

## A Quiet Place That Never Was (and Never Intended to Be . . . )

Andy Y. Sun

Follow this and additional works at: <https://digitalcommons.law.umaryland.edu/mjil>



Part of the [International Law Commons](#)

---

### Recommended Citation

Andy Y. Sun, *A Quiet Place That Never Was (and Never Intended to Be . . . )*, 35 Md. J. Int'l L. 9 (2021).  
Available at: <https://digitalcommons.law.umaryland.edu/mjil/vol35/iss1/5>

This Article is brought to you for free and open access by the Academic Journals at DigitalCommons@UM Carey Law. It has been accepted for inclusion in Maryland Journal of International Law by an authorized editor of DigitalCommons@UM Carey Law. For more information, please contact [smccarty@law.umaryland.edu](mailto:smccarty@law.umaryland.edu).

## A Quiet Place That Never Was (and Never Intended to Be ...)

ANDY Y. SUN<sup>†</sup>

---

### FOUNDING

In October 1976, an entity with a rather long and somewhat bizarre name was incorporated in the State of Maryland by then a newly-appointed young professor at the University of Maryland School of Law at Baltimore (UM Law).<sup>1</sup> The name: Occasional Papers/Reprints Series in Contemporary Asian Studies (OPRSCAS). It was done quietly and as-a-matter-of-factly as the preparation for the launch of a scholarly research project.

The next year, the East Asian Legal Studies Program (EALSP) was established at the UM Law, again without much fanfare. Unbeknownst to most people, however, this quietness, arguably a true reflection of the personality of its founder, Professor Hungdah CHIU, is anything but.<sup>2</sup> In the subsequent years, through OPRSCAS, EALSP churned out volumes of scholarly works, covering a wide range of

---

© 2020 Andy Y. Sun.

<sup>†</sup> Executive Director, Asia Pacific Legal Institute. He also serves as a Visiting Professor at Jinan University (暨南大學), Guangzhou, People's Republic China (2019-present) and Peking University (北京大學, 2013-18), among others. The author received his J.D. degree from UM Law in 1991, and worked as a research assistant at the East Asian Legal Study Program from 1985 to 1988. This essay is a tribute to and commemoration of the program and its founder, Professor Hungdah CHIU based on his personal experiences and knowledge. For Chinese names being mentioned herein, given that the traditional sequence is to list the family name first, yet some people prefer to realign it and put the family name last when translated into English, this author will follow each individual's own preference and capitalize the family name. The author would like to apologize for missing the many other people who had made contributions to make the program and its activities possible.

1. University of Maryland School of Law was renamed University of Maryland Francis King Carey School of Law in 2011.

2. Professor CHIU was appointed an Associate Professor at the UM Law in 1975. He was promoted to full, tenured professor in 1977.

political, economic, social and legal aspects throughout the region, including, among other things, some of the most pressing and less-studied issues of the time (many remain hot-button issues to this day, such as the cross-strait relationship between Mainland China and Taiwan, and the regional territorial water dispute) .

#### PUBLICATIONS AND SCHOLARSHIP

Later history would show, even without much publicity, the publications from EALSP have generated significant influence than anyone could have imaged, proving that what appeared to be “quiet” scholarly research works could really make the bang and help shape the form of a new world order.

For example, the very first publication was authored by none other than Professor Chiu, entitled *Chinese Attitude Toward Continental Shelf and Its Implication on Delimiting Seabed in Southeast Asia*. As China was just about to embark on an “open door” policy and assert itself on the world stage, this study provided a much needed understanding of the thought processes of and perspective from an emerging influence that eventually dominates the same scheme of things today.

Separately, EALSP launched a book publication project called the *Maryland Studies in East Asian Law and Politics Series* (MD East Asian Studies). One of them was entitled LEGAL PROBLEMS OF SEABED BOUNDARY DELIMITATION IN THE EAST CHINA SEA (1984), an expansion and revision of a 1981 S.J.D. dissertation by a Harvard Law School graduate, Dr. Ying-Jeou MA, who later worked at the EALSP as a post-doctorate researcher and many years later was elected President of the Republic of China (Taiwan) for two terms (2008-2016). According to Dr. Ma, it was Professor Chiu who inspired him to pursue the study of international law and the latter’s dedication and attitude greatly affected him. As it turns out, the very subject of his dissertation did indeed come in handy when a contentious dispute between Taiwan and Japan concerning fishery right in the East China Sea flared up. The detention of a number of Taiwanese fishermen and their vessels by the Japanese coastal police force and the 2010 “purchase” of the *Diaoyu* (or *Senkaku*) Islands by a Japanese private group led by then mayor of Tokyo, thereby ostensibly established property ownership and indirectly Japanese sovereignty over the highly disputed territory further aggravated the situation into a major crisis. Given that Taiwan does not have formal diplomatic relationship with Japan since 1972, it further complicates the matter. Eventually

## 2020]A QUIET PLACE THAT NEVER WAS (AND NEVER MEANT TO BE...)11

President Ma was able to conclude a fishery agreement with Japan after three years of intense negotiations, thus successfully resolved an extremely complex and difficult problem once considered by many as unresolvable.<sup>3</sup>

Another example of this “quiet influence” was the publication of *Proceedings of Conference on Multi-system Nations and International Law: International Status of Germany, Korea and China* in 1981 as the 45<sup>th</sup> issue of OPRSCAS, which generated heated and extensive discussions about what path the trilateral relations among Beijing, Taipei and Washington, DC should undertake. Coincidentally or not so coincidentally, DENG Xiaoping, the paramount leader of the People’s Republic of China (PRC) at the time, formulated the “One Nation, Two Systems” policy thereafter, and had it written into the PRC Constitution on December 4, 1982.<sup>4</sup> It thus becomes the supreme guiding principle and model in mainland China’s dealing with Hong Kong, Macau, and Taiwan to this date in its attempt for reunification *under its sovereignty*. As a result, Taiwan cooled the multi-systems discussions as that term was quickly politicized and essentially became a euphemism for “one nation, two systems.”

The second issue of OPRSCAS in 1986 is entitled *Peace and Reunification in Korea and International Law*, authored by Professor

---

3. On April 10, 2013, the Republic of China (Taiwan) and Japan concluded an agreement on protection of each jurisdiction’s fishing rights in their overlapping territories near the five islets and three barren rocks in the East China Sea known in Japan as the *Senkaku* Islands, on mainland China as the *Diaoyu* (“fishing”) Islands, and in Taiwan as the *Tiaoyutai* (“fishing platform”) Islands. The uninhabited archipelago is also referred to in English as the Pinnacle Islands. The negotiations had been on and off and back on again that lasted more than 17 years, but the dispute started way before this time frame. For the text of the agreement, see Ministry of Foreign Affairs, ROC, Fishery Agreement between the Association of East Asian Relations and Interchange Association (Japan)(亞東關係協會與公益財團法交流協會漁業協議), done in Taipei, Taiwan, April 10, 2013, available at <https://www.mofa.gov.tw/cp.aspx?n=90BEE1D6497E4C58&s=6198BCEC403AB2E8> (in Chinese). Without formal diplomatic relations, this agreement was ostensibly negotiated and concluded under by two unofficial organizations each represents its respective national interests. Note that Interchange Association (Japan)(公益財団法人日本台湾交流協会/こうえきざいだんほうじんにほんたいわんこうりゅうきょうかい), which represents the Japanese interests in Taiwan, was renamed Japan-Taiwan Exchange Association (公益財団法人日本台湾交流協會) on January 1, 2017 whereas the Association of East Asian Relations, which represents Taiwan’s interests in Japan, was renamed Association of Taiwan-Japan Relations (臺灣日本關係協會) on May 17, 2017.

4. Constitution of the PRC, Article 31 (which does not specifically spell out this term, but provides that the State, when deemed necessary, may establish Special Administrative Region(s) to carry out [a different political and socio-economic] system promulgated by law enacted by the National People’s Congress); see also Deng Xiaoping, *One Nation, Two Systems*, June 22-23, 1984 (excerpt of dialogue with Hong Kong Industrial and Commerce Delegation to Beijing and with Sir Sze-Yuen Chung (鍾士元) of Hong Kong), contained in *SELECTED WORKS OF DENG XIAOPING (CHINESE ED.)*, vol. 3, at 58.

Byung-Hwa LYOU. He was a faculty at the Korea University then and visited EALSP in 1984 and spent a year as a visiting scholar. He later served as president of the Korean Society of International Law (2000-01) and is the incumbent president of the Transnational Law and Business University of the Republic of Korea. This research work offered a hard-to-come-by foresight and concise roadmap on a highly complex landscape towards a *détente* and eventually peaceful solution on the Korean Peninsula, mindful that the two sides were still at the peak of standoff with hardly anyone on both sides dared to initiate or even mention the possibility of any contact with each other.

Starting from 1984, Dr. John F. Copper, now Stanley J. Buckman Distinguished Professor of International Studies (emeritus) at Rhodes College, Tennessee, began writing an article on the democratic reform in Taiwan. So widely acclaimed, he kept on monitoring the developments there and eventually authored a series of 9 publications, encompassing numerous elections that has taken place, starting from the presidential and vice presidential elections.<sup>5</sup> Professor Copper painstakingly documented and analyzed each and every development on Taiwan's political and constitutional reform. It may well be the most comprehensive and objective observation thus far, covering the entire 32 years of an incredible journey Taiwan has undertaken, transforming itself from an authoritarian governance to a full-blown democracy and quite a matured rule-of-law society today. Given that many similar reform or democratization efforts around the world end up in turmoil or far worse conditions than started, the process in Taiwan, although not completely without violence (two fatalities throughout), seems all the more remarkable that worth noting and in-depth studying.<sup>6</sup>

---

5. They are respectively entitled *Taiwan's Elections: Political Development and Democratization in the Republic of China* (Issue No. 64), *Taiwan's Recent Elections: Fulfilling the Democratic Promise* (Issue No. 101), *Taiwan's 1995 Legislative Yuan Election* (Issue No. 132), *Taiwan's 1998 Legislative Yuan, Metropolitan Mayoral and City Council Elections: Confirming and Consolidating Democracy in the Republic of China* (Issue No. 151), *Taiwan's 2000 Presidential and Vice Presidential Election: Consolidating Democracy and Creating a New Era of Politics* (Issue No. 157), *Taiwan's 2004 Presidential and Vice Presidential Election: Democracy's Consolidation or Devolution?* (Issue No. 176), *Taiwan's 2008 Presidential and Vice Presidential Election: Maturing Democracy* (Issue 192), *Taiwan's 2012 Presidential/Vice Presidential and Legislative Elections: Assessing Current Politics and Charting the Future* (Issue No. 208), and *Taiwan's 2016 Presidential/Vice Presidential and Legislative Election: Reflections on the Nature of Taiwan's Politics and Shifts Therein* (Issue No. 224). Except the very first one being co-authored with George P. CHEN (陳博中), then a professor of political science at Augusta College, Georgia, all others were his solo authorship.

6. The first death occurred on April 17, 1989. Nan-jung CHENG (鄭南榕), a political opposition activist advocating Taiwan independence and the editor-in-chief of a magazine

## 2020]A QUIET PLACE THAT NEVER WAS (AND NEVER MEANT TO BE...)13

Altogether EALSP issued 243 publications, of which 231 were individual articles possessing law review quality and style (some may even be considered books, judging from their contents and size) through OPRSCAS (renamed *Maryland Series in Contemporary Asian Studies* since 2000) and 12 were books under MD East Asian Studies. In addition and in collaboration with the Chinese Society of International Law – Chinese (Taiwan) Branch of the International Law Association, EALSP helped publish 22 volumes of CHINESE (TAIWAN) YEARBOOK OF INTERNATIONAL LAW AND AFFAIRS, a series of comprehensive reports and collections of legal, political, and socio-economic developments and documentation as well as commentaries concerning international law and Sino-American relationship.

The treaty and agreement section within the Yearbook contains many photocopies of the original signed agreements, a treasure trove in its own right. Even officials from the U.S. Department of State (or through its non-official affiliate, the American Institute in Taiwan (AIT), which represents the U.S. interests in Taiwan) would call up from time to time before the age of the Internet to inquire information or verify documentation. It was indeed quite ironic. Since the U.S. government formally severed its diplomatic recognition of ROC in Taiwan as of January 1, 1980, all bilateral agreements entered into thereafter no longer being collected or even listed in the official U.S. treaty/agreement archives such as the TREATIES AND OTHER INTERNATIONAL ACTS SERIES (T.I.A.S.), maintained and published by none other than the U.S. Department of State itself, although most of them can now be found under the AIT website instead.<sup>7</sup>

Thanks to Professor Chiu's effort, EALSP collaborated with the International Law Association (ILA) to sponsored two major conferences. First is the ILA's first ever Asia-Pacific Regional Conference in 1995, shifting and broadening this historic organization's focus to the Asia-Pacific region. Then in 1998, EALSP

---

opposing the rule of *Kuomintang* (or KMT, the Nationalist Party), refused to receive from police a court order for his arrest, claiming his deed was for the cause of freedom of expression, and then burnt himself to death with gasoline. He was 41. When another anti-KMT activist and an advocate for Taiwan independence, I-hua CHAN (詹益樺), then 32, learned of Cheng's death, he followed suit and burnt himself up on the date of Cheng's funeral on May 19, 1989 in front of the Presidential Office in Taipei, where a public demonstration was on-going. The situation was particularly sensitive and volatile since a large demonstration for democracy was also on-going in front of the Tiananmen Square, Beijing at the time and tension was quickly building that eventually led to the PRC's crack-down and bloodshed on June 4<sup>th</sup>.

7. For non-sensitive or non-classified bilateral agreements, see <https://www.ait.org.tw/our-relationship/policy-history/ait-tecro-agreements/>. AIT's counterpart is the Taipei Economic and Cultural Representative Office in the U.S. (TECRO, 駐美國臺北經濟文化代表處).

once again teamed up with the ILA to co-sponsored its annual conference in Taipei, Taiwan, in which the dean and several faculty members of UM Law participated and gave presentations. It was also on that occasion Professor Chiu was elected the president of ILA, the very first Asian to serve in that capacity since its founding in 1873. EALSP once again worked with the ILA in the organization of the 2015 *ILA-American Society of International Law Asia-Pacific Research Forum*.

One critical contribution of Professor Chiu that worth particular mentioning is the concept of “*mutual non-denial*,” originated in the Guidelines for National Unification he helped crafted in 1991 as the fundamental principles in tackling the highly sensitive and complex situations between mainland China and Taiwan.<sup>8</sup> It means, in essence, that although neither side would recognize the other having the legitimate (or *de jure*) representation of the sovereignty, *i.e.*, China, nor would any side deny the factual (or *de facto*) control or governing authority over certain geographic area and the people therein, they can nevertheless deal and work with each other under a common goal or umbrella. As a result, it provides the necessary political and legal cover for each side. Two “private” liaison foundations and a much needed formal communication channel were established (technically unofficial but with the capacity to conduct official businesses while being “outsourced” by and “contracted” with the governing authorities). Representatives from both sides broke ice in almost half-a-century and met formally for the first time in 1992.<sup>9</sup> A “consensus” (in fact more of a “gentlemen’s understanding”, or “agreeing to disagree”, therefore not being spelled out in any written form) was

---

8. National Unification Council, ROC, Guidelines for National Unification (國家統一綱領), adopted by the Executive Yuan (the Cabinet) at its 2223th Meeting on March 14, 1991, available at [https://www.mac.gov.tw/News\\_Content.aspx?n=AD6908DFDDB62656&sms=161DEBC9EACEA333&s=E843129F8763C0DD](https://www.mac.gov.tw/News_Content.aspx?n=AD6908DFDDB62656&sms=161DEBC9EACEA333&s=E843129F8763C0DD). Professor Chiu was one of the 33 members of the National Unification Council, an *ad hoc* working group created by President LEE Teng-hui with an executive order. However, Lee’s policy changed over time as he became more prone to Taiwan independence. His successor, CHEN shui-bien, was even more prone to Taiwan independence, and his Cabinet eventually decided to allow the Guidelines “cease to function” on March 1, 2006. The cross-Strait relations also grinded to a halt during this period. Chen’s successor, Ying-jeou MA, reversed course by recognizing The ‘92 Consensus, thereby created a positive atmosphere to engage in negotiations with his mainland Chinese counterparts and eventually concluded 27 agreements during his two-term administration, thereby more or less restored the spirits of the Guidelines and ensured a much smoother and systematic cross-Strait exchange relationship.

9. On September 11 and 12, 1990, senior representatives of the Red Cross from both sides met on Kinmen Island for the first time, to resolve the limited issue of expatriation of criminal fugitives. A Kinmen Accord was signed thereafter. But it was a one-time, ad hoc meeting out of urgent necessity, yet set a good model for what would be to come later.

## 2020] A QUIET PLACE THAT NEVER WAS (AND NEVER MEANT TO BE...) 15

reached through exchange of facsimile communications later on that both sides share a common goal of eventually reunifying China, but subject to different point of views or interpretations on who should represent the sovereignty of China (either PRC or ROC). It was commonly referred to as “*One China, Separate Narratives*” or “*The ’92 Consensus*” that forms the foundation on which both sides subsequently entered into 32 agreements, covering almost all essential issues other than sovereignty.<sup>10</sup>

The theory and practices of “mutual non-denial of governing authority” has indeed gained traction. A leading textbook on international law has devoted a new section in its discussions.<sup>11</sup> It has also generated significant interests and seen implementations in resolving on-going disputes elsewhere, such as between Israeli Government and the Palestinian Authority (particularly the *Ḥamās*, or the Islamic Resistance Movement, as Israel does not recognize it as a legitimate organization) as well as between the Turkish Government and the Kurdistan Regional Government. In his keynote speech for the opening of the 2015 ILA-ASIL Forum, President Ma attributed his policy success directly to Professor Chiu’s “mutual non-denial” theory and strategy.<sup>12</sup> President Ma again stated this significant contribution to better the international order in his memorial remark at the *Symposium in Memorial and Honor of Professor Hungdah Chiu*.<sup>13</sup>

## COLLECTIONS

Through mainly Professor Chiu’s efforts, EALSP became a treasure trove for thousands of multilingual books, manuscripts, journals, and many other materials on various issues concerning the legal, political and socio-economic developments in the region, some of which are quite historical and may even have significant bearings

---

10. For detailed introduction and discussions on mutual denial, see Chun-I Chen, *Legal Aspects of Mutual Non-Denial and the Relations Across the Taiwan Strait*, 27 MD J. INT’L L. 111 (2012), available at <https://digitalcommons.law.umaryland.edu/mjil/vol27/iss1/10/>.

11. See LORI DAMROSCH, LOUIS HENKIN, SEAN MURPHY, AND HANS SMIT, *INTERNATIONAL LAW: CASES AND MATERIALS* (5<sup>th</sup> ED. 2009), at 343.

12. *President Ma’s Remarks at Opening Ceremony of “2015 ILA-ASIL Asia-Pacific Research Forum”*, May 26, 2015, contained in 33 CHINESE (TAIWAN) YEARBOOK OF INT’L & AFF. 432 (2015), available at <https://english.president.gov.tw/NEWS/4643>.

13. See *Remarks for the Opening of Symposium by President Ying-jeou Ma*, contained in CHUN-I CHEN, ED., *A PATRIOTIC SCHOLAR: PROCEEDINGS AND ARTICLES FOR THE SYMPOSIUM IN MEMORIAL AND HONOR OF PROFESSOR HUNGDAH CHIU* (text in Chinese, 陳純一編，愛國學人：紀念丘宏達教授學術研討會會議實錄暨論文集)(2013), at 10.



on the resolution of certain disputes. For example, there is a rare 19<sup>th</sup> century navigation map created by the Japanese Imperial Court that delineated what Japan considered its territorial water should encompass. When disputes over the islets in East China Sea flared up, the Japanese Government learned about its existence and tried to get the map back into its possession through its embassy in Washington, DC. That did not happen in the end and the map was donated to a library archive in Professor Chiu's honor after his passing. Another example are publications from places such as the PRC and North Korea during the Cold War era, many of which are extremely hard to acquire even at those countries today. They offer an unusual opportunity to peek into and understand the situations and thinking of the day and how things turned out to be the way they were (and, therefore, evolved into what we see and experience today).

Also quite extensive is the collection of materials concerning the enactment and subsequent enforcement of the Taiwan Relations Act (TRA), of which Professor Chiu played a critical behind-the-scene role by getting a section in the bill that preserves all existing and future property rights owned by the ROC and its citizens in the U.S..<sup>14</sup> When President Jimmy Carter announced on December 15, 1978 that the U.S. Government would sever its diplomatic recognition of the ROC and terminate the Mutual Defense Treaty with the ROC<sup>15</sup> in exchange for the recognition of the PRC, it instantaneously created a whole host of uncertainties on how the future relationship between U.S. and Taiwan should be re-constructed and conducted.<sup>16</sup> The presidential action raised a number of constitutional issues as well. For example, whether the president can unilaterally nullify a treaty that requires 2/3 of the senate's consent to be effective in the first place?<sup>17</sup> Whether the

---

14. Pub.L. 96-8, 93 Stat. 14 (1979), *codified at* 22 U.S.C. § 3301 et seq., especially Section 4, which guarantees the effectiveness of all existing treaties and agreements prior to January 1, 1979, the date the U.S. Government severed its diplomatic recognition of the ROC, recognizes Taiwan to carry on its business in the U.S. as usual (*i.e.*, as a de facto government), its status in any judicial proceeding not to be abrogated, and its prior, existing and future ownership of any property, tangible or intangible, not be impacted, among other things.

15. Mutual Defense Treaty between the United States of America and the Republic of China, signed December 2, 1954 in Washington, DC, entered into force March 3, 1955, expired/withdrawn December 31, 1979, 6 U.S.T. 433, T.I.A.S. No. 3178, No. 3496, 248 U.N.T.S. 213 (1956).

16. *Establishment of Diplomatic Relations between the United States and the People's Republic of China*, PUBLIC PAPERS OF PRESIDENT JIMMY CARTER (1978), Book II, at 2264; also at 11 Case W. Res. J. Int'l L. 227 (1979), available at: <https://scholarlycommons.law.case.edu/jil/vol11/iss2/1>.

17. *Goldwater v. Carter*, 444 U.S. 996 (1979)(The U.S. Supreme Court dismissed the case without oral argument, on the ground that without a final congressional resolution, the dispute is still a "political question" between the executive and legislative branch, not suitable

## 2020] A QUIET PLACE THAT NEVER WAS (AND NEVER MEANT TO BE...) 17

TRA, clearly a congressional attempt to dictate how the executive branch shall conduct foreign relations with a certain country or issue, is usurping the executive power?<sup>18</sup> These collections offer incredibly detailed account on how all the pieces falling together that fundamentally redefine and reshape the geopolitical landscape in the region.

The majority of the EALSP collections are now relocated to the Thurgood Marshall Law Library, adjacent to the law school. Some Chinese books and Professor Chiu's manuscripts are donated to the National Chengchi University (NCCU) in Taipei, Taiwan, where he once taught before his professorship at the UM Law, with the goal to encourage the interest and studies of international law.<sup>19</sup>

## RESEARCHERS AND VISITING SCHOLARS

Numerous researchers, students and visiting scholars have passed through the EALSP office hall way throughout its 42-year history, benefitting greatly from its vast resources and/or even causal conversations with Professor Chiu and his staffers. For example, through the efforts of a visiting judge from Taiwan, EALSP helped bridge a "sister court" relationship between the Maryland Court of Appeals and the Taiwan High Court in 1997. A number of judicial exchanges and study programs took place thereafter. A number of judges from Taiwan got to clerk or intern at the state courts in Maryland or federal courts, getting first-hand knowledge and practical experiences on how the American judicial process works. These

---

for judicial review. This case left opened whether the President can unilaterally terminate a treaty without consultation with the Senate).

18. Jacob K. Javits, *Congress and Foreign Relations: The Taiwan Relations Act*, FOREIGN AFFAIRS 60 (Fall 1981), available at <https://www.foreignaffairs.com/articles/china/1981-09-01/congress-and-foreign-relations-taiwan-relations-act> (The author (Republican – New York) served in the U.S. Senate from 1957 to 1981, and was the ranking member of the Senate Foreign Relations Committee who spearheaded the legislative process of TRA with his counterpart, Senator Frank Church (D-Idaho), Chairman of that committee); see also Michel Oksenberg, *Congress, Executive-Legislative Relations and China Policy*, contained in EDMUND S. MUSKIE, KENNETH RUSH, AND KENNETH W. THOMPSON, ED., THE PRESIDENT, CONGRESS, AND FOREIGN POLICY (1986), at 215 (Oksenberg was a senior member of the National Security Council during the Carter Administration and the chief architect of the U.S. "normalization" of relations with the PRC); RICHARD BUSH, AT CROSS PURPOSES: U.S.-TAIWAN RELATIONS SINCE 1942 (2004), ch. 5., at 142 *et seq.*

19. Professor Chiu was born in Shanghai in 1925. He went to Taiwan with his family in 1948, before the Chinese Communist Party took control of mainland China, and began his middle and high school studies there. Thus Taiwan is the place where he spent his youth until completing his college education and the subsequent (compulsory) military training and services.

efforts contributed to a major judicial reform in Taiwan that began in the late 1990s, transforming the court proceedings there from an inquisitive to an adversarial process. Courts in Taiwan are enjoying far better public trust and full judicial independence today as a result.

EALSP also helped bridge mutual understanding, appreciation and respect among the researchers and scholars from different cultural and ethnic background. Several deans, faculty members and students from UM Law got to visit Asia from time to time. Through these exchanges, the renowned UM Law clinical program was being introduced and inspired several law schools in that region to do the same.

At the invitation of President LEE Tang-hui of the ROC, Professor Chiu, along with EALSP, participated in the organization and establishment of the *Chiang Ching-Kuo Foundation for International Scholarly Exchange* (CCK Foundation) in 1989.<sup>20</sup> Named after the late president of the ROC who passed away a year earlier and transformed the one-party KMT autocratic rule to a full-blown democracy (one of his most memorable quotes was: “I know I am an autocrat. But I will be the last one because I will use my autocracy to end this authoritarian rule!”<sup>21</sup>), the CCK Foundation in many respects can be seen as the equivalent of Taiwan’s Fulbright Scholarship program, contributing millions of U.S. dollars each year worldwide (with particular focus on Sino-American related scholarship), benefitting many American institutions and scholars in their research and study projects related to the Greater China region. Particularly worth noting is that, at Professor Chiu’s insistence (he served as a non-paid board member and senior adviser), EALSP was strictly prohibited to apply for any of CCK Foundation’s funding support or other benefits, in order to avoid any and all potential or apparent conflict of interest.

#### INSPIRATIONS

Throughout his 38 years of tenure at UM Law, Professor Chiu, through EALSP, quietly provided opportunities and inspirations for numerous students, helped and inspired them, financially (through law school’s student aid program) and academically (strengthening their

---

20. General information about the CCK Foundation, headquartered in Taipei, Taiwan with a branch office in McLean, Virginia, is available at [http://www.cckf.org/en/about/introduction?set\\_language=en](http://www.cckf.org/en/about/introduction?set_language=en).

21. JAY TAYLOR, *THE GENERALISSIMO’S SON: CHIANG CHING-KUO AND THE REVOLUTIONS IN CHINA AND TAIWAN* (2000), at 426.

## 2020] A QUIET PLACE THAT NEVER WAS (AND NEVER MEANT TO BE...) 19

research and analytical skills), while opening their horizons to see the world. He would normally pay attention to what a student's potential may be, and started encouraging this student to write on the subject. He would constantly provide more materials and information so that the student would truly develop a sense of a mission and carry it out. In that process, many student would truly develop more interests and the urge to pursue more research, thus got "addicted" to the subject and more. Those former students who benefited from him are now spreading everywhere, making significant contributions in their own right. For example, Professor June Teufel Dreyer of University of Miami, Coral Gables, Florida, a former Senior Far East Specialist at the Library of Congress, Asia adviser to the Chief of Naval Operations, and Commissioner of the U.S. Economic and Security Review Commission, indicated that she would not have been where she is (as a specialist in defense and security issues concerning Asia in general and China/Taiwan in particular) but for Professor Chiu's guidance and the opportunity at the EALSP.

One of the most ardent supporters of EALSP is Mr. David I. Salem, currently Assistant U.S. Attorney for the District of Maryland. He was the editor-in-chief of INTERNATIONAL TRADE LAW JOURNAL (the predecessor of MARYLAND JOURNAL OF INTERNATIONAL LAW) from 1980 to 1981 while studying at UM Law, contributed several major articles to the OPRSCAS and a book entitled THE PEOPLE'S REPUBLIC OF CHINA, INTERNATIONAL LAW AND ARMS CONTROL in 1983 (as MD East Asian Studies' third publication). Now that the United States and Russia have both withdrawn from the Intermediate-Range Nuclear Forces Treaty (INF Treaty), and the Trump Administration has indicated the possibility of re-negotiating a new treaty as a substitute, this time involving the PRC as a party, this book can offer quite valuable background and reference on the PRC's coming about on this issue.<sup>22</sup>

Another example is Mr. James "Jim" J. Patton, currently Senior

---

22. Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles, signed December 8, 1987 in Washington, DC, entered into force June 1, 1988, expired/withdrawn August 2, 2019, No. 28521, 1657 U.N.T.S. 2 (1991), available at <https://2009-2017.state.gov/t/avc/trty/102360.htm>. Note that the INF Treaty led to the elimination of 2,692 U.S. and Soviet/Russian nuclear and conventional ground-launched ballistic and cruise missiles with ranges between 500 and 5,500 kilometers. Since 2014, the United States has accused Russia of violating the treaty by testing, possessing, and fielding an illegal ground-launched cruise missile (GLCM), known as the 9M729. See Shannon Bugos, *U.S. Completes INF Treaty Withdrawal*, ARMS CONTROL TODAY, September 2019, available at <https://www.armscontrol.org/act/2019-09/news/us-completes-inf-treaty-withdrawal>.

Director of Global Trade Compliance at Apple, Inc., was an editor at the EALSP while in pursuit of his JD study at UM Law. He annotated and edited the WORLD TRADE ORGANIZATION DISPUTE SETTLEMENT DECISIONS: BERNAN'S ANNOTATED REPORTER since its inception in 1996, and turned this series of publications into perhaps the most comprehensive and authoritative treatises on all the decisions ever rendered by the Dispute Settlement Body of the World Trade Organization. He remained as Managing Editor of this terrific publication until the end of 2018 despite an ever increased workload as a senior official at Apple. As of the end of 2019, this treatise series has amassed 110 volumes.

Also coming to mind is Mr. Mitchell A. Silk, currently Acting Assistant Secretary for International Markets and Development at the U.S. Department of the Treasury. Now a key person on Chinese-related issues there, he already perfected his Chinese language skill while working as a research assistant and editor for EALSP, and demonstrated his scholarship by publishing a volume entitled TAIWAN TRADE AND INVESTMENT LAW in 1994 (as MD East Asian Studies' twelfth and last publication) and an earlier article entitled *China's Marine Environmental Protection Law: the Dragon Creeping in Murky Waters* (as the 71<sup>st</sup> issue of OPRSCAS). They were both quite timely and foresighted as Taiwan already kicked into high gear in its economic development and transformed itself into not only a democracy with rule-of-law governance, but also a high-tech oriented economy that produces and designs most of the global computer chips, among other things. On the other hand, China in the mid-1980s was enjoying the first wave and harvesting of its economic development since the adoption of the "Open Door" and "Four Modernizations" policies, *i.e.*, the modernization of industry, agriculture, national defense as well as science and technology, by the Chinese Government in 1978, yet also began to create significant off-shore pollution, a prelude of what was to come in the years ahead with very little attention, if none at all, being given to the issue.<sup>23</sup>

#### ABLE ASSISTANCE

With so many tasks and endeavors at stake, EALSP simply could

---

23. The "Four Modernization" concept as a policy goal was first mentioned by Premier ZHOU Enlai in his Government Working Report at the First National People's Congress on September 23, 1954 and formally adopted as the overall strategic goal for the Chinese national development on December 21, 1964. Subsequent political turmoil completely derailed this plan until DENG Xiaoping reemerged as China's paramount leader in 1978.

2020]A QUIET PLACE THAT NEVER WAS (AND NEVER MEANT TO BE...)21

not have accomplished what it has been set out to do without the assistance from a team of highly competent and respectable staffers. In addition to the several individuals mentioned above, the one that truly deserves the most credit is Mrs. Chih-Yu WU. She started working for EALSP in 1986 after receiving a Master of Policy Science from University of Maryland at Baltimore County, and devoted her entire career there until her retirement in 2019. Given the enormous amount of workload and constant last-minute development or follow-up from “the boss”, Professor Chiu, she somehow always able to turn a situation that could have easily gone chaotic into an orderly and highly organized operation, with all the pieces seamlessly fall into place like clockwork. Ever so humble, she would always submerge herself and decline to take credit. But for those who have ever worked or dealt with EALSP, it is quite clear that as long as she gives her word on a matter, that word will be remembered and kept. It is quite safe to say that thanks to her contribution, EALSP upholds the highest quality and consistency in its work product. She also sets the standard for the work ethics, values and integrity in this program.

A CLOSING, BUT NOT THE END

Now that the physical door of EALSP is shut, and the place it used to occupy turned silent, the words and thoughts of the scholarship ever produced there continue to reverberate, at a quiet place that never was (and never intended to be) ....