Cambridge University Press & Assessment 978-1-108-97004-4 — New Asian Regionalism in International Economic Law Pasha L. Hsieh Table of Contents <u>More Information</u>

CONTENTS

List of Figures page xiv List of Tables xv Preface xvii List of Abbreviations xx

1 Introduction: New Asian Regionalism As a Global Paradigm Shift 1

I Introduction 1

II New Asian Regionalism in the Global Context 4 A Early Waves of Global Regionalism 5 B Third Regionalism with Unique Characteristics 8 C ASEAN-Centered Regime in Asia 12 III Theoretical Dimensions and Normative Explanations 15 A Regionalism Theories: Challenges and Limitations 15 B Normative Framework of the NREO 18 C Asia's Quest for a New Consensus 21 IV Structure and Objectives of the Book 25 2 The Legalization of the ASEAN Economic Community 29 I Introduction 29 II Building the AEC under the Evolving ASEAN Way 31 A Post-2015 Vision under the AEC Blueprint 2025 33 B Legalizing the ASEAN Way and ASEAN Law 34

x

Cambridge University Press & Assessment 978-1-108-97004-4 — New Asian Regionalism in International Economic Law Pasha L. Hsieh Table of Contents <u>More Information</u>

> CONTENTS III Legal Framework of the ASEAN Economic Community 38 A Trade in Goods 38 1 Tariff Eliminations and Rules of Origin 39 2 Non-Tariff and Trade Facilitation Measures 41 **B** Trade in Services 43 1 Successive Packages of Services Commitments 44 2 Professional Mobility and Mutual Recognition Arrangements 48 C Investment Liberalization and Investor-State Disputes 52 1 Reforming the Investment Regime: Beyond a BIT 53 2 New Challenges to the ISDS Mechanism 55 D State-to-State Disputes and Emerging Areas 57 1 Resolving Economic and Noneconomic Disputes 57 2 Digital Trade and E-Commerce 60 3 Narrowing the Development Gap 61 IV External Agreements in the Global ASEAN Agenda 62 V Conclusion 66 3 Signing the RCEP As a Milestone 67 I Introduction 67 II Legal and Political Agendas of Asian Powers 71 A ASEAN Centrality 72 B China As the Largest RCEP Economy 75 C India's Withdrawal 78 III Strengths and Weaknesses of the RCEP 81 A Incremental Tariff Liberalization and Trade Facilitation 83 1 Exclusions and Extended Phase-In Periods 83 2 Harmonizing Rules of Origin of ASEAN Plus One FTAs 84 **B** Hybrid Services Schedules and Commitments 87 C Investment Issues and the Absence of ISDS 89 D Soft-Law Rules on Government Procurement and E-Commerce 91

4

CONTENTS
 IV Implications for Regional and Multilateral Trading Systems 93 A Normative Fragmentation of Multilayered FTAs and BITs 93 1 WTO-RCEP Conflicts 94 2 RCEP-FTA/BIT Conflicts 95 B Institutionalization of the RCEP Secretariat and Beyond 97
V Conclusion 99
Constructing Interregionalism: The New EU Strategy to Asia 101
I Introduction 101
 II New Phase of EU-Asian Relations 106 A Conceptualizing Interregionalism: Evolving Forms and Theories 107 B ASEAN-EU Economic Frameworks and Global Regionalism 111 C Roadmap to the Region-to-Region FTA: A Building-Block Approach 116
 III EU Agreements with Singapore and Vietnam As Pathfinders 120 A Tariff Concessions and ASEAN Cumulative Rules of Origin 121 1 Legal Concept of ASEAN Cumulation 125 2 Asian Food Products 127 B Services Trade and Electronic Commerce 128 1 Banking and Legal Services 130 2 Digital Trade Regulations 132 C Reducing Non-Tariff Barriers: From Health to Green Industries 134
 IV Assessing New-Generation Components in Post-Lisbon FTAs 139 A Enhanced Protection of Copyright and Geographical Indications 140 B State-Owned Enterprises and Government Procurement 143 C Tribunals and Mediation for Investor-State Disputes 145 1 Investment Court System 147

xi

Cambridge University Press & Assessment 978-1-108-97004-4 — New Asian Regionalism in International Economic Law Pasha L. Hsieh Table of Contents <u>More Information</u>

> xii CONTENTS 2 Mediation Rules 2.0 150 D Human Rights and Sustainable Development 151 1 Sanctions under the GSP, PCAs and FTAs 152 2 Enforcing Environmental and Labor Standards 155 V Conclusion 158 5 Revitalizing the US Pivot to Asia 163 I Introduction 163 II Contextualizing US-Asia Legal Frameworks 166 A Post-Asian Financial Crisis Era 167 B Inherent Bilateralism: US Trade Approach 169 C Facing Xi's New China: The US-China Trade War 172 **III ASEAN-US Strategic Partnership** 177 A Security and Economic Initiatives 177 **B** TIFA and FTAs 181 IV From the TPP to the CPTPP 184 A Evolution and Accession Process 184 B Key Features and Challenges 186 V A Comprehensive Roadmap to Asia 189 A US Accession to the CPTPP 190 B New Momentum for the ASEAN-US FTA 191 1 EU Model 193 2 Asian Model 193 196 **VI** Conclusion 6 The Marginalization or Rejuvenation of APEC? 197 I Introduction 197 II APEC As a Transregional Economic 199 Institution A APEC's Operation and Structure 200 B Three-Phased Evolution: 1989-2021 203 III Legal and Political Strategies of Asia-Pacific Governments 205 A ASEAN 206

CONTENTS

	C China	209				
	D Japan	211				
	E United St	ates	213			
IV	APEC's So Achieveme		Approach and In 217	creme	ental	
	A Model Ru	les and	Nonbinding Principle	es 2	218	
	B Trade Facilitation and Supply Chain Conne					
	C. Information Technology Agreement and Tariff					

C Information Technology Agreement and Tariff Cuts on Environmental Goods 223

220

V Reforming APEC in New Asian Regionalism 226

- A Professionalizing the APEC Secretariat 226
- B Policy Support Unit and APEC's Peer Review 229 Process
- C APEC As the Incubator for Mega-FTAs and the FTAAP 232
- VI Conclusion 234
- 7 Conclusion 235

Select Bibliography 241 Index 266