

WHAT SHOULD CHINA LEARN FROM THE CPTPP ENVIRONMENTAL PROVISIONS?

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ABSTRACT

The Comprehensive and Progressive Agreement for the Trans-Pacific Partnership (hereinafter “CPTPP”) provides a close link between environmental protection and trade, forms a source of international environmental law, improves the implementation mechanisms of Multilateral Environmental Agreements, enhances public participation and information disclosure, and triggers new green trade barriers. China should grapple with the international community’s tendency, as demonstrated in the CPTPP, to balance trade liberalization with environmental protection. China should learn from the CPTPP’s environmental provisions to improve its domestic law through four aspects: increasing opportunity for meaningful public participation, regulating the procurement and use of wild fauna and flora in Traditional Chinese Medicine (TCM) drugs and pharmacology, enhancing access to and benefit-sharing of biological genetic resources, and improving consistency between China’s domestic environmental legislation and international trade legislation. The CPTPP’s environmental provisions may also encourage China’s foreign trade law and policy to become more environmentally friendly.

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