

While President Ma Ying-jeou (馬英九) and Premier Wu Den-yih (吳登毅) are of the opinion that the legislature can only either ratify or reject the newly signed cross-strait Economic Cooperation Framework Agreement (ECFA) in its entirety and not amend it article by article, Legislative Speaker Wang Jin-pyng (王金平) begged to differ yesterday, saying there have been cases in which the legislature has made revisions to international agreements signed by the government.

Citing examples, Wang said lawmakers had screened article by article the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, as well as the free-trade agreements (FTA) Taiwan has signed with its Central American allies.

Wang's statement echoed remarks made on Thursday by Democratic Progressive Party Chairperson Tsai Ing-wen (蔡英文), who said that the FTA between Taiwan, El Salvador and Honduras, as well as the Intellectual Property Rights (IPR) protection agreement signed between Taiwan's Coordination Council for North American Affairs and its US counterpart, the American Institute in Taiwan, and the Extradition Treaty between Taiwan and the Dominican Republic had all been deliberated in the legislature article by article.

According to the legislature's gazette, on Nov. 12, 2007, lawmakers debated over the inclusion of the name of the FTA Taiwan signed with El Salvador and Honduras when the agreement was deliberated in the legislature's joint committee.

In 1993, the legislature ratified the IPR accord with "reservations" on eight articles that the legislature said were in contravention of the Constitution and some domestic laws. The then-Chinese Nationalist Party (KMT) administration reopened negotiations with the US to discuss the legislature's opinion to no avail. The controversy only ended after the legislature withdrew its reservation following a US threat to adopt trade retaliatory measures.

In the case of UN human rights covenants cited by Wang, when the two covenants were deliberated in the legislature in 2002, the then-opposition KMT caucus suggested amending articles dealing with the death penalty and referendums.

"Whatever people may say [on the review procedures for the ECFA], the legislature has to have a mind of its own that defending democracy is its duty," Wang said.

Differences have also erupted between the KMT and the DPP caucuses on the procedure for reviewing the ECFA. The KMT caucus believes the legislature does not have the power to unilaterally alter the agreement and can only endorse or reject it in its entirety, while the DPP has demanded that it be dealt with like a bill and that its provisions be screened item by item.

Downplaying criticism by some KMT lawmakers that he is siding with the DPP caucus, Wang

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said he had no personal position on the matter.

“Our principle is simple,” he said. “First, the review process should be in line with the legal system and with the spirit of the rule of law. Second, the ECFA and related amendments should clear the legislature as early as possible so that the ECFA can take effect on Jan. 1 next year.”

The KMT caucus yesterday suggested holding a provisional session on Wednesday to deal with the ECFA and proposed amendments to the Patent Act (專利法), the Customs Tariff Act (關稅法), the Plant Variety and Seed Act (植物品種及種籽法) and the Trademark Act (商標法), which have become necessary following the conclusion of the ECFA.

In addition to these items, the KMT caucus hopes the one-week provisional session will also review an amendment to the Disaster Prevention and Protection Act (災害防救法), a draft law on farm village rejuvenation, and bills relating to the second-generation National Health Insurance Act (全民健康保險法) and retirement benefits for civil servants.

According to KMT caucus whip Lin Hung-chih (林錫山), although the caucus has drawn up a long list of issues, the ECFA and related legislation are the KMT's priorities and the rest of the items would be dealt with only if there is sufficient time.

While the DPP caucus has also suggested that a provisional session be held on Wednesday, Ker Chien-ming (柯建銘), executive director of the DPP's Policy Committee, said the dispute over the method to be used to review the ECFA should first be cleared up before the legislature could begin screening it.

The legislature should also set up a cross-strait affairs supervisory panel and an audit committee to review records of the ECFA negotiations and related expenditure, Ker said.

At a separate setting yesterday, Ma insisted that the ECFA should be regarded as a treaty that should be directly submitted to the Legislative Yuan for a second reading.

“The ECFA is a treaty-like document, which should be handled like a treaty by the Legislative Yuan,” Ma told a seminar sponsored by the 21st Century Foundation, a local think tank, on the post-ECFA era.

Voicing hope that the ECFA will help turn Taiwan into a global innovation hub, as well as an Asia-Pacific commercial hub and a business operations headquarters for local and foreign companies, Ma said the pact would serve as a platform upon which Taiwan could continue moving ahead and creating new horizons.

“Although the ECFA is not a cure-all, I have asked the Executive Yuan to come up with a strategy program within three months detailing measures that will entice more foreign investment,” he said.

Meanwhile, Presidential Office spokesman Lo Chih-chiang (羅智強) yesterday urged Tsai to keep

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her party officials from making “irrational” criticisms against reviewing the ECFA as a whole.

Earlier, Ker accused Ma of trying to strip the legislature of its powers, saying Ma's argument was like “allowing a person to rape [someone], but refusing him a kiss.”

“Chairperson Tsai should not promise to monitor the government rationally on the one hand, and indulge party officials in making obscene criticisms,” Lo said.

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