

Volume 1, Number 3
Published November 13, 2020

What Will President Biden Mean for US-China Relations?

The Biden administration will treat China as hostile power/strategic competitor/ally as needed to advance US goals.

By [José E. Alvarez](#)

Aided and abetted by President Xi's transition to authoritarian "president for life," the Trump administration has transformed views within the United States with respect to China. Gone are lingering hopes that China's economic interests will gradually make it a faithful "rule taker" of the post-WWII liberal order. Perceptions of China within the US have hardened to the point where [the only question among some possible foreign policy advisers to President-Elect Joe Biden is which path China intends to take to achieve "global domination."](#)

But this paradigm shift, while significant, does not mean that US-China relations under President Biden will remain unchanged from the Trump years or devolve into a new de facto Cold War.

Unlike many within Trump's orbit, Biden does not seek US-China "decoupling." He knows too well from his extensive foreign policy experience that even if this were

possible, both countries are now too economically co-dependent, and both are critical to the survival of global capitalism. Biden and his advisers have expressed deep skepticism of the value of Trump's much touted trade "war" with China, noting that the costs are borne by US consumers.

Revealingly, Biden has described China as the US's principal adversary and sole strategic competitor for leading power status. This means that he will deploy the tools of statecraft. The Biden administration will treat China as hostile power/strategic competitor/ally as needed to advance US goals. President Biden will make clear that he considers certain Chinese actions (such as interference with innocent passage or transit rights on the high seas or threats to invade Taiwan) unacceptable, while simultaneously signaling that he wants to cooperate on matters of common (often global) concerns, such reducing the threat of climate change, terrorism, the spread of all weapons of mass destruction, forms of trade protectionism, or missile launches by North Korea.

Different rationales, comparable ends

The incoming Biden administration will express different rationales for its China policies. Continued trade sanctions on China may be premised on the Hong Kong security law or China's treatment of Uyghurs -- and less on the contention that China manipulates its currency or was responsible for spreading the "China virus." The Biden administration will come under pressure

from its human rights supporters to follow the lead of Canada's Parliamentary committee and brand China's actions towards the Uyghurs as "genocide" (as well as a crime against humanity). President Biden is likely to join US allies who have been pressing UN Secretary-General António Guterres to be more vocal about Xinjiang in the hope of securing access for the UN Office of the High Commissioner for Human Rights. This would be a 180-degree shift from the lack of US engagement on the issue, and certainly from [Trump's reported statement to Xi Jinping that building Uyghur internment camps was "the right thing to do."](#)

Re-engagement with IOs at a price

The Biden administration can be expected to reverse the US's recent high-profile disengagements from multilateral forums like the UN Human Rights Council, the WHO, and the WTO. It will recognize, as apparently Trump did not, that the US absence from UN institutions leaves a void that other states, particularly China, are willing to fill – to our and the world's detriment. But US re-engagement will mean challenging China insofar as that is needed to make these institutions work as intended.

Biden can be expected to reverse the US's recent disengagements from multilateral forums

President Biden will probably continue Trump's "[UN Integrity](#)" initiative, which was designed to call attention to the risks of China's rise and the [alleged adverse impact](#)

[on the independence of international civil servants and apolitical nature of UN technocratic organizations](#), particularly those now led by Chinese nationals.

If re-elected to the UN Human Rights Council, the US can be expected to criticize the Council's recent decision to readmit China to its ranks, and resist China-led efforts to turn that body's Universal Periodic Review into empty celebratory occasions to commend human rights violators for their "progress."

As a president elected largely on the premise that he believes that the right to health is a fundamental right and that protecting the US from a global pandemic is a top priority, Biden will fully pay US dues to the WHO and repudiate Trump's plans to withdraw from the organization.

At the same time, under his leadership the US can be expected to push for WHO institutional reforms so the organization can more effectively fulfill its key mission: preventing and handling global pandemics. The US's WHO efforts will sometimes dovetail with those of China. Like China, Biden will join COVAX – the alliance that ensures that any vaccine developed by contributing rich nations will also be available to 92 low-income countries based on need and vulnerability.

But while Biden will not call COVID the "China virus" nor seek to blame the WHO for the US's abysmal record handling the pandemic, his administration will push the organization for a genuine investigation about what went

wrong at the start. The Biden administration is also likely to support structural reforms that China will likely resist: “naming and shaming” states that fail to comply with the WHO’s demands for information, empowering non-state whistleblowers, enabling greater transparency, and permitting Taiwan’s participation as an observer.

The Biden administration is also more likely to turn to the UN Security Council for action on pandemics, challenging China’s posture that such threats are not within the “geopolitical” jurisdiction of the Council.

President Biden will seek to cooperate with China when that is his best option, but also will align with allies to challenge China’s maligned behavior

International Adjudication

The US and China will continue to share a mutual disinclination to use international courts or tribunals to enforce international law. The Biden administration is no more likely than China to accept the compulsory jurisdiction of the International Court of Justice or optional protocols enabling individual complaints to be brought before UN human rights bodies. Like China, the US will continue to make exceptions to this stance only with respect to trade and some investment disputes. This means that the administration will not have any greater credibility than its predecessor to insist that the many disputes concerning the South China Sea be submitted to one of the third-

party adjudicatory methods contained in the Law of the Sea Convention.

Widely anticipated efforts by the Biden administration to resolve the ongoing crisis involving the WTO dispute settlement system will run through China. The US refusal (under both Obama and Trump) to agree to the appointment of Appellate Body members stemmed at least in part from dissatisfaction with how that body dealt with Chinese state owned enterprises and how non-market actors like China evaded WTO strictures against trade subsidies and intellectual property protection rules.

US demands for reform before reviving the WTO dispute settlement system are also likely to raise an exceedingly trenchant issue: getting China to agree that it should no longer enjoy the benefits associated with being a “developing state.” Biden is likely to engage US allies far more than his predecessor to achieve this end, and to present a united front against China on contentious matters such as striving to protect data privacy while also enabling digital commerce.

Climate Change

Biden has promised to have the US return to the Paris Agreement on his first day in office. But this will not suffice. Since the US and China jointly account for 40 percent of global greenhouse emissions any solution to climate change requires their mutual cooperation. Under President Biden, the US, like China, is likely to commit to achieving

carbon neutrality by a date certain. Biden is also likely to re-engage the bilateral climate change commitments started under Obama. He may even attempt joint US-Chinese cooperation that would tap into the two countries' respective strengths: namely, US talent for inventing new technology and China's unmatched capacity to cheaply produce it.

Fratelli Tutti

Biden has contrasted the US from China precisely on the basis that the US is empowered by its many alliances, including with the EU and NATO. This means that [President Biden will seek to cooperate with China when that is his best option, but also will align with allies](#) to challenge China's malign behavior in the South China Sea, towards Hong Kong or Taiwan, or with respect to trade or intellectual property.

Cassandra's cruel fate suggests that anyone seeking to emulate her should worry. Unexpected events – such as those that have bedeviled the year 2020 – can wreak reasonable efforts at prognostication. The outlook on US-China relations is like a typical British weather forecast: “Long periods of fog and rain with the possibility of bright spots.”

José E. Alvarez is the Herbert and Rose Rubin Professor of International Law at New York

University School of Law and lead faculty advisor of the U.S.-Asia Law Institute

The views expressed in USALI Perspectives essays are those of the authors, and do not represent those of USALI or NYU.