

Taiwan-China ECFA unequal from start

Written by Taiwan News Editorial
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Delegations from Taiwan and the People's Republic of China launched negotiations in Beijing earlier this week toward a controversial "economic cooperation agreement" that is being vigorously promoted by President Ma Ying-jeou's rightist Chinese Nationalist Party (Kuomintang) government as a panacea for our economic future.

Unfortunately, the talks, which are taking place under the framework of the non-official platform between Taipei's Strait Exchange Foundation and Beijing's Association for Relations Across the Taiwan Strait, promptly began with a major degradation of Taiwan's international status.

In the face of deep concern over whether the proposed "economic cooperation framework agreement" would sacrifice Taiwan's sovereignty, jobs and autonomy, President Ma, Mainland Affairs Council Chairwoman Lai Shin-yuan and other senior government officials and KMT sycophant scholars have piously proclaimed that the KMT government would not "sell out" Taiwan's sovereignty or further liberalize agricultural imports and that the pact would be negotiated and signed on a basis of parity and "under the framework of the World Trade Organization."

The first day of talks in Beijing Monday quickly dispelled such illusions.

The two delegations, led respectively by SEF Vice Chairman Kao Koong-lien and ARATS Vice President Zheng Lihong, agreed on the formal name of "Cross-Strait Economic Cooperation Agreement" and thus set aside the formal status and titles that the two parties have in the WTO system, namely the "Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu" and "the People's Republic of China."

The Ma government's agreement to abandon negotiating the ECFA directly under the WTO framework implicitly sets aside Taiwan's formal status under the WTO as a "customs entity" and plays into the PRC's own definition of "the Taiwan question" as a domestic matter.

In this way, the Ma government has tossed away the most precious asset granted by our WTO membership, namely a legally precise status distinct from and equal to the PRC that is guaranteed by multilateral treaty.

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While the SEF and ARATS formally agreed to send the completed agreement to the WTO Secretariat for registration, news reports that Taiwan officials promised to send their own version with Taiwan identified as the "Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu" implied that Beijing would send its own version.

Given Beijing's lack of scruples about throwing its economic and diplomatic weight around, it will be the PRC favored phraseology of "Taiwan, China" will be heard in most of the international community.

Taiwan's status in the world trade body will be effectively degraded from being equal to the PRC (or even superior as a "developed" economy) into a substantive position parallel (and perhaps even lower) with Hong Kong.

Away with internationalism

Like Taiwan's official constitutional name of the "Republic of China," Taiwan's WTO name will become something licensed for use only in Taiwan and which is invisible outside our borders and outside the attention of many citizens who remain blissfully unaware of the denigration of Taiwan's international status.

The recitation of the MAC of the validity of the "Statute on Cross-strait Relations between the People of the Taiwan Area and the People of the Mainland Area" as justifying the term "cross-strait" is also an exercise in ostrich imitation.

The key issue is not how this outdated statute semantically deals with the reality of the fact that Taiwan and the PRC are two states but dropping our formal WTO status in the negotiation of an economic treaty compromises international perceptions of Taiwan's autonomy and tosses away a hard-won, if inadequate, multilateral guarantee of our status as a distinct "entity" or "state" in the world community.

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Moreover, reference to the cross-strait statute also raises the spectre that the Ma government could simply cite its Article 25 and declare that only the items in the ECA that directly impinged on Taiwan's legal code would be submitted to the Legislative Yuan for approval with the rest of the pact to take effect automatically within 60 days unless vetoed by the legislature.

In the light of Ma's praise for the "majority legislative violence" used to rammed unconstitutional revisions to the Local Government Act through the Legislative Yuan January 18 without discussion, it seems unlikely that our elected lawmakers will have much of a chance to engage in any serious debate or review anyway.

The opposition Democratic Progressive Party and other Taiwan-centric political and social forces should put both the KMT and CCP governments on notice that such a "ratification" process of an agreement "negotiated" in a black box without a "bottom - up" consensus in Taiwan and orchestrated by a Ma administration which has the confidence of only 20 percent of the Taiwan electorate will not be considered to have past the tests of democratic transparency, accountability and legitimacy.

The bottom line is quite simply that any complete "economic cooperation agreement" between Taiwan and the PRC must be submitted to the 23 million people of Taiwan for ratification before it can be considered valid. The fundamental question is whether the People's Republic China and Taiwan, whose constitutional name is the ROC, are two distinct and non-overlapping states and whether the 23 million people of Taiwan possess the democratic right to determine for themselves the status of Taiwan and the nature of Taiwan's relationship with the PRC.

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