

TAIWAN'S WTO MEMBERSHIP AND ITS INTERNATIONAL IMPLICATIONS

*Steve Charnovitz**

ABSTRACT

In contrast to other international organizations, the World Trade Organization does not require its members to be states. This constitutional feature has allowed Taiwan to join the WTO alongside China. As a result, the WTO is now the only major international organization in which Taiwan can participate as a full member.

This article explores some implications of this unique situation for Taiwan, for the WTO, and for international law. The article contends that Taiwan's membership in the WTO is not itself a bilateral treaty with China and does not itself change the legal relationship between Taiwan and China. What Taiwan's membership does do, however, is to establish some rule of law between Taiwan and China and to give Taiwan standing in an international tribunal should it wish to assert that China has violated WTO rules. The parallel memberships of Taiwan and China also provide a neutral international forum for those two governments to meet and negotiate if needed. The article also points out some dangers to the WTO that stem from Taiwan's exclusion from international standard-setting organizations. The article recommends that the WTO do more to assist Taiwan in carrying out its WTO obligations that involve the international community.

In joining the WTO, Taiwan has enhanced its sovereignty in the

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modern sense of being able to participate in world governance. So far, Taiwan's membership in the WTO has not facilitated its quest for a capacity to participate in the World Health Organization.

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