

Foreword

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FOREWORD

Any serious reflection concerning the Republic of China raises some of the most perplexing issues facing the United States, and the world, today. The issue of the legal status of Taiwan, for example, has given rise to considerable controversy, and not just in the international-legal literature. The political question of United States relations with the Republic of China, of course, has been with us for a considerable time, and — as of this writing — remains unresolved. These issues are reflected in the many paradoxes that characterize the Republic of China. It is a country that is well along on the path from “developing” to “developed,” while at the same time, it has few internal material resources. Or, again, it is the second-largest trading nation in Southeast Asia, yet has lost diplomatic recognition from many of its most significant trading partners.

When we at the University of Maryland International Law Society decided to stage a Regional Meeting of the American Society of International Law on United States-Republic of China relations, we considered what analytic tools were best suited for laying bare some of the principal facets of that relationship. Ultimately, we chose three principal frameworks: economics, law, especially the ways in which the ROC's legal regime has aided its development, and political-economic prognostication. In the presentation of each of these, history and hopes played as much a part as descriptions of the present; in none of them can a consideration of the others be left out. The conference, then, was divided into three sessions: trends and prospects of US-ROC economic relations, practical and legal aspects of US-ROC trade and investment, and the future of US-ROC economic relations.

The proceedings of the University of Maryland International Law Society Conference on Legal Aspects of US-ROC Trade and Investment speak for themselves. The panelists — Chinese, American and European scholars and practitioners — were an informed, passionately engaged group of men and women. The audience was lively, its questions provocative. From the mass of data presented at the first session, a picture of the ROC's extraordinary economic vitality emerged. The second session afforded a view of the ways in which the ROC's legal structure has nurtured that vitality, frequently with a sense of experimentation, as in the case of the creation of Export Processing Zones. A somewhat contrapuntal theme, the legal resolution of trade

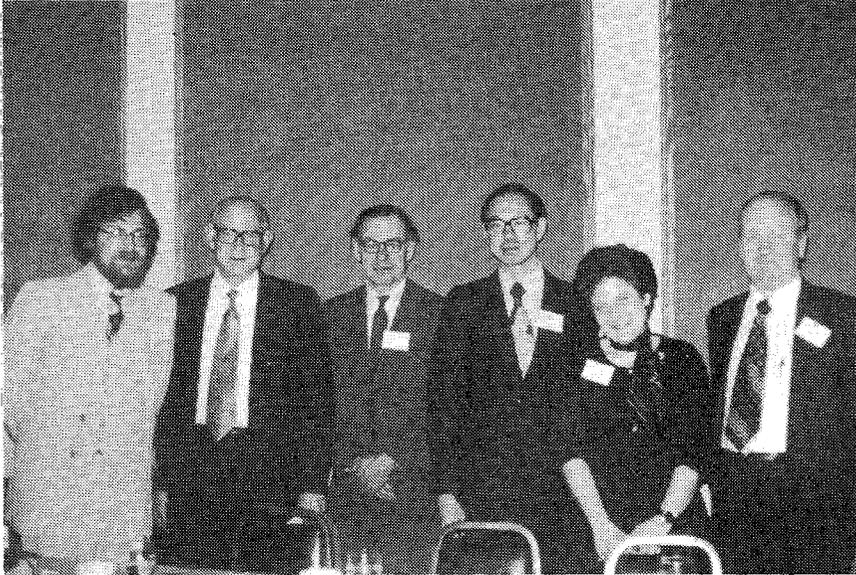
disputes under the United States Trade Act of 1974, reminded us that the economic progress of the ROC cannot be considered *in vacuo*: the ROC is, indeed, a member of the community of nations, and its actions must be considered as interactions, not merely internal shufflings of resources. The third session wove these economic and legal strands together in attempts to provide answers to some of the short- and long-term questions presently plaguing American and Chinese political and business leaders. A paper on the West German trading experience with the Republic of China provided further insight into the options available in US-ROC relations.

Throughout the conference, the strength of the ROC was argued with great skill and force; the familiar story of the ROC's economic rise unfolded in many guises. Equally important were some of the novel ideas and even "heresies" that were aired: for example, that the ROC should now turn from acting as "junior" partner in trade with developed nations to acting as "senior" partner and seek to expand its trade with less developed nations.

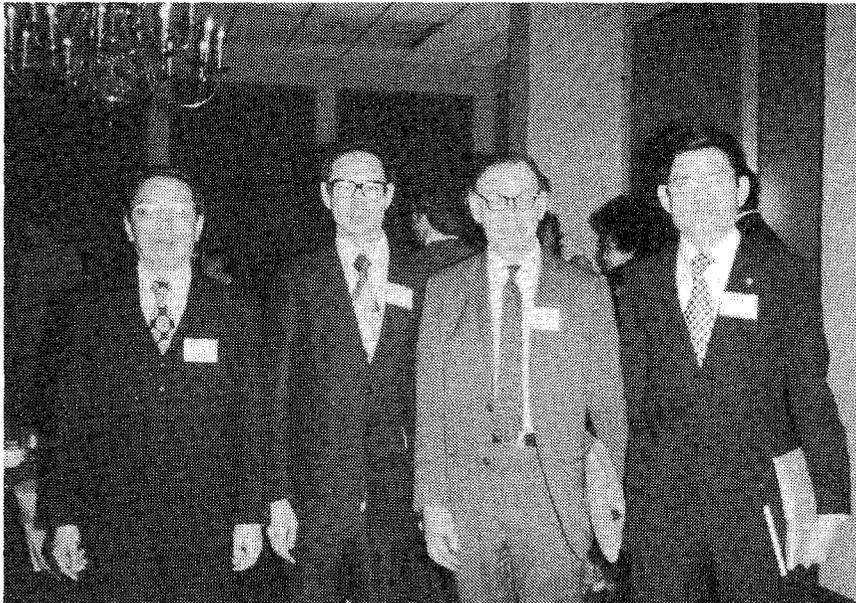
It was truly a pleasure for me to act as Chairman for the conference whose proceedings are presented in this volume. I would particularly like to thank Judith Hall, Administrative Director of the American Society of International Law, for her encouragement and cooperation throughout the planning stages. The Asia Foundation, whose partial financial support was instrumental throughout, also deserves a warm acknowledgment for its contributions. I was gratified by the extent to which the community of the University of Maryland School of Law supported this first international conference at the Law School. My sincerest thanks go to Dean Michael Kelly for his support, to the faculty and student committees that assisted in preparations for the conference, to all the participants, and most especially to Professor Hungdah Chiu of the Law School faculty. As Faculty Advisor to the International Law Society, Professor Chiu was truly the guiding light behind the conference; his attention to detail in the midst of an exceptionally demanding schedule was extraordinary, and his patience and calm were a bedrock to rely on whenever problems seemed insurmountable.

David Simon

CONFERENCE PROCEEDINGS

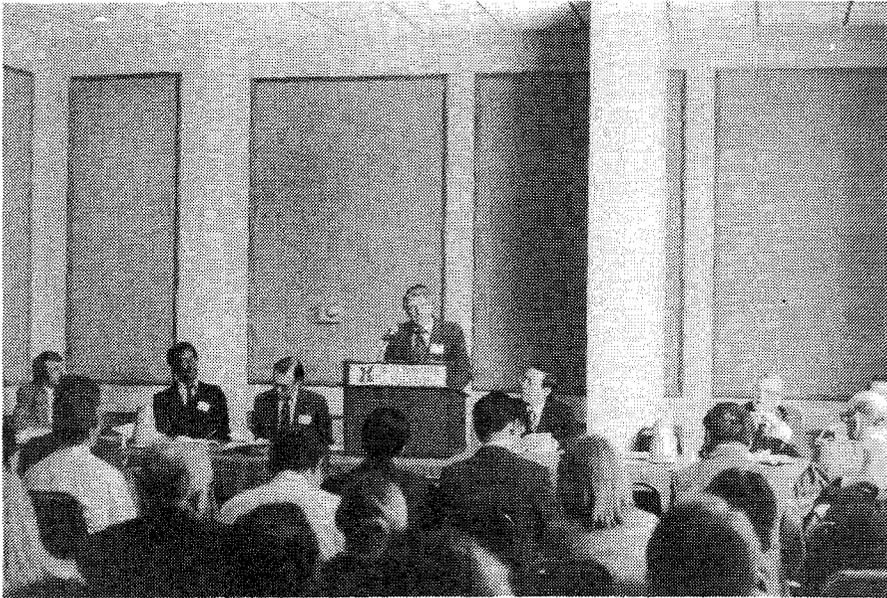


Left to right: David Simon, William Morell, Oliver Oldman, Hungdah Chiu, Jane Brandt, Gaston Sigur.



Left to right: Chun Li, Hungdah Chiu, Oliver Oldman, Yung Wei.

CONFERENCE PROCEEDINGS



Left to right: R. Dan Webster, Edward Laing, Oliver Oldman, Myron Solter, Chun Li, Norman Littell.



Left to right: Ralph N. Clough, Talbot Linstrom, Gaston Sigur, Robert Heuser.