/21.aspx?lang=eng; see also United States Trade Representative. “Agreement Between the United States of America, the United Mexican States, and Canada 7/1/20 Text,” (2020). https://ustr.gov/trade-agreements/free-trade-agreements/united-states-mexico-canada-agreement/agreement-between.

37 United States Trade Representative. “Australia Free Trade Agreement, Chapter 22 General Provisions and Exceptions” (2002):1. https://ustr.gov/trade-agreements/free-trade-agreements/australian-fta/final-text; see also United States Trade Representative. “Bahrain Free Trade Agreement, Chapter 20 Exceptions” (2003):1. https://ustr.gov/trade-agreements/free-trade-agreements/bahrain-fta/final-text.; United States Trade Representative. “Chile Free Trade Agreement, Chapter 23 Exceptions” (2004):1. https://ustr.gov/trade-agreements/free-trade-agreements/chile-fta/final-text.; United States Trade Representative. “Colombia Trade Promotion Agreement, Chapter 22 Exceptions” (2012):1. https://ustr.gov/trade-agreements/free-trade-agreements/colombia-tpa/final-text.; United States Trade Representative. “Dominican Republic-Central America Free Trade Agreement, Chapter 21 Exceptions” (2004):1. https://ustr.gov/trade-agreements/free-trade-agreements/cafta-dr-dominican-republic-central-america-fta/final-text.; and United States Trade Representative. “Jordan Free Trade Agreement, Full Text” (1998):14. https://ustr.gov/trade-agreements/free-trade-agreements/jordan-fta/final-text.; United States Trade Representative. “Korea Free Trade Agreement, Chapter 23 Exceptions” (2019):1. https://ustr.gov/trade-agreements/free-trade-agreements/korus-fta/final-text.; and United States Trade Representative. “Office of the Morocco Free Trade Agreement,” (2004). https://ustr.gov/trade-agreements/free-trade-agreements/morocco-fta/final-text.; United States Trade Representative. “Oman Free Trade Agreement, Chapter 21 Exceptions” (2007):1. https://ustr.gov/trade-agreements/free-trade-agreements/oman-fta/final-text.; United States Trade Representative. “Panama Trade Promotion, Chapter 21 Exceptions” (2009):1. https://ustr.gov/trade-agreements/free-trade-agreements/panama-tpa/final-text.; United States Trade Representative. “Peru Trade Promotion Agreement, Chapter 22 Exceptions” (2003):1. https://ustr.gov/trade-agreements/free-trade-agreements/peru-tpa/final-text.; and United States Trade Representative. “Singapore Free Trade Agreement, Text of the Agreement” (2000):233. https://ustr.gov/trade-agreements/free-trade-agreements/singapore-fta/final-text.

38 United States Trade Representative. “Panama Trade Promotion, Chapter 21 Exceptions” (2009):1. https://ustr.gov/trade-agreements/free-trade-agreements/panama-tpa/final-text.; see also United States Trade Representative. “Peru Trade Promotion Agreement, Chapter 22 Exceptions” (2003):1. https://ustr.gov/trade-agreements/free-trade-agreements/peru-tpa/final-text

39 Thomas J. Schoenbaum. “The Biden Administration’s Trade Policy: Promise and Reality.” German Law Journal 24, no. 1 (February 1, 2023):102–24. https://doi.org/10.1017/glj.2023.7.

40 The White House. “Trump Administration’s National Security Strategy”, (2017). https://trumpwhitehouse.archives.gov/wp-content/uploads/2017/12/NSS-Final-12-18-2017-0905.pdf

41 Thomas J. Schoenbaum. “The Biden Administration’s Trade Policy: Promise and Reality.” German Law Journal 24, no. 1 (February 1, 2023):102–24. https://doi.org/10.1017/glj.2023.7.

42 Thomas J. Schoenbaum. “The Biden Administration’s Trade Policy: Promise and Reality.” German Law Journal 24, no. 1 (February 1, 2023):102–24. https://doi.org/10.1017/glj.2023.7.

43 The White House. “Biden-Harris Administration’s National Security Strategy”, (2022): 1-2. https://bidenwhitehouse.archives.gov/wp-content/uploads/2022/10/Biden-Harris-Administrations-National-Security-Strategy-10.2022.pdf

44 The White House. “Withdrawing the United States From and Ending Funding to Certain United Nations Organizations and Reviewing United States Support to All International Organizations,” (February 6, 2025). https://www.whitehouse.gov/presidential-actions/2025/02/withdrawing-the-united-states-from-and-ending-funding-to-certain-united-nations-organizations-and-reviewing-united-states-support-to-all-international-organizations/.; see also The White House. “The Organization for Economic Co-operation and Development (OECD) Global Tax Deal,” (January 21, 2025). https://www.whitehouse.gov/presidential-actions/2025/01/the-organization-for-economic-co-operation-and-development-oecd-global-tax-deal-global-tax-deal/.; and European Parliamentary Research Service. “US withdrawal from the Paris Climate Agreement and from the WHO.” PE 767.230. (2025). European Parliamentary Research Service. Accessed July 7, 2025. https://www.europarl.europa.eu/RegData/etudes/ATAG/2025/767230/EPRS_ATA(2025)767230_EN.pdf.

45 Lydia DePillips. ‘Trump announces new tariffs to take effect July 9’, The New York Times, (July 4, 2025). https://www.nytimes.com/2025/07/04/business/trump-tariffs-july-9.html

46 Nanxiang Sun. “Internet Regulation and the Invocation of Security Exceptions in the WTO Agreement.” Journal of WTO and China Volume 13, no. Issue 3 (2023):3-22. https://journal.uibe.edu.cn/docs//2024-05/72c9ac2153eb4803af440db4363da441.pdf.

47 Nanxiang Sun. “Internet Regulation and the Invocation of Security Exceptions in the WTO Agreement.” Journal of WTO and China Volume 13, no. Issue 3 (2023):3-22. https://journal.uibe.edu.cn/docs//2024-05/72c9ac2153eb4803af440db4363da441.pdf.

48 Daniel C. K Chow. “United States Unilateralism and the World Trade Organization.” SSRN Electronic Journal, (January 1, 2018):1-33. https://doi.org/10.2139/ssrn.3210584.

49 Lloyd Gruber. “Power Politics and the Free Trade Bandwagon.” Comparative Political Studies 34, no. 7 (September 1, 2001): 703–41. https://doi.org/10.1177/0010414001034007001.; see also Evan Y Kim. “E-Commerce in South Korean FTAs: Policy Priorities and Provisional Inconsistencies.” World Trade Review 18, no. S1 (February 11, 2019): 85–98. https://doi.org/10.1017/s1474745618000447.

Bibliography

Alford, Roger P. “The Self-Judging WTO Security Exception.” NDLScholarship, 2011. https://scholarship.law.nd.edu/law_faculty_scholarship/330/.

Azmeh, Shamel. “Developing Countries and Joint Statement Initiatives at the WTO: Damned if You Join, Damned if You Don’t?” Development and Change 55, no. 3 (May 1, 2024): 375–97. https://doi.org/10.1111/dech.12836.

Canada, Global Affairs. “North American Free Trade Agreement – Customs Procedures.” GAC, November 30, 2016. https://www.international.gc.ca/trade-commerce/trade-agreements-accords-commerciaux/agr-acc/nafta-alena/fta-ale/05.aspx?lang=eng.

Chow, Daniel C. K. “United States Unilateralism and the World Trade Organization.” SSRN Electronic Journal, January 1, 2018. https://doi.org/10.2139/ssrn.3210584.

DePillis, Lydia. “White House to Start Notifying Countries About Tariffs, Trump Says”. The New York Times, July 4, 2025. https://www.nytimes.com/2025/07/04/business/trump-tariffs-july-9.html

Elms, Deborah. “Getting to Yes: E-commerce’s Landmark Deal at the WTO | Article | Hinrich Foundation.” Hinrich Foundation, July 30, 2024. https://www.hinrichfoundation.com/research/article/digital/the-ecommerce-jsi-reaches-landmark-at-the-wto/.

European Parliamentary Research Service. “US withdrawal from the Paris Climate Agreement and from the WHO.” PE 767.230. European Parliamentary Research Service, February, 2025. https://www.europarl.europa.eu/RegData/etudes/ATAG/2025/767230/EPRS_ATA(2025)767230_EN.pdf.

Gruber, Lloyd. “Power Politics and the Free Trade Bandwagon.” Comparative Political Studies 34, no. 7 (September 1, 2001): 703–41. https://doi.org/10.1177/0010414001034007001.

Horseman, Chris. “WTO Members Seal Plurilateral E-Commerce Deal – US Opts Out - WITA.” WITA, August 1, 2024. https://www.wita.org/atp-research/wto-e-commerce/.

Kelsey, Jane. “The Illegitimacy of Joint Statement Initiatives and Their Systemic Implications for the WTO.” Journal of International Economic Law 25, no. 1 (January 31, 2022): 2–24. https://doi.org/10.1093/jiel/jgac004.

Kugler, Kholofelo, and Dacio Castillo. “Article: The Joint Statement on Electronic Commerce: Are We There Yet?” Global Trade and Customs Journal 19, no. Issue 4 (April 1, 2024): 267–76. https://doi.org/10.54648/gtcj2024014.

Maciel, Marília. “The WTO Joint Initiative Stabilised ‘Agreement on Electronic Commerce’: Looking at the Broader Picture.” Diplo, August 23, 2024. https://www.diplomacy.edu/blog/the-wto-joint-initiative-stabilised-agreement-on-electronic-commerce-looking-at-the-broader-picture/.

Marrakesh Agreement Establishing the World Trade Organization, 1994, 1867 U.N.T.S. 197, 33 I.L.M. 1153. https://www.wto.org/english/docs_e/legal_e/gatt47_02_e.htm#articleXX

Schoenbaum, Thomas J. “The Biden Administration’s Trade Policy: Promise and Reality.” German Law Journal 24, no. 1 (February 1, 2023): 102–24. https://doi.org/10.1017/glj.2023.7.

U.S. Mission Geneva. “Statement by Ambassador María L. Pagán on the WTO E-Commerce Joint Statement Initiative - U.S. Mission to International Organizations in Geneva.” U.S. Mission to International Organizations in Geneva, July 26, 2024. https://geneva.usmission.gov/2024/07/26/statement-by-ambassador-maria-l-pagan-on-the-wto-e-commerce-joint-statement-initiative/.

United States Trade Representative. “Agreement Between the United States of America, the United Mexican States, and Canada 7/1/20 Text,” 2020. https://ustr.gov/trade-agreements/free-trade-agreements/united-states-mexico-canada-agreement/agreement-between.

United States Trade Representative. “Australia Free Trade Agreement,” 2002. https://ustr.gov/trade-agreements/free-trade-agreements/australian-fta/final-text.

United States Trade Representative. “Bahrain Free Trade Agreement,” 2003. https://ustr.gov/trade-agreements/free-trade-agreements/bahrain-fta/final-text.

United States Trade Representative. “Chile Free Trade Agreement,” 2004. https://ustr.gov/trade-agreements/free-trade-agreements/chile-fta/final-text.

United States Trade Representative. “Colombia Trade Promotion Agreement,” 2012. https://ustr.gov/trade-agreements/free-trade-agreements/colombia-tpa/final-text.

United States Trade Representative. “Dominican Republic-Central America Free Trade Agreement,” 2004. https://ustr.gov/trade-agreements/free-trade-agreements/cafta-dr-dominican-republic-central-america-fta/final-text.

United States Trade Representative. “Free Trade Agreements,” 2021. https://ustr.gov/trade-agreements/free-trade-agreements.

United States Trade Representative. “Israel Free Trade Agreement,” 2017. https://ustr.gov/trade-agreements/free-trade-agreements/israel-fta.

United States Trade Representative. “Jordan Free Trade Agreement,” 1998. https://ustr.gov/trade-agreements/free-trade-agreements/jordan-fta/final-text.

United States Trade Representative. “Korea Free Trade Agreement,” 2019. https://ustr.gov/trade-agreements/free-trade-agreements/korus-fta/final-text.

United States Trade Representative. “Office of the Morocco Free Trade Agreement,” 2004. https://ustr.gov/trade-agreements/free-trade-agreements/morocco-fta/final-text.

United States Trade Representative. “Oman Free Trade Agreement,” 2007. https://ustr.gov/trade-agreements/free-trade-agreements/oman-fta/final-text.

United States Trade Representative. “Panama Trade Promotion,” 2009. https://ustr.gov/trade-agreements/free-trade-agreements/panama-tpa/final-text.

United States Trade Representative. “Peru Trade Promotion Agreement,” 2003. https://ustr.gov/trade-agreements/free-trade-agreements/peru-tpa/final-text.

United States Trade Representative. “Singapore Free Trade Agreement,” 2000. https://ustr.gov/trade-agreements/free-trade-agreements/singapore-fta/final-text.

United States Trade Representative. “The Digital Dozen,” April, 2016. https://ustr.gov/sites/default/files/Digital-2-Dozen-Final.pdf

United States Trade Representative. “USTR Statement on WTO E-Commerce Negotiations,” 2023. https://ustr.gov/about-us/policy-offices/press-office/press-releases/2023/october/ustr-statement-wto-e-commerce-negotiations.

Viola, Lora Anne. “The Quest for Leadership in Multilateral Institutions: Great Power Rivalries and Middle Powers in the WTO.” Contemporary Security Policy, October 30, 2024, 1–28. https://doi.org/10.1080/13523260.2024.2419175.

The White House. “Biden-Harris Administration’s National Security Strategy”, 2022. https://bidenwhitehouse.archives.gov/wp-content/uploads/2022/10/Biden-Harris-Administrations-National-Security-Strategy-10.2022.pdf.

The White House. “The Organization for Economic Co-operation and Development (OECD) Global Tax Deal,” January 21, 2025. https://www.whitehouse.gov/presidential-actions/2025/01/the-organization-for-economic-co-operation-and-development-oecd-global-tax-deal-global-tax-deal/.

The White House. “Trump Administration’s National Security Strategy”, 2017. https://trumpwhitehouse.archives.gov/wp-content/uploads/2017/12/NSS-Final-12-18-2017-0905.pdf.

The White House. “Withdrawing the United States From and Ending Funding to Certain United Nations Organizations and Reviewing United States Support to All International Organizations,” February 6, 2025. https://www.whitehouse.gov/presidential-actions/2025/02/withdrawing-the-united-states-from-and-ending-funding-to-certain-united-nations-organizations-and-reviewing-united-states-support-to-all-international-organizations/.

WTO. “Joint Statement on E-Commerce,” 2024. https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=q:/INF/ECOM/87.pdf&Open=True.

WTO. “Joint Statement on Electronic Commerce Initiative Communication From the United States,” 2024. https://www.wto.org/english/tratop_e/ecom_e/joint_statement_e.htm

WTO Secretariat’s Information and External Relations Division. “Members Urge Continued Engagement on Resolving Appellate Body Issues,” December 18, 2019. https://www.wto.org/english/news_e/news19_e/dsb_18dec19_e.htm

Wolff, Alan Wm., and Warren Maruyama. “Saving the WTO From the National Security Exception.” SSRN Electronic Journal, January 1, 2023. https://doi.org/10.2139/ssrn.4453718.