

INTERNATIONAL COOPERATION FOR THE BELT AND ROAD INITIATIVE: KEY ISSUES AND FUTURE PROSPECTS

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Abstract

International Cooperation for the Belt and Road Initiative (BRI) is of great significance to China and the other BRI countries. By the end of January 2020, China has signed 200 cooperation documents with 138 countries and 30 international organizations to build the “Belt and Road”. The BRI faces challenges from some Western and ASEAN countries, differences among the Belt and Road Countries, and also global emergency issues. In addition to grave threats to human life, the COVID-19 coronavirus carries serious risks for the global economy. In the implementation process of the BRI, it will inevitably encounter various trade and investment frictions, and it needs a long-term dispute settlement mechanism. In the post-epidemic era, we need to construct top-level design, accelerate further trade cooperation, promote China-ASEAN cooperation, strengthen China-African Cooperation, and jointly fight against the epidemic.

Keywords: *the “Belt and Road” initiative; international cooperation; post-epidemic era*

The Silk Road Economic Belt and the 21st-century Maritime Silk Road, also known as One Belt, One Road or the Belt and Road Initiative (BRI), is a development strategy and framework proposed by Chinese President Xi Jinping that focuses on connectivity and cooperation among countries, primarily between the People’s Republic of China and the rest of Eurasia. The ‘belt’ includes countries situated on the original Silk Road through Central Asia, West Asia, the Middle East, and Europe. The initiative calls for the integration of the region into a cohesive economic area by means of building infrastructure, increasing cultural exchange, and broadening trade. Apart from this zone, which is largely analogous to the historical Silk Road, South Asia and Southeast Asia are included in the extension of the ‘belt’. Many of the countries that are part of this belt are also members of the China-led Asian Infrastructure Investment Bank (AIIB). The proposal includes a northern, central, and southern belt. The northern belt goes through Central Asia from Russia to Europe. The central belt goes through Central Asia from western Asia to the Persian Gulf and the Mediterranean. The southern belt extends from China to Southeast Asia, South Asia, and the Indian Ocean. The Maritime Silk Road, also known as the “21st Century Maritime Silk Road”,

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is a complementary initiative aimed at investing and fostering collaboration in Southeast Asia, Oceania, and North Africa through several contiguous bodies of water. The Maritime Silk Road Initiative was first proposed by Xi Jinping during a speech to the Indonesian Parliament in October 2013.¹ As with its sister initiative, the Silk Road Economic Belt, most countries in this area have joined the China-led Asian Infrastructure Investment Bank.

The Belt and Road Initiative: Country Profiles²

Southeast Asia	South Asia	Central and West Asia	Middle East and Africa	Central and East Europe
Brunei	Bangladesh	Afghanistan	Bahrain	Albania
Cambodia	Bhutan	Armenia	Egypt	Belarus
Indonesia	India	Azerbaijan	Iraq	Bosnia & Herzegovina
Laos	Maldives	Georgia	Israel	Bulgaria
Malaysia	Nepal	Iran	Jordan	Croatia
Myanmar	Pakistan	Kazakhstan	Kuwait	Czech Republic
Philippines	Sri Lanka	Kyrgyzstan	Lebanon	Estonia
Singapore		Mongolia	Oman	Hungary
Thailand		Tajikistan	Palestine	Latvia
Timor-Leste		Turkmenistan	Qatar	Lithuania
Vietnam		Uzbekistan	Saudi Arabia	Macedonia
			Syrian Arab Republic	Moldova
			Turkey	Montenegro
			United Arab Emirates	Poland
			Yemen	Romania
				Russia
				Serbia
				Slovakia
				Slovenia
				Ukraine
11	7	11	15	20
Total	64 countries			

¹ Daily C. (2013), 'Xi in call for building of new 'maritime silk road'', 4 October 2013. Retrieved from http://usa.chinadaily.com.cn/china/2013-10/04/content_17008940.htm [accessed 1 May 2020].

² HKTDC (2020), 'The Belt and Road Initiative: Country Profiles'. Retrieved from <http://china-trade-research.hktdc.com/business-news/article/One-Belt-One-Road/The-Belt-and-Road-Initiative-Country-Profiles/obor/en/1/1X000000/1X0A36I0.htm> [accessed 1 May 2020].

I. THE BACKGROUND OF INTERNATIONAL COOPERATION FOR THE BRI COUNTRIES

Since the “Belt and Road” Initiative was proposed by Chinese President XI Jinping, a scheme for International Cooperation has also been laid out. In March 2015, China released the “Vision and Action to Promote the Construction of the Silk Road Economic Belt and the 21st Century Maritime Silk Road”. In July 2015, the Shanghai Cooperation Organization issued the “Ufa Declaration of the Heads of State of the Shanghai Cooperation Organization”, expressing its support for the construction of the “Silk Road Economic Belt”. In November 2016, 193 member states of the United Nations passed a resolution that welcomed joint economic cooperation initiatives and called on the international community to provide a safe and secure environment for the BRI. In March 2017, the UN Security Council unanimously adopted Resolution 2344 that called on the international community to strengthen regional economic cooperation through the BRI and other development initiatives. This Resolution also, for the first time, included the concept of the “Community of Human Destiny”. The convening of the 19th National Congress of the Communist Party of China was a milestone in the construction of the BRI. In this conference, the “Belt and Road” concept was entered into the Party Constitution, and it has become an important part of the Party Constitution. The top-level design of the “Belt and Road” has been continuously improved, and pragmatic cooperation among China and all other involved parties has been steadily advancing. More and more countries now hope to cooperate to achieve the goals of the “Belt and Road” framework. China has identified five areas of cooperation that exist between China and the BRI countries: (1) policy coordination to promote government-to-government cooperation and establish intergovernmental policy exchange and communication mechanisms; (2) infrastructure connectivity, which is the BRI’s priority area, to connect the BRI countries through infrastructural building and development of common technical standards; (3) trade facilitation to remove investment and trade barriers and create a sound business environment for all BRI countries; (4) financial integration to promote financial cooperation and regulatory harmonization in the areas of currency stability, bonds, new development banks, bank lending, and payment systems; and (5) people-to-people bond to promote exchanges between the BRI countries in culture, education, media, tourism, epidemic prevention, among others.³

³ The National Development and Reform Commission & Ministry of Foreign Affairs & Ministry of Commerce of the People’s Republic of China (2015), *Vision and Actions on Jointly Building Silk Road Economic Belt and 21st-Century Maritime Silk Road*, Part.IV.

The broad international consensus for the joint construction of the BRI was prominently reflected in the “Belt and Road” International Cooperation Summit Forum, which was held on May 1, 2017 with the heads of state of 29 countries in attendance. More than 1,600 representatives attended the meeting, which resulted in the formation of 279 practical results in 5 categories. On April 2, 2019, the heads of state of 38 countries attended another Forum, which included more than 6,000 foreign guests, and which resulted in 283 constructive achievements in 6 categories.⁴ These Forums and the resultant cooperation has resulted in substantial progress in the fields of railway, port, aviation and energy. For example, the China-Laos Railway, the China-Thailand Railway, the Yawan Railway, and the Hungary-Serbia Railway have progressed steadily. Work on the Gwadar Port, Hambantota Port, Piraeus Port, and Khalifa Port, has progressed smoothly, and the construction of the Air Silk Road has accelerated. China has signed bilateral intergovernmental air transport agreements with 126 countries and regions to increase cooperation in the usage of energy resources and communication facilities. The Sino-Russian crude oil pipeline and the China-Central Asia natural gas pipeline have maintained stable operations, and the China-Myanmar oil and gas pipeline is fully connected.⁵ As of the end of July 2019, the Chinese government has signed 195 intergovernmental cooperation agreements with 136 countries and 30 international organizations, and the scope of Chinese negotiations has extended from Asia and Europe to Africa, Latin America, the South Pacific, Western Europe and other related countries.⁶ By the end of January 2020, China has signed 200 cooperation documents with 138 countries and 30 international organizations to build the “Belt and Road”.⁷

China has cooperated very well with the “Belt and Road” countries. For example, China-Vietnam economic and trade relations have developed rapidly, and China has been Vietnam’s main trading partner for 12 consecutive years. In October 2011, the two countries signed the “Five-Year Development Plan for China-Vietnam Economic and Trade Cooperation”. In October 2013, both parties signed the “Memorandum of Understanding on Construction and Development of Cross-border Economic Cooperation Zones”. In September 2016, China and Vietnam signed the “Supplement

⁴ Belt and Portal R. (2019), ‘Six-year transcript of the Belt and Road Initiative’ (图解: “一带一路”倡议六年成绩单), 9 September 2019. Retrieved from <https://www.yidaiyilu.gov.cn/xwzx/gnxw/102792.htm> [accessed 1 May 2020].

⁵ *Ibid.*

⁶ *Ibid.*

⁷ Belt and Portal R. (2019), ‘Countries that signed cooperation documents with China to jointly build the ‘Belt and Road’ (已同中国签订共建“一带一路”合作文件的国家一览), 12 April 2019. Retrieved from <https://www.yidaiyilu.gov.cn/xwzx/roll/77298.htm> [accessed 1 May 2020].

and Extension Agreement on the Five-year Development Plan for China-Vietnam Economic and Trade Cooperation,” and re-signed the “China-Vietnam Border Trade Agreement.” In November 2017, the two sides signed the “Belt and Road” initiative and the “Two Corridors and One Circle” planning and development strategy docking agreement, and they also signed relevant agreements on e-commerce, infrastructure cooperation, and cross-border cooperation zone negotiations to formulate a five-year key projects Checklist plan.⁸ According to statistics from Chinese Customs, the bilateral trade volume between China and Vietnam in 2017 was US \$121.32 billion, representing a year-over-year increase of 23.5%. Vietnam has now become China’s largest trading partner of all the ASEAN countries for the second consecutive year. In 2017, China (excluding Hong Kong, Macao, and Taiwan) awarded new investment contracts worth US \$1.41 billion to Vietnam, making China the fourth largest source of foreign investment in Vietnam that year. As of December 2017, China had 1,846 effective investment projects in Vietnam, with a total contract value of US \$11.94 billion, making China the eighth largest source of foreign investment in Vietnam.⁹

II. THE CHALLENGES OF INTERNATIONAL COOPERATION FOR THE BRI COUNTRIES

1. *Challenges from Some Western Countries*

Some countries, especially the United States and certain European countries, regard the “Belt and Road” as a strategic project by which China intends to expand its international influence, eroding American and European dominance; these countries view the “Belt and Road” with caution. The manifestations of this caution are as follows:

The first concern of the US and certain European countries is what they view to be the Chinese version of the Marshall Plan. Some foreign scholars and media have compared China’s “Belt and Road” construction to the “Marshall Plan” of the United States, which was implemented to rebuild Europe after World War II. There is some concern that China is exploiting the weak economies of these countries (i.e., their limited exports of capital and production capacity) and trying to control them by making them rely on China’s technological and financial resources. As pointed out by a British “Financial Times” article, the Belt and Road initiative is “the largest

⁸ Institute of International Trade and Economic Cooperation of the Ministry of Commerce & Economic and Commercial Counsellor’s Office of the Embassy of the People’s Republic of China in Vietnam & Department of Outward Investment and Economic Cooperation of the Ministry of Commerce (2018), *Country (region) guide for foreign investment cooperation*, Vietnam.

⁹ *Ibid.*

economic diplomacy plan since the Marshall Plan for the reconstruction of post-war Europe led by the United States”.¹⁰

The second concern is the debt trap theory. In September 2018, the new US Security Research Center released the title “Addressing China’s Belt and Road Strategy” report, which states that “by lending to some governments at a level beyond their ability to repay, China has created debt traps that place recipient countries in a position of dependence and vulnerability”.¹¹

The third concern involves risk theory. Some western countries regard China’s BRI as a risk to the interests of involved nation states. For example, when Pompeo, the US Secretary of State, visited Britain recently, he said that the “Belt and Road” initiative advocated by China could damage the sovereignty of all countries involved. The United States urged the British to remain vigilant against the “Belt and Road” initiative.¹² In addition, some European countries, such as France, have suggested that the “Belt and Road” construction has imperfections and raised the concern that the “Belt and Road” construction in Europe will not have sufficient public procurement transparency and will not observe certain social environmental standards.¹³

The fourth concern is the theory regarding security threats. The United Kingdom once expressed doubts that China would use the “Belt and Road” construction process to strengthen its foreign military presence and to develop its ocean-going naval forces. In addition, the vast Eurasian continent involved in the “Belt and Road” construction covers many countries that contain military hot spots, such as the Middle East and Eastern Europe, the Ukraine and other major powers. These countries have strengthened the military protection of the path on the grounds of protecting the interests of “Belt and Road” construction, which critics claim is paving the way for China’s strategic military penetration. Ultimately, western countries’ concern about the “Belt and Road” construction is that it will increase

¹⁰ Clover C. & Hornby L. (2015), ‘China’s Great Game: Road to A New Empire’. Retrieved from <https://www.ft.com/content/6e098274-587a-11e5-a28b-50226830d644> [accessed 1 May 2020].

¹¹ Daniel, K. & Abigail, G. (2018), *Addressing China’s Belt and Road Strategy*, Center for a New American Security, Power Play, p. 9. Retrieved from <https://s3.amazonaws.com/files.cnas.org/documents/CNASReport-Power-Play-Addressing-Chinas-Belt-and-Road-Strategy.pdf?mtime=20180920093003> [accessed 1 May 2020].

¹² FMPRC (2019), ‘Foreign Ministry Spokesperson Geng Shuang’s Regular Press Conference on May 9, 2019’ (2019年5月9日外交部发言人耿爽主持例行记者会), 9 May 2019. Retrieved from https://www.fmprc.gov.cn/web/wjdt_674879/fjyrbt_674889/t1662067.shtml [accessed 1 May 2020].

¹³ Mingming Y. et al. (2017), ‘Research on the ‘Belt and Road’ Report of the Mainstream Media in France: Taking ‘Le Figaro’ and ‘Le Monde’ as Examples’, *International Communications*, No. 06, p. 17.

conflicts in the areas of strategic security through which it passes.¹⁴

2. Challenges from ASEAN Countries and differences among the BRI Countries

Due to the complicated internal and external environment of the region, the BRI is also facing complex situation and challenges in ASEAN countries. (1) Disputes over territorial sovereignty and maritime issues may affect the BRI. In recent years, China has had territorial and maritime disputes with some ASEAN countries, which, to some extent, will affect the stability of bilateral political relations, aggravate regional tensions and thus may affect the BRI. (2) There are non-tariff trade barriers, and trade frictions between China and the ASEAN countries. At present, the world economic recovery is weak, and the prospect of economic development is unpredictable. Barriers in technical standards, inspection and quarantine systems and customs clearance procedures have led to frequent trade frictions between China and ASEAN countries. (3) ASEAN countries' expectation of cooperation with China requires China to do more work or give detailed responses. On the one hand, the understanding of the BRI among ASEAN leaders and elites is increasing. However, the specific implementation of the BRI is carried out by enterprises from all the BRI countries. They have little understanding of the refinement of the BRI, and often do not reach the designated position or do not know what to do in the implementation.

Except what has mentioned above, most of the more than 60 countries along the "Belt and Road" route are developing countries, many of which have a long history with complex geopolitics and varying levels of economic development. Many religions are practiced in these countries, including Christianity, Islam, Buddhism and others. In some countries, the legal system is not yet firmly developed, and the degree of the rule of law is not high. In some of the "Belt and Road" countries, the sustainability of economic growth is easily compromised; in other countries, the political situation is unstable and policies are easily affected and changed daily. Countries along the Belt and Road have substantially different legal systems and legal cultures, including socialist, civil law, common law, and Islamic law systems. Most countries, including Mongolia, South Korea, Japan, East Asian countries, Russia, France, and Germany, adhere to the civil law system. Others, such as India, Pakistan, Tanzania, Kenya, Britain, and Ireland adhere to the common law system. Most Middle Eastern countries, including Afghanistan and a few others (but excepting Iraq and Israel) use an Islamic law system. Countries can also be involved in global law, regional law, multilateral

¹⁴ Casarini N. (2015), 'China's inroads into the West', *The World Today*, Vol.71/2015, p.14. Retrieved from <https://www.chathamhouse.org/publication/twt/chinas-inroads-west> [accessed 1 May 2020].

treaties, and bilateral treaties. Diverse domestic laws often lead to conflict among nations.¹⁵

3. *Global Emergency Issues*

China has built an interconnected infrastructural network and a massive logistics ecosystem through the BRI to promote global trade. Regarding its achievements, a study conducted by the World Bank in 2019 entitled “Belt and Road Economics: Opportunities and Risks of Transportation Corridors” concluded that the “Belt and Road” Initiative can expand trade and investment and bring 7.6 million people getting rid of extreme poverty is mainly in the “corridor”.¹⁶ Against the backdrop of trade and economic self-isolation, the BRI has increasingly become an integral part of the global recovery of these people. On March 11, 2020, WHO announced that the COVID-19 new coronavirus epidemic is a global pandemic. As of May 28, 2020, a total of 5,596,550 new patients were diagnosed globally, of which 353,373 have died.¹⁷ Asian Development Bank estimates that the novel coronavirus disease pandemic would result in global losses of \$5.8 trillion to \$8.8 trillion, or 6.4% to 9.7% of global gross domestic product (GDP), in the absence of any policy response. It finds that government policy responses will soften COVID-19’s global impact by 30% to 40%, reducing losses to \$4.1 trillion to \$5.4 trillion, or 4.5% to 5.9% of global GDP.¹⁸ The slowdown of manufacturing in China due to the COVID-19 coronavirus outbreak is disrupting world trade and could result in a \$50 billion decrease in exports across global value chains, according to estimates published by UNCTAD on 4 March. “In addition to grave threats to human life, the coronavirus outbreak carries serious risks for the global economy,” UNCTAD Secretary-General Mukhisa Kituyi said.¹⁹ According to UNCTAD estimates, the most affected sectors include precision instruments, machinery, automotive and communication equipment. Among the most affected economies are the European Union (\$15.6 billion), the United States (\$5.8 billion), Japan (\$5.2 billion), the Republic of Korea (\$3.8 billion), Taiwan Province of China

¹⁵ Li L. (2019), ‘The Legal Challenges and Legal Safeguards for the Belt and Road Initiative’, *Global Trade and Customs Journal*, No. 05, p. 216.

¹⁶ The World Bank (2019), *Belt and Road Economics: Opportunities and Risks of Transport Corridors*. Retrieved from <https://www.worldbank.org/en/topic/regional-integration/publication/belt-and-road-economics-opportunities-and-risks-of-transport-corridors> [accessed 1 May 2020].

¹⁷ See “Coronavirus disease pandemic”, retrieved from <https://www.who.int/> [accessed 1 May 2020].

¹⁸ ADB (2020), ‘COVID-19’s Global Economic Impact Could Reach \$8.8 trillion’, 15 May 2020. Retrieved from <https://www.adb.org/news/videos/covid-19-s-global-economic-impact-could-reach-8-8-trillion-ADB> [accessed 1 June 2020].

¹⁹ UNCTAD (2020), ‘Coronavirus outbreak has cost global value chains \$50 billion in exports’, 4 March, 2020. Retrieved from <https://unctad.org/en/pages/newsdetails.aspx?OriginalVersionID=2297> [accessed 1 June 2020].

(\$2.6 billion) and Viet Nam (\$2.3 billion).²⁰ While ensuring prevention and control of COVID-19, China and some countries have gradually resumed active cooperation in various fields, advanced major cooperation projects in an orderly manner, and promoted the construction of the BRI.

III. THE DISPUTES SETTLEMENT FOR THE BELT AND ROAD INITIATIVE

1. *The Characteristics of the Disputes for the BRI Countries*

The “Belt and Road” traverses the Asia-Europe sector, covering 65 countries in East Asia, the ASEAN region, West Asia, South Asia, Central Asia, and Central and Eastern Europe. Each country has different resource endowments and different levels of economic development and models. The development goal of the “Belt and Road” is to create “community of interest, community of destiny and community of responsibility” with political mutual trust, economic integration, and cultural tolerance. As the BRI is inclusive in terms of cooperation, with the gradual development of the BRI, more countries have the opportunity to participate in the “Belt and Road” cooperation platform.

The aim of the BRI is to plan a path of interconnection and cooperation. All countries involved will have the opportunity to deepen cooperation in all aspects, such as economics and trade, the development of humanities pursuits, the improvement of ecological environment, the advancement of science and technology, and the increase of educational exchange. The “Belt and Road” project focuses on Asian countries that rely on the economic corridor that it creates with its transportation infrastructure. The project provides a financing platform as the starting point, and humanities and communications provide the linkages among the countries. The cooperation comprehensively covers trade, investment, labor, intellectual property, finance, tax, and many other fields, and the types of disputes that can arise are diverse.

2. *The Disputes Settlement Mechanism for the BRI Countries*

The ideal state in implementing the BRI process is one where all countries can actively exercise their rights and fulfil their international obligations – but this state is not feasible. The reality is that countries will inevitably encounter various trade and investment frictions, requiring a long-term dispute settlement mechanism.²¹ In practice, among the 52 WTO member countries along the “Belt and Road”, except for a few countries such as China, India, Pakistan, the Philippines, and Indonesia,

²⁰ *Ibid.*

²¹ Li L. (2019), ‘The Legal Challenges and Legal Safeguards for the Belt and Road Initiative’, *Global Trade and Customs Journal*, No. 05, p. 216.

other countries have used the WTO dispute settlement mechanism less frequently.²² There are even fewer cases of the application of the WTO mechanism between two countries along the route. If trade disputes occur between WTO members and non-WTO members along the route, or between two (or more) non-WTO members, it is clear that the WTO dispute settlement mechanism cannot be applied. In addition, although China is a party to ICSID, China traditionally has been very cautious about international investment arbitration, and China has rarely become a party to ICSID arbitration cases. The “Belt and Road” involves a large number of countries and various disputes. Establishing a more unified dispute settlement mechanism to handle disputes between countries along the “Belt and Road” can improve the efficiency of dispute settlement and further promote the common development of regional economies.²³

On January 23, 2018, the Second Meeting of the Central Leading Group for Comprehensively Deepening Reform reviewed and approved the “Opinions on the Establishment of ‘the Belt and Road’ Dispute Settlement Mechanisms and Institutions.” The meeting emphasized the importance of adhering to the principle of mutual consultation, joint construction, and sharing as related to China’s existing judicial, arbitration, and mediation institutions. The meetings also noted the importance of absorbing and integrating domestic and foreign legal service resources; establishing a diversified dispute resolution mechanism that effectively links litigation, mediation and arbitration. The “Belt and Road” trade and investment disputes equally protect the legitimate rights and interests of Chinese and foreign parties, and they create a stable, fair, and transparent legal business environment.²⁴ On June 29, 2018, the new China International Commercial Court (CICC) was established, including the First and Second International Commercial Courts of the Supreme People’s Court in Shenzhen and Xi’an. CICC accepts the following cases: (1) First instance international commercial cases in which the parties have chosen the jurisdiction of the Supreme People’s Court according to Article 34 of the Civil Procedure Law, with an amount in dispute of at least 300,000,000 Chinese yuan; (2) First instance international commercial cases which are subject to the jurisdiction of the higher people’s courts who nonetheless consider that the cases should be tried by the Supreme People’s Court for which permission has been obtained;

²² See WTO website at <https://www.wto.org/>

²³ Li L. (2018), ‘Research on the Innovation of the Belt and Road Dispute Settlement Mechanism: A Perspective of International Law and Comparative Law’, *Legal Review*, No. 03, pp. 171-172.

²⁴ People’s Republic of China’s government (2018), ‘Xi Jinping Chaired the Second Meeting of the Central Leading Group for Comprehensive Deepening Reform’ (习近平主持召开中央全面深化改革领导小组第二次会议), 23 January 2018, retrieved from http://www.gov.cn/xinwen/2018-01/23/content_5259818.htm [accessed 1 May 2020].

(3) First instance international commercial cases that have a nationwide significant impact; (4) Cases involving applications for preservation measures in arbitration, for setting aside or enforcement of international commercial arbitration awards according to Article 14 of these Provisions; (5) Other international commercial cases that the Supreme People's Court considers appropriate to be tried by the International Commercial Court.²⁵ At present, the International Commercial Court of the Supreme People's Court has issued two batches of typical cases involving the "Belt and Road".²⁶

The China International Economic and Trade Arbitration Commission (CIETAC) is a foreign-related commercial arbitration institution established in accordance with China's "Arbitration Law", which resolves international and domestic economic and trade disputes and international investment disputes independently, impartially, and efficiently. From January 2013 to June 2019, CIETAC accepted a total of 557 arbitration disputes involving countries or regions along the "Belt and Road". The total financial amount involved in these disputes was 24.357 billion yuan, involving 46 countries or regions.²⁷ The above two institutions have resolved some of the "Belt and Road" disputes through litigation and arbitration. On July 3, 2018, the statement of the Co-Chairs of the Forum on the Belt and Road Legal Cooperation emphasized support for the "Belt and Road" participants to strengthen consultation and cooperation and to actively use existing domestic and international dispute settlement mechanisms or institutions to resolve disputes. It remains vital to further explore the establishment of dispute settlement mechanisms or institutions that meet the actual needs of the "Belt and Road" initiative, including the feasibility of establishing treaty-based international mechanisms or institutions to prevent and resolve related disputes.²⁸ How best to establish a dispute settlement mechanism based on treaties will be the focus of further research.

3. The Disputes Settlement Facilitates the International Cooperation for the BRI Countries

The Supreme People's Court of China's Published the first and second group of Model Cases involving building of the "Belt and Road". The significance of these cases is important.

²⁵ Provisions of the Supreme People's Court on Several Issues Regarding the Establishment of the International Commercial Court (2018).

²⁶ China International Commercial Court of the Supreme People's Court (2019), *Case Announcement*, retrieved from <http://cicc.court.gov.cn/html/1//218/62/163/index.html> [accessed 1 June 2020].

²⁷ Feng T. L. (2019), *China International Economic and Trade Arbitration Commission, Selection of Arbitration Cases Related to the Belt and Road*, Law Press, p. 1.

²⁸ XinHua (2018), 'Statement of the Co-Chairs of the Forum on the Belt and Road Legal Cooperation', 3 July 2018, retrieved from www.xinhuanet.com/politics/2018-07/03/c_1123073746.htm [accessed 1 May 2020].

Some of these cases build a more stable and certain legal business environment for the “Belt and Road”. In the case of Shanghai Golden Landmark Co., Ltd. (“Golden Landmark”) and Siemens International Trading (Shanghai) Co., Ltd. (“Siemens”), disputes arose between the parties during the performance of the contract. After reporting level by level to the Supreme People’s Court and receiving the reply, No. 1 Intermediate People’s Court of Shanghai ruled to recognize and enforce the arbitration award of the case pursuant to the provisions of the New York Convention and there was no conflict between the content of the arbitral award involved and the public policies of China. The case confirmed the arbitration provision to be valid, made clear the principle of “estoppel”, and applied the “pro-enforcement bias” concept provided in New York Convention, which showed China’s fundamental stance of honoring the obligation under international treaties. Meanwhile, this case pushed ahead the breakthrough reform from point to surface for enterprises inside the Pilot free trade zones (PFTZs) choosing offshore arbitration, making itself a successful example of replicable and promotional judicial experience in the PFTZ. This is beneficial to building a more stable and certain legal business environment for the “Belt and Road”.²⁹

Some of these cases recognize the reciprocal relationship between the BRI countries. For example, in the case of Kolmar Group AG (hereinafter referred to as “Kolmar Group”) and Jiangsu Textile Industry (Group) Import & Export Co., Ltd (abbreviated as Sutex Group), since Sutex Group failed to perform the settlement agreement, Kolmar Group filed a lawsuit with Singapore High Court in accordance with the jurisdiction clause agreed in the settlement agreement. On December 9, 2016, in accordance with the provisions of Article 282 of the Civil Procedure Law of the People’s Republic of China, Nanjing Intermediate People’s Court of Jiangsu Province delivered a ruling to recognize and enforce the civil judgment No. O13 delivered by Singapore High Court on October 22, 2015. In this case, the Chinese court recognized and enforced the commercial judgment as delivered by the Singaporean court for the first time. At present, China has concluded treaties on judicial assistance in mutual recognition and enforcement of civil and commercial judgments with less than 1/3 of the countries along the “Belt and Road”. Therefore, the determination of whether there is a relationship of reciprocity between both countries is crucial to whether the commercial judgments as delivered by the courts of countries along the “Belt and Road” can be recognized and enforced by

²⁹ China International Commercial Court of the Supreme People’s Court (2017), ‘Second Group of Model Cases Involving Building of the ‘Belt and Road’’, 15 May 2017, retrieved from <http://cicc.court.gov.cn/html/1/219/199/204/880.html> [accessed 1May 2020]

the Chinese court. This decision is of landmark significance in the mutual recognition and enforcement of commercial judgments delivered by the Chinese and Singaporean courts which will greatly promote the practice of judicial cooperation among countries along the “Belt and Road” in recognition and enforcement of foreign judgments.³⁰

IV. THE FUTURE PROSPECTS OF INTERNATIONAL COOPERATION FOR THE BRI

The COVID-19 pandemic directly threatens global human security and causes global panic. The impact of the epidemic has exceeded that of the “SARS” epidemic, and it has led to racial discrimination, nationalism, and hostile attitudes toward globalization, which in turn has affected the formulation of national policies. The epidemic has slowed global development and exacerbated the global security dilemma. In the post-epidemic era, we should resolutely expand opening to the outside world, ensure the smooth flow of international goods, strictly control the export quality of epidemic prevention materials, and promote the high-quality international cooperation for the construction of the ‘Belt and Road’.

1. *Construct Top-level Design*

The future development of the “Belt and Road” requires top-level design. Wang Yi, minister of Foreign Affairs, said that China will continue to uphold the principles of mutual consultation, joint construction, and sharing; adhere to the concepts of openness, greenness, and integrity; strive to achieve high standards and to benefit people’s livelihoods; and set sustainable goals in order to build the “Belt and Road” into a road of development and a road to health.³¹ At the conceptual level, the “Belt and Road” must closely benchmark the concept of the community of human destiny, and it must fundamentally integrate the global industrial chain, the global supply chain and the global value chain. At the same time, to reduce the burden on the “Belt and Road”, large-scale, heavy asset, long-term projects must be fully articulated to ensure that each project will achieve sustainable development. International cooperation is critical. In the short term, priority can be given to promoting connectivity between neighboring countries and the Asia-Pacific region. In the long run, the BRI should be incorporated into the framework of global governance and multilateralism. The initiative should uphold the principles of mutual consultation, joint construction, and should act in cooperation with specialized UN agencies, the European Union, the ASEAN region, and the African Union.

³⁰ *Ibid.*

³¹ FMPRC (2020), ‘State Councilor and Foreign Affairs Wang Yi meets the press’, 24 May 2020, retrieved from http://www.china.org.cn/chinese/2020-05/28/content_76099961.htm [accessed 1 June 2020].

2. Accelerate Further Trade Cooperation

From 2013 to 2018, China has signed 173 cooperative documents with 125 countries, including developed and developing countries, and also with 29 international organizations. The goods trade volume between China and the countries and regions along the BRI has surpassed 6 trillion U.S. dollars.³² As the COVID-19 coronavirus threatens the world economy, the “Belt and Road” is the only remaining bright spot in the current world economy. Since the beginning of this year, China’s GDP, exports, and foreign investment have all declined. Only trade and investment with countries along the “Belt and Road” has continued to grow. In the first quarter of this year, the imports and exports of China and the countries along the “Belt and Road” increased 3.2% year-over-year—which is 9.6 percentage points higher than the growth rate of China’s foreign trade—and accounts for 31.4%. The regions along the “Belt and Road” in Southeast Asia have become more important to the Chinese market, and they have shown a certain degree of substitution, as compared to developed markets in the US and Europe.³³ During the epidemic, China-Europe train travel rose. As air shipping became restricted, a total of 1,941 trains ran between China and Europe in the first quarter of this year, an increase of 15% year-over-year, and shipped 174,000 TEUs. Sino-European train travel has a positive effect on European anti-epidemic activities and on Sino-European economic and trade stability; this will effectively offset the so-called “decoupling” countercurrent.³⁴

3. Further Promote China-ASEAN Cooperation

In the first eight months of 2019, two-way investment between China and ASEAN countries grew robustly to reach \$230 billion, with the establishment of 25 economic and trade cooperation zones creating over 100,000 jobs. Meanwhile, the cooperation between China and the ASEAN region in fields including international production capacity, the digital economy, and e-commerce is also leaping forward.³⁵ Under the epidemic situation, China-ASEAN trade has grown and cannot be separated from the efforts of China and the ASEAN countries to jointly safeguard their trade exchanges. On February 20, 2020, the China-ASEAN Special Foreign Ministers’ Meeting on New Coronary Pneumonia was held and issued

³² Xinhua News Agency (2019), ‘China’s goods trade with B&R countries reaches over 6 trillion dollars’, retrieved from <https://eng.yidaiyilu.gov.cn/qwyw/rdxw/86301.htm> [accessed 1 May 2020].

³³ Renwei H. (2020), ‘The Belt and Road faces new challenges and new opportunities’, World Wide Web, 26 May 2020, retrieved from <https://opinion.huanqiu.com/article/3yOB60u4219> [accessed 1 June 2020].

³⁴ *Ibid.*

³⁵ Xinhua News Agency (2019), ‘China, ASEAN embrace shared future along Belt and Road’, 24 September 2019, retrieved from <https://eng.yidaiyilu.gov.cn/qwyw/rdxw/104316.htm> [accessed 1 June 2020].

a “Joint Statement”, agreeing to “commit to reducing the impact of the epidemic on the economic and social development of countries, and jointly safeguarding personnel exchanges and trade and investment activities in the region”. As far as China is concerned, even during the extraordinary period of the nation’s fight against the epidemic, it is still under implementing inspection and quarantine measures to ensure that all trade channels are open, providing important protection for China–ASEAN trade activities during the epidemic.³⁶ According to data released by the General Administration of Customs of China, China’s foreign trade declined significantly in the first quarter of 2020, with total imports and exports falling 6.4% year-over-year. However, the trade in goods between China and ASEAN countries grew against this trend. The total amount of trade in the first quarter of 2020 reached 991.34 billion yuan, an increase of 6.1%, accounting for 15.1% of the total value of China’s goods trade. China’s exports to ASEAN countries amounted to 539.43 billion yuan, an increase of 2.4%; imports from ASEAN countries amounted to 451.91 billion yuan, an increase of 10.9%. The ASEAN region has become China’s largest trading partner.³⁷

4. Further Strengthen China–African Cooperation

China has been an increasingly important stakeholder in Africa’s infrastructure development. Moreover, in the recent years there has been a notable shift in the pattern of China’s overseas direct investment in the region, with a repositioning of its focus from the mining sector to Africa’s construction, manufacturing and financial services sectors. These investments are supporting Africa’s efforts to diversify its economy and reduce its over-reliance on natural resources for growth.³⁸ According to Lin Songtian, China’s ambassador to South Africa, China is investing in more than 30% of all of Africa’s infrastructure projects and 80% of the region’s telecommunications construction to facilitate industrialization, urbanization, and sustainable development.³⁹ Political and policy commitments between China and Africa have strengthened and expanded their scope since the BRI was launched. During the 2018 Forum on China Africa Cooperation (FOCAC), an official forum between China and all states in Africa, Chinese President Xi proposed eight major areas in which China and the African

³⁶ Junhao X. (2020), ‘Not afraid of the epidemic situation blocking, the construction of the “Belt and Road” has not stopped’, *Journal of China-ASEAN Exposition (Political and Economical edition)*, No. 05, pp. 39–40.

³⁷ *Ibid.*

³⁸ The Economist Corporate Network (2020), *BRI Beyond 2020, Partnerships for progress and sustainability along the Belt and Road*, p. 12.

³⁹ City Press (2019), ‘China is Africa’s best bet, says ambassador to SA’, 22 September 2019, retrieved from <https://city-pressnews24.com/Business/china-is-africas-best-bet-syas-ambassador-to-sa-20190922> [accessed 1 May 2020].

nations could collaborate: industrial promotion, facility connectivity, trade facilitation, green development, capacity building, health and hygiene, humanities exchanges, and peace and security. Since then, there have been further announcements signaling continued interest in deepening this bilateral relationship, including a desire from African nations to leverage the BRI. In August 2019, for example, the Southern African Development Community (SADC) affirmed linking with the Belt and Road Initiative toward implementation of its industrialization strategy, especially on the construction of the infrastructure.⁴⁰

5. Joint Fight against the Epidemic

Since the COVID-19 pandemic became a global phenomenon, China has shipped medical supplies to nearly 150 countries and four international organizations to meet their immediate needs and sent 26 expert teams to 24 countries to provide timely information and in-person guidance.⁴¹ When flights were largely grounded by the pandemic, the trips made by and the cargo volume of the China–Europe freight trains grew 24 percent and 27 percent, respectively in the January–April period from a year earlier. The rail cargo service has transported nearly 8,000 tons of anti-pandemic materials, becoming a “way of life” on the Eurasian continent.⁴² At virtual event of opening of the 73rd World Health Assembly, Chinese President Xi Jinping stated that China will provide US\$2 billion over two years to help with COVID-19 response and with economic and social development in affected countries, especially developing countries. China will work with the UN to set up a global humanitarian response depot and hub in China, ensure the operation of anti-epidemic supply chains and foster “green corridors” for fast-track transportation and customs clearance. China will establish a cooperation mechanism for its hospitals to pair up with 30 African hospitals and accelerate the building of the Africa CDC headquarters to help the continent ramp up its disease preparedness and control capacity.⁴³ No matter the country or the nation, our destiny is shared, and no one can be alone. In the most difficult period of China’s anti-epidemic, many countries sent medical supplies to China. Now, under the severe international epidemic

⁴⁰ Xinhua News (2019), ‘Southern Africa bloc links with China’s BRI over industrialization strategy: official’, 5 August, 2019, retrieved from http://www.xinhuanet.com/english/2019-08/05/c_138283451.htm [accessed 1 May 2020].

⁴¹ People’s Daily (2020), ‘Anti-pandemic cooperation further expands Belt and Road cooperation’, 29 May 2020, retrieved from <https://eng.yidaiyilu.gov.cn/qwyw/rdxw/128613.htm> [accessed 1 June 2020].

⁴² *Ibid.*

⁴³ People’s Daily (2020), ‘Fighting COVID-19 Through Solidarity and Cooperation Building a Global Community of Health for All’, 18 May 2020, retrieved from <http://politics.people.com.cn/n1/2020/0519/c1024-31713888.html>, [accessed 1 June 2020].

situation, China continues to do its own epidemic prevention work and actively provides help to the world and has become a trusted and reliable force for international cooperation in the fight against the epidemic .

CONCLUSION

During the seven years since it was proposed, China's BRI has made substantial contribution to international development, prosperity, and stability. At a time when the BRI has been moving towards a new stage, legal services are becoming more important in guaranteeing and accelerating related projects.⁴⁴ Official data shows China's trade of goods with the Belt and Road countries rose 0.9 percent year on year in the first four months of 2020 when total foreign trade contracted 4.9 percent, non-financial outbound direct investment (ODI) to these countries climbed 13.4 percent in U.S. dollar terms in the same period. Total trade of goods between China and the Belt and Road countries had topped U.S. \$7.8 trillion from 2013 to 2019, with non-financial ODI over \$110 billion.⁴⁵ A recent study by the World Bank concluded that BRI transportation projects could lift global GDP by 3%. That figure is more significant than the benefits that are usually shown to be generated by free-trade agreements. The Belt and Road project could indeed bear out the promise of China's notion that it will build the roads that let trade happen.⁴⁶

Of course, there will be many obstacles and disputes along the way, as China's leaders are well aware. Some of these can no doubt be overcome, and the BRI will also produce effects that are unexpected and unintended. The tremendous effort and massive resources that China has committed to the Belt and Road should at a minimum generate greater international western attention to its development, underlying motives, and possible strategic implications. This is an endeavor that the Chinese leadership takes very seriously.⁴⁷ On March 27th, Office of the Leading Group for Promoting the Belt and Road Initiative convened a meeting. The meeting attached importance to steadily and orderly promoting the BRI while comprehensively preventing and controlling the COVID-19 pandemic, stabilizing foreign trade and foreign investment, strengthening services for enterprises and projects, steadily enhancing project construction,

⁴⁴ Li L. (2019), 'The Legal Challenges and Legal Safeguards for the Belt and Road Initiative', *Global Trade and Customs Journal*, No. 5, pp. 218-220.

⁴⁵ Xinhua News (2020), 'China boosts trade with Belt and Road countries, expands imports', 19 May 2020, retrieved from <https://www.ciie.org/zbh/en/news/exhibition/News/20200519/21986.html> [accessed 1 June 2020].

⁴⁶ The Economist Corporate Network (2020), *BRI Beyond 2020, Partnerships for progress and sustainability along the Belt and Road*, p. 17.

⁴⁷ Rolland N. (2017), 'China's 'Belt and Road Initiative': Underwhelming or Game-Changer?', *The Washington Quarterly*, Vol. 40, No. 1, p. 137.

and effectively fending off and defusing various risks.⁴⁸ The “Belt and Road” initiative is an inclusive development strategy, and its vitality has already been proven. The “Belt and Road” is in line with contemporary needs, allowing partners to put their differences aside and achieve mutual benefits. This is not a utopian concept, but rather represents a concept that call “pragmatic universalism”, in which all people retain their cherished values while at the same time contributing to common interests. From the perspective of “pragmatic universalism”, global governance is no longer a framework of various institutions, but is rather a network of multiple projects dedicated to ensuring the future of humanity on earth.

The global governance mechanism and architecture advocated by the BRI embodies the concept of inclusive and sustainable development. It takes cooperation among countries under the BRI as the platform and promotes more inclusive free trade and international cooperation to address the world’s development imbalance, wealth gap and lack of growth momentum through international cooperation. The BRI emphasizes the need to strengthen connectivity and deepen cooperation to benefit people of countries along the BRI and promote the building of a community with a shared future for mankind. International flows of goods, capital, technology and personnel can provide strong impetus and broad space for global economic growth. As Assistant Foreign Minister Zhang Jun said, the Belt and Road cooperation has facilitated global economic growth, and injected strong impetus to sustainable development; the Belt and Road cooperation has promoted trade liberalization and facilitation, and opened up more space for sustainable development; the Belt and Road cooperation has delivered better lives for peoples, and provided strong safeguards for sustainable development; the Belt and Road cooperation has helped improve global economic governance, and contributed to an enabling environment for sustainable development.⁴⁹ These endeavors help foster a conducive international environment for the implementation of the BRI and the BRI is committed to building the path of peace, prosperity, openness, greenness, innovation, civilization and integrity, which are closely related to the 17 goals of the 2030 agenda of United Nations for sustainable development. ●

⁴⁸ National Development and Reform Commission (2020), ‘Office of the Leading Group for Promoting the Belt and Road Initiative Holds Meeting to Deploy Overall Planning for the Prevention of the COVID-19 and the Promotion of the BRI’, 9 April 2020, retrieved from http://www.caam.org.cn/chn/21/cate_158/con_5229729.html [accessed 1 May 2020].

⁴⁹ FMPRC (2019), ‘Advancing Global Sustainable Development Through High-quality Belt and Road Cooperation, Opening Remarks by Assistant Foreign Minister Zhang Jun at the Seminar on Advancing Sustainable Development Goals with the Belt and Road Cooperation’, 27 May 2019, retrieved from https://www.fmprc.gov.cn/mfa_eng/wjdt_665385/zjyh_665391/t1667304.shtml [accessed 1 May 2020].

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