

How is the US and China Competition Impact Key Issues of International Law

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ABSTRACT

US and China, as representatives of world greatest established powers and most promising rising powers respectively, have always been at the centre of the current global political arena. This article aims to give a holistic analysis of how great power competition between the US and China is impacting key issues of international climate change law, the law of sea, the international IPR law, and the general international trade law. By assessing the cause factors of the US and China competition in the major fields of international law, as well as the effectiveness of previous countermeasures, this article provides further suggestions for settling the US-China disputes.

Keywords: *International Law, Law of Sea, International Trade Law, International IPR Law, US-China*

1. INTRODUCTION

The competitions between US and China have always been a leading topic in world politics, especially in the field of international law. On the topic of international law, scholars have given various studies on how the US-China competition have influenced international law, their assessment on the current situation, and their predictions on the future trend. In general, there are four most essential subfields of international law that has the tightest connection with US-China competition: international climate law, the law of sea, the international IPR law, and the general international trade law.

First, as many climate regulations (eg Paris agreement) have not been reached and Sino-US relations have deteriorated further, we need to find solutions to solve the climate problem

This paper studied the difference between the current climate situation and the expected one, analyzed the policies and changes in different stages of the U.S. presidency, researched on current climate change solutions and provided own opinions for the two countries to work together to solve the global climate change issue.

Second, The South China Sea, being a body of water south of China and west of the Philippines, contains an

abundance of natural resources, including fossil fuel and rich fisheries. In addition, due to the uniqueness of its geographic location, the South China Sea also holds a monumental strategic importance to both the United States and China alike. Thus, this water has become desirable for many, either for its rich resources or its strategic significance, and conflicts have arisen between the two countries. This paper reviews the various perspectives taken when viewing this matter and presents personal reflections regarding the issue overall. In order to alleviate the current level of tension concerning the South China Sea, both sides should resort to diplomatic means and promote cooperation. Meanwhile, this incident has also embodied certain defects of the current international law system.

Third, Intellectual property right has always played a critical role in Sino-US trade disputes. Ever since the initiation of the "301 investigation" by the US on August 18th, 2017, US and China have got involved in a series of trade disputes, sanctions and retaliations against each other. On January 15th, 2020, the United States and China signed a trade deal known as the "Phase One Agreements". Previous research has shown the inherent bilateralism indicated by this agreement, which is also a global trend for international intellectual property rights governance. The remainder of the essay will further prove when addressing Sino-US IPR issues, why

bilateralism can only serve as a short-term approach, and how the concept “informal intergovernmental organizations” can be a more prospective way to address IPR issues and facilitate US and China to return to multilateralism.

Last but not the least, apart from the international IPR law, this paper also examine how will US-China competition impact on international trade law as a whole.

2. INTERNATIONAL LAW ON CLIMATE CHANGE

2.1. Transnational climate change situation

Recognizing the emergency of climate change, countries reaffirmed the “Paris Agreement” goal of limiting the increase in the global average temperature from 2°C above pre-industrial levels to 1.5 °C, because they have aware that human activities have caused about 1.1 °C of warming until now. However, the situation hasn’t stop becoming severe, reduction carbon dioxide emission did not decrease. Countries agreed on a provision of calling for a phase-down of coal power and a phase-out of “inefficient” fossil fuel subsidies, replacing energy source like coal, oil and gas who have been the main drivers of global warming. [1,2]

The conference again urges developed countries to fully deliver US\$100 billion urgently on solving climate issue, fulfilling their unachieved goals. Besides, the Glasgow Pact calls for doubling finance support to developing countries, which 25 % being made up for climate finance and 75% going towards green technologies to mitigate greenhouse gas emissions.[1]

All countries reached agreement on still following the operational details on Paris rulebook which developed on Paris Agreement. Countries agreed to strengthen the Santiago Network that connects vulnerable countries with providers of technical assistance, knowledge and resources to address climate risks.[1]

2.2. The situation between US and China cooperation in different period

2.2.1. China’s situation

Xi aimed China to become an “Ecological Civilization,” evolving from the concept of harmony with nature. Years ago, he called antipollution efforts a crucial part of the China dream. In recent years, he turned his goal to the coordination between economic and social development and Ecological Civilization, connecting laws with the issue of climate change.[3] China had declared an aim to peak its emissions by 2030 and achieve carbon neutrality by 2060. [2]

2.2.2. America’s situation

2.2.2.1. Obama period

During the Obama administration, climate issue cooperation was a strong part of the US-China relationship and was critical in achieving needs of the Paris Agreement. At the time, the two countries together represented almost 40 percent of global carbon emissions (China 27%, the United States 13%). If they had successfully controlled their CO2 emission, the world would meet the threshold of regulations on Paris agreement. [4]

Since 2009, the US pursued a bilateral agenda to enhance cooperation with China on clean energy and climate change: doing collaborative research, sharing experience and developing commercial venture. The US progressed on the Clean Power Plan, along with several other policies aiming to reduce emissions from the power and transportation sectors. [4]

2.2.2.2. Trump period

Under the Trump administration, much of this bilateral climate cooperation was discontinued or diminished due to the intense diplomatic relationship. The Trump administration discontinued the US-China Ten-Year Framework for

Cooperation on Energy and the Environment, which failed to facilitate bilateral collaboration between research fields and agencies in the US and China. Trump had reconstructed a few agencies and now focus on four points: diplomacy and security, economics, law enforcement and cybersecurity, and society and culture. [3]

Some of China’s actions have contributed to the deterioration of relations with the United States, like its posture toward Hong Kong and Xinjiang to IP protection, unequal market access, and security concerns, making Trump administration actions further stressed on relationships between two countries. [4]

2.2.2.3. Biden period

Biden’s climate plan focuses primarily on domestic action and technology development. He claimed to rejoin the Paris agreement, continuing to put climate issue as priority. As a result, he started a historic \$2 trillion climate plan that pairs economic recovery with a clean energy future. [5]

The plan also proposes to address China’s Belt and Road Initiative. It wants China to hold the responsibility of achieving high environmental standard for this project in order to stop China from “subsidizing coal exports and

outsourcing carbon pollution” by making future bilateral US-China climate agreements contingent upon eliminating export subsidies for coal and other high-emitting investments. [3]

2.3. Potential cooperation between US and China on climate change issue

2.3.1. Developing clean energy technologies

Years ago, China had surpassed the United States as both in the market and as a manufacturer of those clean energy technology. ⁶Knowing that they were left behind, US congress passed a clean energy innovation package that makes a substantial down payment toward a more competitive U.S. clean energy sector at the end of 2020. [6]

Private companies also started to work on clean energy innovations, like AgStar, Combined Heat and Power Partnership (CHP), ENERGY STAR etc. Among these companies, an investment company called Goldman Sachs had addressed their goal in the following graph which met the Paris agreement’s need. [7]

PRIORITY SECTOR	Oil & Gas	Power	Auto Manufacturing
METRIC	gCO ₂ e / MJ	kgCO ₂ e / MWh	gCO ₂ e / km
2019 BASELINE	72	417	152
2030 TARGETS	56-60	147-219	70-77
% REDUCTION 2019 - 2030	17-22%	48-65%	49-54%

Figure 1 Initial Set of Targets for 2030

2.3.2. “Decarbonization technologies”

Japan-US Clean Energy Partnership cooperated on “decarbonization technologies” and supported the regions’ energy transition. The Quadrilateral Security Dialogue has a working group dedicated to cooperation on climate change technologies. [8]

Knowing China 2025 policy, China both wants to be self-sufficient and to dominate global supply chains and core technologies. To be specific, Beijing is increasingly emphasizing innovation and moving up the value chain, aiming for global leadership in technologies such as batteries, EVs, wind turbines.[9]

2.3.3. The “Kigali Amendment”

In 2016, 179 countries agreed on a consensus to cut the production and consumption of HFCs by more than 80 percent over the next 30 years, aiming to avoid more than 80 billion metric tons of carbon dioxide equivalent emissions by 2050, and control temperature raise within 0.5 degrees Celsius by the end of the century.

China had formally accepted the Kigali Amendment to reduce the production of hydrofluorocarbons (HFCs).

This was a great progress as China is the largest producer and consumer of HFCs. [3]

China-US cooperation on climate has not progressed much beyond the joint statement. In fact, the political dynamics of the current relationship seem to preclude anything more than a tokenistic level of cooperation. The bilateral relations had made to countries hard to simply cooperate in order to solve the climate change issue as both countries are not satisfied with the attitude toward each other in many aspects.

Due to the fact that two powerful states, United States and China, are restricting on each other economically and politically, they are not likely to agree on solutions that benefits other or harming their own. As a result, the study proposes a solution that two states develop a clean energy program together, with some other states joining the program as supervisors. In other words, it is recommended that the two countries to tie on their interests, meaning two countries will finally acquire much profit on it.

The program’s outcome will be successful as China and the US holds the most cutting-edge technologies in developing clean energy. In short, their cooperation represents the best work in modern days. China and the US are the biggest contributor of carbon emission in the world, so they have market and demand for such technologies. If the cooperation is successful, both states will benefit economically, environmentally and politically: they will make much profit from it, get a better living environment and solve some arguments between them,

Rest cooperating countries play a supervising rule, making sure two powerful state will not personalize or weaponize the technology. Meanwhile, their joining investments ensure the program to have enough fund for research and enable themselves to acquire the technology at first hand.

3. LAW OF SEA

3.1. the Perspective taken under UNCLOS

In 2016, the Permanent Court of Arbitration at The Hague, under UN Convention of the Law of the Sea (UNCLOS), issued its ruling on a claim brought against China by the Philippines, a close ally of the U.S. The court ruled against China’s claim on the sovereignty over the South China Sea on nearly all counts[10]. China’s own justification for its claiming of about 80% of the sea is also invalid according to UNCLOS. It deliberately blurs the preconditions for certain international law so it can claim more waters as internal waters or EEZ.[11] For instance, UNCLOS mandates that land able to generates right to an EEZ must be able to sustain human habitation. However, by 2016, the Hague Court found no islands in the Spratly islands, a Chinese-claimed island group

located in the South China Sea, met this criterion.[12] Moreover, China opposes the freedom of navigation of military vessels in its EEZ, which is a right stated in UNCLOS.

The United States, as an advocator of freedom of navigation backed by UNCLOS, perceives China's justification of its claim of the South China Sea as unlawful.

3.2. China attempting to normalize its claims?

A perspective taken by many is that China is striving to normalize its continuous claiming of sovereignty in the South China Sea. By 2021, five years since the court of arbitration under UNCLOS ruled that China's claims on the South China Sea were largely illegitimate, China still maintains its original claim. The court itself lacks police power and the other countries in dispute with China do not possess sufficient strength to force China to comply.[13] China, as the largest economy in Asia, has also provided aid and conducted trade with these countries in an attempt for them to give up their claims. Philippine, for instance, has been officially holding a friendly tone towards China since it has to acquire vaccines for COVID-19 from it.

However, in July, 2021, Philippine president Roderigo Duterte unfroze the Visiting Forces Agreement due to China's increasing assertiveness for sovereignty in the South China Sea, allowing the U.S. to station military personnel in the Philippines and conduct joint exercises with it.[14] The U.S., standing for UNCLOS and the freedom of navigation, accordingly, supports the Philippines' claims and is readily to provide military assistance to it.

3.3. A contend for regional influence between two mega powers?

Viewing from another angle, the South China Sea conflicts could also be seen as essentially a rivalry between two world powers competing for regional influence. China views the South China Sea as the cornerstone to validate its power, to strengthening national defense, and to solidify its influence in the West Pacific. The United States, on the other hand, considers the dispute as a part of its strategic strategy in East Asia. The U.S.'s interests in the South China Sea include denying China the ability to dominate the maritime arena, guaranteeing trade routes and free sea-lanes, and balancing China's rising power. In order to do so, it has strengthened defense ties with its allies and partners, notably the Philippines, in the region. The U.S.'s operations of freedom of navigation also serve as part of the U.S. deterrence strategy against China's rising power.[15]

3.4. An absurd interference?

From China's perspective, the 2016 tribunal under UNCLOS is null and invalid. China claims that Philippines' unilateral initiation of the 2016 arbitration violates the commitment made by China and ASEAN Member States, including the Philippines, in the 2002 Declaration on the Conduct of Parties in the South China Sea (DOC), that states directly concerned should resolve the relevant disputes through negotiations. In addition, China claims that it would not accept any third-party dispute settlement imposed on China, such as the ruling of the Hague court in 2016.[16]

To conclude, in order to ease the level of conflict in the South China Sea, multiple actions could be taken to jointly influence the current situation.

The United States, on the one hand, should promote synergetic development in the South China Sea together with China and other ASEAN nations. Due to the region's strategic importance to China, the it should also consider loosen its claim of exercising freedom of navigation in this area. On the other hand, China should also be less uncompromising towards the other South China Sea nations, fostering cooperation and help bringing mutual benefits for all. Meanwhile, in order to prevent escalating tension in this region, both sides of the dispute should not resort merely to military forces. Instead, they should seek to resolve the issue through diplomatic means and conversations, for instance, forming an effective code of conduct between the exploitation of natural resources or on the issue of freedom of navigation.

Meanwhile, through the research conducted on the South China Sea issues, certain deficiencies of international law governing the sea also emerges. Although the UNCLOS provides a guideline for countries to behave on the sea and sets up a standard for the territorial water a state could claim lawfully, in practice, the UNCLOS do not hold any binding power in forcing nations to comply its ruling. In addition, certain rights stated in UNCLOS, such as the freedom of navigation in EEZS, are not recognized by all nations. This varying degree of acceptance for UNCLOS could potentially lead to controversies.

4. INTERNATIONAL IPR LAW

4.1. Current Trend: Phase One Agreements and Bilateralism

The establishment of the "Phase One Agreement" seems to signal China and the US willingness to break the gridlock and smooth the way to address disputes related to the 301 investigation and other trade concerns. Undeniably, this agreement encompasses important extensions in this agreement compared to existing IPR

law when, which includes expansion of trade secret misappropriation, punishment object, reversion of burden of proof, increased provisional measures for the protection of trade secrets, etc. [17]

However, this agreement still generates wide concerns. Except for concerns related to substantive issues like the vagueness and generality of solving tech transfer issues, the delay of the planned review phase, or the lack of transition assessment of domestic adaptation, a more conceptual concern is about the inherent bilateralism of this agreement.[18]

4.2. Weakness of current scheme

Although some scholars recognize the benefits of a bilateral approach in the Sino-US context, which is more expeditious, more effective and can avoid the bargaining cost in a multilateral system,[19] still, the potential crises and flaws of the bilateral approach when addressing IPR issues seem to outweigh the benefits. First, bilateralism essentially violates some basic obligations in the multilateral WTO system like the most favored nation obligation. The obligations for the countries to follow the TRIPS-plus standards required bilateral agreements and the MFN principle is essentially elevating the original minimum standards required by the TRIPS agreement.[19] Second, the bilateral dispute resolution mechanism in this agreement lacks a neutral party and would allow the US to abuse its judicial power over China.[19] Third, some countries may interpret this agreement as China's concession to US hegemony, thus triggering more countries to turn to regionalism, which will lead to greater fragmentation of current global governance.

4.3. Informal Intergovernmental Organizations, a Mediator Between Bilateralism and Multilateralism

International relationship scholarship has come up with definitions of both formal intergovernmental organizations and informal intergovernmental organizations. According to the Felicity Vabulas's definition of informal intergovernmental organizations, the formal intergovernmental organizations need to meet the following conditions:[20]

1.A formal entity (formed by an internationally recognized treaty) with three or more states as members and

2.A permanent secretariat or other significant institutionalization such as a headquarters and/or permanent staff.

While the informal intergovernmental organizations are defined as [20]:

1.An explicitly shared expectation—rather than a

formalized agreement—about the purpose

2.With explicitly associated state “members” who

3.Participate in regular meetings but have no independent secretariat or other significant institutionalization such as a headquarters and/or permanent staff.

What needs to be noted here is that these two concepts are not contracting but continuous and may gradually go through mutual adaptation within the process of operation. The flexibility enables this innovative governance to become a mediator between two extremes, pure bilateralism or pure multilateralism.

The world has witnessed a rising trend of addressing global governance issues through informal intergovernmental organizations. The case probe by previous scholars has proved that how informal intergovernmental brings advantages such as lower negotiation costs, higher level of state autonomy, and flexibility to manage emergencies, etc, as well as how intergovernmental organizations with different levels of formalities can coexist and facilitate countries in different contexts.[20]The remainder of the article intended to show how the combination of informal and formal intergovernmental organizations can be an ideal solution to address Sino-US IPR disputes.

4.4. The Ideal Solution

Based on the characteristics of both informal intergovernmental organizations and international intellectual property law, the combination of intergovernmental organizations with different levels of formalities is an ideal solution for Sino-US IPR disputes for the following reasons:

First, as for the dispute settlement mechanism, this combination can strike a balance between lower negotiating costs and stronger collective oversight and jurisdiction procedures. Through intergovernmental organizations with fewer formalities, countries are allowed to circumvent some exhausting procedural cost, and at the same time, to invite more countries as the neutral third party to guarantee the fairness of the jurisdiction process.

Second, informal intergovernmental organizations allow countries to come up with more exceptions for the MFN principle during high uncertainties. For example, during the covid 19 pandemic, the informal group of developing countries come up with the patent waiver proposal in order to circumvent the relatively tiresome compulsory license provided by the TRIPS Agreement.

Third, China, as a rising power, especially a rising power in its technological innovation, can utilize informal intergovernmental organizations to “facilitate bargaining and rhetorical tactics to strengthen their

institutional positions without overly disrupting prevailing cooperative arrangements” [21], as well as obtain a transitional method to adjust its domestic legal system.

5. INTERNATIONAL TRADE LAW

In 2018, U.S. President Donald Trump and his administration had issued new economic policies toward China: punitive high tariffs were imposed on China’s export, and it was followed by restrictions on China’s access to high-tech fields and foreign investment to China. It was all due to Trump’s thoughts on U.S. huge trade deficits, where he wanted to use high-priced import goods to encourage American consumers to buy American domestic goods so to decrease the number of trade deficits; also, Trump had been accusing China of unfair trading practices and stealing intellectual property. As a response, China reacted with tariffs ranging from 5% to 25% on US’s exports. Such tense circumstances not only affected China and United States economically and politically, but also had brought significant impact on international laws.[22]

Trump’s administration had been always accusing Beijing of two main issues that had ‘made’ he and his administration put sanctions on Beijing: missing part of China’s intellectual property safeguards and China’s unfair treatments towards foreign investments. Both two topics were closely connected to international affairs, which should be addressed to the World Trade Organization as a better solution. [23]

One accusation was put forward that Beijing was seriously violating intellectual property rights, especially high-tech fields. ‘China theft of technology is biggest law enforcement threat to US’, said by Christopher Wray; he further stated that the FBI had about 1,000 investigations that involved with China’s plots to steal US-based technology. William Evanina, director of the National Counterintelligence and Security, estimated that China’s theft on American trade secrets had made the United States lose about \$300 billion to \$600 billion. Such behaviors stated by the American officials would then be a severe problem against *International Property, Competition and Tax Law*.³⁶ However, there were other opinions that objected the views of China’s intellectual property theft; ‘such events may not occur unusually often or are possibly exaggerated’, said by Yukon Huang. He thinks the maturity of China’s patent courts had improved to help foreign firms and other reforms had been issued, such as payments for royalties and licenses by Chinese firms. Furthermore, China has become the second-largest payer of such royalties globally, which could be seen as a tremendous progress of China’s intellectual property rights. Such significant improvements was due to China’s 2001 accession to the World Trade Organization, which had China develop a sound reputation; it could be further proved by the

“2020 Business Climate Survey’ that nearly 70 percent of surveyed U.S firms in China had seen the progress of China’s enforcement of intellectual property rights, compared with only 47 percent in 2015. This data had demonstrated that China was increasingly paying attention to such enforcement in order to encourage more foreign firms to invest in China, as China’s market is highly dependent on international market.[23]

The other accusation was the structure of China’s economic policy, as its protectionist tendencies were becoming more and more obvious. One stipulation that was criticized by the Western was that foreign firms have to form joint ventures with Chinese domestic firms so that they could enter the Chinese market; such requirement was also called forced technology transfers. In this way, foreign new technology was given to China and China could utilize these new technologies to improve its domestic firms’ developments. Such requirement ‘given’ by the Chinese government may, again violate the international law. However, there had been a significant decline and less stringency on joint ventures: according to 2016 data from China’s National Bureau of Statistics, only about one quarter of foreign investments had involved with joint ventures, compared with nearly two-third in 1997. In reality, fields such as chemical manufacturing, auto manufacturing and finance had becoming loose to foreign investments. And such willingness was given by the EU-China Comprehensive Agreement on Investment in December 2020 that had made trade compromises from both sides. This had illustrated that China was becoming more and more open to foreign investments and taking attempt to protect firms’ interests in China, while United States was becoming more reluctant to welcome foreign investments to its own state.[24]

Overall, two such big power on the international stage are making movements that try to weaken other’s influence towards worldwide; such behavior eventually points to one ultimate goal—national interest. Even though national interest for each state’s administration is extremely crucial, however, as Sherri Mosee, founder of MinkeeBlue, stated her opinion on US-China trade war, “we are all paying for this”. [25] Destructive competitions did not help or improve each individual state, therefore, cooperations between each other should be promoted. [26] Also, international organizations like WTO should be structurally reformed and strengthened in order to protect international collaborations; in the case of China’s protectionist policy, WTO should clarify in which condition governments are allowed to practice joint ventures on foreign investments.[27]

6. CONCLUSION

In the light of the tight correlation between international law and US-China competition, this paper gives a further evaluations and judgement of how the

competition between these two great powers of world political stage has, is and will impact on international law.

As for the international climate law, this paper reaches the conclusion that in order to abandon the restrictions and harms that the two countries have been constantly imposing on each other, US and China need to come up with a clean energy which is based on the two countries common interests, and benefit from it economically, environmentally and politically.

Second, for the international law of sea, this paper recommends that the two big powers should resort to diplomatic means instead of military forces to make compromises. Besides, certain controversies existing in the UNCLOS need to more clarifications.

In the field of international IPR law, this paper concludes that the existing bilateral approach provided by the Phase One Agreement can only be a short-term solution to ease the Sino-US tension. Instead, that US and China can adopt the combination of intergovernmental organizations with different levels of formalities as an ideal solution to address IPR issues, and a way to return to multilateralism.

Last but not the least, for international trade law as a whole, this paper points out the mutual sanctions and restrictions between US and China will ultimately be destructive to both sides and have no real benefits, and international organizations should exercise their full legislative countries to fix the current situation.

REFERENCES

- [1] Office of the spokesperson. "U.S.-China Joint Glasgow Declaration on Enhancing Climate Action in the 2020s." <https://www.state.gov/u-s-china-joint-glasgow-declaration-on-enhancing-climate-action-in-the-2020s/>
- [2] Timothy Arvan. "Climate cooperation at COP26 must transcend icy US-China relations." <https://www.bennettinstitute.cam.ac.uk/blog/cop26-US-china-relations/>
- [3] Aimee Barnes, Dr. Fan Dai, Angela Lue. "How the US and China Could Renew Cooperation on Climate Change." <https://www.energypolicy.columbia.edu/research/commentary/how-us-and-china-could-renew-cooperation-climate-change>
- [4] Joanna Lewis. "The U.S.-China Climate and Energy Relationship." Chapter 10, *Climate Change and Energy*. <https://www.csis.org/us-china-climate-and-energy-relationship>.
- [5] Lisa Mascaro and Matthew Daly. "White House eyes new climate change strategies in Biden bill." <https://apnews.com/article/climate-joe-biden-business-environment-joe-manchin-fc08eb6a3be7282a2fcd17761f83ecba>
- [6] David G. Victor. "Rebuilding US-Chinese cooperation on climate change: The science and technology opportunity." <https://www.brookings.edu/blog/planetpolicy/2021/10/28/rebuilding-us-chinese-cooperation-on-climate-change-the-science-and-technology-opportunity/>
- [7] Goldman Sachs. https://www.goldmansachs.com/accelerating-transition/index.html?cid=ps-pd-google-SUS-click-13356405525-532392507498&mkwid=s76m0iUvA_dc_pclid_532392507498_pkw_clean%20energy_pmt_p_pdv_c_slid_pgrid_123462990656_ptaid_kwd-100581000_&ptaid=kwd-100581000&gclid=CjwKCAiAn5uOBhADEiwA_pZwcMqfsmorxxqVJF3sAswLtFFvxfgvJxa_iQWSGynMODkMUaVLiG4DdxoCVCQQA_vD_BwE&pgrid=123462990656
- [8] Henry Storey. "Deals, denials and grand bargains on the road to the COP26 climate change conference." <https://www.lowyinstitute.org/the-interpreter/can-us-and-china-cooperate-climate>
- [9] Chinese government. "Responding to Climate Change: China's Policies and Actions." <http://www.scio.gov.cn/zfbps/32832/Document/1715506/1715506.htm>
- [10] Council On Foreign Relations. (2022) *Territorial Disputes in the South China Sea*. <https://www.cfr.org/global-conflict-tracker/conflict/territorial-disputes-south-china-sea>.
- [11] Oriana Mastro. (2021) *How China is bending the rules in the South China Sea*. <https://www.lowyinstitute.org/the-interpreter/how-china-bending-rules-south-china-sea>
- [12] George Austin. (2020) *Explainer: why is the South China Sea such a hotly contested region?* <https://theconversation.com/explainer-why-is-the-south-china-sea-such-a-hotly-contested-region-143435>.
- [13] Ralph Jennings. (2021) *5 Years After South China Sea Ruling, Rivals Quietly Accepting China's Refusal to Comply*. https://www.voanews.com/a/east-asia-pacific_5-years-after-south-china-sea-ruling-rivals-quietly-accepting-chinas-refusal/6209008.html
- [14] International Crisis Group. (2021) *The Philippines'*

- Dilemma: How to Manage Tensions in the South China Sea. <https://www.crisisgroup.org/asia/north-east-asia/china/316-philippines-dilemma-how-manage-tensions-south-china-sea>.
- [15] Krista Wiegand. (2020) HOW BIDEN SHOULD HANDLE THE SOUTH CHINA SEA DISPUTES. <https://warontherocks.com/2020/11/how-biden-should-handle-the-south-china-sea-disputes/>.
- [16] Embassy of the People’s Republic of China in the United States of America. (2016) Statement of the Ministry of Foreign Affairs of the People's Republic of China on the Award of 12 July 2016 of the Arbitral Tribunal in the South China Sea Arbitration Established at the Request of the Republic of the Philippines. http://www.china-embassy.org/eng/zt/abc123/201607/t20160712_4911328.htm
- [17] Ting Liu. *Impact of Sino-US Trade Agreement on Chinese Legal System about Intellectual Property Rights*[J],2020,4(2):16-20. <http://qikan.cqvip.com/Qikan/Article/Detail?id=7103154499>
- [18] Hickey, Kevin J, Nina M Hart, Brandon J Murrill, and Kevin T Richards. "Intellectual Property Violations and China: Legal Remedies." Congressional Research Service (CRS) Reports and Issue Briefs (2020): Congressional Research Service (CRS) Reports and Issue Briefs, 2020-09-01. Web.
- [19] Shu Shang, Carrie, and Wei Shen. "Beyond Trade War: Reevaluating Intellectual Property Bilateralism in the US–China Context." *Journal of International Economic Law* 24.1 (2021): 53-76. Web.
- [20] Vabulas, Felicity, and Duncan Snidal. "Organization without Delegation: Informal Intergovernmental Organizations (IIGOs) and the Spectrum of Intergovernmental Arrangements." *Review of International Organizations* 8.2 (2013): 193-220. Web.
- [21] Vabulas, Felicity, and Duncan Snidal. "Informal IGOs as Mediators of Power Shifts." *Global Policy* 11.S3 (2020): 40-50. Web.
- [22] "A Quick Guide to the US-China Trade War." *BBC News*, <https://www.bbc.co.uk/news/business-45899310> Accessed 28 December 2020
- [23] Huang, Yukon. "The U.S.-China Trade War Has Become a Cold War." *Carnegie Endowment for International Peace*, <https://carnegieendowment.org/2021/09/16/u.s.-china-trade-war-has-become-cold-war-pub-85352> Accessed 28 December 2020
- [24] China Theft of Technology Is Biggest Law Enforcement Threat to Us, FBI Says." *The Guardian*, <https://www.theguardian.com/world/2020/feb/06/china-technology-theft-fbi-biggest-threat> Accessed 28 December 2020
- [25] Harrison, Virginia. "US-China Trade War: 'We're All Paying for This'." *BBC News*, BBC, <https://www.bbc.co.uk/news/business-49122849>. Accessed 28 December 2020
- [26] Huang, Yukon. "Resolving the US–China Trade Impasse." *Carnegie Endowment for International Peace*, <https://carnegieendowment.org/2019/06/04/resolving-us-china-trade-impasse-pub-79259> Accessed 28 December 2020
- [27] Huang, Yukon. "The Unlikely, Obvious Solution to the Trade War." *Carnegie Endowment for International Peace*, <https://carnegieendowment.org/2018/09/24/unlikely-obvious-solution-to-trade-war-pub-77325> Accessed 28 December 2020