

Committee: World Trade Organization

Issue: Weaponizing tariffs as a means of addressing non-trade issues

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PERSONAL INTRODUCTION

Dear Delegates,

My name is Christopher Davris, I am 16 years old, and I attend the 11th grade at Ekpedeftiki Anagennisi High School. It is my pleasure to serve as one of your Deputy Presidents in the World Trade Organization of the 4th American College of Greece Model United Nations Conference. I enjoy politics and international relations, and I, thus, consider such simulations priceless. Participating in MUN for the last three years has offered me general knowledge regarding foreign affairs improving my critical thinking. It has been an invaluable experience for me, shaping the person that I am today.

The question of weaponized tariffs, as far as non-trade issues are concerned, is a topic of immense importance. The continued policy of the USA's President, Donald Trump, to impose tariffs on countries for reasons other than solely trading ones, risks destabilizing the global economy. Tariffs regarding matters that do not concern trade are becoming a reality now, and trade wars between superpowers are erupting. The World Trade Organization, being responsible for the regulation of international trade, plays a pivotal role in the current situation. Thus, the validity of such tariffs and the measures that have to be taken to solve the matter should both be examined throughout lobbying and debate.

The purpose of this study guide is to provide you with a stepping stone and to act as a useful tool to familiarize you with the fundamental aspects of the issue. Having said that, I strongly encourage you to conduct further research on your own, so as to understand the case and your country's policy in depth. Should you have any questions regarding the topic, do not hesitate to contact me through my email address (christopherdavris13@gmail.com).

I wish you luck with your preparation and look forward to meeting you all!

Best regards,

Christopher Davris

TOPIC INTRODUCTION

Tariffs have been imposed by governments for centuries to safeguard the domestic industry, while other states have also used them as a source of income. High tariffs were traditionally an integral part of the trade between countries. Since the end of World War II, the majority of the most economically developed countries (MEDCs) have been advocating for free trade policies. They have collectively signed agreements such as the General Agreement on Tariffs and Trade (GATT) or created intergovernmental organizations such as the World Trade Organization (WTO).

These efforts have achieved the reduction of restrictions on imports, such as tariffs. With the absence of these trade barriers, international trade has seen unprecedented growth. Nevertheless, during the past years, we've seen an increase in tariffs that is slowing down trading relations between states. What is new here is that tariffs are being weaponized. They are being used to achieve non-economic, non-trade goals.

The United States of America (USA) is the country that introduced this kind of tariff. As a part of the Trump Administration protectionist policy, the USA has started engaging in a trade war with China, weaponized tariffs against Mexico and India, and instituted new ones in trade with Canada, the European Union (EU), and several other countries. These tariffs constitute a new challenge for the global economy, taking us into uncharted, dangerous territories.

Instead of the tariffs being used to help the domestic market and correct purchasing concerns, they are being implemented to address non-trade matters. Countries around the world are already starting to reform their trade policies, and trade relations are facing a crisis due to weaponized tariffs. This sort of practice shall be shifted through as we have not encountered such tariffs in the past, and its consequences may prove detrimental to the financial sector.

DEFINITION OF KEY TERMS

Tariffs

A tariff is a tax imposed by a government on goods and services imported from other countries that serves to increase the price and make imports less desirable, or at least less competitive, versus domestic products and services.¹

Weaponized tariffs

Tariffs are considered to be weaponized when they are used as leverage aiming to

¹"Tariff Definition - What Is Tariff." Shopify, <https://www.shopify.com/encyclopedia/tariff>.

pressure another country so as to alter its policy on a matter.

Non-trade issues

Broader matters regardless of trade, concerning issues such as human rights, labor rights, public health, poverty, environmental issues, and politics.

Trade war

A trade war happens when one country retaliates against another by raising import tariffs or placing other restrictions on the opposing country's imports.²

Protectionism

The policy of protecting domestic industries against foreign competition utilizing tariffs, subsidies, import quotas, or other restrictions or handicaps placed on the imports of foreign competitors.³

General Agreement on Tariffs and Trade (GATT)

The legal agreement that created the World Trade Organization in 1995. It provides a legal framework for its 164 signatories that favors international trade through the reduction or the elimination of trade barriers such as tariffs.

Trade barriers

Trade barriers are restrictions by the government on imported goods and services. These may include tariffs and non-tariff measures such as importing quotas, local content requirements and licensing.

Intellectual Property Theft

Intellectual property theft involves robbing people or companies of their ideas, inventions, and creative expressions—known as “intellectual property”—which can include everything from trade secrets and proprietary products and parts to movies, music, and software.⁴

Iran Deal

The Iran Deal or Joint Comprehensive Plan of Action was an agreement signed in 2015 between the five permanent members of the Security Council (China, France, Russia,

² Chen, James. What Is a Trade War? Investopedia, 18 Nov. 2019, <https://www.investopedia.com/terms/t/trade-war.asp>.

³ Augustyn, Adam. Protectionism. Encyclopedia Britannica, Inc., 12 Oct. 2018, <https://www.britannica.com/topic/protectionism>.

⁴ Intellectual Property Theft. Federal Bureau of Investigation, 3 May 2016, <https://www.fbi.gov/investigate/white-collar-crime/piracy-ip-theft>.

UK, US), Germany and Iran. In a few words, the multilateral deal lifted sanctions from Iran while the country would refrain from its nuclear program.

BACKGROUND INFORMATION

The weaponization of trade

Nowadays, international trade is about more than economics. Trade has become a tool for strategic influence. Instead of solely aiming to improve one's economy, trade deals have political objectives. That does not go only for the current US administration. Leaders of the world increasingly conflate matters of trade relations with foreign policy objectives. For instance, the former prime minister of Britain, Theresa May, suggested that a trade deal between the United Kingdom (UK) and the European Union (EU) would be linked to the UK's participation in European security affairs.

The weaponization of trade is transpiring, and even though it is an inflammatory term, this is the reality. Since the 2008 financial crisis, trade relations have shifted vastly. Rhetoric concerning economic growth have turned to rhetoric of conflict. The political and economic landscape are highly connected with each other, but a balance shall be maintained between them for them to be beneficial. The trend for weaponized trade continues to take over financial affairs, and unless governments refrain from this tactic, the progress that has been made in the political and economic sectors after World War II is going to be jeopardized.



Figure 1 President's Trump stance on tariffs summed up in a tweet

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⁵ Savitsky, Shane. "Trump on Trade Wars: They're 'Good, and Easy to Win.'" Axios, 2 Mar. 2018, www.axios.com/trump-trade-wars-good-easy-to-win-twitter-e343d1cb-04d5-4a2f-a2ba-f94c79a21a37.html.

This is the reason the WTO core agreements do not authorize the use of trade barriers to pursuing non-trade goals. If there are winners in a trade war (which is unlikely), they are likely to be nations with substantial bargaining leverage. The weapons in a trade war are the tariffs and trade barriers set up by conflicting parties. Just like military action, the imposition of tariffs on imported goods puts economic pressure on the receiving nation to act in favor of the one that forces them.

US-China trade war

The US-China trade war has been the main topic of discussion for the last two years when it comes to international trade. This is not a coincidence at all as we are talking about the two largest economic powers on the planet right now. To understand their recent dispute, we should briefly go back to 2001 when it all started with China's WTO membership acquisition. At the start of the millennium, the US pushed for China's entrance into the WTO. Western policy makers believed that with its growth, China would embrace western values.

China entered the organization ranking 6th in the global GDP ranking. Since then, its rise has been remarkable, and it currently sits in 2nd place only behind the US. As mentioned before though, for China to enter the WTO, significant changes to its economy had to be made. It has been observed that China did not abide by the rules, and this is why President Trump, during his presidential campaign, said that China's entrance into the World Trade Organization enabled the "greatest jobs theft in history."⁶

It was no surprise, after all, seeing the US impose tariffs against China, but the situation got out of hand after a while resulting in a full-blown trade war. The US demands that China alters its laws to rein in illegal tech transfers, intellectual property (IP) theft, and anti-competitive state subsidies. The United States Trade Representative has previously stated that Chinese theft of American IP currently costs between \$225 billion and \$600 billion annually. It is claimed that the above reasons, along with its trade deficit, made the US slap tariffs against China.

Thus, a point can be made by the US that its tariffs concern trade issues at their core. While those concerns may be valid, they existed under President Bush and President Obama but they both refrained from imposing tariffs to the extent that we see today. Furthermore, the USA is not happy with the fact that China is indifferent to the North Korea nuclear program and believes that they are the ones who should take action to stop North Korea from developing nuclear weapons.

⁶ "Timeline: Key Dates in the U.S.-China Trade War." Reuters, 11 Oct. 2019, www.reuters.com/article/us-usa-trade-china-timeline/timeline-key-dates-in-the-us-china-trade-war-idUSKBN1WP23B.

On the other side, Chinese officials believe that the USA feels threatened by its rapid growth and that they are trying to halt its progression on the economic sector. It seems for the Chinese bloc that the US goals behind the tariffs are to change China's communist regime policy on the way they do business. All in all, in China's telling, American companies became accustomed to making profits in China, but see Chinese competitors catching up to them up by setting global standards for future technologies. From this point of view, American businesses are complaining and demand that trade rules designed for the western world and used to keep China down.

Essentially the first step was taken by the US on the 23rd of March 2018 with "Section 301" which targeted the alleged intellectual property theft. New US tariffs were imposed on the 2nd of April and on the 3rd of April 2018, China retaliated via the use of tariffs. China's retaliatory tariffs automatically served a political purpose as well being to pressure Trump to end the trade war by harming the US economy. Until July of 2019, no talks between the two parties were made, and dozens of new tariffs were implemented. Negotiations restored by the 1st of August 2018 at the G20 summit, but no progress was made. Neither China nor the US backed down, and tariffs continued.⁷

At the end of 2019, tensions seemed to overcome as both sides called off several tariff threats, and on the 15th of January 2020 agreed upon a "Phase One Deal." The deal marked an uneasy truce between the two superpowers but has not ended the worldwide influential trade war in any sense. A total of \$550 billion of US tariffs and \$185 billion of Chinese ones are still exclusively applied to each other's goods. The average US tariff rate has been 2%. The current tariffs push the average rate on Chinese imports to more than 20%. Solely through that fact, one can understand the magnitude of the measures.

How the US-China trade war has escalated

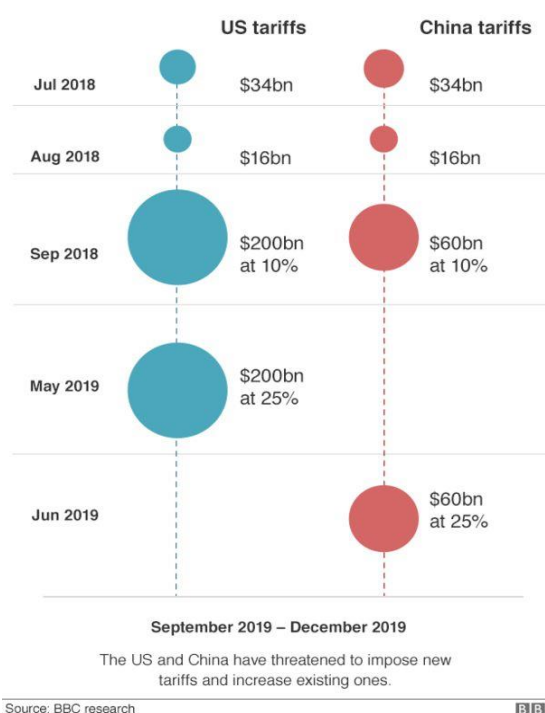


Figure 2 Chart depicting the escalation of the US-China trade war

⁷ US and China Sign Deal to Ease Trade War." BBC News, 15 Jan. 2020, www.bbc.com/news/business-51114425.

Significant weaponized tariff-related situations

Mexico-US

On the 30th of May 2019, Donald Trump announced out of nowhere 5% tariffs on all imports from Mexico. The tariff would increase to 10% on the 1st of July and by another 5% each month for three months. The reasoning behind it was the influx of immigrants on the southern US border with Mexico. On the 7th of June, the two countries reached an agreement under which the US suspends its tariffs indefinitely, and Mexico takes measures on the border. If the tariff threat was implemented, it would be a violation of the North American Free Trade Agreement (NAFTA) that the US has previously ignored with its recent tariffs on Canada. While Trump pulled back on the tariff threat, he could revive it if he does not like how the Mexican administration handles the Central American migrant issue.

It is obvious that Mexico was worried about potential tariffs coming from the US and that threats worked against its government. What is apparent as well, though, is that the agreement has not solved the border issue. People are fleeing Central America because of poverty, and the recent US aid cut to Central America has worsened the problem. There is no way that tariff threats will solve this deep-rooted issue. The Mexican tariffs were to be imposed because of a “national emergency” that relates to illegal immigration. This policy issue is usually handled through legislative or diplomatic channels. It is clearly not a trade issue.

EU-Iran-US

It is well known that US-Iran relations are quite fragile, and some recent events have deteriorated the situation. Since the US withdrew from the Iran Deal, tons of sanctions and tariffs have been slapped on Iran in order to make the government cancel its nuclear program. While Trump believes that Iran will back up soon, signing a new nuclear deal, its economy is being gradually destroyed from the trade barriers.

After the US strike that killed a top Iranian military official, Iran decided to break the uranium enrichment limit, a vital element for nuclear energy. Then the US on the 7th of January 2020 privately threatened the UK, France, and Germany that if they refused to call out Tehran on violating the Iran Deal, the United States would impose a 25% tariff on European automobiles. The EU countries did so a week later, pointing out that their statement had nothing to do with the US warnings.

India-US

Trump Administration has also been engaged in what is called by many economists a mini-trade war with India. On the 5th of June of 2019, the US shifted its policy towards India by ending India's special trade privileges and imposed high tariffs on many of its imports. India is no longer in the Generalized System of Preferences (GSP), which means they have no longer preferential trade treatment by the US. In response, India has imposed tariffs against the US, inflaming the situation between the two nations. Through these tariffs, the US wants to pressure India into purchasing more US goods, stop oil imports from Iran, and penalize missile purchases from Russia.

Trump's tariffs effects

The consequences of this kind of US tariffs are various and powerful. First of all, such individualistic actions undermine the importance of economic, legal agreements such as the General Agreement on Tariffs and Trade (GATT). The GATT has given WTO the power to enhance the global economy through obedience to certain rules that countries have agreed upon. It is evident that many of the US tariffs violate the standards of the WTO.

Moreover, tariffs generally set an obstacle to economic growth. Invariably tariffs are considered counterproductive taxes when they are very high. Except for least economically developed countries (LEDCs), where tariffs are more manageable for governments to collect requiring only infrastructure at ports, tariff impositions generally distort the economy, reducing productivity. This is because other countries respond with retaliation, hurting exporters. If, for example, a country imposes steel tariffs on another, domestic steel companies' executives are going to be pleased with tariffs on imported steel. Still, local companies that buy steel are going to be severely damaged.



Figure 3 US citizens protest in Washington DC against Trump's tariffs

⁸ Stewart, Emily. "Trump Tweets That 'Tariffs Are the Greatest!' Experts Say They're Not." Vox, 24 July 2018, www.vox.com/2018/7/24/17607182/trump-tariffs-trade-war-tax-china.

It is no coincidence that US farmers that exported goods to China cannot keep doing business in the way they used to. Affected factories in China try to combat this issue by either raising the price of their goods or reducing their quality. Iran's economy is suffering, and the situation is getting more critical day by day. Of course, it is understandable that countries want to pressure for a nuclear deal, but the question here is whether the tariffs are effective for the regime, or whether they only hurt the people.

Other than that, tariffs harm a country's reputation as a reliable trade partner. Trust is eroded easily, especially when states break past promises or do not abide by international agreements. For instance, the US used to have a reputation as one of the most dependable countries to make deals with. Nevertheless, its recent actions made other nations view them with distrust. That resulted in a search for alternative trade partners. Russia is currently taking advantage of the situation as states like China and India turn to it for their imports. Therefore, it is not an over-exaggeration to say that Russia is one of the winners of the trade war and the US trade barriers.

MAJOR COUNTRIES AND ORGANISATIONS INVOLVED

United States of America (USA)

It is no secret that the issue mostly concerns the US's weaponized tariffs. Keeping in mind the US's President's statement that "tariffs are the greatest"⁹ it is straightforward to understand that protectionism is their priority. Recent moves such as the "Phase One Deal" are showing that the US is backing down, but the Trump Administration seems unpredictable. At the moment, US financial weapons are the most potent in the world and it is not afraid to use them in any given chance.

China

China, the second-largest economic power, has a pivotal role in this case. The Communist party does not seek an escalation of the war, and this is why they are eager to talk, but they are not shy to retaliate if needed. The Chinese economy is not bulletproof, and tariffs have harmed its economy as well. It is speculated that for this reason, it manipulates its currency to keep being competitive in the markets. China claims that it takes all necessary measures to prevent illegal financial conducts under the WTO that the US are accusing them for.

⁹ Dopp, Terrence, and Toluse Olorunnipa. 'Tariffs Are the Greatest, Trump Tweets Before Juncker Meeting. Bloomberg, 24 July 2018, www.bloomberg.com/news/articles/2018-07-24/-tariffs-are-the-greatest-trump-tweets-before-juncker-meeting.

European Union (EU)

The United States has not forborne of slapping tariffs against the EU as well. Tariffs in force, though against the European countries, are not considered weaponized at all. These are mostly to combat the US's trade deficit. EU members openly expressed their disappointment on these taxes and managed to retaliate in a way that does not hurt its own economy. The US threats in relation to the Iran case made their relations even worse, angering European officials. Uncertainty in Europe is growing with fear for US measures.

World Trade Organization (WTO)

The World Trade Organization, which strives for balance in trade and reduction of tariffs, currently faces one of the biggest challenges in the history of the organization. Its most important principle is that “countries cannot normally discriminate between their trading partners”. For such instances, there are exceptions only “under strict conditions” which are laid down by the GATT. The crisis in its dispute settlement system is weakening its authority proving insufficient to deal with the issue on its own.

TIMELINE OF EVENTS

Date	Description of event
30th October 1947	Signing of the GATT
1st January 1995	Creation of the WTO
11th December 2001	China enters the WTO
2007-2009	Global financial crisis
23rd March 2018	Amendment on “Section 301”
2nd April 2018	Mass US tariffs against China
3rd April 2018	Chinese retaliation on US tariffs
8th May 2018	US withdrawal from Iran deal

1st August 2018	US-China negotiations restoration in G20
30th May 2019	US tariff imposition on Mexico
5th June 2019	End of India's trade privilege in the US
7th June 2019	US-Mexico immigration deal
7th January 2020	US tariff threats against EU
15th January 2020	"Phase One Deal" agreement

RELEVANT RESOLUTIONS, TREATIES AND EVENTS

General Agreement on Tariffs and Trade (GATT)¹⁰

The General Agreement on Tariffs and Trade provides the framework under which countries can slap tariffs. As mentioned before, a certain tariff rate to imports has to be applied to imports from all member countries, not to all but some. Article XX provides general exceptions, which include protection of public morals, protection of the environment, the necessity to secure compliance with the GATT, and many more. None of the aforementioned situations seem to concern such issues. Article XXI provides national security exceptions, in the name of which most of the US's tariffs are based on. The question here is whether the reference to these exceptions has any validity or not. The WTO conceives any tariff that does not fall under the exceptions of the GATT as null and void.

WTO Dispute Settlement System (DSS)

One of WTO's primary functions is to resolve disputes among its members. This is the organization's "unique contribution to the stability of the global economy," as cited on their website. 593 disputes have been brought to the WTO, over 350 rulings have been made. Until December 2019, any member could bring a case to the organization that would be heard by an appellate body. Under normal standards, the body consists of 7 members, but after the US blocked any new appointment, it has shrunk to just one person whose term ends in December 2020. Since the minimum permissible number of members is three, the body is unable to take on new cases, meaning that the WTO will no longer have the authority to resolve disputes between countries. That creates the risk of turning every WTO dispute into a mini-trade war.

¹⁰ https://www.wto.org/english/docs_e/legal_e/gatt47.pdf

PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

USA-China “phase one” trade deal

The two largest economies of the world reached a trade agreement on the 15th of January 2020. "Phase One Deal" was signed by the USA and China to constitute a temporary truce after more than a year of continuous tariff impositions, intense negotiations, and moments of escalations. China has agreed to increase US agricultural purchases and make structural changes to intellectual property and technology issues. In exchange, the US will call-off specific tariffs. Semi-annual meetings have also been scheduled to discuss the implementation of the deal.

Tensions are expected to reduce, but this is not enough to end the trade war, virtually it is just the start as the easier parts are only covered that do not require significant economic structural reforms which the two countries are far from agreeing to. More complex matters such as higher tariff relief, subsidies for China's state-owned enterprises have not been touched upon in this partial-trade agreement. For this reason, it has been stated by both sides that "Phase Two Deal" is on its way.



Figure 4 US and Chinese political leaders sign “Phase One Deal”

Dispute settlements cases

The Dispute Settlement System (DSS) is inactive after the crisis it got through. Even though the US wins the vast majority of the cases it brings against other states and the most than any other country; it considers the mechanism biased, and this is why it essentially shut it down. In the past, it has been proven to be deciding in numerous cases. The DSS, rather than the country imposing tariffs, had the power to determine whether or not there was a national security emergency or not. During past rulings, it was found that political or economic differences between members are not sufficient, to constitute such an exception.

POSSIBLE SOLUTIONS

For this intricate issue, we have to keep in mind that the global economy is at stake. Thereby solutions ought to always aim at improving financial terms between countries. After all, this is what the WTO is striving for. Under a legal context, it should be made clear from each bloc whether this kind of tariffs goes against the GATT agreements or not.

A general economic and political principle is that tariffs should under no circumstances be slapped on their own. If they serve any interests other than financial ones they should be always accompanied by diplomatic solutions. There is not much tariffs can achieve without diplomacy when non-trade matters are to be addressed. Negotiations in intergovernmental organizations or bilateral talks shall take place whenever a problem arises. Considering situations like China and Iran, the effectiveness of tariffs can be taken into account as they may prove insufficient or even counter-productive without being combined with any consultations.

Concerning the trade war, the US and China should take full advantage of the “Phase One Deal”. Based on it, a “Phase Two Deal” can be constructed that brings this long lasting trade dispute into an end. The example of this agreement has to be implemented in other occasions where the two sides engage in mini-trade wars.

Moreover, steps must be taken to face the WTO Dispute Settlement System crisis in order to preserve the era of rules-based trade. The DSS can be revived if both parties make compromises. In case it is not feasible to find a solution for the DSS, a new system that deals with disputes could be set up based on the existing WTO rules using retired appellate body judges. This solution, though, should be the last you resort to as it may cause dissension with the US.

Another side would argue that weaponized tariffs are an alternative to actual weapons. It is profoundly mentioned by the ones who use tariffs as leverage that we can prevent conflicts through trade barriers. For example, cases regarding Iran and North Korea are more comfortable to handle through trade barriers as diplomacy has not worked so far, and a military conflict should be avoided through any means possible.

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