Reproduced from *The Comprehensive and Progressive Agreement for Trans-Pacific Partnership: Implications for Southeast Asia*, edited by Cassey Lee and Pritish Bhattacharya (Singapore: ISEAS – Yusof Ishak Institute, 2021). This version was obtained electronically direct from the publisher on condition that copyright is not infringed. No part of this publication may be reproduced without the prior permission of ISEAS Publishing. Individual chapters are available at http://bookshop.iseas.edu.sg.

The
Comprehensive and
Progressive Agreement
for Trans-Pacific
Partnership

The ISEAS – Yusof Ishak Institute (formerly Institute of Southeast Asian Studies) is an autonomous organization established in 1968. It is a regional centre dedicated to the study of socio-political, security, and economic trends and developments in Southeast Asia and its wider geostrategic and economic environment. The Institute's research programmes are grouped under Regional Economic Studies (RES), Regional Strategic and Political Studies (RSPS), and Regional Social and Cultural Studies (RSCS). The Institute is also home to the ASEAN Studies Centre (ASC), the Singapore APEC Study Centre, and the Temasek History Research Centre (THRC)

ISEAS Publishing, an established academic press, has issued more than 2,000 books and journals. It is the largest scholarly publisher of research about Southeast Asia from within the region. ISEAS Publishing works with many other academic and trade publishers and distributors to disseminate important research and analyses from and about Southeast Asia to the rest of the world.

The Comprehensive and Progressive Agreement for Trans-Pacific Partnership

Implications for Southeast Asia

CASSFY LFF • PRITISH BHATTACHARYA



First published in Singapore in 2021 by ISEAS Publishing 30 Heng Mui Keng Terrace Singapore 119614

E-mail: publish@iseas.edu.sg *Website*: Website: http://bookshop.iseas.edu.sg

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise, without the prior permission of the ISEAS – Yusof Ishak Institute.

© 2021 ISEAS - Yusof Ishak Institute, Singapore

The responsibility for facts and opinions in this publication rests exclusively with the authors and their interpretations do not necessarily reflect the views or the policy of the publisher or its supporters.

ISEAS Library Cataloguing-in-Publication Data

Name(s): Lee, Cassey, editor. | Bhattacharya, Pritish, editor.

Title: The Comprehensive and Progressive Agreement for Trans-Pacific Partnership: implications for Southeast Asia / edited by Cassey Lee and Pritish Bhattacharya.

Description: Singapore: ISEAS – Yusof Ishak Institute, 2021. | Includes bibliographical references and index.

Identifiers: ISBN 978-981-4818-87-2 (paperback) | ISBN 978-981-4818-88-9 (PDF)

Subjects: LCSH: Comprehensive and Progressive Agreement for Trans-Pacific Partnership—(2018 March 8). | Pacific Area cooperation. | Pacific Area—Commercial treaties. | Free trade—Economic aspects—Pacific Area.

Classification: LCC HF2570.7 C73

Cover illustration by Pritish Bhattacharya Typeset by International Typesetters Pte Ltd Printed in Singapore by Markono Print Media Pte Ltd

CONTENTS

Pref	face	vii
Abb	reviations	viii
Abo	About the Contributors	
1.	Introduction Cassey Lee and Pritish Bhattacharya	1
2.	The Economics of the CPTPP and RCEP: Asia Pacific Trade Agreements without the United States Peter A. Petri, Michael G. Plummer, Shujiro Urata and Fan Zhai	12
3.	The TPP and CPTPP: Truths about Power Politics Malcolm Cook	30
4.	The Investment Chapter and ISDS in the CPTPP: Lessons from and for Southeast Asia Luke Nottage	51
5.	Intellectual Property in the CTPP and Access to Medicines: A Thai Perspective Jakkrit Kuanpoth	112
6.	New Rules for State-Owned Enterprises in the CPTPP Wan Khatina Nawawi	138

vi Contents

7.	Impact of the CPTPP on Japanese Manufacturing Affiliates in ASEAN Kazunobu Hayakawa and Kohei Shiino	162
8.	Reassessing Malaysia's Export Opportunities in the TPP and CPTPP	179
	Tham Siew Yean and Andrew Kam Jia Yi	
9.	Impact of the CPTPP on Vietnam Phan Duc Hieu	218
10.	Should Thailand Join the CPTPP? Archanun Kohpaiboon	253
11.	Indonesia, the TPP and CPTPP: Hold Your Breath Kiki Verico	281
Inde	ex	308

PREFACE

This edited volume has taken a long time to complete. The original plan was to publish an edited volume on the potential impact of the Trans-Pacific Partnership (TPP) Agreement on Southeast Asia based on papers presented in a series of seminars held at the ISEAS – Yusof Ishak Institute in 2016. This plan was put on hold following the uncertainties created by the withdrawal of the United States from the TPP in January 2017. The subsequent signing of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) in 2018 convinced us to resuscitate the book project. Our contributors have had to revise their chapters to take into account, as much as possible, the major changes brought about by the new deal.

We are confident that this volume will continue to be important and relevant in light of the plethora of global political and economic challenges that have emerged in recent times, such as the rise of protectionism, the US-China trade war and the Covid-19 pandemic. We hope that this volume will serve as a useful reference to anyone keen to understand the CPTPP—its nature, evolution and impact.

This book project would not have materialized without our contributors. We thank them for their patience and willingness to reconfigure the chapters after the TPP was transformed into CPTPP. At ISEAS, the support of Director Choi Shing Kwok and Senior Advisor Tan Chin Tiong has been invaluable. We would also like to thank Ng Kok Kiong and Sheryl Sin Bing Peng of the Publications Unit for their help in finalizing and publishing this edited volume.

Cassey Lee and Pritish Bhattacharya

ABBREVIATIONS

AANZFTA ASEAN-Australia-New Zealand Free Trade

Area

ACFTA ASEAN-China Free Trade Area

ACIA ASEAN Comprehensive Investment Agreement ACP African, Caribbean and Pacific Group of States

AEC ASEAN Economic Community

AFC Asian Financial Crisis
AFTA ASEAN Free Trade Area

AHKFTA ASEAN-Hong Kong, China Free Trade Area AIAI Agreement on Investment between ASEAN

and India

AIAK Agreement on Investment between ASEAN

and Korea

AICA Agreement on Investment between China and

ASEAN

AIFTA ASEAN-India Free Trade Agreement AJCEP ASEAN-Japan Comprehensive Economic

Partnership

AJFTA ASEAN-Japan Free Trade Agreement
AKFTA ASEAN-Korea Free Trade Agreement
APEC Asia-Pacific Economic Cooperation

ARV Antiretroviral

Abbreviations ix

ASCM Agreement on Subsidies and Countervailing

Measures

ASEAN Association of Southeast Asian Nations
BIMSTEC Bay of Bengal Initiative for Multi-Sectoral

Technical and Economic Cooperation

BIT Bilateral Investment Treaty
BRI Belt and Road Initiative

CACM Central American Common Market

CAD Current Account Deficit

CGE Computable General Equilibrium
CIC China Investment Corporation

CITES Convention on International Trade in

Endangered Species of Wild Fauna and Flora

CMSA Constant Market Share Analysis
CNEN Consortium for New Export Nation

C/O Certificate of Origin

COMESA Common Market for Eastern and Southern

Africa

CPTPP Comprehensive and Progressive Agreement for

Trans-Pacific Partnership

DIP Department of Intellectual Property
DSM Dispute Settlement Mechanism

EAP East Asia and the Pacific

EAS East Asia Summit

ECAP EU-ASEAN Project on the Protection of

Intellectual Property Rights

ECCAS Economic Community of Central African States
ECOWAS Economic Community of West African States

E&E Electrical and Electronics

EPA Economic Partnership Agreement
EPC European Patent Convention
ESDA Export Share Difference Analysis

ETF Entry into Force

x Abbreviations

EU European Union

FCRI Agricultural Research Specialist Field and

Renewable Energy Crops Research Institute

FDI Foreign Direct Investment

FTA Free Trade Agreement; Free Trade Area

FTAA Free Trade Area of the Americas

FTAAP Free Trade Agreement of the Asia Pacific
GAPP Generally Accepted Principles and Practices
GATS General Agreement on Trade in Services
GATT General Agreement on Tariffs and Trade

GDP Gross Domestic Product

GE Global Economy

GFC Global Financial Crisis
GI Governance Indicator
GNI Gross National Income

GPO Government Pharmaceutical Organization

GSC Global Sector Competition

GSP Generalized System of Preferences
GTAP Global Trade Analysis Project

GVC Global Value Chain IC Integrated Circuit

ICN International Competition Network
ICSID International Centre for Settlement of

Investment Disputes

ICT Information and Communication Technology
IFSWF International Forum on Sovereign Wealth Funds

ILO International Labour Organization
IMF International Monetary Fund

IMFC International Monetary and Financial

Committee

INPI National Institute of Industrial Property

IP Intellectual Property

Abbreviations xi

IPF Independent Pension Fund
IPR Intellectual Property Rights

ISDS Investor-State Dispute Settlement

ISIS Institute for Strategic and International Studies

IT Information Technology

ITA Information Technology Agreement ITC International Trade Commission

IWG International Working Group on Sovereign

Wealth Funds

JAI Japan Analytical Industry Co., Ltd.
JETRO Japan External Trade Organization

JICA Japan International Cooperation Agency JMEPA Japan-Malaysia Economic Partnership

Agreement

JTEPA Japan-Thailand Economic Partnership

Agreement

JVEPA Japan-Vietnam Economic Partnership

Agreement

KNB Khazanah Nasional Berhad

KORUS United States-Korea Free Trade Agreement

LDC Least Developed Country MAB Malaysia Airlines Berhad

MAHB Malaysia Airports Holdings Berhad

MAS Malaysian Airline System Berhad; Monetary

Authority of Singapore

MERCOSUR Mercado Común del Sur, or Common Market

of the South

METI Ministry of Economy, Trade and Industry

MFA Multi-Fibre Arrangement
MFN Most Favoured Nation

MITI Ministry of International Trade and Industry

MNC/E Multinational Corporation/Enterprise

MOIT Ministry of Industry and Trade

xii Abbreviations

MPI Ministry of Planning and Investment
NAFTA North American Free Trade Agreement

NAPHA National Access to Antiretroviral Program for

People living with HIV/AIDS

NCM Non-Conforming Measure
NGO Non-Government Organization
NSC National Sector Competition

NT National Treatment

NTB/M Non-Tariff Barrier/Measure NTR Normal Trade Relations

OECD Organisation for Economic Co-operation and

Development

O&G Oil and Gas P4 Pacific Four

PCT Patent Cooperation Treaty

PWL Priority Watch List

R&D Research and Development

RCA Revealed Comparative Advantage

RCEP Regional Comprehensive Economic Partnership

ROO Rules of Origin

RTA Regional Trade Agreement
SAT Seed Association of Thailand

SEHC Samsung Electronic Ho Chi Minh City

Complex

SITC Standard International Trade Classification

SME Small and Medium-Sized Enterprise

SOE State-Owned Enterprise
SPS Sanitary and Phytosanitary

SSL Short Supply List

SWF Sovereign Wealth Fund

TAFTA Thailand-Australia Free Trade Agreement

TCI Trade Complementarity Index

Abbreviations xiii

TFEU Treaty on the Functioning of the European

Union

ThaSTA Thai Seed Trade Association

TIFTA Thailand-India Free Trade Agreement

TII Trade Intensity Index

TNFTA Thailand-New Zealand Free Trade Agreement

TPA Trade Promotion Authority
TPP Trans-Pacific Partnership

TSM Transitional Safeguard Measure

TTIP Trans-Atlantic Trade and Investment

Partnership

UNCITRAL United Nations Commission on International

Trade Law

UPOV 91 International Convention for the Protection of

New Varieties of Plants of 1991

US United States

USAID United States Agency for International

Development

USSFTA US-Singapore Free Trade Agreement
USTR United States Trade Representative
VFDI Vertical Foreign Direct Investment

VINATEX Vietnam National Textile and Garment Group

VNUSBTA Vietnam-US Bilateral Trade Agreement

WCT WIPO Copyright Treaty

WIPO World Intellectual Property Organization

WPPT WIPO Performances and Phonograms Treaty

WTO World Trade Organization

ABOUT THE CONTRIBUTORS

Pritish Bhattacharya, Research Officer, Regional Economic Studies, ISEAS – Yusof Ishak Institute, Singapore

Malcolm Cook, Visiting Senior Fellow, Regional Strategic and Political Studies, ISEAS – Yusof Ishak Institute, Singapore

Kazunobu Hayakawa, Senior Research Fellow, Institute of Developing Economies, IDE-JETRO, Japan

Andrew Kam, Associate Professor, Institute of Malaysian and International Studies, National University of Malaysia, Malaysia

Archanun Kohpaiboon, Associate Professor, Faculty of Economics, Thammasat University, Thailand

Jakkrit Kuanpoth, Research Director for Economic Laws, Thailand Development Research Institute, Thailand

Cassey Lee, Senior Fellow and Coordinator, Regional Economic Studies, ISEAS – Yusof Ishak Institute, Singapore

Luke Nottage, Professor of Comparative and Transnational Business Law, University of Sydney Law School, Australia

Peter A. Petri, Carl J. Shapiro Professor of International Finance, Brandeis International Business School, Brandeis University, USA

Phan Duc Hieu, Deputy Director, Central Institute for Economic Management, Vietnam

Michael G. Plummer, Director, SIAS Europe and Eni Professor of International Economics, School of Advanced International Studies – Europe, Johns Hopkins University, Italy

Kohei Shiino, Associate Professor, Faculty of International Studies, Takushoku University, Japan

Tham Siew Yean, Visiting Senior Fellow, ISEAS – Yusof Ishak Institute, Singapore

Shujiro Urata, Professor, Graduate School of Asia-Pacific Studies, Waseda University, Japan

Kiki Verico, Deputy Director of Research, Institute for Economic and Social Research – Faculty of Economics and Business, University of Indonesia, Indonesia

Wan Khatina Nawawi, Director of Economics, Malaysian Aviation Commission, Malaysia

Fan Zhai, Executive Advisor and Chief Economist, Everglory Group, China