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<http://mrdx.cn/content/20181203/Article101005BB.htm>

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self-contained system

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GATT/WTO

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covered agreements

specific commitments

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1996

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WTO member

WTO 22.4%

WTO 571 128 10

DSU WTO

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VCLT WTO

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GATT 1994 20 WTO

exhaustible natural resources

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WTO self-contained

fragmentation proliferation

the more agreement the less law

Baxter paradox 13

GATT/WTO

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negative consensus

positive consensus

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GATT/WTO

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attribution

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***Lex Generali* and *Lex Specialis* in Trade Retaliation: the Countermeasure in China-US Trade War**

LI Juqian

Abstract: During the trade war between the US and China in 2018, the former has taken unilateral tariff measures against China and the latter also has taken measures as retaliation to the former. The trade war happened between the two important members of the WTO multilateral trade system indicates the complicated and dynamic relationship between the WTO trade rules as a and the general international law as a . The is the criterion to judge which party violates its obligations. The party who is the wrongdoer may incur the trade retaliation from the counterparty according to treaty rules and general international law rules, and has to undertake the legal consequences due to its act.

Key Words: WTO; Trade Retaliation; ; ; ;

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The International Law Basis for China's Countermeasures in US-China Trade War

YANG Guohua

Abstract: The US imposition of 25 percent tariff on \$50 billion of goods from China is obviously inconsistent with the WTO rules, constitutes a material breach under Article 60 of Vienna Convention on the Law of Treaties and leads to a situation of necessity under Article 25 of Draft Articles on Responsibility of States for Internationally Wrongful Acts, so that China is entitled to take countermeasures. The rules of WTO are part of international law system and the general international law will fill in the gaps in the WTO rules for system deficiency or replace WTO rules for system failure.

Keywords: US Imposition of Tariff on Chinese Goods; Countermeasures; Material Breach; Necessity; Special and General Law; International Law Basis