Next Steps Might Be Considered by Joe Biden for the Development of International Trade Law

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Abstract — The United States of America is a part of the globalization of international trade law. The USA is known as a leading global trader among all nations. The President of the USA plays a vital role in the development of international trade law. On 8 November 2016, Donald Trump was elected as president of the United States of America. Donald Trump engaged in different trade deals and policies with different countries and international institutions. The trade deals and policies are withdrawal from TPP, reshaping NAFTA, reforming WTO, and imposing tariffs on foreign goods. On 8 November 2020, CNN commented, Joe Biden will be the next president of the USA. Many scholars expressed different thoughts relating to the reforming international trade law by Joe Biden. The main aim of Joe Biden will be to remove trade barriers and end artificial trade wars with different foreign nations. My research will suggest how Joe Biden may overcome these issues for the betterment of the international trade law around the world.

Index Terms — USA, Joe Biden, International Trade Law, Reforms.

I. INTRODUCTION

On 8 November 2020, CNN commented “America has chosen Democrat Joe Biden as its 46th president.... Who is pledging to restore calm and truth after Donald Trump exhausting and manic single term”[1].

Joe Biden expressed gratefulness to every citizen (includes who voted or not voted for him) of the USA for selecting him as the next president of the USA. He said “there will not be blue states and red states when we win. Just the United States of America..... We are not enemies. What brings us together as Americans is so much stronger than anything that can tear us apart.”[1].

Democrats suggested Joe Biden has to achieve a "New Deal" by reforming the health division, the economic sector, environment area, judiciary zone, and dealing with the balancing of power [1].

The above suggestion was supported by former President Barak Obama. He believed Joe Biden will have to face many difficulties to overcome the current situation. Barak Obama recommended “when he walks into the White House in January, he’ll face a series of extraordinary challenges no incoming President ever has….a raging pandemic, an unequal economy and justice system, a democracy at risk, and a climate in peril….I know he’ll do the job with the best interests of every American at heart, whether or not he had their vote” [1].

From the above discussion, it may be observed that Joe Biden will have to deal with an “unequal economy”. This provides an idea to readers that President Joe Biden will have to compromise all the trade issues and provide a fruitful trade solution. This trade solution will also provide a tool for the globalization of international trade law around the world.

I will explain to readers how next president Joe Biden may play a vital role in the development of international trade law.

Before going to discuss the task of next president Joe Biden, it is necessary to provide an idea about Joe Biden’s life history. In the next session, I will discuss a brief life history of Joe Biden.

II. BRIEF LIFE HISTORY OF JOE BIDEN

Joseph Robinette Biden Jr. is the full name of Joe Biden. He was born on November 20, 1942, in Scranton, Pennsylvania, USA [18].

In 1972, Joe Biden lost his first wife and daughter in a terrible car accident. He and his two sons (Beau and Hunter) were also injured. In 1977, Joe Biden married Jill Biden and they have a daughter (Ashley). On May 30, 2015, Joe Biden lost his son Beau, because of cancer [18].

Joe Biden was awarded a bachelor's degree from the University of Delaware and a law degree from Syracuse University in New York in 1965 and 1966 respectively [19].

In 1972, Joe Biden was elected as the 5th youngest U.S. Senate at the age of twenty-nine. He served as a visiting professor in different educational institutions and assisted in judiciary procedures. On 23 August 2008, Barack Obama selected Joe Biden as Vice President and he served as Vice President from 2008-2016[19].

III. INTERNATIONAL TRADE LAW AND THE USA

Office of the United States Trade Representative asserted "America is the World’s largest national economy and leading global trader". The USA achieved this goal owing to many issues, i.e. by growing competitive industries, exporting products to foreign jurisdictions, etc. Trade considers as a tool for the growth of the USA. The USA may accomplish this aim by minimizing trade barriers and enforcing the trade treaties.[2]. This will enhance the friendly trade deals between foreign jurisdictions and the USA.

The above statement is supported by the U.S. Chamber of Commerce. Development of trade will provide the USA to enlarge job security, growth of the economy, and friendly business strategy for both big and SME's companies.
The U.S. Chamber of Commerce suggested, "America cannot have a growing economy or lift the wages and income of our citizens unless we continue to reach beyond our borders and sell products, produce, and services to the 95% of the world’s population that lives outside the United States". The U.S. exports of manufactured goods and services reached $1.4 trillion and $828 billion in 2018 respectively [3].

U.S. Trade treaties with foreign jurisdictions are playing a vital role in the globalization of international trade law around the world. As per the U.S. Department of State website, the USA has 14 trade agreements with twenty foreign states like Australia, Bahrain, Chile, Colombia, Israel, Jordan, Morocco, Oman, Peru, Singapore, and South Korea, etc. These treaties are also known as Free Trade Agreements [4].

According to the United States Trade Representative (USTR), besides Free Trade Agreements, the USA also has an association with World Trade Organization, Trade and Investment Framework Agreement (TIFAs), and Bilateral Investment Treaties (BITs), etc. USTR recommended, "Trade Agreements can create opportunities for Americans and help to grow the U.S. economy."[5].

Wilbur Ross (U.S. Secretary of Commerce) emphasized different important issues for the development of the U.S. trade with foreign states. The issues may include speed up the U.S. economic growth and opportunity, gathering experts and researchers, expanding digital platforms (i.e. technology, cybersecurity, and encryption technology, etc.) implementing trade laws for free, fair, and justifiable trade dealing [6]. These issues are also necessary for the development of international trade law and may be considered by Joe Biden for the reform of the international trade law around the world.

During 2020, the USA trade has adopted diverse policies for sustainable growth of international trade laws. The USA Traders are being facilitated by virtual export promotion services (i.e. includes Webinars, E-trade, Market intelligence, Matchmaking service, Due diligence on Foreign Parties, encouragement of products or services, and any other necessary additional services, etc.)[7].

Export-Import Bank of United States (EXIM) is supporting the USA to boost its trade. EXIM introduced COVID-19 relief measures to support small businesses, programs on China, and Transformation Exports (acts as a neutralizing of trade deals between China and the USA by giving priority to the USA). The main aim of EXIM is to strengthen American Competitiveness [7].

On May 15, 2020, Donald J. Trump (Proclamation 10037-World Trade Week, 2020) stated “As the global leader in innovation and commerce, the United States is willing to do business with any country strongly committed to open, fair, and competitive markets, benefitting our National’s farmers, ranchers, manufacturers, service providers, and entrepreneurs……to begin rebalancing our trade relationship with China…..we reached a new deal with people’s Republic of China this past January” [8].

The above discussion examines the USA as a part of the sustainable development of international trade law. Now, the reader is enthusiastic to know what would be the next steps for Joe Biden for the development of international trade law.

In the next session, I will discuss Joe Biden’s future thoughts on the development of international trade law.

IV. JOE BIDEN’S FUTURE THOUGHTS FOR REFORMS OF THE INTERNATIONAL TRADE LAW

In this session, I will investigate concisely the international trade situations during Donald J. Trump and Joe Biden. After analyzing both the situations, I will recommend how reforms can be expanded by Joe Biden for the development of the International Trade Law.

A. International Trade Situation before Joe Biden’s presidency

On 8 November 2016, Donald J. Trump was elected as 45th President of the United States of America [9]. Donald J. Trump adopted different policies that impacted the international trade sector.

During Donald J. Trump presidency period, the USA dealt with different issues as follows [10]:
- Quieting from the TPP agreement.
- Renegotiated different aspects of NAFTA: North American Free Trade Agreement was reborn on October 1, 2018. This agreement may be termed as United States-Mexico-Canada Agreement. The main objective of this treaty is to do away with barriers and for expanding transnational transactions of goods and services among the USA, Canada, and Mexico [11].
- Engaging Trade war with China.
- Putting tariffs on products of foreign states (i.e. China)

As earlier stated, the USA has a membership of both WTO and GATT since 1 January 1995 and 1 January 1948 respectively [12]. Technically, WTO is the successor of ITO and GATT. But the World Trade Organization may not achieve its aim because of different difficulties (i.e. DSB of WTO is at risk). This concept was supported by world leaders and different international institutions. Thus, the World Trade Organization requires efficient reforms for its survival [13]

The above discussion illustrates to readers that Joe Biden requires adopting different policies and issues for the development of international trade law. In the next session, I will discuss the future planning (i.e. presumption) of Joe Biden to boost international trade law.

B. International Trade Situation during Joe Biden

Nasim Fussell (former trade counsel at the U.S. Senate Finance Committee) commented “I’ve been told that if you close your eyes, you might not be able to tell the difference between the Biden and Trump trade agendas…..Biden’s not going to be quick to unravel some of these tariffs”[14].

From the above statement, readers may get a hold of the thought that the next steps (i.e. for the development of international trade law) of Joe Biden are not clear enough until now and will depend on the adoption of future trade policies/laws.

However, from a presumption perspective, different experts viewed different policies which Joe Biden may adopt for the furtherance of international trade laws, which
are as follows:

➢ Biden may end the artificial trade war against the EU and China [14].
➢ May comply with Donald Trump’s trade policies, i.e. reforming WTO and not compromising with lifting tariffs against China [15].
➢ Rethinking about NAFTA and TPP agreements [16].
➢ Restoring the Obama-era nuclear deal with Iran and negotiation deals with India for different issues [17].
➢ Adopting policies to cope with the Regional Comprehensive Economic Partnership (RCEP) [20].
➢ Other policies that may be adopted by Joe Biden are based on the future necessity for the furtherance of international trade law.

In the next session, I will provide my recommendations for the development of international trade law and will be helpful for Joe Biden for policymaking.

C. Reforms for the International Trade Law

From my point of view, Joe Biden may consider the following recommendations for reforming the International Trade Law, they are:

➢ Removing the trade barriers and smoothing transnational transactions of goods and services among different jurisdictions.
➢ Forming a trade research committee which will include trade experts and researchers.
➢ Establishing interim/ad-hoc tribunals to deal with cross border transactions’ dispute settlements.
➢ Reforming and redesigning the international institutions (i.e. WTO) and international treaties (NAFTA, TPP agreements, etc.).
➢ Consideration of international laws (i.e. CISG) rather than national laws (SOGA 1979, UCC, etc.) For transnational transactions.
➢ Creating the World Trade Monitoring Committee (WTMC) consisting of trusted persons for monitoring international trade laws. The main tasks of WTMC are to form updated laws and policies for the development of international trade laws.
➢ Any other relevant steps may be considered subject to the necessity for improvement of the international trade law.

V. CONCLUSION

Finally, it is time for Joe Biden to reshape the economic sector by adopting advanced international laws/policies to cope with the current trade catastrophe for the development of international trade law around the world.

REFERENCES

Dr Md. Habib Alam completed a PhD in Law at the National University of Malaysia in 2018. In 2012, he was called to the Bar of England and Wales (Barrister-at-Law) by the Honourable Society of Lincoln’s Inn, UK. He is considered as non-practising Barrister at the Bar of England and Wales. He completed Masters in Law (LLM) (Part-Time) specialised on CISG and WTO at the Nottingham Trent University, UK in 2020 with a mark range High Commendation (67-69%). In 2013, he earned Masters in Law (LLM) from Dhaka International University, Bangladesh. In 2012, He did Post Graduate Diploma in Bar Vocational Course (PgdipBVC) (Full-Time) from the Northumbria University, UK. In 2009, he completed LLB(Honours) (Full-Time) from the Northumbria University, UK. In 2006, he completed Edexcel Advanced Level Law (“A” Level Law) from the British Council, UK. In 2005, he passed Higher Secondary Certificate (HSC) in English Medium from Rajuk Uttara Model School and College. In 2003, he passed Secondary Certificate (SSC) in English Medium from Rajuk Uttara Model School and College.

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