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WTO INFLUENCE ON REGULATING GREAT ECONOMIES: A CASE STUDY OF THE US-CHINA TRADE WAR

The research provides an analysis of the US-China trade war that occurred between 2018 and 2019, culminating in a deal reached in January 2020. This research outlines the detailed tariff impositions by the US and the reciprocal actions taken by China. For conducting this study, the methodology involved library research and analytical review methods to collect and analyze information within a broader conceptual framework. This research examines the influence of the WTO in the US-China trade dispute. Findings include the US decision to unilaterally increase tariffs on aluminum and steel in China due to perceived weaknesses in China's intellectual property rights enforcement and its significant influence over state-owned companies, resulting in unfair trade practices. Furthermore, this shift in trade created opportunities for other states to compensate for the loss of trade volume between the US and China. The WTO, in this case, provided the platform for both states to file complaints and recommended negotiations to settle the trade dispute. In January 2020, they reached an agreement to settle the trade war and return to the situation prior to 2018. This research addresses questions regarding how the WTO facilitated settlement of trade war, how the rest of the world benefited, and the reasons behind the US imposition of tariffs on China. One of the main findings of this research is that despite the trade disadvantages, it has a major advantage in enhancing intellectual property laws within China, thereby preserving the rights of intellectual property owners and mitigating opportunities for unfair trade practices globally.

Keywords: WTO, Trade War, US and China.

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ДСҰ-ның үлік экономикаларды реттеуге әсері: АҚШ пен Қытай арасындағы сауда соғысының жағдайлық зерттеуі

Зерттеу 2018-2019 жылдар аралығында болған және 2020 жылдың қартарында жасалған мәмілемен аяқталған АҚШ пен Қытай арасындағы сауда соғысына талдау жасайды. Бұл зерттеу АҚШ-тың тарифтерді егжей-тегжейлі енгізуін және Қытайдың өзара әрекеттерін сипаттайты. Бұл зерттеуді жүргізу үшін әдістеме кеңірек тұжырымдамалық, шенберде әкпаратты жинау және талдау үшін кітапханалық зерттеулер мен аналитикалық шолу әдістерін қамтыды. Бұл зерттеу ДСҰ-ның АҚШ пен Қытай арасындағы сауда дауына әсерін зерттейді. Қорытындыларға АҚШ-тың қытайдағы алюминий мен болат тарифтерін біржакты көтеру туралы шешімі кіреді. Бұл Қытайдың зияткерлік меншік құқықтарын сақтаудағы әлсіз жақтарына және оның мемлекеттік компанияларға айтарлықтай ықпалына байланысты, бұл жосықсыз сауда тәжірибесіне әкеледі. Сонымен қатар, саудадағы бұл өзгеріс басқа мемлекеттерге АҚШ пен Қытай арасындағы сауда көлемінің жоғалуын өтөуге мүмкіндік тұғызы. БҰЛ жағдайда ДСҰ екі мемлекетке де шағым беру үшін платформа ұсынды және сауда дауын шешу үшін келіссөздер жүргізуді ұсынды. 2020 жылдың қартарында олар сауда соғысын реттеу және 2018 жылға дейінгі жағдайға оралу туралы келісімге келді. Бұл зерттеу ДСҰ-ның сауда соғысын реттеуге қалай ықпал еткені, әлемнің қалған бөлігі одан қалай пайда көргені және АҚШ-тың Қытайға тарифтерді енгізуінің себептері туралы сұрақтарды қарастырады. Бұл зерттеудің негізгі нәтижелерінің бірі – саудадағы кемшиліктерге қарамастан, Оның Қытайдағы зияткерлік меншік туралы заңдарды жетілдіруде, осылайша зияткерлік меншік иелерінің құқықтарын сақтауда және бүкіл әлем бойынша жосықсыз сауда тәжірибесінің мүмкіндіктерін азайтуда үлкен артықшылығы бар.

Түйін сөздер: ДСҰ, сауда соғысы, АҚШ және Қытай.

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Влияние ВТО на регулирование крупных экономик: тематическое исследование торговой войны между США и Китаем

В исследовании представлен анализ торговой войны между США и Китаем, которая произошла в период с 2018 по 2019 год, кульминацией которой стала сделка, достигнутая в январе 2020 года. В этом исследовании подробно описываются тарифные ограничения, введенные США, и ответные действия, предпринятые Китаем. Для проведения этого исследования методология включала библиотечные исследования и методы аналитического обзора для сбора и анализа информации в более широких концептуальных рамках. В этом исследовании рассматривается влияние ВТО в торговом споре между США и Китаем. Выводы включают решение США в одностороннем порядке повысить тарифы на алюминий и сталь в Китае из-за предполагаемых недостатков в обеспечении соблюдения прав интеллектуальной собственности в Китае и его значительного влияния на государственные компании, что приводит к недобросовестной торговой практике. Более того, этот сдвиг в торговле создал возможности для других государств компенсировать потерю объема торговли между США и Китаем. В данном случае ВТО предоставила обоим государствам платформу для подачи жалоб и рекомендовала переговоры для урегулирования торгового спора. В январе 2020 года они достигли соглашения об урегулировании торговой войны и возвращении к ситуации, существовавшей до 2018 года. В этом исследовании рассматриваются вопросы о том, как ВТО способствовала урегулированию торговой войны, какую выгоду получил остальной мир и причины, стоящие за введением США тарифов в отношении Китая. Одним из главных выводов этого исследования является то, что, несмотря на недостатки торговли, оно имеет большое преимущество в совершенствовании законодательства об интеллектуальной собственности в Китае, тем самым сохраняя права владельцев интеллектуальной собственности и уменьшая возможности для недобросовестной торговой практики во всем мире.

Ключевые слова: ВТО, торговая война, США и Китай.

Introduction

US-China Trade War Background Analysis

In 2018, the world's two great powers, the USA and China initiated a trade war by imposing import tariffs on each other. The Trump administration initiated the imposition of tariffs on aluminum and steel in March 2018, China also responded to the US with tariffs on aluminum, meat, fruit, and wine. The increase of tariffs further increased to 25% in July and August 2018 on China imports valued at 50\$ Billion. In a reciprocal act, China also imposed a 25% tariff on US imports worth \$50 billion.

In response, China increased tariffs on US goods worth \$50 billion. In September, further increases led to the imposition of a 10% tariff on \$200 billion worth of imports from China. In response, China also imposed tariffs on \$60 billion worth of US imports. At the end of 2018, the US announced a 10% tariff and indicated that it would increase to 25% in January 2019, entering into force in May 2019. China postponed the imposition of \$60 billion tariffs on the US until June 2019. During the period of the trade war ceasefire, there was communication between US and Chinese officials, but they did not reach a settlement (Itakura, 2019).

On January 15, 2020, the US and China reached a Phase One trade deal which includes a commitment by China to make substantial additional purchases of U.S. goods and services in the coming years. Importantly, the agreement establishes a strong dispute resolution system that ensures prompt and effective implementation and enforcement. The United States has agreed to modify its Section 301 tariff actions in a significant way ("Economic and Trade Agreement between the Government of the United States of America and the Government of the People's Republic of China Text," n.d.).

Materials and methodology

1. Research Question:

The central research question guiding this study is: "To what extent does the World Trade Organization (WTO) influence the regulation of great economies, as exemplified by a case study of the US-China trade war?"

2. Hypothesis:

The hypothesis posited for this research is that the WTO, through its established rules, agreements, and dispute resolution mechanisms, plays a significant role in regulating the behavior of major econo-

mies, particularly during instances of trade conflicts such as the US-China trade war.

3. Stages of Research:

a. Literature Review: A comprehensive review of existing literature was conducted to establish a theoretical foundation, understand the historical context of the US-China trade war, and identify gaps in current knowledge regarding the specific influence of the WTO in regulating major economies.

b. Case Study Analysis: A detailed examination of the US-China trade war served as a focal point for the case study. This involved analyzing key events, policy decisions, and economic indicators to provide a contextual background for understanding the dynamics at play.

c. WTO Rules and Agreements Assessment: A qualitative and quantitative analysis of WTO rules and agreements was undertaken to assess their impact on the conduct of major economies. This stage involved a meticulous examination of relevant documents and agreements.

d. Dispute Settlement Mechanism Evaluation: The effectiveness of the WTO's dispute settlement mechanism was evaluated through the examination of specific cases related to the US-China trade war. Both qualitative and quantitative data were utilized to assess the outcomes and implications of the disputes.

4. Research Methods:

a. Qualitative Analysis: The study employed qualitative analysis to interpret the content of WTO agreements, dispute settlement cases, and relevant literature. This method facilitated a nuanced understanding of the regulatory framework and its application in real-world trade conflicts.

b. Case Study Approach: The case study approach was utilized to gain in-depth insights into the US-China trade war, focusing on the actions taken by both parties, the role of the WTO in dispute resolution, and the overall impact on global trade dynamics.

5. Research Results:

The research results include a nuanced understanding of the role played by the WTO in regulating major economies, as exemplified by the US-China trade war. Findings from the case study analysis, coupled with the assessment of WTO rules and dispute settlement mechanisms, contribute to the development of a comprehensive understanding of the dynamics involved in the regulation of great economies within the global trade framework.

Literature review

Bown, C. P. (2019). The US-China trade war, tariffs, and the global trading system. *Journal of Economic Perspectives*, 33(4), 187-210. Bown analyzes the US-China trade war and its impact on the global trading system. The study discusses the role of the WTO in resolving trade disputes and highlights the challenges faced by the organization in regulating trade between major economies.

Kawai, M., & Petri, P. A. (Eds.). (2019). *Asian perspectives on the US-China trade conflict*. Peterson Institute for International Economics. This book provides Asian perspectives on the US-China trade conflict and its implications for the region. It examines the role of the WTO in regulating trade disputes and discusses the potential impact of the trade war on the multilateral trading system.

Mattoo, A., & Subramanian, A. (2019). China and the world trading system. *World Bank Policy Research Working Paper*, (8818). This working paper examines China's role in the world trading system and its implications for the WTO. It discusses the challenges posed by China's economic rise and the US-China trade war, highlighting the need for the WTO to adapt to changing dynamics.

Pelc, K. J. (2019). The politics of the WTO's crisis. *International Organization*, 73(4), 1007-1034. This study analyzes the politics surrounding the WTO's crisis, including the challenges faced by the organization in regulating trade disputes. It discusses the implications of the crisis for the resolution of conflicts, such as the US-China trade war.

Shingal, A., & Yildirim, A. (2020). The US-China trade war: Tariffs, trade impacts, and global governance. *World Economy*, 43(1), 22-41. This article examines the US-China trade war, focusing on the impact of tariffs and trade on the global economy. It discusses the role of the WTO in regulating trade conflicts and analyzes the effectiveness of the organization's governance in addressing the challenges posed by the trade war.

Background of Trade Tensions

The WTO economic analysis of the US-China trade conflicts indicated four reasons in the policy decision of US to tariff increases on steel and aluminum imports from China under section 301 of the 1974 Trade Act:

1. Manufacturing jobs should be brought back to the United States.

2. Tariffs should be "reciprocal" at the bilateral level.

3. The bilateral trade deficit with China should be reduced or eliminated.

4. China should change various policies that have adverse effects, such as poor protection of intellectual property rights, forced technology

transfer from foreign companies investing in China, and heavy involvement of the Chinese government in its economy through (implicit) subsidization of state-owned companies (SOEs) (Bekkers 2020).

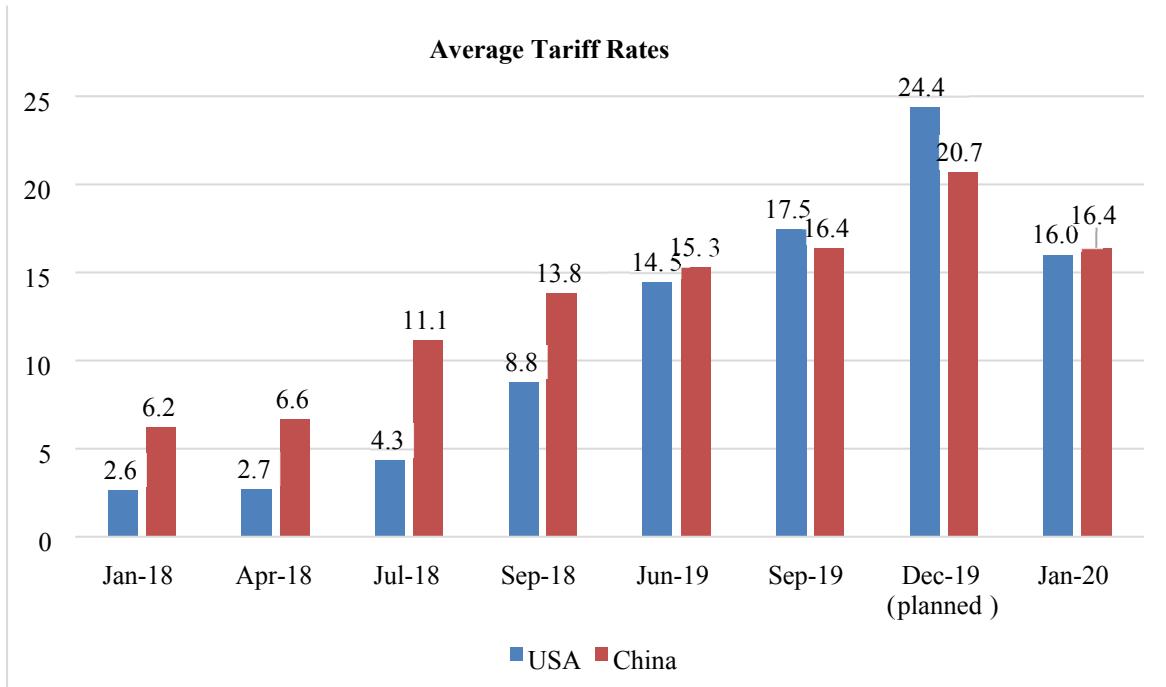


Figure 1 – Evolution of Average Tariff Rates

A Review of the Inconsistency of US-China within the WTO Rules

US Section 301 of the Trade:

The initiation of the trade conflict between the United States and China occurred when the U.S. government imposed significant tariffs on specific Chinese products under Section 301 of the Trade Act of 1974. Section 301 grants the U.S. Trade Representative (USTR) the authority to take actions against a foreign country's trade practices that undermine U.S. rights. Following investigations into China's trade activities, the USTR determined that certain actions by the Chinese government related to intellectual property and investment adversely affected U.S. interests. Consequently, the U.S. chose to counteract China's activities by invoking Section 301 of the Trade Act of 1974.

On March 22, 2018, the U.S. imposed tariffs on Chinese products valued between \$50 billion and \$60 billion, including medical devices, satellites, aircraft parts, and weapons. In response, on April 2,

2018, the Chinese government retaliated with tariffs on 128 U.S. products, particularly aluminum, cars, pork, and soybeans. By September 24, 2018, the U.S. threatened additional tariffs on about \$200 billion worth of Chinese imports, with a further threat of tariffs on \$267 billion worth of imports if China retaliated. China, however, proposed a \$110 billion tariff on U.S. imports, disregarding the U.S. threats.

The trade tensions between the U.S. and China escalated without resorting to the rules and procedures of the multilateral trading system. Despite both parties filing complaints with the World Trade Organization (WTO), they did not wait for the WTO to determine the merit of their complaints before implementing protectionist measures. This disregard for the WTO's dispute settlement system raises concerns about its effectiveness in providing appropriate redress for trade disputes among its members.

The Section 301 dilemma revolves around the legal basis for the U.S. unilateral actions, particularly in the context of the U.S.–China trade war. The

U.S. justified its actions under Section 301 of the Trade Act of 1974, allowing measures against trading partners engaging in activities detrimental to the U.S. To assess the WTO consistency of Section 301, the dispute settlement body (DSB) jurisprudence in the case of US-Section 301-310 of the Trade Act of 1974 are crucial.

In a previous case, the European communities questioned the consistency of Sections 301-310 of the U.S. Trade Act of 1974, which allows the suspension of WTO concessions in response to alleged violations of trading rules by other countries. The panel concluded that a statute reserving the right for a member to take actions that it promised not to take under WTO obligations is a violation of WTO rules. Section 301's discretion, as observed by the panel, contradicts Article 23 of the DSU, placing WTO members trading with the U.S. at the mercy of the U.S. in trade disputes that fall outside the WTO's scope.

Despite the panel's ruling, the U.S. convinced the panel that it would base its discretion on the DSU's decision and comply with Article 23. The panel accepted this undertaking, allowing Sections 301-310 to remain in the U.S. statute book. After the WTO case, both the EU and the U.S. claimed victory, interpreting the decision differently. The U.S. argued that it didn't need to modify Section 301, asserting its WTO consistency, while the EU insisted that Section 301 must be applied in a WTO-consistent manner.

In conclusion, Section 301 remains the legal foundation for the U.S.–China trade war, despite the debates surrounding its WTO consistency and the differing interpretations of the WTO case outcome (Adecola 2019a).

China's Article 47:

In justifying its response to U.S. tariffs, the Chinese government relied on Article 47 of its 2004 Foreign Trade Law. This article grants China the right to retaliate by suspending obligations under trade or economic treaties when a co-party violates its commitments, causing harm to China's interests. The first query is whether Article 47 encompasses the WTO framework. The legislation suggests it does, as it references "jointly acceded to trade treaties or agreements with the People's Republic of China." Moreover, the 2004 amendment aligns China's Foreign Trade Policy with WTO obligations after its 2001 accession. Article 2 of the law specifies its applicability to foreign trade and related aspects of intellectual property rights, confirming its relevance to the WTO.

The second question concerns the WTO consistency of Article 47. Although there is no WTO jurisprudence on this, considering Articles 23.1 and 23.2 of the Dispute Settlement Understanding (DSU), one could argue that Article 47 violates the goal of strengthening the multilateral trading system. Article 47 allows China to suspend obligations in response to another country's violation, conflicting with the spirit of Article 23 of the DSU. Notably, Article 47's language resembles that of Article 7, which permits countermeasures without acknowledging China's WTO obligations against unilateral termination of concessions.

DSB jurisprudence, as seen in the US/Canada – continued suspension case, underscores the exclusivity of the WTO dispute settlement system. Article 23.1 establishes the DSU as the sole forum for dispute resolution, while Article 23.2 prohibits unilateral action by a WTO Member. As China retaliated without using the WTO's rules and procedures, it suggests Article 47 is WTO inconsistent.

Considering the slow pace of the WTO adjudicatory procedure, compliance with Article 23 of the DSU by awaiting DSB adjudication may not be economically wise for China. The sluggishness of the dispute settlement mechanism raises questions about its effectiveness and implications for the sustainability of the multilateral trading system (Adecola 2019a).

The Influence of WTO on Settling the US-China Trade War

The World Trade Organization (WTO) played a pivotal role in attempting to resolve the trade conflict between the United States and China. As an international body responsible for overseeing global trade regulations and settling disputes among member nations, the WTO served as a forum for both countries to address their concerns and seek resolutions.

Both the U.S. and China lodged complaints against each other at the WTO, alleging violations of international trade rules. The WTO established panels to investigate these complaints and issued rulings on specific matters, including intellectual property rights and subsidies.

The WTO's dispute settlement process involves the filing of complaints by member countries, the formation of panels for investigation, the issuance of rulings, a potential appeals process, and the implementation of rulings by member countries.

Additionally, beyond its dispute settlement process, the WTO facilitated mediation and negotiations between the U.S. and China. The organiza-

tion encouraged both parties to engage in dialogue to find mutually acceptable solutions to their trade disputes, covering topics such as intellectual property protection, technology transfers, and market access.

The WTO recommended specific actions and policies to alleviate trade tensions between the U.S. and China. These include enhancing intellectual property rights protection through stricter enforcement of patent, copyright, and trademark laws, as well as implementing effective measures to combat counterfeiting and piracy. The WTO also emphasized the importance of promoting market access and fair competition by reducing barriers for foreign companies, eliminating discriminatory practices, and ensuring transparency in regulations.

During the trade war, the WTO ruled against certain U.S. tariffs on Chinese goods. To comply with these rulings, the U.S. should consider revising its tariff policies under international trade rules set by the WTO. China, on the other hand, faced criticism for its intellectual property rights protection practices. To comply with WTO recommendations, China needs to strengthen its legal framework for intellectual property protection, enhance enforcement mechanisms, and combat counterfeiting and piracy.

The WTO's involvement in the U.S.-China trade war has had an impact on the overall outcome and resolution. Through its established mechanisms, such as the Dispute Settlement Body, the WTO facilitated negotiations between the two countries, providing a structured approach to resolving trade tensions and increasing the likelihood of reaching a mutually beneficial resolution.

Furthermore, the WTO's involvement reinforces the importance of upholding rules-based international trade. Both the U.S. and China are encouraged to engage in fair competition, respect intellectual property rights, and maintain market access for all participants. The presence of an impartial organization like the WTO ensures that disputes are resolved based on established rules rather than through unilateral actions or power dynamics.

In conclusion, the specific actions recommended or enforced by the WTO, along with compliance from both the United States and China, play a crucial role in mitigating trade tensions between these two major economies. The WTO's involvement not only provides guidance on key issues such as intellectual property rights protection and fair competition but also offers a platform for mediation and dispute settlement, upholding rules-based

international trade for a potentially favorable outcome for both parties in the U.S.-China trade war (Keeler 2023).

The implication of US-China Trade War on the Rest of war

In 2018 and 2019, the increase of tariffs between the US and China leads to a deviation to other supplying countries.

To assess the impact of these tariff adjustments on worldwide trade, researchers correlated the movements in tariffs with global bilateral trade data from the International Trade Centre, focusing on the top 50 exporting countries excluding oil exporters. The analysis compared export growth for products affected by distinct tariff changes initiated by the U.S. or China.

The outcome revealed that both the U.S. and China experienced reduced exports of products affected by increased tariffs. U.S. exports to China saw a decline of 26.3%, while exports to other regions increased modestly by 2.2%. China's exports to the U.S. dropped by 8.5%, and its exports to other parts of the world registered a statistically insignificant increase of 5.5%. Notably, the researchers observed that trade in products targeted by the tariffs increased among bystander countries, surpassing mere reallocation of global trade flows; these countries, on the whole, increased their exports to the world. As a result of this response from other nations, the researchers calculated that, on a net basis, the trade war contributed to a 3% increase in global trade ("How the US-China Trade War Affected the Rest of the World," n.d.).

This flexible specification reveals a second takeaway: there is substantial cross-country heterogeneity in export growth in targeted products compared to non-targeted products. Moreover, this heterogeneity is largely driven by countries' export responses to the rest of the world. Some countries, such as Vietnam, Thailand, Korea, and Mexico were among the largest export "winners", in the sense that they better exploited trade opportunities in product markets with declining US or Chinese participation. The average export growth in taxed products across countries is 6.5% with a standard deviation across countries of 6.1% (compared to a standard deviation of just 1.4% implied by a specification with homogeneous tariff elasticities). These cross-country differences in export growth in targeted products result from i) tariff elasticities that differ by country; and ii) tariff elasticities that differ by sector and size of the trade flow, combined with pre-war specialization

patterns across products. Our third key takeaway is that the country-specific component explains the bulk – 80.5% – of the cross-country variation in export growth in targeted products. The combination of pre-war specialization and size-dependent or sector-specific tariff elasticities explain the remaining variation (Fajgelbaum 2021).

Conclusion

There is a legal dispute behind every political dispute. In the case of the USA and China trade war WTO by providing grounds for filing complaints, recommendations for negotiations, and inviting parties to transparency and fair trade. The World Trade

Organization (WTO) plays a crucial role in regulating international trade and resolving trade disputes. However, it's important to note that the effectiveness of the WTO in addressing US-China trade issues has been a subject of debate. Some argue that the WTO has not kept pace with the evolving nature of global trade and the specific challenges posed by the US-China relationship.

Bilateral tensions escalated in the preceding years, leading to a trade war characterized by reciprocal tariffs imposed by both countries on each other's goods. The Phase One trade deal signed in January 2020 marked a partial de-escalation, with both sides agreeing to address some issues and make certain concessions.

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