

日本 21 世紀的 FTA 策略： 對 RCEP 和 TPP 的因應

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關鍵詞：FTA 策略、跨太平洋夥伴協定（TPP）、區域全面經濟伙伴關係（RCEP）

中文摘要

1990s 年代 FTAs 興起如雨後春筍，日本亦趨附這股風潮，轉向經濟夥伴協定（Economic Partnership Agreement, EPA）和雙邊投資協定（Bilateral Investment Treaties, BIT），其實是爲了回應多重競爭的挑戰，避免商業社群在海外競爭力的喪失。首先，日本必須重解決由 FTA 的貿易轉移所造成的海外商業競爭力降低問題，例如在北美自由貿易協定（North American Free Trade Agreement, NAFTA）及後續的墨西哥－歐盟 FTA（Mexico-EU FTA）中所造成它與墨西哥間往來貿易的損失。其次，面臨亞太地區的雙邊 FTA 的結盟日漸興盛，日本公司也希望締結

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EPA 來重振其東亞生產網絡，搶得在東協發展的先機。因此，日本轉向 EPA 及 BIT 以彌補 WTO 等多邊機制的不足，這股風潮主要受到商業社群如「經團連」（Keidanren）的主導，在經團連的積極運作下，日本雙邊 FTA 的成果相當豐碩。

而自 2000s 年亞洲多邊主義（multilateralism）再度興起，無論是在金融、經貿或安全方面多邊組織與制度皆林立，繪製出一張層疊交錯的「多邊化區域主義」的區域架構圖。其中在經貿方面，近幾年來「巨型 FTA」興起，除東協加 N 的架構外，亞太區域內外的整合尚包括「跨太平洋夥伴協定」（Trans-Pacific Partnership, TPP）、區域全面經濟伙伴關係（Regional Comprehensive Economic Partnership, RCEP）、中日韓 FTA（China-Japan-Korea FTA）、跨大西洋貿易與投資伙伴協定（The Transatlantic Trade and Investment Partnership, TTIP）和日本－歐盟 FTA 等，日本自然也在對亞洲的外交政策中積極融入這股多邊主義，參與經濟整合的聯盟，作為對區域結構改變的回應，可看出日本的區域整合政策是要在區域政治與經濟上獲得更大影響力。TPP 為美國所主導，而區域性全面經濟夥伴協定則是中國新興的東亞途徑（the East Asian approach）區域整合工具之一，反射了所謂「東亞 FTA」（East Asia Free Trade Agreement, EAFTA）的倡議，即「東協加三」（中、日、韓）或「東協加六」（中、日、韓、紐、澳、印度），RCEP 也被視為對於 TPP 的回應，作為鞏固東協+N 模式的新興機制，TPP 與 RCEP 各為美、中所主導，代表亞太地區兩股新興的巨型區域經濟整合勢力。日本應如何因應 TPP 與 RCEP 這兩個巨型 FTA，以

施展它在全球化下新區域主義的影響力，以及 TPP 與 RCEP 爲日本帶來的機會，將是本論文所要探討的核心議題。

Japan's FTA Strategy in the 21th Century: Leveraging between RCEP and TPP

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Keywords: FTA, TPP, RCEP, Multilateralism; Regionalism, Asian Pacific, Japan

Abstract

As the FTAs took effect in the 1990s, Japan started to gravitate towards Economic Partnership Agreements (EPAs) and Bilateral Investment Treaties (BITs) to respond to multiple challenges and competition wrought by the international business community. Initially, Japan had to confront/overcome its trade diversion by easing on competition abroad spearheaded by NAFTA and Mexico-EU FTA which contributed hugely to Japan's trade deficit. To respond to these losses, Japan deployed and

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capitalized on the architect of the Asia Pacific to counter emerging networks of bilateral FTAs to advance Japan's opportunities and leverages in East Asia/ASEAN markets. To ensure success, Japan's FTA negotiations were navigated by *Keidanren*.

Generally speaking, since 2000, multilateralism and trade arrangements have restored their reputation to thrive in finance, trade and security in the regional architecture of the Asia Pacific landscape. Regarding trade, multilateralism networks embody itself in the FTAs networks as "ASEAN + N"; TPP; RCEP; China-Japan-Korea FTA inter alia. Specifically, Japan responded with such shifts enthusiastically by combining its diplomatic and developmental goals to thrive.

But as the wind of change took effect in recent years, the different approaches initiated by the United States and China (TPP and RCEP) also represented two doctrines in the Asian Pacific regional economic integration that have had adverse implications. Before, the Asia Pacific integration was spearhead and denominated by the "Asia Pacific Doctrine" and "East Asia Doctrine". Currently, the Asian Pacific integration revolve around the TPP and RCEP. The question becomes: How can Japan operate and manipulate these two mega-FTAs as leverage to thrive in the neo-regionalism and multilateralism frameworks? The lacunae of this article explores/analyze the impacts and implications of TPP and RCEP arrangement to Japan.

I. Introduction

As the FTAs took effect in the 1990s, Japan started to gravitate towards Economic Partnership Agreements (EPAs) and Bilateral Investment Treaties (BITs) to respond to multiple challenges and competition wrought by the international business community. Initially, Japan had to confront/overcome its trade diversion by easing on competition abroad spearheaded by NAFTA and Mexico-EU FTA which contributed hugely to Japan's trade deficit. To respond to these losses, Japan deployed and capitalized on the architect of the Asia Pacific to counter emerging networks of bilateral FTAs to advance Japan's opportunities and leverages in East Asia/ASEAN markets. To ensure success, Japan's FTA negotiations were navigated by *Keidanren*.

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II. Characteristics of Japan's multi-directional FTA strategies: Functions of FTAs as mechanisms

Based on the core Economic Partnership Agreement

Japan proposed its EPA strategy in 2004 to set the establishment of Economic Partnership Agreements with regional partner-countries. Its FTA policy priorities were formally illustrated in its diplomacy whitepaper. Specifically, in 2005, Japan addressed in its “White Paper on International Trade” and analyzed the industry divisions among Japan, China and ASEAN and claimed that East Asia would constitute a complementary economic triangle circles to transform the export markets of U.S. and EU. In 2006, Japan reassured its goal of EPA in the “Global Strategy” and subsequently established numbers of EPAs.¹

¹ “Japan's Economic Partnership Agreement (EPA), Customs and Tariff Bureau,” MOF JAPAN, 30 May 2008, http://www.customs.go.jp/english/epa/files/japans_epa.pdf.

International factor: Regional security and response to the rise of China

Another trait of Japan's EPA strategies is to respond the rise of China and Japan-China competition as the following incidents illustrates: (i) in the choice of EPA partners, the Koizumi administration (2001-2006) intentionally excluded China; (ii) the competition of China and Japan reached a climax when it retorted its announcement of ASEAN-China FTA in November 2001 with the initiation of Japan-ASEAN Comprehensive Economic Partnership in January 2002; (iii) The emphasize of "East Asia trade blocs" between Japan and China was distinct: China would highlight the "ASEAN+3" while Japan considered "ASEAN+6" that included India, Australia, and New Zealand.² These efforts showed that Japan's EPA policy considerations were geared towards maintaining a subtle balance and alliance with U.S. whilst competing with China in the integration of East Asian regions.

Japan uses FTA as a domestic economic reform mechanism

Theoretically, a country negotiating FTAs must install one or several strategic and functional targets to thrive in its transaction. These strategies It include the following dimensions: (i) economic (ii) politics and diplomacy (iii) regional security (iv) promotion of domestic industry

² Mireya Solís, "Japan's Competitive FTA Strategy: Commercial Opportunity versus Political Rivalry," *op.cit.*, p.199.

structure transformation (v) energy supply (vi) the facility of negotiating capability (vii) social issues (such as environment and labor).³ Likewise, the U.S. used NAFTA to promote its domestic policy revolution (U.S-Mexico). In the one hand, the US wanted to obtain access of Mexico's energy, finance, telecoms and services while on the other hand, Washington took advantage of Mexico's cheap labor to enlarge its markets, increases employments and upgrade its industry.⁴

Japan wished to serve as the first and fourth goals mentioned above. Specifically under Prime Minister Abe, the “the third arrow” in the “three arrows” policy was geared to employ the TPP to revitalize the recession of Japan's economy. In spite of the fact that “Abenomics” brought some signs of economic recovery, the domestic economic situation of Japan continued to encounter great difficulties in deflation and shortage of demand; declining and aging population; declining of savings rate; increasing of government debt; increasing regulated sectors (in agriculture and medical services) necessitating Japan to articulate stronger innovation policies.⁵

Motivations and debates for excluding agriculture and Japan's domestic development

³ Tzu-Ting Huang, *The Development and Challenges of FTAs in Asia-Pacific Countries* (Kaohsiung: Liwen Publishing Group, 2012), p.48.

⁴ M. Angeles Villarreal, “NAFTA and the Mexican Economy,” Congressional Research Service RL34733, 3 June 2010, <http://www.fas.org/sgp/crs/row/RL34733.pdf>.

⁵ Urata Shujiro, “The New Landscape of World Trade with Mega-FTAs and Japan's Strategy,” RIETI Special Seminar, 17 February 2014.

Japan's revolution and open-door policy camp consideration were informed by the TPP framework that were meant to assist the country promote structural transformation in the field of agriculture. Japan vigorously boosted all kinds of agricultural policies and innovations and the curtailment of subsidies and export-assistance to adjust and ease the pressure in agricultural liberalization.⁶ In fact, the FTA (EPA) preceding TPP: Japan-Singapore EPA; Japan-Mexico EPA; Japan-Thailand EPA; Japan-Chile EPA all excluded agricultural sector forming the most prominent feature of Japan's FTAs. The Central Union of Agricultural Cooperatives (JA-Zenchu) camp also claimed that the exclusions of agriculture was part and parcel of Japan's FTAs strategy.⁷

Characteristics of multidirectional FTA strategies and the current development of Japan's FTAs

Japan's Economic Affairs Bureau of Ministry of Foreign Affairs indicated that the benefits of FTAs would include the benefits of economic, political, and diplomatic rewards to enlarge and promote Japan's global prestige

⁶ Japan-Australia Symposium, "Japan's Agricultural Reform and the Japan-Australia EPA-Promoting Japan's Food Security," 4 June 2009, http://repository.australia.or.jp/fta/files/news/20090604_Ambassador_Speech.pdf.

⁷ Aurelia George Mulgan, "Japan: Has Agriculture Captured the State?" East Asia Forum, 18 October 2012, <http://www.eastasiaforum.org/2012/10/18/japan-has-agriculture-captured-the-state-2/>.

and status⁸. Besides, the restructuring of the domestic industry is inevitable in some sectors, services, and agriculture which are all issues of political sense and sensitivities⁹. Furthermore, Japan's government aimed at pursuing the principle of the comprehensive, flexible and selective FTA policy in spite of the liberalization agendas.¹⁰

To analyze concrete features of Japan's multi-directional FTA strategies, the following strategies are paramount: (i) access to markets—to obtain the overseas markets of its SMEs, Japan avoided marginalization and “Domino effect” that its partners negotiated with other countries other than Japan.¹¹ (ii) to promote the economic growth and political stabilization of East Asia—East Asia is the most important region to showcase and maintain Japan's leadership and control as Japan's trade was mainly involved with ASEAN countries

⁸ Japan's FTA Strategy (Summary), October 2002, Economic Affairs Bureau, Ministry of Foreign Affairs, <http://www.mofa.go.jp/policy/economy/fta/strategy0210.html>.

⁹ T. J. Pempel and Shujiro Urata, “Japan: a New Move Toward Bilateral Trade Agreements,” in Vinod K. Aggarwal, and Shujiro Urata eds., *Bilateral Trade Agreements in the Asia-Pacific* (London: Routledge, 2006).

¹⁰ Mireya Solís and Shujiro Urata, “Japan's New Foreign Economic Policy: A Shift toward a Strategic and Activist Model?” *Asian Economic Policy Review*, Vol. 2 (2007), pp. 227-245.

¹¹ Keidaren, “Report on the Possible Effects of a Japan-Mexico Free Trade Agreement on Japanese Industry,” 1999, <http://www.keidanren.or.jp/english/policy/pol099.html>.

of this region.¹² (iii) domestic reforms—as the economic depression of U.S. and EU, Japan hoped that its FTA network would assist its domestic industry to enhance its competitiveness gradually but eventually comprehensive liberalization (iv) technique or monetary assistance for resource and energy—to satisfy its demand for energy, Japan negotiated with partners as the CCGs (crude oil producers), Australia (iron and coal), Chile and Peru (copper);¹³ (v) partnered with strategic significance—the partner as a stepping-stone or hub for entering the regional market starting with Chile and Mexico to enter the larger South America markets.¹⁴

Targeting at its multidirectional FTA strategies, Japan schemed to obtain its FTA coverage from 22.6% to 70% by 218. The current FTA development of Japan are shown in (List 1) below. The FTAs tendency can be traced from bilateral FTAs in its early beginning in 2002 with Japan and the FTA negotiations that took effect from 2000-2012. Recently, Japan started to face the choices of RCEP and TPP and the other mega-FTAs that flourish in the regional multilateralism architecture.

¹² Kohei Shiino and Akira Mizuno, *A New Era for FTAs: A Growing Network with Asia at its Core* (Tokyo, Japan: Japan External Trade Organization, 2010).

¹³ Junji Nakagawa and Wei Liang, “A Comparison of the FTA Strategies of Japan and China and Their Implications for Multilateralism,” RCCPB Working Paper No.11, October 2011 , [http://www.indiana.edu/~rccpb/Working_Paper/Liang%20Nakagawa%20RCCPB%2011%20FTAs%20PUB. pdf](http://www.indiana.edu/~rccpb/Working_Paper/Liang%20Nakagawa%20RCCPB%2011%20FTAs%20PUB.pdf).

¹⁴ Mireya Solís and Shujiro Urata, “Japan’s New Foreign Economic Policy: A Shift toward a Strategic and Activist Model?” *op.cit.*, pp. 227-245.

List 1. Japan's current FTA development

Japan's Current FTA Development		
took effect /signed	Singapore	took effect in November 2002, revised in Sep 2007
	Mexico	took effect in March 2005 , revised in April 2012
	Malaysia	took effect in July 2006
	Chile	took effect in September 2007
	Thailand	took effect in November 2007
	Indonesia	took effect in July 2008
	Brunei	took effect in July 2008
	ASEAN	took effect in December 2008
	Philippines	took effect in December 2008
	Switzerland	took effect in September 2009
	Vietnam	took effect in October 2009
	India	took effect in August 2011
	Peru	took effect in March 2012
under negotiation	Korea	start negotiation in December 2003

		and suspended since 2004
	GCC	start negotiation in September 2006
	Australia	start negotiation in April 2007 and concluded in 7 April 2014
	Mongolia	start negotiation in June 2012
	Canada	start negotiation in November 2012
	Colombia	start negotiation in December 2012
	Japan-China-Korea	start negotiation in March 2013
	EU	start negotiation in April 2013
	RCEP	start negotiation in May 2013
	TPP	start negotiation in July 2013 and concluded in 5 Oct 2015
understudy/discussion	EU	start negotiation in April 2013, approved a mandate for negotiation
	Turkey	Under joint study

Source: Jun Arima, "EU-Japan FTA/EPA JETRO's Perspective," *JETRO*, Jan 2015,
http://www.jetro.go.jp/ext_images/jetro/topics/pdf/1501_topics3_annex3.pdf.

III. New multilateral regionalism in Asia: Asian regional architecture and characteristics of their integration and multilateralism

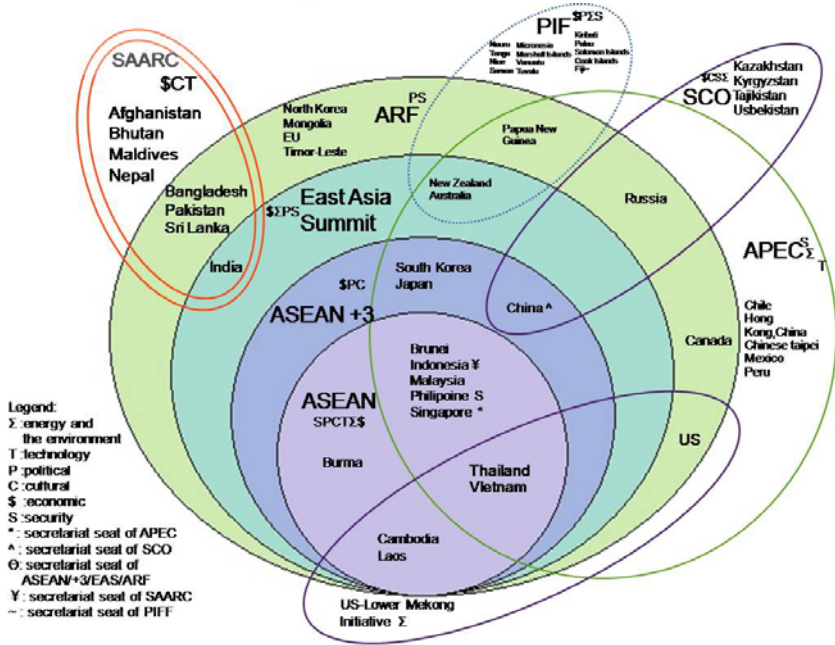
Asia regional architecture

The “Regional architecture” is designated as the design or framework of interactions, substantial organizations, norms and institutions between and among nations.¹⁵ Since the 2000s, multilateral organizations and institutions have thrived in Asia in areas of financial, security and trade portraying a complex and overlapping map of regional architecture. The macro-framework portrayed not only systematic arrangements in politics domains such as politics, economics, culture, energy, and social domain, but also spear headed a dynamic developmental process that transformed with external environments.¹⁶ Additionally, “Asia regional architecture” contained as ASEAN+3; SCO; APEC; SARRC; East Asia Summit; among others. This multi-polarity structure and the complicated Asian regional architecture contributed to the political economy of this region to become more intractable.

¹⁵ Charles E. Morison, “Reflections on Regional Architecture,” *APEC Economics Newsletter*, Vol.11, No.7 (2007), p.1. Dick K. Nanto, “*East Asian Regional Architecture: New Economic and Security Arrangements and U.S. Policy*,” Congressional Research Service, 15 April 2010, pp.33-34.

¹⁶ Chi-Chen Chiang, “The Development and Evolution of Asia-Pacific Regional Architecture after 2000: Political-Economic Implications for Taiwan,” *Review of Global Politics*, No.21 (2008), p.89.

Figure 1. The regional architecture of Asia



Source : Ernest Z. Bower, "A New Paradigm for APEC?" In *the Southeast Asia from the Corner of 18th & K Streets, Southeast Asia Program, Southeast Asia Program at the Center for Strategic and International Studies*, p.2.

Characteristics of Asia regional integration and multilateralism

Miles Kahler and Andrew MacIntyre (2014) compiled essays on "*Integrating Regions: Asia in Comparative Context*" to explain and evaluate new Asian regionalism and compared the findings with other international landscapes to inquire if Asia was processing convergence

of regions.¹⁷ Kevin O'Rourke (2014) for example, pointed out the political and economic factors that incidentally facilitated the EU integration model. In other words, the substance of decisions compromising mechanisms (i.e. legalization and empowerment of suffrage) and the rules of interlinking numbers would affect the regimes of regions profoundly.¹⁸ Many scholars and experts have compared Asia model of regionalism and multilateralism with European Union (EU) model, but the models are intrinsically quite different.

From the new institutional purview, Asia lacks regional judicial organizations which makes its economic integration difficult/different compared to other regions (such as ASEANs) that opposes the utilization of international courts to settle territorial disputes in this region (South China Sea).¹⁹ From a constructivist point view, neo-institutionalism points out that the common norms and regional regimes socialize countries to shape their non-self-interest behavior and create the identity of "region-ness". However, the socialization of ASEAN is a

¹⁷ David Martin Jones, "Integrating, Fragmenting, or Accidentally Socializing ? The Possible Futures of Asian Regionalism," *Review of Global Politics*, No.46 (2014), pp.153-160.

¹⁸ Kevin O'Rourke, "Why the EU Won," in Miles Kahler and Andrew MacIntyre eds., *Integrating Regions: Asia in Comparative Context* (Stanford: Stanford University Press, 2013) ,pp.142-.

¹⁹ Eric Voeten, "Regional Judicial Institutions and Economic Cooperations: Lesson from Asia?" in Miles Kahler and Andrew MacIntyre eds., *Integrating Regions: Asia in Comparative Context* (Stanford: Stanford University Press, 2013) , p.58.

type of “contingent socialization”²⁰ that is composed of vague “non-interference with domestic affairs and autonomy of region” (socialized norms that occasionally make the collective bargains progress-less).²¹ From the neo-realist stand point of view, it’s the competition of international politics and security that shape the momentum in the formation of Asia’s multilateralism and regionalism. As the U.S.-Sino rivalry in Asia Pacific demonstrate treckling into the recent competition of TPP and RCEP trade blocs.

Although theories that interpret the Asia multi-lateralism and regionalism are diverse, “TPP” and “RCEP” varied in essence and compounded by other dimensions such as the size, the degree of openness, coverage areas, leadership and reference model, mode of agreements, SDT to developing countries (See List 2). To summarize, TPP is a U.S.-led, rules-driven, (model of single-undertaking), comprehensive and broad coverage to cope with WTO-Plus issues. Conversely, RCEP is considered integration-driven model, (broad coverage) (See List 3). Besides, its leadership and mode of negotiation is vague. But these two trade blocs cover the huge amounts of GDP and population of the world (See Figure 2).

²⁰ Amitav Acharya, “Contingent Socialization in Asian Regionalism: Possibilities and Limits,” in Miles Kahler and Andrew MacIntyre eds., *Integrating Regions: Asia in Comparative Context* (Stanford: Stanford University Press, 2013) , p.231.

²¹ Amitav Acharya, *op.cit.*

List 2 Comparison of Mega-FTAs (Japan has engaged the preceding four)

	TPP	RCEP	Japan-EU	CJK	TTIP
Negotiation beginning	2010	2013	2013	2013	2013
The Implementation year	2013	2015			
Involved countries	12	16	29	3	29
Leader	U.S.	ASEAN		China Korea	
Reference model	FTA (KORUS)	(ASEAN+1)			
Areas covered	21	8	broad	15	broad
Market access	high	middle	high	middle	high
Tariff concession	bilateral	common	common		common
Mode of agreement	single undertaking				
Developing countries	No Special and Differential Treatment(SDT)	SDT			

Source: URATA Shujiro, "The New Landscape of World Trade with Mega-FTAs and Japan's Strategy," *RIETI* (Special Seminar, 17 February 2014).

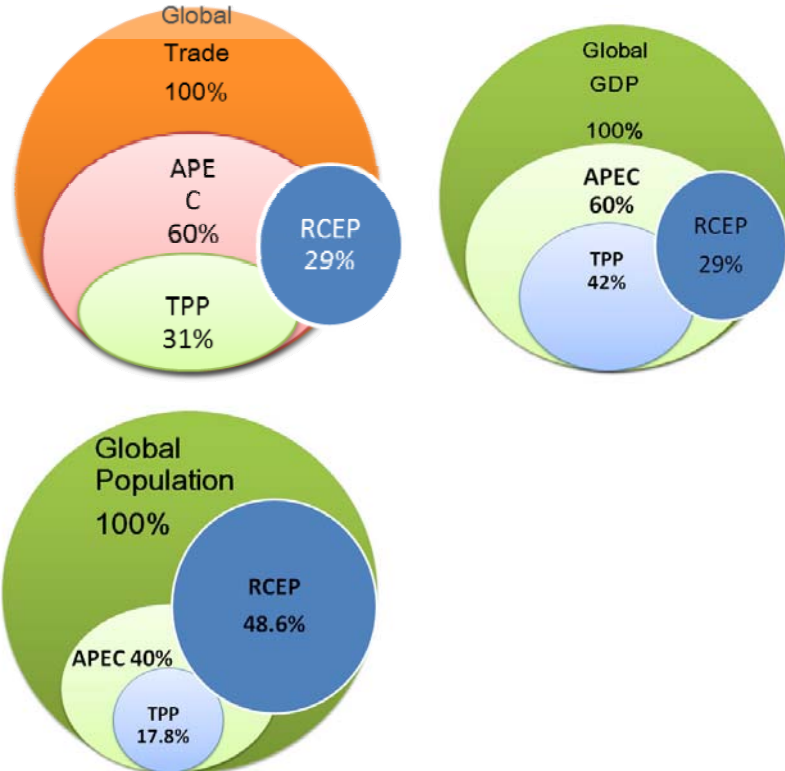
List 3 Comparison of TPP and RCEP in coverage

	TPP	RCEP
market access for goods	<ul style="list-style-type: none"> •Eliminations of tariff barriers with significant WTO+ commitment •Eliminations of non-tariff barriers •Negotiation market access and trade facilitation for textiles and apparel 	<ul style="list-style-type: none"> •Progressive tariff and non-tariff barriers on substantially all trade in goods •Comprehensive and high-level of tariff liberalization
trade facilitation	<ul style="list-style-type: none"> •Predictable, transparent and expeditious customs procedures •Strong and common rules of origin •Build on WTO commitments on SPS and TBT •Facilitate regional value chains 	<ul style="list-style-type: none"> •Facilitate trade and investment, enhance transparency in trade and investment •Facilitate regional and global chains
services	<ul style="list-style-type: none"> •Fair, transparent and markets for services across border, while preserving right to regulate •Open trade and investment financial services, e-commerce and telecommunications •Negotiate on a negative list basis •Transparency and efficiency in temporary entry 	<ul style="list-style-type: none"> •Substantially eliminate restrictions and discriminatory measures on trade in service •Build by commitments made by RCEP members under WTO and ASEAN+1 FTAs •Negotiate on all sectors and modes of supply
investment	<ul style="list-style-type: none"> •Liberal access for investments and legal 	<ul style="list-style-type: none"> •Liberal, facilitative, competitive investment

	protection for investors ●Expeditious, fair and transparent investor-state dispute settlement	regime ●Negotiate on Protection, Promotion facilitation and Liberalization
competition	●Promote competitive business environment, protect consumers, ensure level playing field ●Establishment and maintenance of competition laws and authorities, fairness, transparency, consumer protection and private rights	●Promote competition, economic efficiency and consumer welfare, curtailing anti-competition practice ●Recognize difference in capacity in RCEP on competition policy
intellectual property	●Ensure effective and balanced intellectual property rights ●Reinforced and Extended WTO TRIPS ●Cover trademarks, geographical indications, copy rights, patents, trade secrets and data exclusivity ●Cover Intellectual property enforcement ,genetic resources and traditional knowledge	●Reduce intellectual property related barriers to trade and investment ●Promote cooperation in utilization, protection and enforcement of intellectual property rights

Source: "Pacific Economic Cooperation Council", Chapter 2 - Can RCEP and the TPP be pathways to FTAAP? 2014, <http://www.pecc.org/state-of-the-region-report-2014/265-state-of-the-region/2014-2015/595-chapter-2-can-rcep-and-the-tpp-be-path-ways-to-ftaap>.

Figure 2. Comparison of TPP and RCEP in GDP, Trade and Population of the World



Source: Compiled by author 2016
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IV. Assessment of evaluation about entering into RCEP : Benefits, challenges and obstacles

The RCEP originated from the idea that East Asia should own up its own regional FTA so as to start

establishing the East Asian Free Trade Area (EAFTA), East Asia Vision Group (EAVG) and "ASEAN+3". The leaders of "ASEAN+3" commenced a joint study in 2004 and began to take actions after the 2008 financial crisis. Meanwhile, Japan proposed an alternative CEPEA which was based on the debates of 2006 East Asia Summit. Soon after, China and Japan proposed the "Chinese and Japanese Joint Initiative to Speed up the Establishment of EAFTA and CEPEA" in August 2011 during the EAS Economic ministers meeting.²²

Following this momentum, the ASEAN proposed the "ASEAN-centered" RCEP in Nov 2011 that included the "ASEAN+6" members and the after received strong supports from China and Japan. The RCEP finished by 2015, it would be a trade bloc which encompassed 29% of the world's GDP and 48.6% of the world's population. Since the primary player to RCEP and leading force came from China and ASEAN is not definite, RCEP necessitated hot debates among its members and the other potential partner countries. Nevertheless, from the position of ASEAN, the benefits of RCEP could be summarized as following: First, it could help ASEAN to broaden the "ASEAN-centrality" in this framework trade to signify its leadership to assist the 10 ASEAN members in development, harmonizing and economics. Second, because RCEP was based on "ASEAN+N", it was

²² Sanchita Basa Das, "Understanding the Regional Comprehensive Economic Partnership and the TPP: an ASEAN Perspective," 11 Feb 2014, <http://www.brookings.edu/~media/events/2014/2/11-asia-pacific-economic-integration/11-asia-pacific-economic-integration-presentation-basu-das.pdf>

considered to be a promising chart to the foundation of EAFTA and CEPEA.²³

On the part of Japan, in spite of the initiatives on the regional economic integration, the idea was entangled and complicated. Japan attended TPP, RCEP, Japan-EU FTA and CJK FTA to showcase its political and economic influence in region. Whether TPP and/or RCEP could provide Japan different advantages remains to be determined. Furthermore, even the services and trade sectors would not profit much with RCEP and CJK. Japan, still needed to attend RCEP greetings. The overarching rationales were: Japan shared much trade volume with non-TPP Asia countries and Japan's production network included these ASEAN countries.²⁴

Likewise, RCEP mattered more to enable access to India and the Indian Ocean-rim countries. Japanese and the multinationals in India as well as India's local companies were starting to expand their business transactions across Middle East, Africa, and Southeast Asia with price competitiveness and business networks (See List 4). By unifying these regulations into a single set of simple, easy-to-use rules for corporations, RCEP will contribute the establishment of a trans-national supply chain network. Likewise, a Japanese automobile company

²³ Sanchita Basa Das, "Understanding the Regional Comprehensive Economic Partnership and the TPP: an ASEAN Perspective," *op.cit.*

²⁴ Takashi Terada, "Japan's Asian Policy Strategy: Evolution of and Prospects for Multilateralism in Security, Trade and Financial Cooperation," Policy Research Institute, Ministry of Finance, Japan, *Public Policy Review*, Vol.10, No.1(March 2014),pp. 227-250.

based in Thailand imports engines and transmissions from Japan, then assembled them in Thailand, and exported them to Australia.²⁵ Moreover, these non-TPP Asia countries inclined to protect their critical domestic industries such as China kept the 25% automobile tariff. Consequently the progress in RCEP implied that Japan could increasingly open the market of these countries increasingly.

List 4 RCEP and Japan's Look West to India

	Japanese affiliated companies in India	
	Country/Region	Share
1	Middle East	14.8 %
2	Japan	14.4 %
3	Thailand	12.3 %
4	Indonesia	10.2 %

Source: Yorizumi Watanabe, "Reshaping World Trade Agenda: Mega-FTAs in Asia-Pacific and the Japan-EU Economic Partnership Colloquium: Japan, Portugal and EU Cooperation," 28 October 2014.

To utilize RCEP to promote unified rules of the regional integration and market access, Japan and other RCEP partners still encountered the challenges and obstacles. This is because, Japan lacked precedence to

²⁵ Yorizumi Watanabe, "Reshaping World Trade Agenda: Mega-FTAs in Asia-Pacific and the Japan-EU Economic Partnership Colloquium: Japan, Portugal and EU Cooperation," 28 October 2014, http://www.google.com.tw/url?url=http://idi.mne.pt/images/docs/conferencias/Colloquium_Japan/intervencoes/009.pdf&rct=j&frm=1&q=&esrc=s&sa=U&ved=0CBMQFjAAOApoTCP2f4uCHIMYCFaUapgod45QAoA&usq=AFQjCNGMEmZ0iHE2r3nNzMFh_LJKf0zYgQ.

charter its strategy since the “ASEAN-Way” was based on consensus and flexibility that would degrade the whole negotiation,²⁶ and the “lowest common denominator approach”.²⁶ Second, the ASEANs varies many in aspects from culture, regime-type to economic development. Thus, it was difficult to predict the mode and quality of negotiation despite the ASEAN expressed a “gradual and flexible process” on the whole matter.²⁷

Besides, Thailand and Vietnam bear high tariff²⁸ and Indonesia bears non-tariff barriers that affected the attitudes to advocate RCEP and other liberalization incentives since many domestic structure reforms were paramount. Indonesia, already had low tariffs but adopted a lot of stricter measures since 2009. This was particularly so under President Jokowi administration (2012) to comply with the interest of business community and gained

²⁶ Barry Desker, “ASEAN Integration Remains an Illusion,” *The Straits Times*, 4 March 2015, <http://www.straitstimes.com/news/opinion/eye-the-world/story/asean-integration-remains-illusion-20150304>.

²⁷ Zhang Yunling, “RCEP, TPP & FTAAP,” 11 Feb 2014, <http://www.brookings.edu/~media/events/2014/2/11-asia-pacific-economic-integration/0211-asia-pacific-economic-integration-presentation-zhang.pdf>.

²⁸ Likewise, Cambodian in 2008 tariff of all products were 12.36%, primary products 13.77%; Lao PDR in 2008 all products 9.25%, 16.03 all products; Malaysia in 2009 all products 6.75 %, primary products 10.14%; Thailand in 2009 all products 11.22%, primary products 15.86 %; Vietnam in 2010 all products 7.13 %, primary products 8.57 %. Shujiro Urata, “Japan’s Trade Policy with Asia,” *Public Policy Review*, Vol.10, No.1, March 2014, Policy Research Institute, Ministry of Finance, Japan, https://www.mof.go.jp/english/pri/publication/pp_review/ppr024/ppr024a.pdf. (cited from World Bank, World Development Indicators on line).

political support. These policies, laws, and measures included more restrictive cap on certain sectors, ban on raw mineral exports, and provision of greater authority for ministers to issue intervention and monitoring policies.²⁹ Meanwhile, dialogues on bilateral FTAs (such as FTAs with Australia, the European Union, and South Korea) encountered was suspended. This also demonstrated the obstacles lying before RCEP.

Furthermore, for Japan, India and Korea were intractable negotiating partners. Korea had reduced its dependence on Japan by decreasing bilateral trade since 2009 and turned to China as its first trading partner³⁰ (by

²⁹ The selected list of non-tariff measures imposed by Indonesia since 2009 included restriction on the sale of alcoholic beverages (MOT Regulation 6/2015), export restriction for industrial forestry products(MOT Regulation 97/2014), public procurement in defense industry (Government Regulation 76/2014), export restriction for coal and coal-linked products(MOT Regulation 39/2014), requirement that all imported goods be labeled in Indonesian language(MOT Regulation 67/2013), local content requirements for traditional markets, modern stores, and shopping centres (MOT Regulation 56/2014),etc .Arianto Patunru and Sjamsu Rahardja, "Trade Protectionism in Indonesia: Bad Times and Bad Policy," Lowy Institute for International Policy, 30 July 2015, <http://www.lowyinstitute.org/publications/trade-protectionism-indonesia-bad-times-and-bad-policy>.

³⁰ As we can see from the following statistic figures: in 2009, South Korea's first top three export destinations were China(24%),U.S.(10%) and Japan(6%);its first top three import destinations were China(17%),Japan(15%) and U.S.(9%).In 2013, South Korea's first top four export destinations were China(26.1%),U.S.(11.1%), EU 28(8.8%) and Japan(6.2%); its first top four export destinations were China(16.1%),Japan(11.6%), EU 28(10.9%) and U.S.(8.1%). "Trade Portfolio," WTO website, Sep 2014, <http://stat.wto.org/CountryProfile/WSDBCountryPFView.aspx?Country=KR&Language=F>.

way of construction of CJK FTA and China-Korea FTA). Moreover, since 2012, Japan-Korea had suspended trade due to territorial and political reasons. In June 2015, RCEP negotiations among the South Koreans has proposed a version quite strict rules for IP which were considered tougher than the context of TPP.³¹ The main

³¹ The text for the chapter that South Korea proposes, which KEI rightly and succinctly “terrible” Copyright terms of life plus 70 years. (1) Prohibiting temporary copies of works in electronic form (a thoroughly misguided and anti-innovation provision that has even been erased from the TPP). (2) Confining copyright limitations and exceptions to those which comply with the three-step test, which ignores exceptions, such as the quotation right, that are exempted from that test under international law. (3) Remuneration rights to performers for radioairplay, which goes beyond U.S. law. A prohibition on the Internet retransmission of broadcasts, mirroring proposals for a Broadcast Treaty that would inhibit the free use of public domain material. (4) A prohibition on trafficking in devices used to circumvent DRM, even if the circumvention is for fair use purposes. (5) Inflated awards for copyright or patent infringement, by calculating damages payable for the infringing works on the assumption that they were sold at full retail market value. (6) Granting *ex officio* authority to customs authorities that allows them to seize goods suspected of being infringing at the border, without even the need for a complaint by the claimed rightsholder. (7) Criminal penalties for “commercial scale” copyright and trademark infringement, even where the infringer has not sought or made any profit from the activity. (8) Criminal penalties against those who record any part of an audiovisual work in a cinema, regardless of whether the clips recorded would amount to fair use, for example because they are to be used in criticism or review. (9) Suspension of the Internet accounts of repeat infringers, and censorship of bulletin boards that are “considered to seriously damage the sound use of copyrighted works” (whatever that means). (10) Authorizing a fast-track process for rightsholders to obtain personal information of alleged infringers from their ISP, without a judicial order. “Meet RCEP, a Trade Agreement in Asia That’s Even Worse Than TPP or ACTA,” Monday, 15 June 2015, <http://ap-perspective.blogspot.tw/2015/06/meet-rcep-trade-agreement-in-asia-thats.html>.

reason was speculated that South Korea had accepted unfavorably strict copyright, patent, and trademark rules negotiated in Korea-U.S. From 2012 the FTA and RCEP encountered disadvantages if other countries were not subjected to the same restrictions.

V. Assessment of ratifying TPP: What did the TPP really means for Japan and Abe? Is it the real beginning of Abe 2.0?

TPP and RCEP represents two complementary streams of integration in Asia Pacific that can be defined as the “East Asian track”.³² The TPP stressed on trade with developed countries to create benefits whilst RCEP supplied the complemented production with East Asia and ASEAN to make contributions for Japan.³³ The benefits that TPP brought for Japan can be concluded that the structure of Japan's industry was mainly composed of high value-added manufactured industry and it was beneficial to deploy its machinery and automobile industry in Asia Pacific network. Therefore, TPP is/was considered to maximize the liberalization of investment and service sectors of Japan.³⁴

³² P.A.Petri, M.G.Plummer and F.Zhai, *The Trans-Pacific Partnership and Asia-Pacific Integration :A Quantitive Assessment* (Washington D.C., Peterson Institute for International Economics, 2012).

³³ S.Das, “RCEP: Going Beyond ASEAN+1 FTAs, ISEAS Perspective,” Aug 2012.

³⁴ Takashi Terada, “Japan's Asian Policy Strategy: Evolution of and Prospects for Multilateralism in Security, Trade and Financial Cooperation,” Policy Research Institute, Ministry of Finance, Japan, *Public Policy Review*, Vol.10, No.1(March 2014), pp. 227-250.

From a U.S. perception, this agreement covered the 38% of global GDP and it accounted for one third of global trade. Amid the TPP countries, Japan occupies 5.9 trillion dollars and other ten countries accounted for 5 trillion dollars. Consequently the participation of Japan have implications. If Japan was absent from TPP, Obama's "rebalancing to Asia" will be lessened due to lack of Japan's market size. Furthermore, TPP is considered as an economic regime of "bilateralism-centered multilateralism"³⁵ to revitalize the previous U.S. "hub and spoke" bilateralism which contributed to numbers of bilateral FTAs and BITs in Asia-Pacific for the sake of protecting benefits of U.S. in the kernel of Asia regional architecture.

Meanwhile, meeting with the severe protests from domestic powers especially from agriculture officials (Michihiko Kano, Masahiko Komura, 110 numbers of the senators of Democratic Party of Japan and People's New Party, Japan Agricultural Cooperatives, JF Zengyoren and Japan Fisheries Association).³⁶ Yoshihiko Noda decisively negotiated TPP to remedy the U.S.-Japan relations to conform to the containment strategy of U.S to China.

Although the opinions about TPP agricultural issues in Japan (the government side and the society) were polarized, this would be roughly divided into three categories: Gradualist approach, market-oriented reforms

³⁵ Takashi Terada, *op.cit.*

³⁶ Tzu-Ting Huang, *op.cit.*, p.110.

and middle ground.³⁷ The Abe administration has strived to pacify the debates and arguments in agricultural issues of TPP by highlighting that “No matter there is TPP, it needs change.”³⁸ Apparently this problem has moved from the level of “whether” Japan needs TPP to the level of “how” to innovate and modernize Japan’s agriculture under the TPP network.

Accordingly, Prime Minister Abe’s “third arrow” comprise of TPP strategy to attract private investment by means of TPP and the other regional integration initiatives.

³⁹ To serve this goal, MAFF adapted the “Active Agriculture, Forestry and Fisheries”, a five year strategies as a fanfare-slogan. Abe ameliorated the institutions of JA with radical

³⁷ These three approaches can be described as following: (1) gradualist approach : it opposed TPP and emphasized on the gradual revolution mainly promoted by MAFF and JA assisted that; (2) market-oriented reforms approach : it advocate TPP and highlight breaking the basic obstacle the iron triangle of norin zoku- bureaucrats- Japan Agriculture Cooperative s(JA) to take fundamental innovations and recommend market-oriented trade liberalization; (3)middle ground approach : it a was small group of academies supporting to use TPP as a lever for institutional transformation and endeavoring to bridge between the two preceding approaches to lay stress on analysis of feasibility of market-oriented innovations in advance. Hugh Whittaker, Robert Scollay and John Gilbert, “TPP and the Future of Food Policy in Japan,” New Zealand Asia Institute Working Paper Series, May 2013, <http://www.nzembassy.com/post-files/japan/nzai-working-paper-tpp-and-the-future-of-food-policy-in-japanpdf>.

³⁸ Yasutoshi Nishimura, “Abenomics and the Future of U.S.-Japan Relations: Japan’s Growth Strategy and Its Impact on the U.S. Economy,” Speech at the US Japan Institute Seminar, Washington DC, 29 April 2013.

³⁹ T. Aso, “What is Abenomics: Current and Future Steps of Japanese Economic Revival (mimeo),” 2013.

“pyramid innovations” on speech at Congress in February 12, 2015. He indicated that he would abolish the Central Union of Agricultural Cooperatives (JA-Zenchu)’s authority to supervise and audit agricultural cooperatives by turning it into a general incorporated association and co-ops audited by independent accounts. The sub-grade JA Zen-No was transformed into Private Corporation to promote its efficiency; by asserting that the regional cooperation should alter its current statue⁴⁰ and convert it to voluntary associations within five years. As Kazuhito Yamashita (a senior fellow at the Canon Institute for Global Studies), indicated that should this innovation of TPP take effect, it would it help Japan’s agriculture to become more competitive and facilitate the regional JA cooperations to develop their own uniqueness.⁴¹

Although the agricultural transformation has sped up, most of Japanese still speculated about that Japan would manipulate “exchange strategy” on the negotiation table to use conceding of agriculture for market access of automobile industry. However, the KIEP World Economy report showed that Japan excluded the tariff liberalization of “five sacred items” (milk, sugar, beef, pork and rice) in

⁴⁰ JA Zenchu will also lose some 8 billion yen (\$67 million) that it collects in dues from regional cooperatives and its privilege of face-to-face meetings with senior agriculture ministry officials. Mina Pollmann, “Agricultural Reforms in Japan Pave the Way for TPP,” 12 February 2015, <http://thediplomat.com/2015/02/agricultural-reforms-in-japan-pave-the-way-for-tpp/>.

⁴¹ Mina Pollmann, “Agricultural Reforms in Japan Pave the Way for TPP,” *op.cit.*

agricultural products (586 HS-9 tariff lines).⁴² Besides, it was pressured to reduce or eliminate tariff of 929 agricultural items which came from the five “sanctuary areas” (see figure 3).

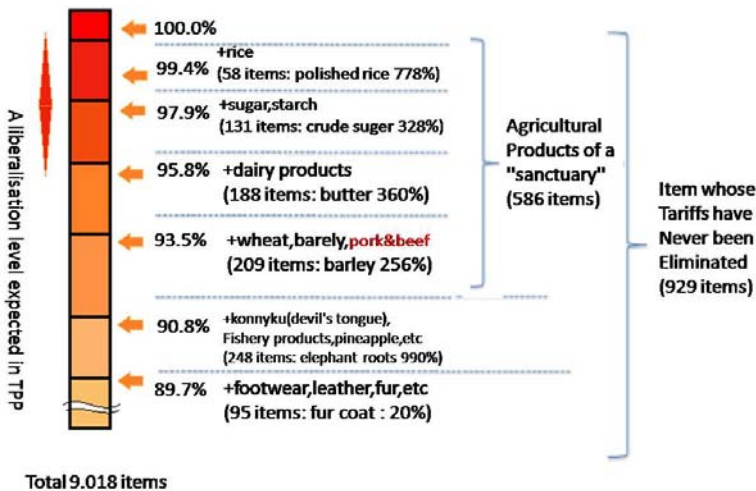


Figure 3: Japan's Agricultural Liberalization with TPP

Source: Takashi Terada, "Japan and Regional Integration Institutions: TPP and RCEP Workshop on TPP and RCEP: Competing or Complementary Models of Economic Integration?" 11 February 2014, Brookings Institution.

Owing to its participation in TPP, Japan required more concession than ever before. The anticipation of entering milk and beef market from U.S. and New Zealand.

⁴² Gyu Pan Kim, Hyong Kun Lee and Eun Ji Kim, "Japan's FTA Strategy and Its Implications for Korea," *KIEP World Economy Update*, Vol.5 No.6 (March 27 2015), pp.1-7.

As far as the U.S. was concerned, it wished to terminate Japan's pork import pricing system that Chile and Mexico embraced the same position for their profits. Moreover, it has long been speculated that Japan's rice could be precluded from the TPP negotiation, in exchange of other areas of considerably compromise.⁴³

Nevertheless, the TPP member-states reached conclusion on October 5 2015 with primary outcomes of limitation of patent drugs, environmental clauses, SOEs and IP rights. With a slight concession in rice import quota, Japan gained favorable advantage for tariff reduction on its automobile parts industry. And, under the rules of origin and local content requirements, Japan boosted its competitiveness from purchasing parts in china, producing in Vietnam and exporting to U.S. and the other countries.⁴⁴ As Devin Stewart (a senior fellow at Carnegie Council on Ethics in International Affairs) pointed out, "The TPP provided Abe with a convenient answer to the question: What is Abenomics 2.0? If Abe can get the TPP through the Diet, it will have great political effect for him in the nick of time."⁴⁵

⁴³ Chris Clague, "Japan, the TPP, and Agriculture," 7 December 2011, http://www.promarconsulting.com/site/wp-content/uploads/files/Special_Report_03_Japan_TPP_Agriculture.pdf.p.2.

⁴⁴ Mina Pollmann, What the TPP Means for Japan , 8 October 2015, <http://thedi diplomat.com/2015/10/what-the-tpp-means-for-japan/>.

⁴⁵ Ankit Panda, "Trans-Pacific Partnership: Prospects and Challenges," 9 October 2015, <http://thedi diplomat.com/2015/10/trans-pacific-partnership-prospects-and-challenges/>.

VI. Conclusion : Comparison of Japan's leverage in RCEP and TPP

TPP and RCEP characterizes two strategies of complementary approaches in Abenomics that can resuscitate Japan's economy. With aging rate the background of aging people and labor in Japan, engaging in this kind of "mega-FTAs" could meliorate Japan's competition, production and enhance its political and economic influence in the region. RCEP, as mentioned above, even the service and trade sector would not profit much in RCEP and CJK. Japan still needed to attend to RCEP to enter the markets of these non-TPP countries.

Nevertheless, Japan and the other RCEP countries have long road to go under the high tariff and non-trade barriers of ASEAN countries such as Philippine and Indonesia and some intractable negotiators like Korea and India. The antecedent FTAs that Japan covenanted/contracted were low-leveled liberalized reverberation the prevalent FTA models of "WTO-Plus" as TPP that consisted of high level standards of state-owned enterprise (SOEs), competition policy, labor provisions, environmental clause, government procurement and intellectual property. Japan currently needed to envisage and contemplate on changing its pattern of FTA negotiations.

In addition, in the agricultural and other issues of TPP negotiation, each country has its own attitude to make TPP a political struggle that would be compared as a "labyrinth of FTA negotiations". From the viewpoint of

U.S., “US must write rules for global trade, not China” to set up the trade orders and trade affairs in Asia-Pacific more complicated.⁴⁶ Japan is laborious to preclude the sensitive agricultural products from the table to become a free-rider. Since the TPP numbers have their expectations for Japan and the other countries from the negotiation process, how to make the “give and take” viable becomes a substantial alternative for Japan’s industry.

Meanwhile, whether or not maintaining of tariffs and trade barriers in each sector might be a great challenge for Japan. Although TPP had reached conclusions, there are still greater tasks remaining before U.S., Japan and other member countries, on ratifying of congress in the future. As the preconditions of TPP designated, the following conditions need to exist for the TPP to come into force:

(I) At least six original signatories have to successfully ratify the agreement; (II) The six signatories, among them, must represent 85 percent of the total GDP of the twelve original signatories.⁴⁷ In other words, TPP cannot take into effect if U.S. and Japan, both together accounted for 85% economy of TPP fail to ratify this accord in Congress.

⁴⁶ “US Must Write Rules for Global Trade Not China: Barack Obama,” NDTV, 9 May 2015, <http://www.ndtv.com/world-news/us-must-write-rules-for-global-trade-not-china-barack-obama-761638>.

⁴⁷ Ankit Panda “Here's What Needs to Happen in Order for the Trans-Pacific Partnership to Become Binding,” 8 October 2015, <http://thediplomat.com/2015/10/heres-what-needs-to-happen-in-order-for-the-trans-pacific-partnership-to-become-binding/>.

For Abe, the pressure of ratifying comes from opposition to the TPP could still be rallied by farmers and members of the Diet. For Obama, it is likely harder to let the TPP pass in a hostile and opposed Congress members as the U.S. presidential election in 2016 were approaching.⁴⁸ Nevertheless, with the unique position of the only state that attends TPP and RCEP simultaneously, Japan could use this leverage to benefit its economic and diplomatic prospects from these two mega-FTAs. RCEP and TPP give Japan different but complimentary profits from dimensions of expanding overseas and enforcing of domestic competitiveness. Japan can pursue other FTAs or mega-FTAs on the basis of successful negotiations of TPP and RCEP to maintain its statue in the Asia-Pacific region in the new era of regional and international trade apparatus.

⁴⁸ Ankit Panda, "Trans-Pacific Partnership: Prospects and Challenges," *op.cit.*

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