

NOVEMBER 2020



NSI

THE NATIONAL SECURITY INSTITUTE
At George Mason University's Antonin Scalia Law School

The background of the cover is a composite image. On the left, the Chinese national flag (red with five yellow stars) is shown waving. On the right, the United Nations emblem (a world map surrounded by olive branches) is overlaid in a light blue color. In the lower-left corner, a photograph of the United Nations Secretariat Building in New York City is visible, with the Chrysler Building in the background.

RESPONDING TO CHINA AT THE UNITED NATIONS

By Vincent J. Vitkowsky and Rachida Mecheri

NSI LAW AND POLICY PAPER

RESPONDING TO CHINA AT THE UNITED NATIONS



THIS NSI LAW AND POLICY PAPER:

1

Describes the energetic and persistent activities of China to promote its geopolitical objectives through the United Nations.

2

Summarizes China's activities in the World Health Organization, the International Telecommunications Union, the United Nations Industrial Development Organization, and the Subsidiary Bodies addressing the Internet and cyberspace, as well as its pursuit of leadership positions in key UN Departments.

3

Evaluates the impact of these efforts on control of pandemics, Internet freedom, the development of international law and norms in cyberspace, and the future trajectory of the developing world.

4

Proposes actionable recommendations to counterbalance China's activities, including remaining in and reforming the World Health Organization and renewing the focus on other specific UN Agencies, Subsidiary Bodies, and Departments.



CONTENTS

02 EXECUTIVE SUMMARY

05 BACKGROUND

11 KEY ISSUES AT STAKE

12 AUTHORS' VIEWS

14 ACTIONABLE RECOMMENDATIONS

16 ENDNOTES

EXECUTIVE SUMMARY



Background

GROWING INFLUENCE IN THE UNITED NATIONS

- **Leverage Through Funding.** China has been increasing its influence at the UN and is second only to the United States in terms of contributions to the UN regular budget on an assessed basis and in terms of contributions to peacekeeping operations.
- **Leverage Through Chinese Nationals in Leadership Positions.** China has and seeks to have its nationals appointed to UN leadership positions in key UN Departments, Subsidiary Bodies, and Specialized Agencies.

ENGAGEMENT IN KEY UN SUBSIDIARY BODIES AND SPECIALIZED AGENCIES

- **The Battle for the Internet and Cyberspace.** China is active in several UN Subsidiary Bodies addressing the Internet, cyberspace, and the development of international governance standards.
- **Meeting the Challenge from the International Telecommunications Union.** China is also very active in the International Telecommunications Union (ITU), an Agency which is seeking to expand its authority to include Internet governance, and has proposed new international surveillance standards to the body.
- **The Contest for the Developing World.** China is active in the United Nations Industrial Development Organization (UNIDO), which has partnered with Chinese organizations and supported key Chinese initiatives in the developing world, including in Africa.
- **US Actions to Counter China at the UN.** The US has successfully countered China at the UN, including appointments to the World Intellectual Property Organization.



CHINA, THE WHO, AND PANDEMIC RESPONSE

- **Chinese Control of the WHO.** The World Health Organization's (WHO) response to the coronavirus pandemic demonstrates its inability to operate independently of China.
- **US Response to the WHO and Pandemic.** In light of its handling of the pandemic, both Congress and the White House have criticized the WHO, and President Trump notified the UN that the US will withdraw from the WHO effective July 6, 2021.



Key Issues At Stake

- **Control of Pandemics and the WHO.** China's influence over the WHO has been brought into sharp focus by the recent controversies related to the COVID-19 pandemic. The planned US withdrawal from the WHO will only further augment China's influence.
- **Development of Information and Communication Technologies.** China seeks to use its role in the UN to support its restrictive views on Internet freedom and to develop international law and norms for information and communication technologies that protect its own cyber exploits.
- **The Future Trajectory of the Developing World.** China is increasing its influence in the developing world, particularly through its Belt and Road Initiative and through the use of a UN Agency.



Authors' Views

- **Involvement in the UN System is Critically Important.** Broad and strategic involvement in the UN System is essential to promote US interests and counter Chinese overreach.
- **The US Should Rescind its Decision to Disengage from the WHO.** Rather than withdraw from the WHO, the US should demand reform of the WHO's processes and procedures, and replacement of its top management.
- **UNIDO's Changing Role.** The nature of "Industrial Development" has changed since the US left the UNIDO in 1996 and the Agency of once limited value now finds itself at the center of geopolitics.



Actionable Recommendations

1

REMAIN IN THE WHO

- The US should conduct a comprehensive review of the WHO, its treatment of COVID-19 issues, and its leadership. The US should require reform and rescind its notice of intent to withdraw.

2

ENGAGE IN THE SUBSIDIARY BODIES ADDRESSING THE INTERNET AND CYBERSPACE

- The US must maintain active involvement in UN Subsidiary Bodies addressing the Internet and cyberspace and the US must monitor and oppose Chinese efforts to influence Internet and cyberspace governance.

3

RESTRAIN THE AMBITIONS OF THE INTERNATIONAL TELECOMMUNICATIONS UNION

- The US should prevent the International Telecommunications Union from encroaching on Internet governance and architecture or from adopting technical standards that would allow suppression of dissent.

4

CONSIDER RE-ENGAGEMENT IN THE UNITED NATIONS INDUSTRIAL DEVELOPMENT ORGANIZATION

- The US should review Chinese activities in the United Nations Industrial Development Organization and consider re-engagement in that Agency.

5

ACTIVELY ENGAGE IN THE APPOINTMENT OF UN LEADERSHIP CANDIDATES

- The US should scrutinize all candidates for leadership within the UN System and seek to correct leadership imbalances.

6

SEEK SUPPORT FROM ALLIES

- The US should engage like-minded allies, including the United Kingdom, Canada, Australia, New Zealand, France, and Germany, in a concerted effort to provide a counterbalance to Chinese activities.



“IN ADDITION TO SEEKING TO DOMINATE THE COMMERCE OF CYBERSPACE, CHINA SEEKS TO CONDITION THE CYBER ENVIRONMENT TO SUPPORT ITS RESTRICTIVE VIEWS ON INTERNET FREEDOM ... IT ALSO PROMOTES TECHNICAL STANDARDS THAT SUPPORT SUPPRESSION OF DISSENT.”



BACKGROUND




Growing Influence in the United Nations

- **Leverage Through Funding.** The UN has two principal powers, the US and China.¹ While US power and leadership has most often been apparent on the surface, China's power has been more subtle and opaque and its growing role in the UN can be seen through its recent increased funding.
 - For the two-year period beginning January 2020, China is behind only the US in financial contributions to the regular budget on an assessed basis.² In recent years, taking into account both assessed and voluntary contributions, it has been the fifth largest overall contributor.³
 - With respect to peacekeeping operations, China is the second largest financial contributor, again following only the US. In terms of actual forces, "blue helmets on the ground," it has more deployed peacekeepers than the other four permanent members of the Security Council combined.⁴
- **Leveraging Chinese Nationals in Leadership Positions.** China has increasingly sought to have its nationals appointed to leadership positions in key UN Departments, Subsidiary Bodies, and Specialized Agencies.
 - There are 15 multilateral organizations referred to as Specialized Agencies which, although formally autonomous, work closely with the UN on a range of matters, and are considered to be part of the UN System. Chinese nationals lead four of these: (1) the Food and Agriculture Organization; (2) the International Telecommunications Union (ITU); (3) the United Nations Industrial Development Organization (UNIDO); and (4) the International Civil Aviation Organization. The next leading country is France, which leads two Specialized Agencies. No other UN Member State leads more than one.⁵
 - China is also seeking to have its nationals appointed to positions of leadership in the Department of Political and Peacebuilding Affairs and the Department of Peace Operations. Among other advantages, this would provide it with additional information concerning the military capabilities of other nations engaged in peacekeeping missions.



**"CHINA HAS INCREASINGLY
SOUGHT TO HAVE ITS
NATIONALS APPOINTED
TO KEY UN LEADERSHIP
POSITIONS."**



» Engagement in Key UN Subsidiary Bodies and Specialized Agencies

- **The Battle for the Internet and Cyberspace.** China is involved in several UN Subsidiary Bodies addressing matters such as proposed international law and norms involving cyberspace, digital policy, and Internet governance and development.
 - The General Assembly convened a Group of Governmental Experts (GGE) with the aim of advancing responsible nation-state behavior in cyberspace in the context of international security.⁶ China and Russia are members, but its tone and direction have been largely set by the US, the UK, France, Germany, and Australia. Its precise mandate is to address developments in international security matters.⁷
 - The General Assembly has also convened an Open-Ended Working Group (OEWG) on the initiative of Russia, China, and 29 other countries whose mandate is to develop the rules, norms and principles of behavior of States, and to study how international law applies to cyberspace.¹⁸
 - In the OEWG, China raised concerns about the use of sanctions and public attributions in response to cyberattacks, on the grounds they would lead to international instability. That is, China is arguing that whatever impact its exploits might have, publicly identifying it as their source would lead to “instability.”⁹
 - The General Assembly also created the Open-Ended Ad Hoc Intergovernmental Committee of Experts (OECE) to conduct a comprehensive study of cybercrime, with a view toward developing a global treaty countering the use of information and communications technologies for criminal purposes. The sponsors were Russia, China, and 44 other countries.¹⁰
 - In other international fora, China has objected to the structure of Internet governance and administration, much of which is conducted by the Internet Corporation for Assigned Names and Numbers (ICANN). ICANN is a private nonprofit multi-stakeholder entity based in Los Angeles.¹¹
- **Meeting the Challenge from the International Telecommunications Union.** The ITU is a UN Specialized Agency led by a Chinese national. ITU’s core mission is to facilitate international connectivity in communications networks by allocating radio spectrums and satellite orbits, and developing technical standards for networks. China and others have tried to widen ITU’s mandate to include regulation of the Internet.
 - Since October 2014, Houlin Zhao, a Chinese national, has been the Secretary-General of the ITU.¹²
 - Substantial blocs within the ITU are seeking to expand its authority to include regulation of the Internet.
 - ▣ Chinese groups, including state-owned companies and China’s Ministry of Industry & Information Technology have proposed a New Standard for Network Technology base, called “New IP,” to the ITU which some believe gives governments control over the Internet.¹³
 - ▣ The US had substantial success in preventing the ITU from attempting to explicitly include the Internet and cybersecurity within its ambit of responsibility, owing largely to its strong and persistent advocacy.¹⁴


- Chinese companies are also proposing new international standards to the ITU for facial recognition, video monitoring, and city and vehicle surveillance, which have raised consumer privacy and data privacy concerns.¹⁵ International standards are specifications aimed at creating universally consistent technology. If approved by the ITU, they are likely to be adopted as policy by developing countries.¹⁶

■ **The Contest for the Developing World.** China is very active in UNIDO and UNIDO has supported important Chinese initiatives, including projects in China's Belt and Road Initiative (BRI), which funds hundreds of billions of dollars on global infrastructure development, such as construction projects, telecommunications investments, and other influence-building initiatives in developing countries.¹⁷

- UNIDO is a Specialized Agency whose objectives include: assisting developing countries in their institutional, scientific, and technological programs; researching development trends and disseminating information globally; acting as a forum for negotiations and discussions aimed at the industrialization of developing countries; and providing support to developing countries while they implement industrialization plans.¹⁸
- Li Yong, a Chinese national, was elected the Director-General in 2013 and continues in that role today. Before then, Mr. Li served as China's Vice-Minister of Finance.¹⁹
- UNIDO has partnered with Chinese organizations and supported key Chinese initiatives. For example, UNIDO co-convened the Industrial Energy Accelerator network in 2014 to "accelerate action across fuel economy, lighting, appliances, buildings and district energy systems."²⁰ The Industrial Energy Accelerator is now being used to "promote the integration of industrial energy efficiency and low-carbon technologies in China and along the Belt and Road Initiative."²¹
- China has also used UNIDO to promote its influence in Africa. In December 2015, UNIDO signed agreements with the China Council for Promotion of International Trade and the China-Africa Development Fund to "promote inclusive and sustainable socio-economic and industrial development in Africa."²² The organizations agreed to organize programs to "strengthen trade and economic cooperation between Chinese and foreign enterprises."²³
- The United States withdrew from UNIDO in December 1996, citing a lack of purpose and inefficient use of funds.²⁴

■ **US Actions to Counter China at the UN.** The US has taken successful action to counter China, including its recent policy towards the World Intellectual Property Organization (WIPO).

- WIPO is the Specialized Agency that is the global forum for intellectual property services, policy, information, and cooperation.²⁵
- China had strongly promoted one of its nationals for the position of Director-General for WIPO.
- China is well known for its consistent theft of intellectual property, especially through cyber exploits.²⁶ This led many to question its suitability as guardian of intellectual property.
- With assistance from allies, the US conducted a full-court press in Geneva (WIPO's headquarters) and in capitals around the world.²⁷ In March 2020, it resulted in the election of the candidate the US favored, Darren Tang of Singapore, over the Chinese candidate.²⁸



» China, the WHO, and Pandemic Response

- **Chinese Control of the WHO.** The World Health Organization's (WHO) response in light of the recent COVID-19 pandemic has demonstrated its reliance on China's assessments in its own reporting and the effect of the WHO's failure to exercise independent critical judgment independent of the Chinese government. A wide range of authorities, including Dr. Anthony Fauci, Director of the US National Institute of Allergy and Infectious Diseases, have reported that misinformation from China delayed and affected US response efforts.²⁹
 - In January 2020, Chinese authorities reportedly witnessed human-to-human transmission of the virus but diminished the extent of the virus and censured Dr. Li Wenliang for spreading concern of the new virus.³⁰ In mid-January, the WHO repeated Chinese claims that there was no clear evidence of human-to-human transmission of the virus.³¹
 - Writing in *The Atlantic*, Kathy Gilsinan stated that the WHO “was getting information from the same Chinese authorities who were misinforming their own public, and then offering it to the world with its own imprimatur.”³²
 - Non-American sources are also critical. For example, according to the former French Ambassador to China, and before then, Ambassador to the UN, Jean-Maurice Ripert, China took actions, such as arresting whistleblowers and providing incorrect information to the WHO, that contributed to the spreading of the coronavirus while delaying the WHO's response to the crisis.
 - In Ambassador Ripert's view, the main problem is the overall dysfunctional management of the WHO. He argues that a thorough reform of its management is necessary.³³
- **US Response to the WHO and the Pandemic.** In the US, condemnation of China and criticism of the WHO was widespread, including from both Congress and the White House, and the US has since given notice that it will be withdrawing from the WHO.
 - In Congress, Senate Republicans condemned WHO leadership and sought testimony from the WHO Director-General.³⁴ Senate and House Republicans introduced various pieces of legislation seeking Chinese accountability for the spread COVID-19, as well as expressions of criticism for Chinese handling of the virus and communications with the WHO.³⁵
 - On April 14, 2020, the Trump Administration suspended US contributions to the WHO pending an investigation into its “failed response to the COVID-19 outbreak.”³⁶ The investigation confirmed numerous concerns. The Administration set forth its list of grievances in President Trump's letter to the WHO's Director-General dated May 18, 2020.³⁷ The letter stated that, “if the World Health Organization does not commit to major substantive improvements within the next 30 days, I will make my temporary freeze of United States funding to the World Health Organization permanent and reconsider our membership in the organization.”³⁸
 - The Administration did not wait for 30 days to elapse. Instead, on May 29, 2020, President Trump said the US will be “terminating our relationship” with the WHO and redirecting the funds to other global health organizations.³⁹ On July 6, 2020, it gave notice to the UN that it will withdraw from the WHO effective July 6, 2021.⁴⁰



**“THE CONTROL OF PANDEMICS
PRESENTS A CHALLENGE
THAT CAN ONLY BE MET BY A
MULTILATERAL ORGANIZATION
... CHINA’S INFLUENCE WOULD
BE GREATLY ENHANCED BY THE
PLANNED US WITHDRAWAL.”**



KEY ISSUES AT STAKE



CONTROL OF PANDEMICS AND THE WHO

The control of pandemics presents a challenge that can only be met by a multilateral organization. The recent controversies relating to the COVID-19 pandemic have exacerbated tensions and increased the cross-pressures on multinational organizations. China's level of influence over the WHO has become a particular flashpoint. There are serious questions regarding China's misrepresentations and nondisclosures as the crisis emerged. There are concerns that the WHO accepted China's misinformation uncritically and gave it the organization's imprimatur. There is no doubt the misinformation delayed the responses of other countries. All of this requires that the relationship between China and the WHO be reviewed, along with the policies, procedures, and mechanisms for the WHO's activities, and its leadership. China's influence would only be greatly enhanced by the planned US withdrawal.

INFLUENCING THE DEVELOPMENT OF INFORMATION AND COMMUNICATION TECHNOLOGIES

China has become an important force in UN activities involving the development of information and communication technologies and the Internet generally. In addition to seeking to dominate the commerce of cyberspace, China seeks to condition the cyber environment to support its restrictive views on Internet freedom. It seeks to promote norms and interpretations of international law that would protect its own cyber exploits. It also promoted technical standards that support suppression of dissent. For example, although the OECF on cybercrime ostensibly concerns the "use of information and communications technologies for criminal purposes," many human rights groups fear the phrase "criminal purposes" is code for dissent. China, Russia, and others will seek a treaty addressing subjects like monitoring dissidents, banning encrypted chat applications, and blocking other applications, websites, networks, and services that facilitate access to information governments wish to suppress.

THE FUTURE TRAJECTORY OF THE DEVELOPING WORLD

China is continually working to increase its influence in the developing world. Through its BRI, it is spending hundreds of billions of dollars on global infrastructure development, including construction projects, telecommunications investments, and other influence-building initiatives. These efforts are strengthened by its activities in the UN System.

AUTHORS' VIEWS



INVOLVEMENT IN THE UN SYSTEM IS CRITICALLY IMPORTANT

US leaders and policymakers sometimes question the value of the United Nations and other multilateral organizations and recommend reduced involvement. This is shortsighted. True, there are some objectives the UN will not be able to accomplish simply because they are undoable, or because the Member States will not allow them to be done. But many actions with meaningful political, economic, strategic, and social consequences take place through the UN. If the US is not engaged and influencing these actions, other countries will be, notably China. The US needs to be present and active to ensure its own core interests and broader values are protected and promoted. When the US does choose to engage China in the UN System, it can change outcomes.

- The US should seek to counter China's attempts to exert influence and control over the norms, rules, and activities of the UN, in part, by deterring Chinese nationals from being appointed to leadership positions in key UN Departments, Subsidiary Bodies, and Specialized Agencies. It is widely understood that China violates the principle set forth in Article 100 of the UN Charter. Article 100 provides that members of the permanent staff (the staff of the "Secretariat") are not to seek or receive instructions from any national government.⁴¹ Chinese nationals do not observe this rule.⁴²

THE US SHOULD RESCIND ITS DECISION TO DISENGAGE FROM THE WHO

China's influence over the UN has been brought into sharp focus by the recent controversies relating to the COVID-19 pandemic. China's level of influence over the WHO has become a particular flashpoint. However, US involvement and funding should continue. There will always be an urgent need to address global pandemics, which by their essential nature, require a multilateral response. There must be an organization like the WHO. It just needs to be made more competent.

- In addition to re-visiting its decision to withdraw, the Administration should conduct a full review of the COVID-19 issues, the WHO, and its leadership, including an examination into the relationship between China and the WHO.
- The Administration can then press for or demand changes, with the support of allies. These could include the removal of the current Director-General. This would be a constructive solution. The alternative would be effective surrender to China,⁴³ which would enlarge China's influence and remove US influence in one of the most important Specialized Agencies in the UN System, resulting in the severe reduction of transparency in global public health issues.



UNIDO'S CHANGING ROLE

The world has changed since the US withdrew from UNIDO in 1996. Significantly, the nature of “Industrial Development” has changed. It no longer just includes factories, bridges, and roads. It also prominently includes telecommunications networks and Internet architecture. Further, China has energetically seized the new opportunities, using its BRI as an effective instrument of debt-trap diplomacy and other avenues of influence, enhanced by projects developed through UNIDO. What was once a backwater Agency of limited value has now moved to the vital center of geopolitics.



**“CHINA IS VERY ACTIVE
IN UNIDO AND UNIDO
HAS SUPPORTED
IMPORTANT CHINESE
INITIATIVES, INCLUDING
PROJECTS IN CHINA’S
BELT AND ROAD
INITIATIVE.”**

ACTIONABLE RECOMMENDATIONS



1 REMAIN IN THE WORLD HEALTH ORGANIZATION

- The US should pause its decision to withdraw from the WHO, and conduct a serious and orderly review of COVID-19 issues, the organization, and its failures. The US should then press for changes, including in the top leadership, with the support of allies, and increase its engagement in the WHO. This would include organizational and operational aspects.

2 ENGAGE IN THE SUBSIDIARY BODIES ADDRESSING THE INTERNET AND CYBERSPACE

- The US should maintain active involvement in the Group of Governmental Experts, the Open-Ended Working Group, and Open-Ended Intergovernmental Committee of Experts. It must monitor, modulate and, when necessary, oppose Chinese efforts to use these Subsidiary Bodies to weaken or reduce options in response to cyberattacks, or to transform technical, regulatory, or cybercrime measures into instruments for content control or suppression of dissent.

3 RESTRAIN THE AMBITIONS OF THE INTERNATIONAL TELECOMMUNICATIONS UNION

- The US should continue pressure to prevent the International Telecommunications Union from encroaching onto subjects concerning the Internet and Internet governance and architecture. It should prevent the adoption of technical standards that would support authoritarian regimes.



4

CONSIDER RE-ENGAGEMENT IN THE UNITED NATIONS INDUSTRIAL DEVELOPMENT ORGANIZATION

- The US should review the current and potential activities of the United Nations Industrial Development Organization and consider re-engagement in it.

5

ACTIVELY ENGAGE IN THE APPOINTMENT OF UN LEADERSHIP CANDIDATES

- The US should scrutinize all candidates for leadership of the key Departments, including those concerned with peacekeeping, and the Specialized Agencies, and grasp opportunities to correct the imbalance in leadership positions.

6

SEEK SUPPORT FROM ALLIES

- Whenever possible, the US should enlist the support and resources of US allies in these efforts. On the matters addressed in this paper, the allies currently most likely to assist will be its technologically-advanced, liberal, large trading partners, such as the UK, France, Germany, Canada, Australia, and New Zealand. Additional support could come from India, Japan, and South Korea.



“IT WILL BE CRITICAL TO ENLIST THE SUPPORT AND RESOURCES OF US ALLIES IN THESE EFFORTS.”



ENDNOTES

Vincent J. Vitkowski is a Visiting Fellow at the National Security Institute at the Antonin Scalia Law School at George Mason University. He has previously served as an Adjunct Fellow at the Center for Law and Counterterrorism at the Foundation for the Defense of Democracies, and on the Executive Committee of the American Branch of the International Law Association. Mr. Vitkowski served as Chair of the Executive Committee of the Federalist Society's International and National Security Law Practice Group for almost a decade. He is a lawyer in private practice with Gfeller Laurie LLP.

Rachida Mecheri worked at the United Nations for almost three decades, serving successively in its Legal Office, its Centre on Transnational Corporations, and its Department of Public Information (now the Department of Global Communications) in various capacities. She has degrees from the Université Lyon III-Jean Moulin School of Law, the Université Paris II-Panthéon-Assas, and the Institut d'Etude des Relations Internationales (ILERI Paris).

1 See David Whinery, *The G2 at the UN: The United States and the People's Republic of China at the United Nations Before COVID-19*, UNITED NATIONS UNIV. CENTRE FOR POL'Y RSCH. 1 (May 15, 2020), https://i.unu.edu/media/cpr.unu.edu/attachment/3940/Whinery_USChina.pdf.

2 See Brett D. Schaefer, *How the US Should Address Rising Chinese Influence at the United Nations*, THE HERITAGE FOUND., Aug. 20, 2019, at 4, https://www.heritage.org/sites/default/files/2019-08/BG3431_0.pdf.

3 See *id.*

4 *Id.*

5 See Tung Cheng-Chia & Alan H. Yang, *How China is Remaking the UN in Its Own Image*, THE DIPLOMAT (April 9, 2020), <https://thediplomat.com/2020/04/how-china-is-remaking-the-un-in-its-own-image/>.

6 See *Group of Governmental Experts*, UNITED NATIONS OFF. FOR DISARMAMENT AFFS., <https://www.un.org/disarmament/group-of-governmental-experts/> (last visited Sept. 29, 2020).

7 *Id.*

8 See *Open-ended Working Group*, UNITED NATIONS OFF. FOR DISARMAMENT AFFS., <https://www.un.org/disarmament/open-ended-working-group/> (last visited Sept. 29, 2020).

9 Nele Achten, *New UN Debate on Cybersecurity in the Context of International Security*, LAWFARE (Sept. 30, 2019), <https://www.lawfareblog.com/new-un-debate-cybersecurity-context-international-security>.

10 See *Ad hoc Committee Established by General Assembly Resolution 74/247*, UNITED NATIONS OFF. ON DRUGS AND CRIME, <https://www.unodc.org/unodc/en/cybercrime/cybercrime-adhoc-committee.html> (last visited Sept. 29, 2020).

11 See Séverine Arsène, *Global Internet Governance in Chinese Academic Literature: Rebalancing a Hegemonic World Order*, CHINA PERSPS. 25, 36, 30 (June 1, 2016), <https://doi.org/10.4000/chinaperspectives.6973>; See also Veni Markovski, *Brief Overview of UN Deliberations on Cybersecurity and Cybercrime*, ICANN GOV'T AND INTERGOVERNMENTAL ENGAGEMENT FUNCTION (Feb. 28, 2020), <https://www.icann.org/en/system/files/files/brief-overview-un-deliberations-cybersecurity-cybercrime-28feb20-en.pdf>.

12 See *Biography – Houlin Zhao*, INT'L TELECOMM. UNION (2014), <https://www.itu.int/en/plenipotentiary/2014/Pages/zhao-bio.aspx>.

13 *China & Huawei propose reinvention of the Internet*, BELT & ROAD NEWS (March 9, 2020), <https://www.beltandroad.news/2020/03/29/china-huawei-propose-reinvention-of-the-internet/>.

14 See Deborah Brown, *What to Expect at the 2018 ITU Plenipotentiary Conference and What It Means for the Internet*, COUNCIL ON FOREIGN RELS. (Mar. 12, 2018), <https://www.cfr.org/blog/what-expect-2018-itu-plenipotentiary-conference-and-what-it-means-internet>; Samantha Dickinson, *Recap of the 2018 ITU Plenipotentiary: From Connecting the World to Investigating Digital Applications and Services*, COUNCIL ON FOREIGN RELS. (Nov. 29, 2018), <https://www.cfr.org/blog/recap-2018-itu-plenipotentiary-connecting-world-investigating-digital-applications-and>.

15 Ursula Perano, *Leaked documents show Chinese businesses are shaping UN facial recognition standards*, AXIOS (Dec. 1, 2019), <https://www.axios.com/facial-recognition-china-un-standards-itu-585838b3-7b24-467b-8097-dbc81bf18117.html>.

16 See Anna Gross, Madhumita Murgia & Yuan Yang, *Chinese Tech Groups Shaping UN Facial Recognition Standards*, FIN. TIMES (Dec. 1, 2019), <https://www.ft.com/content/c3555a3c-0d3e-11ea-b2d6-9bf4d1957a67>.

17 See *UNIDO Further Engages with the Belt and Road Initiative*, UNITED NATIONS INDUS. DEV. ORG. (April 25, 2019), <https://www.unido.org/news/unido-further-engages-belt-and-road-initiative>; Andrew Charzky & James McBride, *China's Massive Belt and Road Initiative*, COUNCIL ON FOREIGN RELS., <https://www.cfr.org/background/chinas-massive-belt-and-road-initiative>.

18 *Inclusive and Sustainable Industrial Development*, UNITED NATIONS INDUS. DEV. ORG., <https://www.unido.org/inclusive-and-sustainable-industrial-development> (last visited Sept. 10, 2020).

19 See *Director General Biography*, UNITED NATIONS INDUS. DEV. ORG., <https://www.unido.org/who-we-are-structure-director-general/biography> (last visited Sept. 29, 2020).

20 INDUSTRIAL ENERGY ACCELERATOR, https://www.industrialenergyaccelerator.org/wp-content/uploads/FINAL-Brochure_web.pdf (last visited Sept. 10, 2020); See *About Us*, INDUS. ENERGY ACCELERATOR, <https://www.industrialenergyaccelerator.org/about-us/> (last visited Mar. 21, 2020).

21 *China Looks to Energy Efficiency in a Bid to Accelerate Its Green Economy*, UNITED NATIONS INDUS. DEV. ORG. (Nov. 25, 2019), <https://www.unido.org/stories/china-looks-energy-efficiency-bid-accelerate-its-green-economy>.

22 *UNIDO to Work with China Council for Promotion of International Trade and China-Africa Development Fund to Further Africa's Industrialization*, UNITED NATIONS INDUS. DEV. ORG. (Dec. 4, 2015), <https://www.unido.org/news/unido-work-china-council-promotion-international-trade-and-china-africa-development-fund-further-africas-industrialization>.

23 *Id.*

24 See Brett D. Schaefer, *Who Needs UNIDO?*, THE HERITAGE FOUND. (Nov. 18, 2014), <https://www.heritage.org/americas/commentary/who-needs-unido>.

25 See *Inside WIPO*, WORLD INTEL. PROP. ORG., <https://www.wipo.int/about-wipo/en/> (last visited Sept. 29, 2020).

26 See WHITE HOUSE OFF. OF TRADE AND MFG. POL'Y, *HOW CHINA'S ECONOMIC AGGRESSION THREATENS THE TECHNOLOGIES AND INTELLECTUAL PROPERTY OF THE UNITED STATES AND THE WORLD 2* (June 2018), <https://www.whitehouse.gov/wp-content/uploads/2018/06/FINAL-China-Technology-Report-61818-PDF.pdf?fbclid=IwAR2vfnzyPLf-zPErnL4UEbSYHIE8ZjFaF9ws96FDOD1tpMc9MilwTaamxA>.



- 27 See Drew Hinshaw et al., *How China is Taking Over International Organizations, One Vote at a Time*, WALL ST. J. (Sept. 29, 2020), <https://www.wsj.com/articles/how-china-is-taking-over-international-organizations-one-vote-at-a-time-11601397208>.
- 28 See *id.*
- 29 Tim Haines, *Fauci: Chinese “Misinformation” Delayed US Response to Coronavirus*, REAL CLEAR POL. (Apr. 13, 2020), https://www.realclearpolitics.com/video/2020/04/13/fauci_chinese_misinformation_delayed_us_response_to_coronavirus.html.
- 30 Kathy Gilsinan, *How China Deceived the WHO*, THE ATLANTIC (Apr. 12, 2020), <https://www.theatlantic.com/politics/archive/2020/04/world-health-organization-blame-pandemic-coronavirus/609820/>.
- 31 WHO (@WHO), TWITTER (Jan. 14, 2020, 6:18 AM), <https://twitter.com/WHO/status/1217043229427761152>.
- 32 Gilsinan, *supra* note 30.
- 33 Louis Hausalter, *Pour l’ancien ambassadeur de France à Pékin, “la Chine tente d’imposer un autre système international”*, MARIANNE (May 25, 2020), <https://www.marianne.net/monde/pour-l-ancien-ambassadeur-de-france-pek-in-la-chine-tente-d-imposer-un-autre-systeme>.
- 34 Marianne Levine, *Senate Foreign Relations Subcommittee calls for WHO Chief to Testify*, POLITICO (Apr. 9, 2020), <https://www.politico.com/news/2020/04/09/senate-who-coronavirus-testify-177165>.
- 35 H.R. 6863, 116th Cong. (2020); S. Res. 552, 116th Cong. (2020); S. Res. 553, 116th Cong. (2020); H.R. 6405 (2020).
- 36 Letter from President Donald J. Trump to Dr. Tedros Adhanom Ghebreyesus, Director-General of the World Health Organization (May 18, 2020), <https://www.whitehouse.gov/wp-content/uploads/2020/05/Tedros-Letter.pdf>.
- 37 *Id.*
- 38 *Id.*
- 39 Remarks on Actions Against China, DAILY COMP. PRES. DOC., 2020 DCPD No. 202000405 (May 29, 2020).
- 40 Katie Rogers & Apoorva Mandavilli, *Trump Administration Signals Formal Withdrawal From W.H.O.*, N.Y. TIMES (July 7, 2020), <https://www.nytimes.com/2020/07/07/us/politics/coronavirus-trump-who.html>.
- 41 UN Charter art. 100.
- 42 See, Schaefer, *supra* note 3, at 8-9, in which Schaefer presents admissions to that effect from a Chinese national who served as a UN Under-Secretary-General, and other examples. See also Cheng-Chia, *supra* note 6. This view is also consistent with the experience of one of this paper’s co-authors.
- 43 See Will Hurd, *Leaving the WHO Shows Poor Leadership*, N.Y. TIMES (May 29, 2020), <https://www.nytimes.com/2020/05/29/opinion/trump-who-world-health-organization.html>; Kristine Lee, *It’s Not Just the WHO: How China is Moving on the Whole UN*, POLITICO (Apr. 15, 2020), <https://www.politico.com/news/magazine/2020/04/15/its-not-just-the-who-how-china-is-moving-on-the-whole-un-189029>.



NSI

THE NATIONAL SECURITY INSTITUTE
At George Mason University's Antonin Scalia Law School



THE NATIONAL SECURITY INSTITUTE

Antonin Scalia Law School | George Mason University
3301 Fairfax Dr. Arlington, VA 22201 | 703-993-5620

NATIONALSEcurity.GMU.EDU