

Exposing the Forgotten TPP Chapter: Chapter 17 as a Model for Future International Trade Disciplines on SOEs

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Abstract:

American trade aficionados know what ‘TPP’ and ‘SOE’ stand for, but few of them know much about Chapter 17, which links these acronyms. American voters know of ‘TPP’ as an abbreviation, and of course ‘China’ as a noun, but both typically as pejoratives. Elites and commoners alike know little if anything about how, why, and to what end Chapter 17 links the largest, longest FTA (another under-appreciated acronym) with the CCP (the group seen as challenging American wealth and power). If intelligent public debate on global issues is a hallmark of American democracy, then the 2016 Presidential election was (politely put) underwhelming. Forgotten throughout the campaign and its aftermath was the existence and importance of Chapter 17.

This article makes up for lost time with a careful, thematic analysis of Chapter 17. The phrase ‘updated national security managed trade’ encapsulates why the 36 paged Chapter 17 exists in TPP. The nexus between national security and managed trade gives special significance to the rules in the 15 Articles and four Annexes for freedom and fairness, and war and peace, making the Chapter a role model for future trade agreements, whether or not TPP ever enters into force following the January 2017 decision of the Trump Administration to withdraw America from the deal.

Available on SSRN: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2963010

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