

ISSUE FOCUS

Rising Mega RTA? China-Japan-Korea FTA under the New Trade Dynamism

Ying Bi*

So far, eight rounds of China-Japan-Korea FTA negotiations have been conducted. From 2015 on, the negotiations are expected to make great progress. Accordingly, CJK FTA has drawn increasing attention of scholars from multidimensionality. Still, there lacks concerns over the possible arrangement of each specific issue under such framework. Building on prior scholarship, this paper attempts to view such fragmented debate from the perspective of building a new international economic order. It suggests a developing track for CJK FTA to consider in designing its details: WTO→CJK FTA→RCEP(OBOR)→TPP→A New Multilateral Order. Only by so viewing can the important trilateral FTA play an appropriate role in future regional and global governance, so as to obtain the Asian voice in restructuring the international rules. Based on that, this paper further exemplifies a possible stepping stone regarding regional antidumping regimes and proposes adopting the WTO ADA Plus in CJK FTA. Such a proposal would become a crucial 'blueprint' for restructuring the multilateral ADA mechanism.

Keywords

CJK FTA, RTA, RCEP, OBOR, TPP, WTO ADA Plus

* Assistant professor of law at Zhejiang University, Hangzhou, China. LL.B./LL.M.(Tsinghua), LL.D.(Kyushu). Visiting Scholar (Waseda). ORCID: <http://orcid.org/0000-0002-8157-5134>. This paper presents one of the stage achievements of the National Social Science Fund Project of China named "The Harmonization of Antidumping Rules and Competition Rules in China-Japan-Korea FTA (No.11CFX080)," and is also supported by China Scholarship Council (CSC). Special thanks go to Professor Eric Lee Y. J. Lee for his insightful comments. The author may be contacted at: biying@zju.edu.cn / Address: Zhejiang University Guanghua Law School, 51 Zhijiang Road, Hangzhou, Zhejiang, P.R. China. DOI: <http://dx.doi.org/10.14330/jeail.2015.8.2.01>

I. Introduction

From September 24 to 25, 2015, the eighth round of negotiations on the China-Japan-Korea (“CJK”) FTA was held in Beijing.¹ The slow pace of the trilateral negotiations has been expected to be accelerated since China and Korea reached ‘effective conclusion’² towards a FTA on November 10, 2014.³ In addition, the recently released blue book of the Japanese economy called “the Annual Report on Japanese Economy and Sino-Japanese Economic & Trade Relations” has claimed that the relation between China and Japan would be ameliorated in 2015.⁴ Therein, the negotiation of CJK FTA is also speculated to achieve a ‘breakthrough’ this year.⁵

CJK FTA has drawn increasing attention of scholars from a multi-dimensional aspect. Current literature can be divided into three types.⁶ The first examines the possible strategic impact of such a trilateral FTA on each of the three countries as well as the possible economic benefits gained, respectively.⁷ Based on that, the second continues to observe the feasibility of establishing a comprehensive framework of FTA.⁸ Most of the current literature falls under the above two categories.⁹ A positive

¹ See Ministry of Commerce (China), FTA Network, available at <http://fta.mofcom.gov.cn/topic/chinarh.shtml>; Ministry of Foreign Affairs (Japan), Japan-China-Republic of Korea Free Trade Agreement, available at http://www.mofa.go.jp/ecom/ep/page23e_000337.html; Ministry of Foreign Affairs (Korea), FTA Status of ROK, available at http://www.mofa.go.kr/ENG/policy/fta/status/negotiation/chinajapan/index.jsp?menu=m_20_80_10&tabmenu=t_4&submenu=s_9 (all last visited on Oct. 21, 2015).

² See *China, South Korea Reach ‘Substantial Conclusion’ on FTA*, VOA, Nov. 10, 2014, available at <http://www.voanews.com/content/china-south-korea-reach-free-trade-agreement/2514313.html> (last visited on Oct. 21, 2015).

³ Dukgeun Ahn, *Talking Points*, The 1st CJK Cooperation Dialogue (Nov. 13, 2014), available at https://www.jef.or.jp/en_act/act_cjk.asp; I. Park, *Regional Trade Agreements in East Asia*, NUPI Working Paper 823 (2013), 1-44, available at <http://www.isn.ethz.ch/Digital-Library/Publications/Detail/?lang=en&id=177692> (all last visited on Oct. 21, 2015).

⁴ LUOLIN WANG & JIFENG ZHANG (ED), BLUE BOOK OF JAPANESE ECONOMY: REPORT ON JAPANESE ECONOMY AND SINO-JAPANESE ECONOMIC & TRADE RELATIONS [日本经济蓝皮书 日本经济与中日经贸关系研究报告] <available only in Chinese> 1-416 (2015).

⁵ See, e.g., *Blue Book of Japanese Economic, Sino-Japanese Economic & Trade Relations are Expected to be Comprehensively Improved in 2015* [《日本经济蓝皮书》：2015年中日经贸关系有望出现全面改善] <available only in Chinese>, XINHUANET, available at http://japan.xinhuanet.com/2015-05/20/c_134253635_3.htm (last visited on Oct. 21, 2015).

⁶ Terms of Reference of the Joint Study for an FTA among China, Japan and Korea (“TOR”). See the official website of MOFCOM China FTA Network, available at http://fta.mofcom.gov.cn/china_japan_korea/zhizefanwei_en.pdf (last visited on Oct. 21, 2015).

⁷ *Id.* art. 1.1.

⁸ *Id.* art. 1.2.

⁹ See generally JUNFANG HU, EMPIRICAL ANALYSIS ON TRADE EFFECTS OF CJK FTA [中日韩自由贸易区贸易效果的实证分析] 1-221 (2007); Guiyan Yang, RESEARCH ON CJK FTA [中日韩自由贸易区研究] 1-276 (2005); XIAOYU SUN, THE NEW START OF THE CJK ECONOMIC COOPERATION [中日韩经济合作的新起点] <all available only in Chinese> 1-346 (2004).