

# Can China succeed in joining the CPTPP?

BY MARIA ADELE CARRAI



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# Introduction

The CPTPP remains a significant grouping. Even after the withdrawal of the US, the bloc encompasses 13.4% of global GDP and will contribute to further economic integration of the region.

Some were surprised when China submitted a formal application to join the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) in September 2021.<sup>1</sup> Just five years prior, such a development would have been inconceivable. At the time, the US under President Barack Obama was still leading the negotiations for the predecessor of the CPTPP, the Trans-Pacific Partnership (TPP). Regarded as an economic counterweight to China's regional influence, the TPP was part of the Obama administration's broader Pivot to Asia strategy.

Then, in 2017, the administration of Donald Trump unilaterally pulled out of the TPP, describing the trade deal as the diminishing "of an American economy by foreigners" that would have shipped millions more US jobs overseas and handed over congressional power to an international foreign commission.<sup>2</sup> After Trump withdrew from the TPP, Japan led a coalition of 11 countries – including Australia, Canada, Chile, and New Zealand – into the negotiation for the CPTPP. Entering into force in 2018, the CPTPP incorporated nearly all the provisions of the original TPP.<sup>3</sup>

The CPTPP remains a significant grouping. Even after the withdrawal of the US, the bloc encompasses 13.4% of global GDP and will contribute to further economic integration of the region.<sup>4</sup>

**Figure 1 – CPTPP members and applicants**





The harmonization of international trade rules has been frustrated by the stalls of the World Trade Organization.

Mega regulators such as the TPP and the Regional Comprehensive Economic Partnership (RCEP) are efforts to coordinate trade rules among different countries and move forward on trade liberalization.

The TPP and the CPTPP have been considered the 'apotheoses' of mega regulation as they form a new economic, legal, and political global ordering.<sup>5</sup> Mega regulators such as the TPP and the Regional Comprehensive Economic Partnership (RCEP) are efforts to coordinate trade rules among different countries and move forward on trade liberalization. The harmonization of international trade rules has been frustrated by the stalls of the World Trade Organization and the failure of the Doha Round amidst growing discontent with globalization.

# Alone – or in the club?

China's application to join the CPTPP is surprising not only because it was a treaty aimed to exclude China and counter its influence, but also because much of its content on SOEs and data regulation seems to go against China's current domestic economic structure.

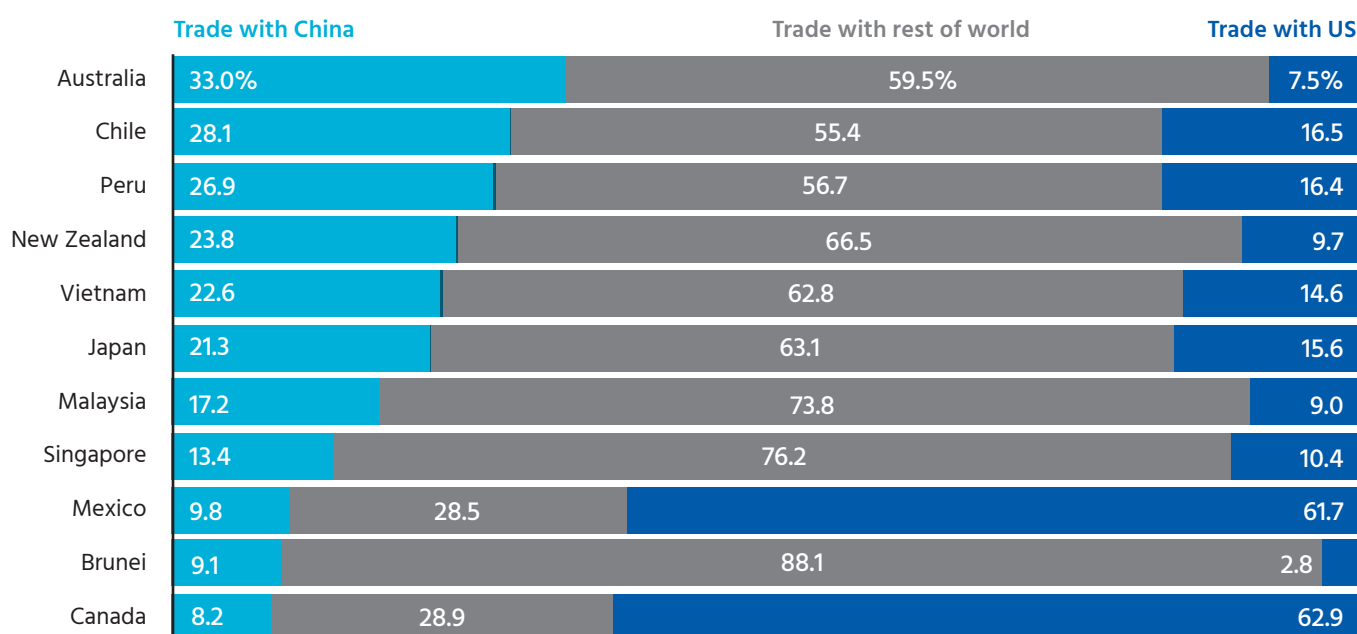
The TPP's initial motivation was to promote a conception of the regulatory state which embraces several elements inspired by the US. For example, anti-corruption, competitive bidding for government procurement, the adherence by state-owned enterprises (SOEs) to market principles, some transparency and due process, and commercial data flows across borders with little state interference.<sup>6</sup>

Geopolitics was also an important driver. China had become a dominant policymaker and the largest trading partner of many countries. Subsequently, Western nations felt a unified approach was needed on key economic issues and the setting of high standards to be held against China, including for digital policies, SOEs, and labor rules for collective bargaining. The TPP's relation to markets would deliberately contrast with China's party-state economic order that relies on SOEs.<sup>7</sup>

Indeed, various provisions of the CPTPP seem antithetical to China's economic system and its governance trajectory. SOEs, government-directed investments, and data control are the foundations of China's economy. Moreover, in the past decade, China has started to feel much more confident about the developmental state model, as seen by the Belt and Road Initiative (BRI).

China's application to join the CPTPP is surprising not only because it was a treaty aimed to exclude China and counter its influence, but also because much of its content on SOEs and data regulation seems to go against China's current domestic economic structure and President Xi Jinping's grip on the economy. Moreover, for many, China seemed to follow a "go-to-it-alone" approach to shape bilateral and regional economic ordering, without joining broader multilateral agreements and applying hard laws and high standards.<sup>8</sup>

**Figure 2 – CPTPP member nations' two-way trade as a percent of total national trade, 2019**



Source: PIIE, <https://www.piie.com/blogs/trade-and-investment-policy-watch/chinas-cptpp-bid-puts-biden-spot>; Data source: UNComtrade

# Predictable surprises: China's varied motives for joining the TPP

President Xi Jinping's announcement at the Asia-Pacific Economic Cooperation summit in November 2020 that China would consider joining the CPTPP should not have come as such a big surprise. Months, if not years, of discussions behind the scenes by officials in Beijing and academics had preceded – and followed – the announcement.

China never opposed the TPP. Even if the Obama administration made it appear as though the agreement would have excluded China, this did not stop Beijing from debating about the possibility of joining the TPP. Therefore, President Xi Jinping's announcement at the Asia-Pacific Economic Cooperation summit in November 2020 that China would consider joining the CPTPP should not have come as such a big surprise.<sup>9</sup> Months, if not years, of discussions behind the scenes by officials in Beijing and academics had preceded – and followed – the announcement.<sup>10</sup>

Prior to the announcement, pro-TPP voices did not win popularity in China. Now, despite some concerns, the CPTPP has gained much support in China.<sup>11</sup>

There are many views about China's CPTPP move. Some external observers regard China's application as a spoiler intended to ruin the momentum of the CPTPP. This scenario presumes that China does not need or want to participate. Rather, China hopes that its application will stop the negotiations about deepening the rules and broaden the club to more countries, which would make it more difficult for the bloc to agree on high standards.<sup>12</sup>

For others, China's reason for joining is geopolitical. In their view, China wants to portray itself as a defender of free trade and the rules-based order, block Taiwan's application to join the CPTPP, and counter the AUKUS, a new military pact between Australia, the UK, and the US aimed at counteracting China.<sup>13</sup>

**Figure 3 – Projected economic impact of CPTPP on China (unit = %)**

	Scenario		GDP	Social benefits	Manufacturing employment	Exported goods	Imported goods
China out of CPTPP	CPTPP11	Current membership	0.249	0.105	0.378	0.092	1.141
	CPTPP11 + 5	+ 5: Colombia, Indonesia, Thailand, Philippines, Korea join	0.306	0.033	0.457	0.1	1.372
	CPTPP11 + 5 + USA	+5 and US rejoins	0.004	0.049	0.006	2.55	0.007
	CPTPP11 + US	US rejoins	-0.044	0.166	0.434	1.545	1.375
China joins CPTPP	CPTPP11 + China	China joins	0.735	0.386	1.722	4.69	5.339
	CPTPP11 + 5 + China	5 + China joins	0.908	0.595	2.941	6.52	9.299
	CPTPP11 + 5 + China + US	5+ China + US join	2.269	1.485	3.642	10.247	12

**Source:** The research team obtained the numerical simulation results of Professor Li Chunding from the School of Economics and Management of China Agricultural University.

Lastly, another theory presupposes a sincere interest on the part of China to join the CPTPP as a strategy to encourage competition in its domestic economy.<sup>14</sup> According to this theory, joining the CPTPP will increase pressure for more innovation and efficiency, and lock in reforms that might strengthen China's economy. China's membership will obligate Beijing to improve its domestic standards and further reform its domestic laws and measures on SOEs, labor, and data governance.<sup>15</sup>

This latter view appears to be shared by many Chinese officials and scholars. For instance, Wang Shouwen, the Deputy Minister of the Ministry of Commerce, deems China's joining CPTPP as a move consistent with the country's direction of further reforms. For him, the CPTPP will help China accelerate its opening-up and promote domestic deep-level reforms, as commitments to be made in terms of market access will exceed existing practices. It will also help achieve high-quality development, further expand market access to the world's second largest economy and help countries strengthen cooperation with China for trade in goods and services, investment, and other endeavors.<sup>16</sup>

If China does not join the CPTPP, the GDP will grow only by 0.25 percentage points and exports by only 0.09 percentage points.

Joining the CPTPP may also improve China's standing in the global governance system and help construct the double-circulation system.<sup>17</sup> According to the model developed by Li Chunding, Professor at the School of Economics and Management of China Agricultural University, China's entry into the CPTPP will increase its GDP by 0.74 to 2.27 percentage points and its exports by 4.69 to 10.25 percentage points. That is a significantly better outcome than the alternative projection. If China does not join the CPTPP, the GDP will grow only by 0.25 percentage points and exports by only 0.09 percentage points.<sup>18</sup>

For the most part, Chinese scholars been positive about joining the CPTPP since President Xi' announcement. They share concerns too, which are mainly focused on the challenge for China's standards to meet those of the CPTPP. If China wants to join, it needs to take the rules and add more commitments.

### Data dam: Chinese's data flow regulations

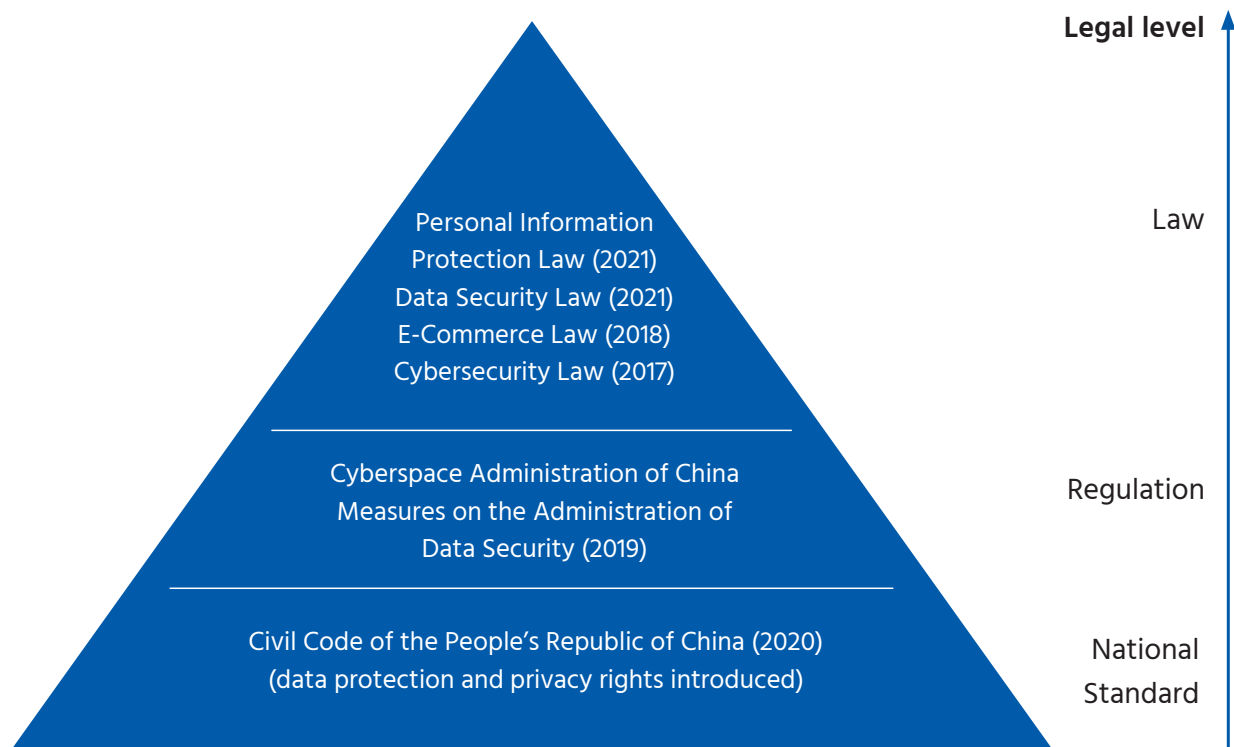
The CPTPP poses a huge challenge for China's domestic economic and regulatory system. Consider the issue of data. While China agreed through RCEP provisions for the free flow of data, the TPP has strict provisions about banning data localization and prohibiting the forced transfer of source code, allowing a modest exception for legitimate public policy goals. Other agreements such as RCEP have a much more generous waiver. Because restrictions can be made through national decisions, almost any discretionary reason might be possible.

Data flow is a key challenge. Since 2017, China has introduced three laws and regulations to regulate cross-border data flow.

As Chinese laws are becoming more restrictive, data flow is a key challenge. Since 2017, China has introduced three laws and regulations to regulate cross-border data flow.

The "Cybersecurity Law" stipulates that personal information and important data collected and generated by critical information infrastructure operators should be stored within the territory. However, the specific scope and extent of national security and personal information protection are not clearly defined. If one looks at China's new *Data Security and Personal Information Protection Law* that took effect in November 2020, it includes a ban on taking data out of the country, which could meet resistance from member countries.<sup>19</sup> Due to the sensitivity of information and data coming from abroad, a series of services are banned in China

**Figure 4 – China’s laws governing data privacy and security**



from foreign investment; Facebook and Twitter are subsequently not available in China. These and other laws make it more difficult for China to digest the CPTPP rules.

**Fair and transparent: regulating state-owned enterprises**

Another major challenge for China concerns the regulation of SOEs. The discipline on public enterprises is strong in the CPTPP. But after President Xi came into power, China doubled down on support for its SOEs.

The CPTPP also calls for an end to discrimination between foreign and domestic companies in government procurement. Beijing, however, has issued “buy-China” guidelines for government procurement for certain products.

The CPTPP also calls for an end to discrimination between foreign and domestic companies in government procurement. Beijing, however, has issued “buy-China” guidelines for government procurement for certain products. Some scholars argue that China has the right to make laws protecting SOEs but can also enable them to abide by CPTPP standards.

Meanwhile, Deputy Minister Wang asserts<sup>20</sup> that China needs to make laws that guarantee fair competition and address monopolies. China can also standardize its procedures and increase supervision. According to Deputy Minister Wang, SOEs should be better categorized and separate their public services from their special services. Because SOEs bear both public and commercial features, they should be treated differently.

Finally, the execution of laws should be fairer and more transparent, not weighted in favor of the SOEs. However, considering China’s failures in implementing many of the WTO requirements, this is easier said than done.



# Other hurdles for accession

The CPTPP calls for eliminating all forced labor and mandating freedom of association. China only has one labor union, and the effectiveness of this labor union is highly questioned.

There are other hurdles for China's CPTPP aspirations. The CPTPP calls for eliminating all forced labor and mandating freedom of association—all labor policies that are not present in RCEP. These are provisions that China must accept. Deputy Minister Wang reminds that China still bans the freedom of association and collective bargaining by workers. China only has one labor union, with multiple hierarchical branches across the country – and the effectiveness of this labor union is highly questioned. In terms of making laws to address forced labor and quell labor discrimination, China has much room for improvement.

Finally, laws protecting working conditions and security can improve too. Many Chinese scholars recognize that these key articles concerning SOEs, labor standards, and data flow are the most difficult conditions to meet as they are counter to domestic economic and social governance systems. However, they maintain that the articles in the CPTPP are consistent with the direction of reforms that China has been pushing. According to these scholars, China's formal application is more than a gesture; instead, China will greatly benefit by joining.<sup>21</sup>

## Skepticism remains

Still, the skeptics believe that China will not be able to change and that its legislation is, at best, going in the opposite direction. The reason is simple: They have heard similar promises before. For many years, China has pledged to discipline SOEs, industrial subsidies, and other trade-distorting practices. Yet it has demonstrated a poor compliance record on these and other commitments.

Instead of moving in the promised direction, in recent years China has increased the role of the government and the Chinese Communist Party (CCP) in nearly all aspects of the economy. And now, the China 2025 Strategy aims to guide the development of national champions in strategic technology sectors. President Xi has also blocked billionaire entrepreneurs like Jack Ma and brought under stricter regulatory control tech companies like Alibaba, Ant Group, Tencent, or Bytedance.

China pledged to make systemic reforms that would bring the country closer to WTO norms on transparency, openness, non-discrimination, and market-oriented policies. Yet compliance with these commitments remains poor.

For these skeptics, there is no reason to expect President Xi's recent pledges to bring a different outcome. On the contrary, President Xi has reversed previous reforms and is doubling down on state support to SOEs.<sup>22</sup> As a general matter, China pledged to make systemic reforms that would bring the country closer to WTO norms on transparency, openness, non-discrimination, and market-oriented policies. Yet compliance with these commitments remains poor.

## Promoting multilateralism

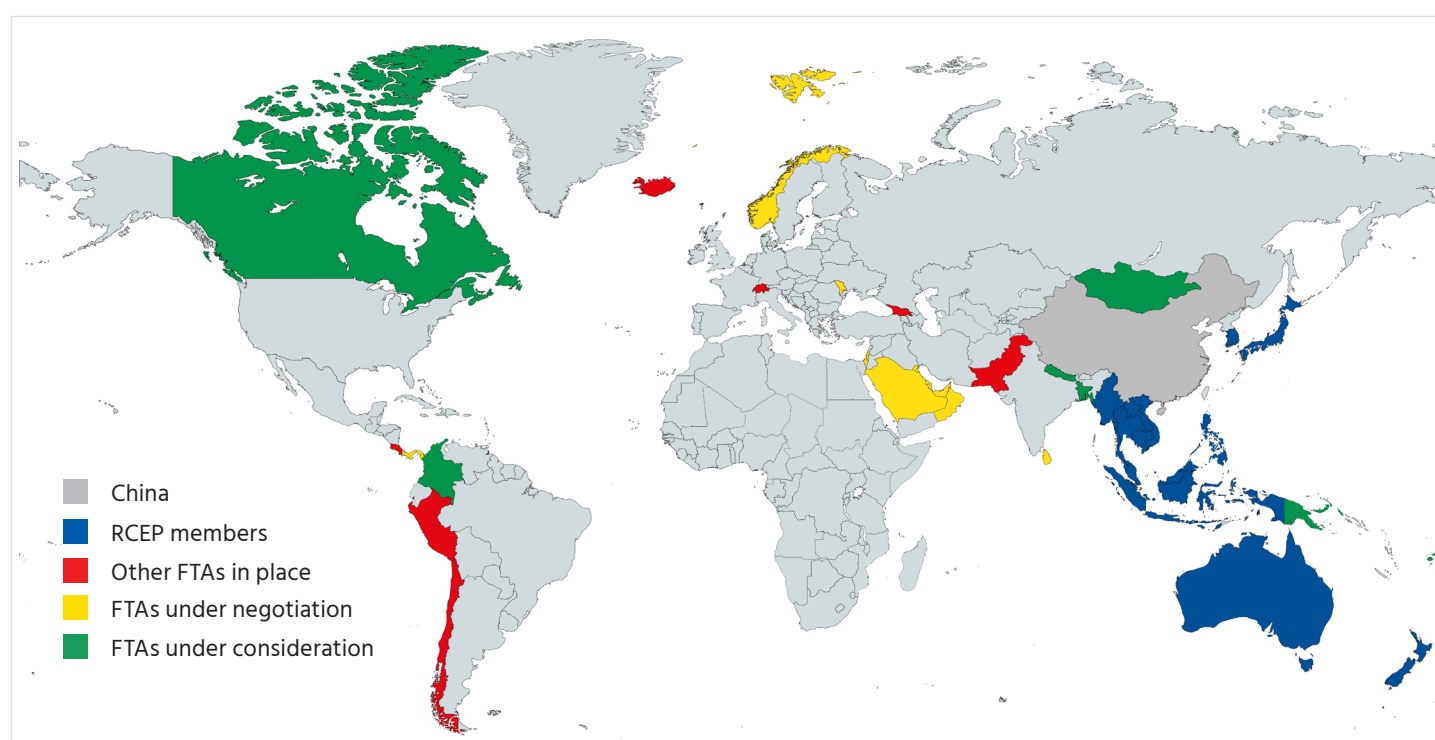
There are merits in these concerns. But by joining the CPTPP, China may be hoping to put global trade back on track and promote multilateralism, reviving both the Chinese economy and the global economy in the post-Covid-19 era. After all, the CPTPP is part of a broader framework of trade regimes that China has signed and part of its pro-globalization efforts.

Some Western analysts have argued that China is going solo. But contrary to these perceptions, China has championed major trade initiatives, including the largest ever trade bloc in history, and signed free trade agreements and bilateral

**Figure 5 – China’s trade-related agreements**

China’s free trade agreements		Free trade agreements under negotiation	
Asia	Regional Comprehensive Economic Partnership (RCEP)	Middle east	China-GCC (Gulf Cooperation Council)
Greater China	Mainland and Hong Kong Closer Economic and Partnership Agreement	Middle east	FTA China-Israel
Greater China	Mainland and Macao Closer Economic and Partnership Arrangement	Middle east	China-Palestine FTA
East Asia	China-Korea FTA	East Asia	FTA China-Japan-Korea
Southeast Asia	China-ASEAN FTA	East Asia	China-Korea FTA second phase
Southeast Asia	China-ASEAN FTA upgrade	South Asia	FTA China-Sri Lanka
Southeast Asia	China-Cambodia FTA	Europe	FTA China-Norway
Southeast Asia	China-Singapore FTA	Europe	FTA China-Moldova
Southeast Asia	China-Singapore FTA upgrade	Latin America	FTA China-Panama
South Asia	China-Maldives FTA	Latin America	China-Peru FTA upgrade
South Asia	China-Pakistan FTA	Free trade agreements under consideration	
South Asia	China-Australia FTA	North America	China-Cambodia FTA Joint Feasibility Study
Oceania	China-Australia FTA	North America	China-Canada FTA Joint Feasibility Study
Oceania	China-New Zealand FTA (including upgrade)	Oceania	China-Fiji FTA Joint Feasibility Study
Africa	China-Mauritius FTA	Oceania	China-Papua New Guinea FTA Joint Feasibility Study
Europe	China-Switzerland FTA	South Asia	China-Nepal FTA Joint Feasibility Study
Europe	China-Iceland FTA	South Asia	China-Bangladesh FTA Joint Feasibility Study
Europe	China Georgia FTA	East Asia	China-Mongolia FTA Joint Feasibility Study
Latin America	China-Costa Rica FTA	Europe	China-Switzerland FTA Upgrade Joint Feasibility Study
Latin America	China-Chile FTA		
Latin America	China-Chile FTA upgrade		
Latin America	China-Peru FTA		

Source: [http://fta.mofcom.gov.cn/english/fta\\_qianshu.shtml](http://fta.mofcom.gov.cn/english/fta_qianshu.shtml)





For many years, China has pledged to discipline trade-distorting practices. Yet recently, it has increased the role of the government and the CCP in nearly all aspects of the economy.

investment treaties with countries around the world. It is integrated with the world economy and benefits from the current economic order. It is not trying to move away and create a solitary system. Rather, the world is witnessing an effort by China to continue being part of the globalization and liberalization that helped China sustain its growth.

China's application shows that in a world increasingly defined by strategic competition and deglobalization, Beijing must link itself more closely with the outside world to succeed.

China's application shows that in a world increasingly defined by strategic competition and a spirit of deglobalization, Beijing must further open up and link itself more closely with the outside world to succeed.

The question is whether the current members will approve its entry. Enlargements of the CPTPP require the consensus of all 11 members.<sup>23</sup> While Japan, Australia, New Zealand, and Canada are open to the possibility, they also raised concerns and are skeptical about China being able to sustain the reforms required by accession.<sup>24</sup> According to Jeffrey Schott of the Peterson Institute for International Economics, most CPTPP members are major trading partners of China. Consequently, they may find it difficult to reject the membership request.

# Conclusion



China appears to be betting that it can meet most of the conditions of the CPTPP while avoiding or delaying compliance in key areas. But in the current geopolitical world, its quest to join the pact will be even more strenuous.

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Concerns about China's compliance would likely prolong the negotiating process. China does not expect its application to be rejected out of hand, even if negotiations drag on for a while. China appears to be betting that it can meet most of the conditions of the CPTPP while avoiding or delaying compliance in key areas, especially related to the pact's standards on SOEs, data, and labor.

However, in the current geopolitical world, where countries seem increasingly willing to sacrifice economic gains derived from globalization in the name of values and polarized political views, China's quest to join the CPTPP will be even more strenuous, if not impossible. The US is out of the CPTPP, and Biden does not show interest in rejoining. But current members still have allegiance to and are swayed by Washington.

Given the existing tensions in the South China Sea and China's current support of Russia in Ukraine, the Cold War narrative of a world divided is becoming a self-fulfilling prophecy that might end the familiar era of globalization. Instead, a new century may beckon, characterized by an inward orientation, disconnection, and insecurity.

# Researcher bio: Maria Adele Carrai

Maria Adele Carrai is an Assistant Professor of Global China Studies at NYU Shanghai. Her research explores the history of international law in East Asia and investigates how China's rise as a global power is shaping norms and redefining the international distribution of power.

In light of the development of the Belt and Road Initiative, Adele is looking in particular at the economic, legal, and political repercussions of Chinese investments and economic engagement in Europe and Africa.

Prior to joining New York University Shanghai, Adele was a recipient of a three-year Marie-Curie fellowship at Katholieke Universiteit Leuven. She was also a Fellow at the Italian Academy of Columbia University, Princeton-Harvard China and the World Program, Max Weber Program of the European University Institute of Florence, and New York University Law School.



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# Endnotes

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