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The China Gambit: Geoeconomics and the US' Turn to Informal Data Governance Initiatives

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Abstract

In October 2023, the US withdrew its proposals on cross-border data flows at the World Trade Organization (WTO), reversing its long-held position on binding commitments against data localization. Concurrently, it has orchestrated the creation of several informal data governance initiatives, including the Indo-Pacific Economic Framework for Prosperity, which are all characterized by fluid commitments on data flows. This article demonstrates that the US' turn toward informal data governance is influenced considerably by geoeconomic statecraft. Confronted with the prospect of China leveraging global data flows to undermine American interests, both in terms of national security and economic competitiveness, the US executive has sought to restrict outbound data flows. In parallel, it has developed informal, like-minded coalitions to promote norms around "trusted data flows," that similarly restrict data collection by Chinese actors globally. Having withdrawn from formal WTO discussions on cross-border data, its informal initiatives give the US ample regulatory space to implement coercive domestic measures against Chinese actors. Informal initiatives simultaneously allow the US to develop norm-setting coalitions with states that may otherwise be wary of binding commitments on restrictive data flows. Drawing on an analysis of seven international data governance initiatives, alongside US domestic policies and official statements, we trace the US' turn toward informality to its geoeconomic considerations. We contribute to theoretical debates on the evolution and shift in geoeconomic statecraft, particularly the shift away from formal sanctions-based regimes to informal agreements, as well as to the empirical literature on international cross-border data governance.

Keywords

cross-border data flows; geoeconomics; informality; United States

1. Introduction

In October 2023, the US Trade Representative (USTR) withdrew US proposals for binding commitments at the World Trade Organization (WTO) on the free flow of data and against the forced disclosure of source code by governments. The withdrawal was abrupt, and marked a reversal in longstanding US trade policy (Global Data Alliance, 2023). The US government justified its decision on the grounds that it was preserving "policy space" to further review the implications of digital trade rules on its digital economy and security (USTR, 2023). Less than a month later, the US also withdrew support for digital trade-related proposals at the Indo-Pacific Economic Framework for Prosperity (IPEF), an economic arrangement with Asia-Pacific countries that the US itself had orchestrated (Lawder, 2023).

These back-to-back announcements signaled not only a consequential shift in how the US approaches cross-border data flows, but also the governance mechanisms it uses to manage them. Even as the US withdrew its support for WTO proposals, the US continued to champion open data flows through informal arrangements such as the G7, the Organisation for Economic Cooperation and Development (OECD), the EU–US Trade and Technology Council (TTC), the Digital Transformation with Africa initiative, and the Americas Partnership for Economic Prosperity. While non-binding agreements are an increasingly prominent part of the US diplomatic toolkit, there appears at the time of writing to be a strong preference for informal mechanisms over formal commitments on cross-border data flows. Indeed, the only binding agreement that currently enshrines the free flow of data across American borders is the US–Mexico–Canada Agreement (USMCA), which may well be revoked when it comes up for review in 2026 ("Making NAFTA worse," 2025).

What explains the US shift on cross-border data governance, both in form and in substance? The rise of informality in global governance is a well-documented phenomenon and an object of inquiry in both international relations and international law scholarship. Studies in both disciplines have examined the drivers of informal "executive agreements" by states, including the US, emphasizing the flexibility of non-binding commitments and their ability to circumvent protracted treaty ratification processes (Bradley et al., 2023; Vabulas & Snidal, 2013). In the context of cross-border data governance, scholars have argued that the US preference for non-binding frameworks is driven by a desire for regulatory autonomy to address antitrust and workers' rights concerns (Mueller, 2025).

This article highlights another important, yet understudied, consideration that has influenced the US' turn towards informal cross-border data governance: geoeconomics. The study of "geoeconomics"—understood as the use of "economic instruments to promote national interests [and] produce beneficial geopolitical results" (Blackwill & Harris, 2016)—has long been a mainstream theme within international relations and international political economy literature. Geoeconomic tools of coercion and deterrence have typically taken the form of sanctions or other binding instruments. That is, however, now beginning to change. In the backdrop of Great Power competition between the US and China, more states (including the main protagonists themselves) have turned towards coercive economic measures against their foreign adversaries. However, for reasons we detail in this article, such tools of statecraft are increasingly informal. States that orchestrate geoeconomic initiatives are concerned that binding multilateral commitments will reduce their own autonomy to craft domestic policies targeting foreign adversaries. Equally, they are mindful that formal agreements may prevent coalition-building with partners and allies who find themselves enmeshed in interdependent supply chains. "The game is not the same," noted then-US National Security Advisor (NSA)

Jake Sullivan in 2023, referencing the inability of the formal "multilateral trading system to…accommodate legitimate national security interests….Our international economic policy has to adapt to the world as it is, so we can build the world that we want" (Sullivan, 2023b). Informal agreements have emerged as key instruments for the US in this world-building endeavor.

We demonstrate that the US' turn to informality in cross-border data governance too is being influenced by the abovementioned domestic and international concerns. Mindful of the collection of American and global data by Chinese entities, and the potential transfer of such data to Chinese state actors, the US has retreated from binding commitments against freer data flows. Both national security and economic security concerns about China (Harrell, 2025) have played a role in the US' decision, as we show. At the same time, the US continues to champion "trusted" data flows globally—understood as data flows that prevent or limit the storage and processing of data by Chinese actors—with allies and partners. To accommodate domestic policies that restrict outward data flows from its territory in certain cases, and simultaneously develop coalitions of states that can implement data transfer policies similar to its own, Washington DC has turned to informal initiatives. In 2024, the US State Department folded its informal digital trade and cross-border data initiatives within the umbrella of "digital solidarity," denoting a diplomatic effort to bring together like-minded partners to create "trusted" digital ecosystems that exclude American adversaries (Fang & Hwang, 2024).

Our findings are based on an empirical analysis of US domestic policies, official statements, and public commentary on digital trade and cross-border data flows. The review period for primary sources spans from January 2020 to December 2024, aligning chronologically with the Biden administration's announcement of informal agreements. Primary data were drawn from press releases issued between January 2020 and January 2024 by key government entities responsible for US trade and security policy, including:

a. The White House;
b. The Office of the USTR;
c. The US Department of Commerce.

From the archives of these government entities, we analyzed the following types of documents:

a. Statements made by nodal policymakers in each government agency (specifically, the USTR, Commerce Secretary, NSA, and the President);
b. Notifications of domestic federal legislation, policy, or executive orders related to data governance.

Sorting for relevance, we further filtered those documents that included one or more of the following criteria:

a. Referred to national security concerns;
b. Addressed any aspect of digital trade or policy on data governance;
c. Highlighted informal governance and coalition-building.

We then developed a timeline of US engagement with informal data governance initiatives, and demonstrate that (a) the US' withdrawal of formal proposals against data localization, (b) the restrictive domestic policies on data flows, and (c) informal coalition building on "trusted data flows," all occurred in lockstep with the articulation by policy-makers of the data security threat posed by China. We consider seven informal initiatives,

namely the Indo-Pacific Economic Framework (IPEF), G7, Quadrilateral Security Dialogue ("the Quad"), EU–US Trade and Technology Council (EU–US TTC), OECD Declaration on Government Access to Personal Data Held by Private Sector Entities, Digital Transformation with Africa initiative (DTAT), and the Americas Partnership for Economic Prosperity (APEP).

By highlighting geoeconomics as a factor shaping US engagement with data governance initiatives, we contribute to both theory and empirical scholarship on the impact of geoeconomic statecraft on contemporary international relations and international law. Section 2 reviews the literature on global governance and economic statecraft. Section 3 outlines the evolution of US diplomacy on cross-border data flows, beginning with its withdrawal from the WTO's Joint Initiative on e-Commerce (JI). Section 4 explores the reasons behind its shift toward informal data governance initiatives. Section 5 concludes by examining the prospects for informal data governance under the Trump administration.

2. Geoeconomic Statecraft, Multilateral Governance, and 21st-Century Concerns

Scholarly analyses of geoeconomic statecraft have traditionally focused on tools of coercion such as sanctions (Mastanduno, 1999), including circumstances under which they are imposed (Pape, 1997), generalizable political attributes of sanctioning states and targeted states (Brooks, 2002; Escribà-Folch & Wright, 2010), the effectiveness of coercive measures in meeting stated policy goals (Baldwin & Pape, 1998; Blanchard & Ripsman, 1999), as well as their subtle impact as tools of signaling or deterrence (Drezner, 2003; Kirshner, 1997). These analyses correspond to a post-Cold War period where coercive measures were mainly deployed by a hegemon, either unilaterally or in concert with like-minded partners, against smaller powers for objectives such as human rights compliance, non-proliferation, or liberal market reforms (Drezner, 2024). That period is now over, and geoeconomics is today characterized by competition and contestation between two Great Powers, the US and China (Aggarwal & Reddie, 2021). Both parties contemplate coercive measures against each other at a point when their economies and supply chains are deeply intertwined in ways that make spillover effects difficult to discern.

Indeed, geoeconomics has acquired renewed interest in academic and policy settings primarily on account of the rise of China (Blackwill & Harris, 2016). China's emergence as an economic and military power has been underpinned by "party-state capitalism," a form of political economy in which the Communist Party of China exerts express or implicit authority over market actors to secure the state's interests (Pearson et al., 2022). The Chinese state has wielded its influence over the domestic market, especially in digital technologies, to shape favorable political outcomes for the Party. At the same time, it has also induced and compelled geopolitical outcomes in Asia, Africa, and Latin America through the use of economic tools like lines of credit, informal sanctions, supply chain controls, and strategic investment initiatives (Norris, 2016; Wong, 2023). The use of such tools, whether as carrots or sticks, is not a novelty (Drezner, 2024). While there may be differences in approaches between the US and China, the use of economic statecraft by the latter as it rises on the world stage should not be a surprise.

Nevertheless, this era of geoeconomic statecraft is likely to be different from previous decades, because it also coincides with a crisis in multilateral governance. Multilateral mechanisms of global governance are going through a period of major transformation. Great Power competition, tensions induced by multipolarity, and the rise of private actors with the infrastructure and resources to shape diplomatic outcomes have all eroded the

ability of existing international organizations to induce compliant behavior (Tallberg et al., 2023). Geoeconomic maneuvering is arguably contributing to this crisis. Attempts by states to restrict commerce with competitors or deny them access to sensitive technologies through sanctions challenge existing rules on international trade and mobility (Malkin & He, 2024). The ongoing US trade war with China is one of the most "frequently cited examples" (Kürzdörfer, 2025, p. 2) of the vulnerability of global supply chains (Zeng et al., 2022). Meanwhile, major technology companies like Microsoft, SpaceX, and ASML have also begun to exert "corporate autonomy" in sectors and scenarios where they can be sometimes singularly influential by dint of their "infrastructural power" (Broeders et al., 2025, p. 1).

This article addresses an important aspect of the transformation in multilateral governance that has been induced by geoeconomics, namely, the turn to informal governance initiatives. Highlighting the US' orchestration of seven informal, non-binding initiatives on cross-border data flows and digital trade, we demonstrate that the US' preference for informal governance has been influenced by its need to constrain Chinese capabilities, both from a national security as well as digital economy perspective.

By examining the geoeconomic roots of the US' turn toward informal data governance agreements, we contribute to contemporary theoretical debates on economic statecraft, and highlight a less explored theme of cross-border data governance.

We contribute in four ways to the burgeoning literature in international relations and international law on geoeconomics. Firstly, by examining a crucial factor shaping informality in major cross-border data governance initiatives, we hope to foreground an important development in economic statecraft, one that is increasingly reflected in contemporary international relations and international law scholarship. The study of coercive economic measures has focused traditionally on formal, multilateral efforts such as sanctions (McLean, 2025), a reflection of their use by Western countries either through formal international commitments or domestic legislation. While scholarship on informal geoeconomic measures is rising, it is skewed toward the use of coercion by China and authoritarian states (Cho, 2021; Lim & Ferguson, 2022). As one scholar notes, "we have no account of the logics of these alternative [informal] approaches or how they affect outcomes" (Ferguson, 2022, p. 3).

Scholarly attention has increasingly turned towards global infrastructures (Bueger et al., 2023), specifically evaluating how ownership or control of critical material resources allows states to shape geoeconomic outcomes (Abels, 2024; Chen & Evers, 2023) through coercive statecraft (Farrell & Newman, 2019; Schindler et al., 2024). Informal governance has played a key role in facilitating the "infrastructural turn" in international relations (Broeders et al., 2025). Diplomatic efforts by states to "derisk" their economies from supply chain-based dependencies and sanction the use of infrastructures have taken the form of informal initiatives (Du, 2024). However, the impact of such initiatives is understudied in the literature.

International law scholarship has also begun to analyse how multilateral rules and regimes are evolving in response to geoeconomic statecraft (Cohen, 2025). Although international law scholarship on informal, non-binding agreements has burgeoned in recent years (Broude & Shereshevsky, 2021; Pauwelyn et al., 2012), the state of the art on geoeconomics and international law has centered on cooperation or competition through formal rules and institutions (Moraes, 2024). As multilateralism becomes more "selective" in times of Great Power competition, it is essential to understand which domains of economic

activity are likely to see rules-based cooperation, and how "like-minded" countries shape those rules (Roberts et al., 2019).

International law scholars have pointed to the emergence of bilateral and plurilateral agreements in international trade as indicative of this shift towards selective multilateralism (Dimitropoulos et al., 2025). These agreements are, however, characterized not only by like-minded coalitions but also reflect a "spectrum of bindingness" (Claussen, 2022). Some plurilateral agreements are altogether informal and non-binding. In recent years, however, it has become difficult to separate non-binding aspects of some plurilateral agreements from their formal commitments and, in other cases, discern their status in international law. The bottom line is that even like-minded countries, especially Western states with an established preference for formal trade arrangements, pursue informal governance mechanisms as a viable tool of economic statecraft.

Secondly, and on a related note, our study of informal data governance initiatives emphasizes the evolving strategy of the US towards geoeconomic measures. As noted previously, the literature on coercive economic statecraft has tended to focus on how the US leverages, through formal channels, its strategic position as a nodal state on global networks and infrastructures (Chen & Evers, 2023; Farrell & Newman, 2023). While its "institutional capacity" (Farrell & Newman, 2019)—generally understood as the regulatory capacity and expertise within a state to execute coercive measures—has been highlighted, less attention has been paid to the form of American diplomacy that sets the stage for economic statecraft.

The reality is that the US has been relying increasingly on informal agreements in global governance. Across domains and notably in sensitive matters of geopolitics and international security, the US has championed the adoption of political, non-binding agreements in recent years (Bradley et al., 2023). The US' turn towards informality is arguably owed partially to domestic political gridlock. It is challenging for any American president to secure treaty ratification in the US Congress today. As we demonstrate in this article, the flexibility that informal initiatives provide to the US and its coalition partners is an equally pertinent consideration for the executive use of statutory power.

Thirdly, our analysis of informal US data governance initiatives also contributes to the literature on how technology is shaping the "geoeconomic order" (Roberts et al., 2019), including through shoring up domestic industrial policy measures (Zhang, 2024). Coercive economic measures often present a major challenge for companies that have business operations around the world and are critically dependent on global supply chains (Gjesvik, 2023; Moraes & Wigell, 2022).

Finally, our article joins growing legal and international relations scholarship on global data governance, which includes literature both on digital trade and cross-border data flows. While recognizing the turn to informality in digital trade agreements (Burri & Polanco, 2020; Claussen, 2022), the literature on digital trade in general and cross-border data flows in particular has mainly focused on formal multilateral and plurilateral trade agreements (Burri, 2021; Dimitropoulos et al., 2025; Sen, 2018). The international relations scholarship on digital trade also looks at the approaches of specific countries or regional blocs on formal trade agreements, and has yet to study drivers of informality (Borgogno & Zangrandi, 2024; He & Zeng, 2024). Analysis of "regulatory autonomy" (Burri & Kugler, 2024) as a national policy priority has largely focused on exceptions to formal trade commitments based on public policy or security interests (Peng,

2023). To be sure, scholars have begun to acknowledge (Bradford, 2023) the possibilities and promise of informal coalitions between like-minded countries. (Goodman & Roberts, 2021; Mishra, 2024; Rasser, 2021).

Our banner finding, that the US has withdrawn from binding commitments and turned to informal data initiatives to enhance its own regulatory flexibility against China and induce greater international support for geoeconomic measures, sits well with the international law and international relations scholarship on informal governance (Abbott & Biersteker, 2024; Westerwinter et al., 2021). A nascent but discernible trend toward ad hoc initiatives is evident in the international security domain, reflecting the difficulties of forging formal cooperation in sensitive areas (Reykers et al., 2023). As we highlight in Section 4, there are admittedly several factors driving the turn towards informality in global governance: Some of them apply to the US case as well. Inequities presented by the Washington Consensus and the global economic order—specifically, the perceived marginalization by the government of consumer and labor rights as well as small business priorities in favor of monopolistic interests—have triggered a backlash among influential political constituencies within the US (Bowen & Broz, 2022). The US' skepticism of the WTO has been further entrenched by a bipartisan understanding that the multilateral trading system has enabled other countries, especially China, to engage in unfair practices that have harmed US economic interests (Chow, 2024). One way of addressing deglobalizing and protectionist impulses that have buffeted the US is arguably through softer international commitments that give the government room to calibrate domestic industrial and consumer policy (Schropp, 2024). Such arrangements may also offer increasing marginal returns or reduced incentives for states to venture into formal cooperation (Fioretos, 2019) or may simply be internalized by states as an established way of advancing global governance (Sukumar et al., 2024).

In any event, it is neither easy nor practical to entirely separate issues such as protectionism or fair trade from the geoeconomic aspects of US' China policy, given that China has been a direct beneficiary of technology, capital, and job outflows from the US. The perceived security threats posed by China "align seamlessly" (Kürzdörfer, 2025, p. 2) with the securitization of trade policy. US geoeconomic rhetoric is often framed in terms of "market-distorting effects" (Kürzdörfer, 2025, p. 3). The country's embrace of "minilateralism" (Richey & Guseinova, 2024; Wuthnow, 2018) suggests that it will continue to pursue many informal initiatives "in parallel" across complex and interlinked domains such as cyber governance, given the need to ensure redundancies (Brosig et al., 2025, p. 18). Cross-border data flows are only one component of broader digital trade and economic initiatives, including those highlighted in this article. Some informal initiatives are likely to prioritize particular issues or agendas over others, depending on their composition, objectives, and historical circumstances. Nonetheless, our finding that geoeconomic considerations have shaped the US' approach to informal data governance initiatives invites attention from international relations and international law scholars to the evolving nature and tools of economic statecraft.

3. About Turn: The US Embrace of Informal Governance for Cross-Border Data Flows

Since the inception of the World Wide Web, and its global adoption in the 1990s, the US has promoted the free flow of data through online networks (Cochetti, 2024). Beginning that decade, the US also became a key proponent of WTO negotiations on e-commerce, defined as the "production, distribution, marketing, sale or delivery of goods and services by electronic means" (WTO, 1998). From the earliest WTO ministerial meetings on this subject, the US emphasized "liberalization, open competition and universal access" through binding trade agreements (Delegation of the USA to the WTO, 1999, p. 2). In the decades that followed,

the protection of unrestricted cross-border flows through WTO agreements remained a policy priority for the US (Delegation of the USA to the WTO, 1999, 2014, 2016, 2019). "Many countries have enacted rules that put a chokehold on the free flow of information," and it was important to develop "appropriately crafted trade rules [that] protected the movement of data," a 2016 US statement noted (Delegation of the USA to the WTO, 2016, p. 2). The weight of evidence from WTO negotiations clearly suggests that the US favored formal, binding commitments against data localization until the latter half of the previous decade. Section 3.1 examines the US' withdrawal of support from existing formal mechanisms on cross-border data governance. Section 3.2 then highlights its growing engagement with informal initiatives, both new and ongoing, with the aim of developing coalitions around "trusted data flows."

3.1. US' Withdrawal From the WTO and the IPEF Agenda on Digital Trade

The US' position on cross-border data flows shifted abruptly in 2023 when it withdrew its proposals prohibiting data localization from the WTO's JI. The JI is an effort by some WTO members to "initiate exploratory work together toward future WTO negotiations" on e-commerce (WTO, 2017). It was incubated by the US and 70 other countries at the 11th WTO Ministerial Conference in 2017, following the failure of the WTO's Work Programme on Electronic Commerce. The WTO's Work Programme had been the sole multilateral negotiating forum on digital trade rules from 1998 to 2017. Any plurilateral agreement (Dimitropoulos et al., 2025) developed by the JI would be binding on the countries involved in the initiative (Basu, 2021). In December 2020, the JI took its first major stride towards a binding agreement by circulating a Consolidated Negotiating Text titled "WTO Electronic Commerce Negotiations." This draft laid out restrictions on states against computing facilities as well as the storage and processing of data (WTO, 2020). The US actively participated in the JI negotiations from 2017 to 2024 and endorsed proposals promoting the free flow of data.

The US continues to participate in the JI along with 88 other WTO members, including China. It is evident that the withdrawal of support for provisions on data localization was not a stopgap maneuver, but rather a broader recalibration of the US' position on cross-border data flows. In July 2024, the JI at the WTO released a "stabilized text" that did not include any references to cross-border data flows or data processing. Nevertheless, the US did not endorse the text, stating that it fell short concerning the "essential security exception" (US Mission Geneva, 2024). The "essential security exception" is a well-known "self-judging" provision in trade and investment law, which, when invoked, enables a member to justify any trade-restrictive domestic measure on the broad ground of security interests (Pinchis-Paulsen, 2020).

The view that the US has retreated from formal arrangements on cross-border data flows is supported by its withdrawal from the IPEF in November 2023. The IPEF announcement marked an even sharper shift in US policy, not least because it was a framework that the US had itself championed since its launch in May 2022 (Forough, 2022). Then-USTR Katherine Tai had previously stated that the trade pillar of the IPEF would "address issues in the digital economy that will help build…standards on cross-border data flows and data localizations" (USTR, 2022). The IPEF was designed as a non-binding framework, and even after its withdrawal, the US continues to participate in it. Yet, as we demonstrate in the next section, evidence indicates that the US' withdrawal was prompted by concerns that IPEF commitments, especially on digital trade, would become binding over time.

3.2. Advancing Informal Data Governance Initiatives

Even as it retreated from binding commitments on cross-border data flows, the US has stepped up its engagement with informal initiatives and framework agreements on data governance. In May 2024, the US Department of State released its International Cyberspace & Digital Policy Strategy, which specifically highlighted seven informal initiatives and notably omitted the WTO on matters relating to digital trade and data flows (US Department of State, 2024). Although the withdrawal of support for data-related provisions at the WTO was led by the USTR, the evident prioritization of informal initiatives by the State Department suggests that US government agencies were in sync. These informal initiatives, as noted previously, were framed by the US State Department as part of its overall attempt to foster "digital solidarity" (US Department of State, 2024, p. 1). Digital solidarity connotes a "willingness to work together on shared goals, to help partners build capacity, and to provide mutual support" (US Department of State, 2024, p. 1). Operationalizing digital solidarity also involves "developing shared mechanisms for…trusted cross-border flows" (US Department of State, 2024, p. 28). There is a strong geopolitical element to this concept, girded as it is by the need to keep digital networks and infrastructure (including subsea cables and cloud services) secure and resilient from adversaries such as China. Equally, it has a critical geoeconomic component. The US is orchestrating agreements that can reduce the world's dependence on Chinese digital technologies, while assuring allies and partners that US networks and infrastructure will remain open to cross-border data flows and technology sharing (Fang & Hwang, 2024).

In the remainder of this section, we introduce and offer an overview of these informal initiatives and explain them in turn. Although the Quad, the DTAT, and APEP do not explicitly address cross-border data flows, these initiatives—alongside the G7, EU–US TTC, and OECD initiatives—are integral to digital trade. There is, however, a risk and potential fallacy in retroactively applying the State Department's formulation of "digital solidarity" to informal data governance and digital trade initiatives that were inked five years ago. While we acknowledge this risk, the timeline we present establishes that these informal international initiatives emerged in lockstep with domestic policies that explicitly addressed geoeconomic considerations. "Digital solidarity" can thus be better understood as a diplomatic effort to coherently address the relationship between seemingly protectionist domestic measures and international coalition-building around data flows. "Legitimate concerns about data privacy can be addressed through protective mechanisms that follow the data while at the same time facilitate cross-border data flows," notes the strategy, specifically highlighting this as a "line of effort" to "reinforce" digital solidarity (US Department of State, 2024, p. 29).

The G7, comprising the world's advanced economies and leading liberal democracies, is arguably among the first informal initiatives to develop an agenda on cross-border data flows. What is notable here is not the fact that the G7 is an informal initiative—it always has been—but that the US has steered the issue of cross-border data flows into the G7 agenda as a geoeconomic concern. G7 ministerial declarations and leaders' statements have increasingly referenced "Data Free Flow with Trust" (DFFT), a concept promoted by Japan that was first introduced at the 2019 Osaka G20 summit. In its original formulation, DFFT emphasized the importance of seamless data flows across the internet while also acknowledging the importance of privacy and security of sensitive information held across countries. DFFT was specifically envisioned as a pillar of future digital trade rules, particularly at the WTO. The premise was that regulatory concerns about cybersecurity and privacy could be addressed fairly and legitimately through formal trade regimes, without risking the global datasphere splintering into multiple domestic jurisdictions (Dale & Aizawa, 2024). In this vein, the 2021

Cornwall G7 summit produced a DFFT Roadmap (G7 Digital and Technology Track, 2021). Among other priorities, this roadmap sought and successfully incubated greater coordination among G7 Data Protection and Privacy Authorities (2022, 2023, 2024) along with alternate policy responses to data localization.

The 2022 G7 summit in Elmau linked DFFT to the objective of "advancing" the WTO JI negotiations on data flows (G7, 2022). However, DFFT soon evolved into a tool of geoeconomic statecraft within the G7 framework. At the 2023 G7 summit in Hiroshima, member states agreed to facilitate "trustworthy cross-border data flows" that preserved governments' ability to "address legitimate public interest" (Ministry of Foreign Affairs, 2023). With its greater emphasis on "trust" rather than "free flows," the 2023 G7 language on cross-border data governance was notably more qualified than its previous iterations. Driving this transformation was the growing US concern that China was leveraging global data flows to gain both economic and national security advantages. "Policymakers admit (behind closed doors) that DFFT (now) is largely defined not by what it is for, but by what it is against: China," noted one commentator following the Hiroshima summit (Cory, 2023). It is crucial to note that the Hiroshima communiqué was released only days before the USTR withdrew data localization provisions from the WTO JI negotiations.

The TTC, established between the US and the EU in June 2021, is another key forum for coordinating digital economy and trade issues. At its first meeting in Pittsburgh, the TTC created a Data Governance and Technology Platforms Working Group to "exchange information and views regarding current and future regulations [with] a goal of effectively addressing shared concerns, while respecting the full regulatory autonomy of the European Union and the United States" (EU–US Trade and Technology Council, 2021). The TTC remains an important coordination mechanism for the US, particularly in light of the divergences between the EU's and the US' approaches to privacy and the legal complications they have posed for cross-border data flows. In both 2016 and 2020, the European Court of Justice invalidated mechanisms enabling the free flow of data from the EU to the US, citing insufficient safeguards under US law for the data of EU citizens (Court of Justice of the European Union, 2020). In response to the 2020 "Schrems II" judgment, President Joe Biden issued an Executive Order titled "Enhancing Safeguards for United States Signal Intelligence Activities" (Executive Office of the President, 2022). The order specified legitimate objectives for data collection and prioritized targeted collection over mass surveillance. These policy measures, alongside additional judicial safeguards, were deemed adequate by the EU, paving the way for the Transatlantic Data Privacy Framework, which restored unencumbered data flows to the US. While the TTC was not directly responsible for developing the Framework, it played an important role in harmonizing "regulatory cultures" in the EU and US (Burwell & Rodríguez, 2023). Both the TTC and the Transatlantic Data Privacy Framework are informal, bilateral frameworks that, at the time of writing, are bilateral in scope and do not focus on China.

The OECD has also emerged as an important forum for informal frameworks and principles on cross-border data flows. The US played a key role in negotiating the OECD's Declaration on Government Access to Personal Data, which affirmed the organization's commitment to DFFT principles. The OECD Declaration identified seven common principles regarding government access to privately held data, such as having a legal basis for collection, prior approvals, targeting personal data for legitimate aims, and proper data handling (OECD, 2022). While it did not name any state in particular, the declaration specifically called on OECD members to "take into account a destination country's effective implementation of the principles as a positive contribution towards facilitating transborder data flows" (OECD, 2022).

The other informal initiatives highlighted in the 2024 US International Cyberspace & Digital Policy Strategy do not, at the time of writing, have a defined program on digital trade or data flows. The Quad is a partnership between the US, Australia, Japan, and India to jointly tackle critical issues impacting the Indo-Pacific, including climate protection, health policy, and maritime security. Originally set up in 2004 to coordinate relief efforts following the Indian Ocean tsunami, the Quad was revived in 2017, arguably aimed at "checking and containing China in Asia" (Papa & Han, 2025). The Quad has recently seen a "growing tech focus" (Rajagopalan, 2022), spurring cooperation on technical standards, 5G deployment, cybersecurity, ICT supply chains, and artificial intelligence. These efforts are driven by informal agreements on technology design, development, and governance (Ministry of External Affairs, 2021). The Digital Transformation with Africa initiative and the Americas Partnership for Economic Prosperity are more recent initiatives aimed at strengthening digital environments through trusted and resilient supply chains across Africa and Latin America.

4. The Geoeconomic Drivers of Informal US-Led Initiatives

From this overview of US diplomacy on data governance and cybersecurity, two conclusions emerge: first, that the US has exhibited a strong preference in recent years towards informal initiatives, eschewing formal commitments on freer cross-border data flows in particular, and second, in at least a few of these initiatives, its diplomatic overtures are animated by concerns around China. In some cases, such as the DFFT concept and the Quad initiative, the economic security threats presented by China to US interests have been spelled out clearly. In other instances, the link is not immediately apparent.

The objective of this section is to trace in greater detail the geoeconomic considerations underlying the US' turn to informal data governance initiatives. This section proceeds in three parts. Section 4.1 highlights the increased recognition among Washington DC policymakers of the threats posed by data collection by Chinese actors and by data flows to mainland China. Section 4.2 examines domestic policy measures undertaken by various US government agencies to mitigate the Chinese threat to data security. Section 4.3 focuses on statements by leading US policymakers acknowledging the need for coalition-building to tackle the China threat.

The informal initiatives reviewed in Section 3 allow the US to develop coalitions of states that share similar economic and national security concerns around China. Indeed, as talk of coalition-building reached a crescendo in 2024, these initiatives were subsumed under the diplomatic umbrella of "digital solidarity" by the US State Department, giving them an explicitly geoeconomic hue.

The timeline illustrated in Table 1 details how coalition-building around informal international initiatives was chronologically advanced in lockstep with high-level statements and key domestic policies by the US. Figure 1 illustrates our banner finding, that the shift away from formality and the incubation of domestic policy measures (right of figure) proceeded in parallel with the articulation and pursuit of informal coalition-building by US policy-makers (left of figure).

Table 1. Chronicling the US shift to informal data governance initiatives.

Date	Event
1998–2023	US backs formal proposals at WTO restricting data localization measures
June 2019	Osaka Track (DFFT) championed by Japan at the Osaka G20
June 2020	USMCA (with firm commitments against data localization) enters into force
2021 onward	G7 "Cornwall Consensus" acknowledges DFFT
June 2021	EU–US TTC set up, Pittsburgh working group acknowledges need to work on data flows
2021	Declassified National Intelligence Council report identifying the misuse of digital tools by authoritarian states
2022	The 2022 National Security Strategy acknowledges the use of technology supply chains to spread authoritarianism
December 2022	The US is a key negotiator in the OECD Government Declaration on Access to Data, affirming its commitment to DFFT
January 2023	Civil society exerts pressure on Katherine Tai to withdraw from IPEF
April 2023	NSA Jake Sullivan's speech at Brookings recognizing the need for new trade tools to counter China
May 2023	G7 Hiroshima Leaders' Communiqué explicitly acknowledges DFFT and "trusted" data flows
October 2023	US withdraws support for provisions on data flows from JI
November 2023	US withdraws support for data-related proposals at IPEF
January 16, 2024	NSA Sullivan at the World Economic Forum (WEF) stresses the need for US to bring together countries and companies to set standards (coalition-building)
January 30, 2024	Gina Raimondo and Margrethe Vestager at the Atlantic Council highlight transatlantic cooperation (coalition-building)
February 2024	US Executive Order on data brokers
February 2024	Katherine Tai remarks at the Council on Foreign Relations explicitly linking trade withdrawals to data brokers
June 2024	Katherine Tai remarks at the Atlantic Council referencing the Executive Order on data brokers
March 2024	Bipartisan legislation compelling ByteDance to sell off TikTok to a US-based company or be banned
September 2024	Notification for Proposed Rule-Making on Electric Vehicles addressing data security threats in Chinese electric vehicles
October 2024	NSA Sullivan at Brookings emphasizes the need to use "modern trade tools" (Sullivan,2024b) including markets based on standards and sector-specific trade agreements
May 2024	US International Cyberspace & Digital Policy Strategy, noting informal mechanisms and digital solidarity released by the State Department, explicitly mentions informal arrangements for furthering digital trade (does not mention WTO)
June 2024	G7 Communiqué acknowledging DFFT and trusted data flows

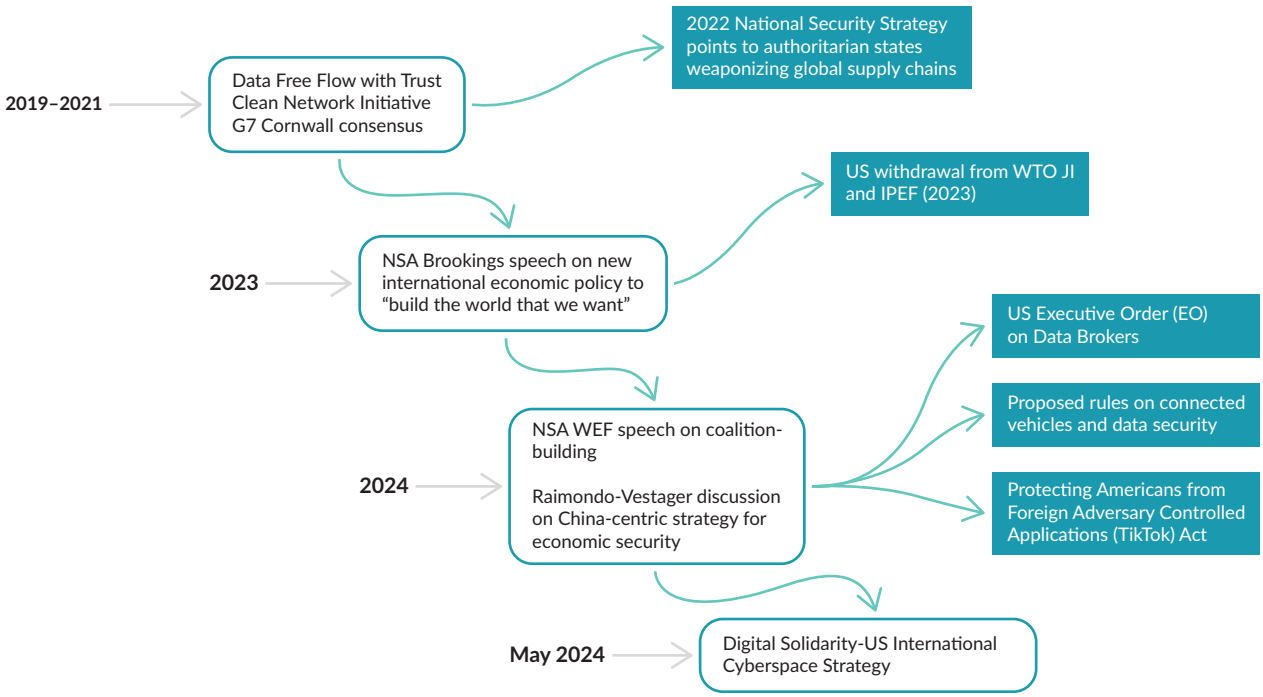

Figure 1. Visualising policy-space and coalition-building.

4.1. The China Threat

Policymakers in the US are increasingly concerned about data flows to China, both from a national security and an economic security perspective (Harrell, 2025; Joel, 2023; Sullivan, 2024a). The broader backdrop to this concern is the rise of China as a competitor and the challenge it poses to US strategic interests and to the liberal international order (President of the United States of America, 2017, 2022; Sullivan, 2023a, 2023b).

The view that Chinese access to US data poses threats to national security is shared by all branches of the US government and across the political spectrum. Former National Security Council member and China expert Rush Doshi has outlined four key objectives of Chinese cyber operations: accessing American personal data for intelligence purposes, commercial espionage, stealing private communications of government officials, and positioning Chinese actors behind US networks in advance of wartime scenarios (Doshi, 2025). The 2022 National Security Strategy explicitly states that "strategic competitors cannot exploit foundational American and allied technologies, know-how, or data to undermine American and allied security" (President of the United States, 2022). A declassified US National Intelligence Council Report dated 2022 that was declassified in 2023 highlighted that "authoritarian states [are] using digital tools to conduct transnational repression against individual critics and diaspora communities to limit their influence over domestic audiences" (National Intelligence Council, 2023, p. 5). Harrell (2025) notes that while there is no evidence that Chinese private companies have helped orchestrate these attacks, the US government fears that they could be exploited in the future, thus necessitating restrictions on data flows. This ties into concerns that Chinese actors may be "pre-positioning" themselves in American networks or infrastructure in anticipation of conflict (Corera & Buchanan, 2025).

From an economic standpoint, the rapid rise and dominance of Chinese companies across emerging technology sectors, such as electric vehicles (EVs), unmanned aerial vehicles, digital platforms, and artificial intelligence, is a growing concern for US policymakers. US policymakers have publicly articulated apprehensions that Chinese dominance in these sensitive sectors and supply chains will not only undermine American competitiveness but also make countries vulnerable to "coercion" from Beijing (Sullivan, 2024a, 2024b).

Official correspondence retrieved via the US Freedom of Information Act reveals that leading civil society groups had cautioned the Office of the USTR, led by Katherine Tai, against binding digital trade commitments for economic security reasons. In a January 2023 email, veteran trade activist Lori Wallach requested Tai not to incorporate open data flows provisions in the IPEF (akin to those in the Comprehensive and Progressive Trans-Pacific Partnership or USMCA) for the following reason:

> IPEF countries have strong economic connections with China and some have agreements with open data flows obligations with China, [and therefore] the inclusion of the USMCA/TPP terms in IPEF would run afoul of national security-related limits on data flows to China. (US Chamber of Commerce, 2023)

Messaging from civil society groups that assail Big Tech's digital trade agenda for its anti-competitive and anti-consumer effects refers increasingly to the national security risks of open data flows, especially to China (Wallach, 2025).

USTR Tai has articulated similar security concerns in a *Financial Times* op-ed (Tai, 2024d): "In digital trade or other sectors, we must be clear-eyed that China is not just a trading partner, but is pursuing global dominance across key economic sectors." Drawing on both national and economic security concerns, Tai defended the US' withdrawal of support for data localization provisions from the WTO JI:

> The PRC's approach is one that is really informed by control, especially by the government, and possession….And what we know is data flows into China, it doesn't flow back out, and that all of that data, eventually, will either be in the possession of or be accessible to the state. (Tai, 2024a)

4.2. Space for Domestic Policy

Following its withdrawal of provisions relating to data localization at the WTO in November 2023, the US articulated domestic policies restricting the potential cross-border flow of American citizens' data. The scope and context of these policies indicate that they sought to specifically address concerns around Chinese access to US citizens' personal and sensitive data.

The first such policy was Executive Order 14117 titled "Preventing Access to Americans' Bulk Sensitive Personal Data and United States Government-Related Data by Countries of Concern," issued by President Biden in February 2024, just five months after the US withdrawal of support for proposals related to cross-border data flows from the WTO JI. The Executive Order directed other agencies of the US government to restrict sales of US persons' data to foreign entities "through data brokerages, third-party vendor agreements, employment agreements, investment agreements, or other such arrangements" (Executive Office of the President, 2024, p. 15422) when it posed a "particular and unacceptable risk" to US

national security (Sherman, 2024). The source of these threats was often "in whole or substantial part outside the United States," namely in the form of, the order noted, "countries of concern" securing access to Americans' bulk sensitive personal data or US government data through such foreign entities (Executive Office of the President, 2024,p.15421) Bulk data were not only used for espionage and cyber operations but also to "fuel the creation and refinement of AI" by competitors (Executive Office of the President, 2024, p. 15421). USTR Tai herself referred to the threat posed by data brokers on at least two separate occasions in 2024 (Tai, 2024a, 2024c).

A second policy measure focused on data security threats posed by Chinese technology in "connected" vehicles, i.e., automobiles equipped with "networked hardware with automotive software systems [designed] to communicate" via a range of wireless media (US Department of Commerce, 2024). This policy, first proposed by the US Department of Commerce nearly a year after the US withdrew its data-related proposals at the WTO in September 2024, mainly targeted Chinese hardware and software not only in EVs but also in internal combustion engine vehicles. Finalized in January 2025, just a week before President Biden left office (Shepardson, 2024), the policy was slated to take effect on March 17, 2025, under the incoming Trump administration ("BIS connected vehicles rule," 2025). US officials have identified both economic and national security concerns over permitting Chinese vendors to test, develop, and deploy technology in commercial vehicles. The potential transfer of customer data and critical infrastructure information, such as positioning and metrics of energy grids, to Chinese manufacturers raised fears of espionage, pre-positioning, and economic competitiveness, officials have said (Shepardson, 2024). Notably, during the rulemaking process, the US Department of Commerce explicitly acknowledged that this policy was driven more by geoeconomic goals than by trade concerns (Shepardson et al., 2024). Once again, the US withdrawal of support for data localization provisions provided executive agencies the flexibility needed to restrict data flows to China and Chinese vendors.

A final policy instrument in this vein is the law titled "Protecting Americans from Foreign Adversary Controlled Applications Act (H.R. 7521)," passed by the US Congress on March 13, 2024. The law requires the Chinese company ByteDance to sell its social media application, TikTok, to a US entity by January 2025 or face a nationwide ban (Lutkevich, 2025). This legislation is the latest in a series of measures the US has contemplated since 2020 to address concerns around the potential transfer of sensitive user data by TikTok to Chinese state agencies for espionage or influence operations (Lutkevich, 2025). In 2020, President Trump invoked emergency powers to block TikTok, and bipartisan consensus around restricting the application reached its peak in March 2023, when both the FBI and the Department of Justice launched investigations into allegations that the application had spied on US journalists (Chander, 2023). The 2024 legislation was upheld by the Supreme Court in January 2025 (*TikTok, Inc. v. Garland*, 2025). In its verdict, the Supreme Court concluded that "TikTok's scale and susceptibility to foreign adversary control, together with the vast swathes of sensitive data the platform collects, justify differential treatment to address the Government's national security concerns" (*TikTok, Inc. v. Garland*, 2025, p. 12).

A TikTok ban, or more specifically, restrictions on data flows from the app to China, may not necessarily have been the only trigger for US withdrawal from the digital trade agenda at the WTO and IPEF. Nevertheless, it is apparent that the withdrawal conferred flexibility not only on US executive agencies but also on the judiciary to set aside considerations of any international obligation that may have rendered domestic policy unlawful. Importantly, it also allowed US private actors, including content delivery networks (CDNs)—the

actual executioners of the TikTok ban—to stop serving TikTok content to American users. When the deadline for its sale had passed in January 2025, US CDNs limited the flow of TikTok data to users. Following "clarity and assurance" (Shepardson, 2025). from then President-elect Trump that US service providers will not face penalties for carrying its content, TikTok worked with CDNs to restore its services. When it came back online, however, TikTok content was served not by its parent company ByteDance's servers in the US, but by other CDNs such as Akamai. While this move may have been an effort by TikTok to guarantee that its data was not flowing out of US territory, it is also possible that US authorities may have sought such a concession as a condition for the platform's reinstatement. Such informal policy maneuvers would have been difficult to seek in the face of formal commitments opposing data localization.

4.3. Coalition-Building Through Informal Arrangements

At the World Economic Forum in Davos in January 2024, Jake Sullivan underscored US efforts to "bring together countries and companies to set high standards for emerging technologies and secure the trusted free flow of data" (Sullivan, 2024a). Months later, in October 2024, at the Brookings Institution, Sullivan suggestively extolled the benefits of informality, highlighting the value of using "modern trade tools to achieve [US] objectives" (Sullivan, 2024b). He specifically referred to "creating markets based on standards" rather than formal agreements, along with "sector-specific trade agreements" (Sullivan, 2024b). Katherine Tai (June 2024) and Gina Raimondo (January 2024) have similarly emphasized the importance of a "community of democracies" in cooperating on digital trade and jointly tackling the China challenge (Tai, 2024b, 2024c).

The US State Department's framing of "digital solidarity" in May 2024, which subsumes informal initiatives that the US had either orchestrated or actively participated in recently, reflects an explicit attempt to build such a coalition of democracies (Kapur, 2024). As we have previously noted, the US seeks "digital solidarity" with like-minded democracies to develop norms around cyber and data governance that can neutralize the economic security threat posed by its adversaries (Kapur, 2024). However, operationalizing "digital solidarity" coalitions—more precisely, the geoeconomic vision behind them—through formal agreements remains difficult for two reasons. First, G7 countries, particularly those in the EU, may be reluctant to sign free trade commitments with the US due to stark differences in domestic regulatory strategies. The US and EU continue to diverge significantly in their approaches to data protection, competition law, and online content moderation, with the US favoring a more laissez-faire model (Bradford, 2023). Second, US partners and allies may be unwilling to commit to binding agreements that restrict the flow of data to "countries of concern." European and Asian economies remain more open to, and dependent on, Chinese technologies, especially in sectors identified by the US as sensitive, such as EVs and unmanned aerial vehicles. Formal commitments could deter American partners from collective action. This is true not only for cross-border data but also for other critical technologies, such as semiconductors (Broeders et al., 2025).

Digital solidarity is arguably feasible only when commitments on cross-border data governance remain soft. This elevates the importance of new and ongoing informal initiatives for the US. Such initiatives can develop global norms around the "trustworthiness" of cross-border data flows, enabling the US and its coalition partners to support open data flows while simultaneously targeting data collection by Chinese private and state actors. Initiatives such as the G7 reflect an acknowledgment that coalition-building is essential to counter the national security threat posed by China, while others, such as the TTC, explore alignment in domestic regulatory strategies to sustain cooperation on data flows. As for spooking US partners with

binding commitments against China, the US has already demonstrated a willingness to orchestrate informal initiatives to assuage such concerns. To limit the export of advanced chips and lithographic equipment to China, the US has turned to informal and even secret export control arrangements with the Netherlands and Japan. If Dutch diplomacy following this deal is any indication (Satariano, 2025), informal agreements on cross-border data flows offer a broad normative template that permits the US and its partners to draw redlines around data transfer to Chinese entities, while acknowledging the benefits of working with Chinese interlocutors on digital technologies.

5. Conclusion: Informality Under Trump and Beyond

This article has highlighted how the US' turn to informal data governance initiatives has been significantly shaped by national security and economic security concerns around data flows to China. Between 2020 and 2024, domestic policies and public statements by high-level officials were articulated in lockstep with US diplomacy at these informal initiatives and withdrawal of support for formal provisions (some of which pertain to broader themes of digital trade and data governance) on cross-border data flows. In parallel, the US championed the concept of "trusted data flows"—i.e., the promotion of freer data flows exclusively between partners who are like-minded in their perception of China as a threat and strategic adversary in cyberspace. That concept was folded in May 2024 into the diplomatic umbrella of "digital solidarity."

Given that the period under review largely corresponds with the tenure of the Biden administration—though the US retreat from formal agreements predates Biden's term—an important question persists: why did the first Trump administration support freer data flow proposals under the JI? Moreover, now that President Trump has returned for a second term, will he continue his predecessor's policies? There are two explanations for the Trump administration's decision not to withdraw from the WTO JI during its first term. First, China only joined the JI in 2019, leaving the Trump administration relatively little time to formulate a comprehensive US response. Second, as Kilic (2025) notes in the context of digital trade, "2018 was a different era," because then "Trump was still new to the White House and Washington politics." By 2020, however, the Trump administration had begun orchestrating the first US-led informal initiatives aimed at dissuading states from relying on Chinese 5G vendors and equipment (US Department of State, n.d.). The "Clean Network" initiative and the Prague Proposals sought, among other objectives, to block Chinese actors from accessing US personal and sensitive data (US Department of State, n.d.). In many ways, the Trump administration's rhetoric around building a "coalition of trusted partners" for "clean" networks (US Department of State, n.d.) is mirrored in the Biden administration's concept of "digital solidarity." Officials instrumental to the Clean Network initiative later acknowledged that the first Trump administration's approach evolved from an initial "confrontational style" against China to support "good old-fashioned diplomacy" in its later years (Coy & Mathieson, 2020).

The second Trump administration too appears determined to check China's rise, and manage the national as well as economic security threats posed by Beijing. Geoeconomic measures, in this regard, are not likely to recede anytime soon. Even if Trump's supporters in Silicon Valley or other major technology companies would want firm commitments for cross-border flows of data, his administration will be wary of such flows being weaponized by Chinese actors. In the interim, therefore, we are likely to see mini-deals between the US and its allies promoting digital trade, with data flows ring-fenced from Chinese market players. In other words, it is reasonable to expect continuity rather than disruption in US policies towards informal data governance

initiatives. Trump's second term has also revealed tensions in transatlantic relations, casting doubt on whether many EU member states will fully endorse American initiatives, even if they share concerns about China. Still, geoeconomic compulsions persist for both the US and China, and informal data governance mechanisms, due to their flexibility and utility for coalition-building, will likely remain a tool of statecraft.

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