China problem in relation to the United Nations

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THE CHINA PROBLEM IN RELATION
TO THE UNITED NATIONS

By

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The following thesis deals with the "China problem" in relation to the United Nations. Its general intent is to provide a survey of the development of this international diplomatic enigma in the world organization, from its origin in 1949 to its current status in 1972, including the 1971 General Assembly vote, whereby the People's Republic of China was admitted to membership in the UN, and Nationalist China was expelled therefrom. Also, the thesis will advance two moderate proposals, delineated in Chapter Five, for the resolution of the problem. The methodology employed by the thesis is basically a traditional review of what may be considered the major historical, political, and legal aspects of the China problem in the United Nations. The focus of the thesis is chiefly on the General Assembly and the Security Council, the major UN organs affected by the problem.

The thesis is subdivided into five chapters. Chapter One deals with the origin of the China problem in the United Nations as it was rooted in the civil war between the Chinese Nationalists under Generalissimo Chiang Kai-shek and the Chinese Communists under Chairman Mao Tse-tung.

Chapter Two surveys the chronological history of the China problem in the United Nations, extending from 1949 to 1972. This history has been characterized by the following major trends: denials of representation for Communist China through postponement resolutions in the
years 1951-1960; through the two-thirds rule, Resolution 1668 (XVI), from 1961-1970, invoked by the United States, Taiwan, and their allies in the General Assembly; and the admission of Red China to, and the expulsion of Nationalist China from, the UN in October, 1971.

Chapter Three examines what might have been considered, prior to October 25, 1971, the major political and legal issues of the China problem in the United Nations. The major political issues of the problem, prior to Red China's admission to the UN in 1971, may be listed as five in number: 1) the representation of 800 million to one billion mainland Chinese in the UN; 2) the exclusion of Red China as a sore point in relations between the Communist nations and the non-Communist nations, especially the nations of the West; 3) the recognition of Communist China's rise to the forefront of international politics as the "third" nuclear power, after the United States and the Soviet Union; 4) the displeasure of the neutralist, non-aligned, and developing nations at the denial of Peking's rights in the UN; and 5) the American pursuit of U.S. national interests in the UN. The major legal issues of the China problem in the United Nations, prior to October 25, 1971, were many in number and complex in nature, and can best be described in terms of their relationships to various theoretical and organizational aspects, such as: 1) international law; 2) the "two-Chinas" theory; 3) the UN Charter; 4) the UN General Assembly; and 5) the UN Security Council.

Chapter Four considers some of the major political and legal issues of the China problem in the United Nations, which may or may not have been resolved by the admission of Red China to, and the expulsion
of Nationalist China from the world body in 1971. The major political issues chosen for examination correspond with the five major political issues listed above. The major legal issues chosen for examination include: 1) effective authority over China; 2) the existence of two competing Chinese governments, Communist and Nationalist; 3) the ability of Communist China to meet the qualifications for UN membership as spelled out in Article 4 of the UN Charter; 4) the right of both Peking and Taiwan to be represented in the General Assembly; and 5) Taiwan's status as a great power. Also, Chapter Four offers several projections on the China problem for 1972 and the near future. These include the possibility of the continuation of the new status quo (Red China represented in the UN and Nationalist China not); the state of Sino-American relations in 1972 and the near future; some of the possible political and legal consequences of Communist Chinese representation in the UN; and some general effects of Communist China's presence on the UN Organization as a whole.

Chapter Five outlines the three major ways, or methods, the China problem in the United Nations might be resolved. One is a return to the old status quo, which may be rejected as untenable, because Communist China has become a reality that has to be reckoned with. A second is the continuation of the new status quo, which may be rejected as equally untenable as the first, because Nationalist China served the UN with quiet honor and loyalty from 1945 to 1971. The third is a moderate proposal, which appears to have the support of the 1966 United Nations Association National Policy Panel Report, the 1971 Lodge Commission, and individual scholars and writers. It embodies the two major
proposals advanced in Chapter Five of the thesis for the resolution of the China problem in the United Nations. These are: 1) that, for the present, Red China be allowed to retain both its General Assembly and Security Council seats, but that, at a later date, the Security Council be expanded, through important revision of the United Nations Charter, to include other nations representative of Asia, as permanent members, such as India and Japan; and 2) that, for the present, Nationalist China be readmitted to the General Assembly as the Republic of China.

I am indebted to the following people for assistance in writing the thesis: to Dr. Forest L. Grieves, of the political science department and the chairman of my thesis committee; to Dr. Leo B. Lott, the chairman of the University of Montana political science department and a member of my thesis committee; to Dr. Frank B. Bessac, of the anthropology department and a member of my thesis committee; to Dr. John H. Stewart, the dean of the University of Montana graduate school; to the embassy of the Republic of China and to Senator Mike Mansfield, both of whom supplied me with pertinent data from Washington, D.C.; and to Mrs. Don Berg, who typed the manuscript so patiently and so efficiently.
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CHAPTER ONE

ORIGIN OF THE CHINA PROBLEM IN THE UNITED NATIONS

Introductory Statement

One of the most perplexing and unique questions in the history of the United Nations has been the question of the representation of China. The current dilemma results from the fact that there are two rival Chinese regimes claiming to be the legitimate government of the people of China. Thus, each of the two rivals claims that only its representatives can be legally seated in the United Nations General Assembly, Security Council, and other UN organs and affiliated bodies.

Chairman Mao Tse-tung of the Chinese Communist Party, and for all practical purposes, the de facto ruler of the Chinese mainland, and his arch-rival, Generalissimo Chiang Kai-shek of the Nationalist Party (Kuomintang, or KMT), the acknowledged ruler of the Nationalist island-stronghold of Taiwan (Formosa), both vehemently disavow any notion of "Two Chinas." To each of these two Chinese leaders, it is his government that is the legitimate government of the Chinese people, and his government only.

The China problem in the United Nations, as it is known today, would not have come into existence without the influence of these two very powerful figures—Chairman Mao and Generalissimo Chiang—and the power struggle that involved both of them (and, indeed, all of China), which
culminated in the triumph of the Chinese Communist Revolution on October 1, 1949, on the Chinese mainland and in the expulsion of the Chinese Nationalists from the mainland to the off-shore islands of Formosa and the Pescadores.

The China problem in the United Nations, as such, is not identical with the issue of recognition of the Chinese Communist regime by particular nations or governments. Representation and recognition are not mutually exclusive issues, but they are not the same issue. Representation of China in the United Nations involves all member-states because they are called upon to take a stand by voting or abstaining on the issue; recognition of the Chinese Communist government on the mainland involves nations on an individual level. It is quite common that particular national governments which recognize Communist China also approve of representation for Communist China in the United Nations. Likewise, it is rare that a nation which recognizes either Communist China or Nationalist China pleads for the representation of the recognized government's rival regime in the United Nations. But there are certain states which recognize either the Chinese Communists or the Chinese Nationalists and which argue for the representation of both Chinese regimes in the United Nations. Herein, it may be said, lies the difference between the issue of representation and the issue of recognition. The United States, which does not presently recognize the Chinese Communist regime on the mainland, has argued for representation for Communist China in the United Nations, but deplores the expulsion of Nationalist China from the world body, as mandated by the UN General Assembly vote of October 25, 1971.
At the present time (Winter, 1972), Chiang Kai-shek's Nationalist China is denied representation in the United Nations. Nationalist China is also referred to as Taiwan or Formosa. Its Chinese name is Chung-Hua Min-Kuo. Its capital is Taipei, located on the island of Formosa. The area under Nationalist Chinese control is listed as 13,886 square miles. The 1967 United Nations estimate of Nationalist China's population was 13,142,000 people,¹ though, in the past, proponents of Taiwan's representation in the UN referred to a Nationalist Chinese population of roughly 14,000,000 people.

Communist China is currently represented in the United Nations General Assembly, Security Council, and other UN organs and affiliated bodies. Communist China is also referred to as mainland China, Red China, and the People's Republic of China (as distinguished from the Republic of China, generally recognized as Nationalist China). Its Chinese name is Chung-Hua Jen-Min Kung-Ho Kuo. Its capital is Peking, located in the northeastern part of the country. The area under Communist Chinese control is listed as 3,746,453 square miles. The 1966 United States Government estimate of Communist China's population was 760,300,000 people,² though, in the past, proponents of Communist China's representation in the UN referred to a mainland Chinese population of roughly from 800 million to a billion people.

Within the framework of the United Nations itself, many nations favored the old status quo of the China representation issue; they favored


²Ibid., p. 503.
Taiwan's retention of both of China's major UN seats—in the General Assembly and on the Security Council. The United States was the acknowledged leader of this group, but now backs Red Chinese representation in the UN, while advocating simultaneous UN representation for Taiwan. Other nations, chiefly Communist members and non-aligned states such as India, favor completely the new status quo; they favor expulsion of Taiwan from both major UN seats and the replacement of Taiwan by Communist China in the major UN seats. Other member-states of the United Nations form a moderate group, which is especially desirous of having both Chinas represented in some form in the UN. The 1970 UN vote on Chinese representation, whereby the Peking regime received a simple majority of fifty-one votes in favor, forty-nine votes against, and twenty-five votes abstaining, underscored the trend in recent years away from American-dominated anti-Peking majorities in the General Assembly. The 1971 UN vote on the Chinese issue resulted in Peking's admission and in Taiwan's expulsion.

It has been advanced that this phenomenon of UN politics has forced the government of the United States to reconsider its China policy as a whole, and particularly U.S. policy toward Communist China with regard to United Nations representation. The 1971 "thaw" in U.S.-Communist Chinese relations, as evidenced by the invitation of the American table tennis ("ping-pong") team to visit the Chinese mainland and the apparently warm and cordial hospitality accorded this group by the Chinese Communists (even to the point of a personal audience with Chinese Communist Premier Chou En-lai) signaled a new turn of events in the United Nations. This development, of course, had an unexpected result. The Union of Soviet Socialist Republics, Albania, and other Peking proponents had been steadily chipping
away at the anti-Peking majority in the UN General Assembly, and twenty years of an impasse on the question of Chinese representation in the United Nations reached a resolution, of sorts, in 1971: the admission of Peking and the expulsion of Taiwan.

Impact of Chiang and Mao

Impact of Chiang

The origin of the China problem in the United Nations may be better understood through a closer scrutiny of the two men mainly responsible for it, namely, Chiang and Mao. Chiang Kai-shek was the vanquished Nationalist Chinese leader in the military conflict which resulted in the Communist triumph in China in October, 1949. He fled, with his supporters, to the island sanctuary of Formosa and established his Kuomintang government in Taipei. An Asian scholar offers some insights into the character of Chiang Kai-shek. Chiang is viewed as a man with a compelling sense of public responsibility and an unquenchable thirst for personal power. These qualities propelled him to the summit of national leadership in the face of almost insurmountable obstacles; these qualities sustained him in the conflict and solitude of power; and these were also the qualities that brought him to defeat when he allowed history to march past him. The factor which was his chief asset in the beginning became his outstanding liability in the end. A more versatile dictator might have managed to last, but Chiang is not a versatile man. He rules the nation in the same manner as he conquered it. He does far better in exploiting the weaknesses

of men than in utilizing their strengths. Moreover, he lacks that common
touch so necessary to modern statesmanship in democratic and totalitarian
societies alike.

Yet, this scholar speculates, in spite of his bureaucratic spirit
and his aversion to democracy, Chiang has probably done more than any
other single person during the first half of the twentieth century toward
fulfilling China's primary objective of national unity. Without its ful-
fillment, China could have neither a meaningful pluralistic democracy
which might have evolved under more propitious circumstances, nor a reason-
ably successful "people's democracy" which has been its lot to experience. 4

There can be no underestimation of the impact of Generalissimo Chiang on
the origin of the China problem in the United Nations. Mao Tse-tung and
his Communist followers inflicted a serious loss on Chiang and the
Nationalists. Yet Mao's victory over Chiang was incomplete. Had it been
a complete victory, there would have been no China problem in the United
Nations.

Robert Payne describes Chiang Kai-shek as austere and passionless,
dominating Chinese history for two generations and then becoming a footnote
in the history of the island of Formosa. 5 The sudden fall from grace was
not an accident and was not due solely to the brilliance of Mao Tse-tung;
it lay in the character of the man, Chiang, himself. From a very early
age, Chiang saw himself as a "superior man," one of those chosen celebrants
of the Confucian mystery, his mind revolving ceaselessly around a fixed

4 Ibid.
5 Robert Payne, Chiang Kai-shek (New York: Heybright and Talley,
point, his behavior circumscribed by fixed laws and therefore predictable. According to Confucius the "superior man" is stern, high-minded, unyielding in his sense of propriety, ruthless, and incorruptible. Payne declares that Chiang Kai-shek was all of these except the last. Power corrupted him, as it corrupts all men, and he came to regard himself as essential at a time when his usefulness was at best dubious. Early in his career, he wrote that he was determined to leave his mark on history. He succeeded beyond all his expectations, but the Chinese people have little reason to be grateful for his success.\(^6\) Thus, Chiang Kai-shek is seen in another light as an anti-hero, or, at least, as a protagonist in a tragic drama. Schooled in Moscow after the Communists took power there in 1917, he regarded himself as the legitimate "heir" to the legacy of Dr. Sun Yat-sen, who is looked upon as the father of Chinese nationalism. Chiang failed to unify China, but had he completely failed, there would not now be "two" Chinas in fact, and it is quite likely that either China would not today be a member of the United Nations, or China would be a member of the United Nations and its representation therein would not be an issue at all.

\textbf{Impact of Mao}

Chiang Kai-shek's opposite on the Chinese mainland, Mao Tse-tung, is made of equally stern character and has left what seems to be an indelible imprint on Chinese history. Mao has fashioned a cult of personalism reminiscent of Stalin in the Soviet Union and has displayed a charisma similar to that of Adolf Hitler of Nazi Germany. An \textit{Encounter}

\(^6\)\textit{Ibid.}
writer notes of Mao that his dictum, "political power grows out of the barrel of a gun," has been carried over into the Communist Party in China where security organs have played a much smaller and the Army a far more important role than in the Soviet Union. Thus, Mao has transmitted his militaristic, revolution-oriented, violence-prone political philosophy to the Chinese Communist party. He has, through the years, demonstrated an unyielding demand for a seat for Communist China in the UN, usually with conditions attached—as, for example, the expulsion of Nationalist China from the UN. Finally he has won over Chiang in the world organization.

China expert A. Doak Barnett relates that Mao and his closest colleagues have strongly resisted pressures for change in the Peking regime's basic character, or fundamental policies, and have tried to preserve time-tested methods of dealing with the problems they face. But in recent years they have not been able, as in earlier days, to define a clear strategy of action that promises to accelerate, or even to sustain, China's march toward achievement of major goals.

Barnett states that it would be a great error, however, to underestimate the accomplishments of the Chinese Communists under Mao's leadership, and no analysis of the problems they face, now and in the future, should overlook them.


In their struggle for power, especially after Mao achieved undisputed leadership of the Party in 1935, they created a disciplined revolutionary movement unprecedented in Chinese history, evolved a distinctive revolutionary strategy that successfully appealed to nationalism as well as to the forces of peasant revolt in China, and won their struggle for power against odds which at first seemed insuperable. Thus, Mao Tse-tung was the guiding hand in the Chinese Communist Revolution that victoriously swept the Chinese mainland in October of 1949.

Chairman Mao Tse-tung was in the unique position of being able to influence events at the United Nations even though he was outside of that organization prior to October 25, 1971. He undoubtedly enhanced his personal power in Red China by weathering the tumultuous upheaval of the "Great Proletarian Cultural Revolution" from 1966 to 1969. And he bargains from a position of increasing strength internationally, largely due to Communist China's emergence and rise as the "third" nuclear power of the world, behind the United States and the Soviet Union.

Impact of the Chinese Communist Revolution

As the impact of Chiang Kai-shek and Mao Tse-tung on the China problem in relation to the United Nations cannot be denied, neither can the impact of the Chinese Communist Revolution on the question of Chinese representation in the United Nations be denied. It was this movement that divided China into two hostile camps. It was this movement that exacerbated the failure of Chiang to unify China under what Dr. Sun Yet-sen called the "Three Principles of the People": Nationalism, Democracy, 

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and the People's Livelihood. And finally, it was this movement that successfully catapulted Mao Tse-tung into the position of "Helmsman" of the People's Republic of China.

Barnett observes that, after establishing a new regime in 1949, the Chinese Communists rapidly consolidated their political power and embarked upon very ambitious programs of social change and economic development which have clearly made an indelible imprint on Chinese society. Under Mao's tutelage, the leadership until the Cultural Revolution, at least, had maintained a unity that seems unique in the history of revolutionary regimes. They have built the largest mass party in history, and have kept it under tight discipline. They have unified mainland China, nurtured a new ruling elite at every level of society, indoctrinated the population in a new official ideology, and restructured all class relationships.

Barnett asserts that, with their monopoly of political power, and an effective apparatus of totalitarian organization that extends central power to the lowest levels of society as never before, they have changed the face of China in fundamental ways. They have socialized and collectivized the economy and initiated a significant program of industrialization. The basis of modern military power has been built, and for the first time in the modern period, China's influence has been projected far beyond its borders.

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11 Barnett, China After Mao, p. 8.
In short, within just a few years of achieving power—in fact, within the first decade—the Chinese Communists were able to reintegrate a disintegrating society, stimulate a process of growth in an economy that had been stagnating, and revolutionize the social structure of one of the world’s most ancient societies. They were also able to create the foundations of modern industrial and military power to fill what had long been a power vacuum, and they soon transformed a nation that for decades had been a pawn in international affairs into an important power with growing influence on the world stage.

In looking to the future, however, Barnett cautions, the past accomplishments of the regime may not be as relevant for the understanding of the possible course of future events as the unresolved problems and dilemmas still confronting Communist China’s leaders and the difficult policy choices which they face. Many of Peking’s most basic dilemmas relate to the central question of how to promote sustained economic development and growth. The Chinese Communist Revolution, from available evidence, appears to have quite thoroughly saturated mainland Chinese society. The Great Proletarian Cultural Revolution of 1966–1969, in which the Chinese Communist President, Liu Shao-chi, and other key anti-Mao figures in the Communist governmental hierarchy were purged, was an alteration of the Chinese Communist Revolution of 1949, designed by Chairman Mao and those close to him to consolidate national control of the Chinese mainland at the top of the Communist Party hierarchy. Defense Minister Marshal Lin Piao had emerged from the Cultural Revolution as Mao’s

12 Barnett, China After Mao, p. 9.
heir-apparent to the leadership of the Chinese Communist Party and the mainland, but apparently fell out of Mao's favor by 1971. What this indicates for the future of the China problem in the United Nations is uncertain. Lin Piao was known to be a hard-line militarist, much in the tradition of Mao himself, espousing violence as a means for spreading the message of the Chinese Communist Revolution. Chou En-lai, more of a moderate, appears to be Mao's right-hand man at the present time.

C. P. Fitzgerald compares the Chinese Communist Revolution of 1949 to a "New Faith," almost a new religion. The Chinese Communists are now convinced that they have "truth" and that the rest of the world is sunk in error. The Chinese Communists claim that there is but One Way to One Goal. Communism, especially Mao's brand of Communism, is the "Way" and the Classless Society is the "Goal," that Social Nirvana—the absence of striving. This doctrinal enthusiasm of the Chinese Communists has sustained the revolution on the mainland for over a period of twenty-one years. This is the Communist China which faces the world today. Chairman Mao Tse-tung is the man, and the Chinese Communist Revolution is the movement that—with the inadvertent assistance of Generalissimo Chiang Kai-shek—made the "Two Chinas" and the China problem in the United Nations modern realities.


14 Ibid., p. 256.
Present Realities

The origin of the China problem in the United Nations resulted from the interaction of two very powerful Chinese leaders, Generalissimo Chiang Kai-shek and Chairman Mao Tse-tung, and the movement known as the Chinese Communist Revolution. Of itself, the origin of the problem has resulted in what may be termed present realities.

One of these present realities is, as the National Policy Panel of the United Nations Association of the United States of America noted in its 1966 report on China, the United Nations, and United States policy, that there are now two Chinas in fact. Despite the renunciation of the existence of two Chinas by Chairman Mao and Generalissimo Chiang, it is quite evident that there are two distinct Chinese national entities competing for diplomatic recognition and representation in the United Nations. To date, Nationalist China has been expelled from the UN, and Communist China is not only gaining ground in the battle for diplomatic recognition but is also in the UN.

The creation of two Chinas is partly due, in no small measure, to the existence of two viable Chinese governments separated by the Taiwan Straits. With these governments as bases, two separate Chinese nation-states have evolved over a period of nearly a quarter of a century. This has all been made possible by, at the very least, the tolerance of the Chinese people on both mainland and islands, if not their outright support and acquiescence.

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United States Senate Majority Leader Mike Mansfield offers some suggestions on how the reality of two Chinas might be dealt with. According to the Senator from Montana, perhaps the most important element in the rebuilding of stable relations with China is to be found in a solution of the problem of Taiwan. It may help to come to grips with this issue, if it is understood at the outset that the island of Taiwan is Chinese. That is the position of the National Government of the Republic of China. That is the position of the People's Republic of China. For a quarter of a century, this common Chinese position has been reinforced by the policies and actions of the United States government.

Senator Mansfield does not believe that a solution to the Taiwan question is facilitated by its statement in terms of a two-China policy as has been suggested in some quarters in recent years. The fact is that there is one China which happens to have been divided into two parts by events which occurred a long time ago. Key factors in the maintenance of peace between the separate segments have been the interposition of U.S. military power in the Taiwan Straits, and the strengthening of the National Government of China by massive injections of economic and military aid.

This course was followed by the United States for many reasons, not the least of which was that it made possible a refuge for dedicated allies and associates in the war against Japan. Most of all, however, it

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was followed because to have permitted the closing of the breach by a military clash of the two opposing Chinese forces would have meant a massive bloodbath, and, in the end, the rekindling of another great war in Asia.

However, the situation has changed in the Western Pacific. Taiwan is no longer abjectly dependent for its survival on the United States. Some of the passions of the deep Chinese political division have cooled with the passing of time. Another generation has appeared and new Chinese societies, in effect, have grown up on both sides of the Taiwan Straits.

The Senate Majority Leader asks these questions: "Is there not, then, some better way to confront this problem than threat-and-counter-threat between island Chinese and mainland Chinese? Is there not some better way to live with this situation than by the armed truce which depends, in the last analysis, on the continued presence of the U.S. Seventh Fleet in the Taiwan Straits?" 17

Senator Mansfield asserts that the questions cannot be answered until all involved are prepared to take a fresh look at the situation. It seems to the Senator that it might be helpful if there could be, among the Chinese themselves, an examination of the possibilities of improving the climate. The Senator is of the opinion that the proper framework for any such consideration would be an acceptance of the contention of both Chinese groups—that there is only one China and Taiwan is a part of it. In that context, the questions at issue have to do with the dichotomous

17 Ibid., p. 13.
situation as between mainland and island governments and the possibility of bringing about constructive changes therein by peaceful means.

Senator Mansfield feels that there is no cause to be sanguine about the prospects of an approach of this kind. One can only hope that time may have helped to ripen the circumstances for settlement. It is apparent, for example, that the concept which held the Chinese government on Taiwan to be the solid hope for China's redemption has grown less relevant with the years. For Taiwan, therefore, to remain isolated from the mainland is to court the risk that the island will be left once again, as it has been on other occasions, in the backwash of Chinese history.

The removal of the wedge of separation, moreover, would also seem to accord with the interests of the mainland Chinese government. It does have a legitimate concern in the reassertion of the historic connection of Taiwan and China. It does have a concern in ending the hostile division which has been costly and disruptive both within China and in China's international relationships.

From the point of view of the United States, too, there is an interest in seeking a less temuous situation. Progress in settling the Taiwan question could contribute to a general relaxation of tensions in the Western Pacific and, conceivably, even to resolution of the conflict in Viet-Nam. Certainly, it would make possible a reduction in the enormous and costly over-all defense burdens which were assumed in Asian waters after World War II and which, two decades later, still rest on the shoulders of the United States. Senator Mansfield, then, considers the

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division of China into Communist and Nationalist strongholds in terms of what this division implicates for the Peking and Taiwan governments, as well as the government of the United States. He raises the "One China, One Taiwan" theory as an alternative to policies based on the "Two Chinas" theory. However, the fact that there are two Chinas (a de facto situation, if not necessarily a de jure one) has complicated the issue of Chinese representation in the United Nations.

A scholar writing in Vital Issues outlines a policy alternative available to the U.S. government for dealing with the Peking-Taiwan dichotomy. This alternative, containment without isolation, looks to a dialogue with Communist China rather than its destruction. Of necessity, specific plans for implementation of this alternative give careful attention to Taiwan. A "Two-Chinas" solution is condemned by both Peking and Taipei; therefore, American plans usually refer to "one China, one Taiwan." Clearly, Taiwan is the main issue. Communist China cannot be offered a new relationship by the United States without Taiwan simultaneously or previously accepting a new relationship; no general settlement with Communist China can begin until the United States ceases to recognize Chiang's regime as the government of all China. If America's aim in Taiwan is to keep part of the Chinese world free from a Communist government, it must deal with the fact that this is not the aim of the Kuomintang, that it (the U.S.) is illogically supporting and arming a regime on Taiwan whose stated aim is the reconquest of the mainland. If the leadership of the KMT,

perhaps after Chiang's death, can be persuaded to drop their aim and accept that of the U.S., the way would be partially cleared for the establishment of an independent Republic of Taiwan. If Peking would tolerate an independent, self-governed Taiwan, this would remove the most serious block to improved relations between the Chinese Communists and the United States. A Republic of Taiwan, supported by the United States, possibly governed by a Taiwanese coalition which need not exclude all KMT elements, and tolerated by China, would make possible years of peaceful negotiation with Peking. It would be the first stage in the long process of reconciliation. Thus, the present reality of the division of China into two hostile camps has survived for over twenty-two years, and has forced Peking, Taiwan, and Washington—and other national governments as well—to reconsider it and to devise new policies to deal with it. As of February, 1972, the United States has evidenced a desire to begin a new relationship with mainland China and with Nationalist China. The China problem in the United Nations can be said to be a mirror reflection of the present reality of a divided China in world politics, the present reality of two Chinas in fact.

Another present reality resulting from the China problem in the United Nations is the stubborn insistence of Nationalist China on its position, seen by some as precarious, especially since Taiwan's expulsion from the UN in 1971.

A situation report on China, issued by the Legislative Reference Service branch of the U.S. Library of Congress, outlines the UN General

Ibid., p. 4.
Assembly vote on Chinese representation, which until 1970 had always been favorable to Taiwan. The report itself notes that Communist China wanted to be a member of the United Nations but had not yet been willing to make the political concessions necessary to gain admittance. Peking's past tactics were a means of applying pressure to gain concessions from the United States and other countries, with its goal the control of Taiwan. An additional complication for Peking had been the effective campaign by Taiwan, particularly in Africa, to maintain its support in the United Nations. The vote in 1969 followed the usual pattern, with the admittance of Peking being rejected for the twentieth year.

The United States in 1969 continued its opposition to the seating of Communist China in the United Nations. President Nixon in a speech to the United Nations on September 18 said, however, that "whenever the leaders of Communist China choose to abandon their self-imposed isolation, we are ready to talk with them." The United States representative at the United Nations, Charles Yost, on November 4 said the United States "intended to persevere" in its efforts to move toward "more normal relations." He said Peking spurned disarmament discussions, opposing a peaceful settlement in Viet-Nam while insisting on the expulsion of Nationalist China from the United Nations, a condition he said the General Assembly could not "in good conscience" accept. After the 1969 vote, Peking

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22 Ibid., p. 67.

23 Ibid.
again blamed the United States for depriving "the Chinese people of their lawful seat" in the United Nations. A Peking broadcast carefully noted that the Soviet representative "did not speak at all" during the debate and accused the U.S.S.R. of "working in co-ordination" with the United States "in the plot of creating 'two Chinas.'"²⁴

The General Assembly on November 11, 1969, rejected the pro-Peking resolution sponsored by Albania and sixteen other countries, by a vote of 48 for, 56 against and 21 abstentions.²⁵ The resolution called for Nationalist China to be expelled from the United Nations and for Communist China to receive its seat. In 1968 the resolution received 44 votes, with 58 opposed and 23 abstentions. A resolution which stated that the proposal to change the representation of China was "an important question" requiring a two-thirds majority was carried by 71 to 48, with 4 abstentions. In 1968, the "important question" vote was 73-47-5. Three countries—Belgium, Chile, and Italy—switched from opposition to abstention. Four Afro-Asian countries—Ghana, Libya, Mauritius, and Nigeria—switched from abstention to favoring Peking's seating. Senegal moved in the opposite direction, from abstention to opposition. Canada again abstained but favored the "important question."²⁶ Thus, as late as 1969, largely through American assistance and the compliance of many Afro-Asian nations, Nationalist China was able to obtain a majority of votes on the Chinese

²⁴Ibid.
²⁵Ibid.
²⁶Ibid., p. 68.
representation question in the UN General Assembly. However, in 1970, Peking gained a majority; and in 1971, Peking finally gained admission.

One writer speaks of a certain historical "tapestry" that has been woven into the making of Taiwan. The three "threads" in the "tapestry" are listed as follows: 1) The Taiwanese are Chinese (but not mainlanders); 2) The Taiwanese have always been freedom-fighters; and 3) The mainlanders have regarded the island as a base from which to recover the ancestral main island from oppression. Perhaps it is this combination of Taiwanese traits that has influenced the passions of Generalissimo Chiang Kai-shek and his Chinese Nationalists in their long-time dream of invading and regaining the mainland. Perhaps it is the foundation of that Taiwanese spirit of fierce independence from everybody including the mainland that has helped to sustain the Kuomintang government for over twenty-one years in its island fortress of Formosa. At this point, a distinction must be made between the Kuomintang forces led by Chiang and the native Taiwanese. The Nationalists are not indigenous to the islands of Formosa and the Pescadores, but are mostly of mainland Chinese origin, like their Communist enemies. This distinction between the two million Kuomintang forces and the twelve million indigenous Taiwanese quite often gives rise to barely-concealed ill-will between the two groups.

The native population of Taiwan can be further subdivided into two distinct groups: the aboriginals, who number about 200,000 and who have mostly settled in the interior highlands of the island, and the

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28 Ibid.
provincials, mainland Chinese who migrated to Formosa and settled it long before the Communist Chinese Revolution and the subsequent flight of Chiang and the Nationalists from the mainland to the island in 1949. The aboriginals, ethnically, are of Malao-Polynesian origin, while the provincials and the mainlanders are of Chinese origin. Thus, the first group is distinguished from the other two by ethnic and geographical origin, and the other two are distinguished from each other by time. These, then, are the three main groups of people now living on Taiwan: aboriginals, mainlanders (Nationalists), and provincials (pre-1949 Chinese).

Another Chinese Nationalist publication declares that the Republic of China was adhering to President Chiang Kai-shek's policy of "70 per cent politics and 30 per cent military" action in its continuing struggle to defeat the Chinese Communists and return constitutional rule to the mainland. The millions of mainland people who have remained loyal to the legitimate government of China were undermining and in many cases openly challenging both Maoism and Communism, it says. Military forces under President Chiang are prepared to move when the time is opportune and when such an offensive against Peking is in the best interests of the Chinese nation and people and free (Nationalist) China's allies. So the Nationalist Chinese reaffirm their desire for survival and eventual reunification with the mainland. That Taiwan's tenacious hold on its independence is a present reality stemming from the origin of the China problem in the UN cannot be refuted.

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30 Ibid.
Yet another of the present realities emerging out of the origin of the China problem in the United Nations is the rise of Communist China to the forefront of world politics. Columnist Max Lerner makes several comments on what is happening to the past division of world power between the U.S. and the Soviet Union, stressed by President Nixon in a speech to the United Nations. First, the world (especially the United States) must recognize the future and brace itself for the fact that the Big Two—during the decade of the 1970s—become the Big Four, adding China and Japan. China will make its place by virtue of its land-mass and population and its ideological cutting-edge in its appeal to young revolutionaries on every continent. Japan will make its place by its economic growth and the strength of its national will. Second, China's rise dominated the 1960s, but Japan's rise as a "superstate," to use Herman Kahn's term in his new book on Japan, The Emerging Japanese Superstate: Challenge and Response (Englewood Cliffs, N.J.: Prentice-Hall, 1970), will dominate the 1970s. Kahn is right in pointing to the ten per cent growth rate Japan has maintained, and he argues dramatically that—given the current growth rates for Russia and the U.S.—Japan will outstrip both in gross national product by the end of the century. And third, the future of the Big Four will not be decided by weapons. Economic power is important (note that China's appeal to Western nations today is as a potential consumer of products, while Japan's role is that of producer and competitor for world markets). But—beyond economics—much will depend on alliance politics. If the U.S. and Japan can establish a special

relation in Asia, as the U.S. once did with Britain in Europe, Americans can stop quaking at the nightmare of a possible resumption of the Sino-Russian alliance somewhere in the future. So, as one political pundit sees it, Communist China will soon have a place in a quadrangular world balance of power—based perhaps as much on economic considerations as on military ones.

A New York Times columnist was of the opinion that it can be stated with 100 per cent certainty that Communist China wanted to join the United Nations and no longer abided by its previous "snooty, stand-off attitude." There was absolutely no doubt on this score, he claimed.

Peking realized it had lost by past policy and that its great adversary, Moscow, had gained throughout the world by the self-imposed Chinese isolation abetted by American quarantine efforts. Today China understands that at least some of its international ambitions can best be expressed through existing international institutions. Evidently, Communist China has become aware that its rise to pre-eminence in international politics depends in great measure on its ability to maintain a place in the United Nations.

An assessment of the 1971 overtures Red China made to the United States by inviting the American table-tennis ("ping-pong") team to visit

32 Ibid.
34 Ibid.
the Chinese mainland is presented in Newsweek. Thus, the flexibility of China's new foreign policy prompted speculation that Peking was re-evaluating its determination never to join the UN as long as Nationalist China was a member. Some Western diplomats claimed that Peking even hinted it might have allowed the Nationalists to remain in the UN General Assembly if the mainland were given the Security Council seat. However, it was likely that the visit of the ping-pong team would inaugurate a period of informal U.S. contacts with China. Indeed, the team was authorized by private American sources to offer to finance a Chinese return trip to the U.S.. And, indeed, on April 20, 1971, it was announced in the United States that the Communist Chinese table-tennis team had accepted an invitation for a return match in the United States. Apparently, Red China is trying to woo world opinion for diplomatic recognition and approval of its representation in the United Nations by this relatively modest gesture.

And a final present reality of the origin of the China problem in the United Nations is Communist China's victory over Nationalist China in the world body in 1971. A regime long scourged as an international outlaw, the Chinese Communist government has reversed the status quo of the China representation issue at the UN. Peking is now represented in most organs and bodies of the United Nations, and Taiwan has been expelled. Thus, Nationalist China has assumed the role of international outcast, the role once held by its Communist adversary. Peking's victory over Taiwan in the

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36 Ibid.
1971 UN General Assembly also represents a humiliating defeat for the United States, not because Peking was admitted (which the Nixon administration approved of), but because Taiwan was expelled (which the Nixon Administration labored to prevent).

Summary

In summation, it may be stated that the origin of the China problem in the United Nations is simply this: the division of China into hostile Communist and Nationalist camps, with the triumph of the Chinese Communist Revolution on October 1, 1949 on the mainland. This origin may be framed in terms of the impact of Generalissimo Chiang Kai-shek of Nationalist China, of Chairman Mao Tse-tung of Communist China, and of the Chinese Communist Revolution. And footnoted to it should be present-day realities, such as the existence of two Chinas in fact, Nationalist China's stubborn and proud struggle for independence and for representation in the United Nations, the rise of Communist China to the forefront of world politics and its concomitant struggle for admission to the United Nations, and Communist China's victory over Nationalist China in the United Nations in 1971.
CHAPTER TWO

CHRONOLOGICAL HISTORY OF THE CHINA PROBLEM
IN THE UNITED NATIONS

Once the origin of the China problem in the United Nations has been examined, it is then possible to proceed to a chronological history of the Chinese representation question in the UN. The Annual Reports of the Secretary-General of the UN provide a concise summary of this history from 1945 to 1969. The China problem in the UN has spanned the terms of four Secretaries-General: Trygve Lie, from 1945 until April 10, 1953; 1 Dag Hammarskjold, from 1953 until September 17, 1961; 2 U Thant, from 1961 until 1971; and Kurt Waldheim, since December, 1971. Usually, it is the staff of the Secretary-General which prepares the Annual Reports; the Secretary-General then gives them a final reading and approval.


The 1950 Annual Report records that the Foreign Minister of the Central People's Government of the People's Republic of China, in cablegrams dated November 18, 1949, repudiated the legal status of the Nationalist Chinese delegation under Mr. Tsing Fu-tsiang its right to

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2 Ibid., p. 173.
represent China, and its right to speak for the Chinese people in the United Nations. At a meeting of the Security Council on December 29, 1949, the representatives of the Soviet Union and the Ukrainian Soviet Socialist Republic supported the Chinese Communists and regarded Representative Tsiang as illegally representing China in the UN. After a statement by Representative Tsiang, acting in his capacity as the Security Council President, he then, in his capacity as Representative of China, pointed out that the question had not been included in the provisional agenda, and the Council passed on to other business.

In a cablegram dated January 8, 1950, the Chinese Communist Foreign Minister informed the Security Council that his government considered the Chinese Nationalist representation in the UN as illegal and called for the expulsion of Representative Tsiang and other members of the Kuomintang delegation in the UN.

On January 10, 1950, the representative of the Soviet Union submitted a draft resolution (S/1443), which proposed that the Security Council should decide not to recognize the credentials of the Chinese Nationalists in the UN and to exclude Representative Tsiang from the Council.

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4 Ibid.

5 Ibid., p. 32.

6 Ibid.
The Council President ruled that the U.S.S.R. draft resolution should be distributed to all representatives on the Council, and that a meeting should be called for its consideration. The Russian representative insisted that his proposal should be put to the vote immediately, since Tsiang's competence to remain on the Council and to serve as its President had been challenged. The President's ruling was upheld by 8 votes to 2 (U.S.S.R. and Yugoslavia), with 1 abstention (India).  

The representative of the Soviet Union stated that he would not participate in the work of the Security Council as long as the illegal presence of the Nationalist Chinese delegate was permitted. Accordingly, he left the Council chamber temporarily.

On January 12, 1950, the U.S.S.R. draft resolution was the first item on the agenda. At the beginning of the meeting, Representative Tsiang stated that he had chosen to use his discretionary power under Rule 20 of the provisional rules of procedure of the Security Council, and asked Representative Blanco of Cuba to preside during the consideration of the item in question.

The Soviet draft resolution was discussed at meetings of the Security Council on January 12 and 13. Representative Tsiang objected to the U.S.S.R. draft resolution, considering that it was a violation of the Sino-Soviet Treaty of Friendship and Alliance of 1945. He maintained the legality of the Nationalist Chinese representation in the UN. Other

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7 Ibid.
8 Ibid.
9 Ibid.
representatives explained their views on the Chinese representation question, and there followed considerable discussion of the relation between representation in the UN and recognition by the governments of individual member states.  

The Council discussed the problem of co-ordinating the action of the various organs of the United Nations on the question, and several representatives considered that, quite apart from the merits of the case, the Soviet draft resolution had been submitted prematurely. The Council also examined the interpretation of Rule 17 of its provisional rules of procedure, which provided that any representative to whose credentials objection had been made within the Council should continue to sit with the same rights as other representatives, until the Council had decided the matter. In this connection, some representatives considered that the subject before the Council involved a question of credentials, while others maintained that the Council was considering a question of representation.

The Soviet representative, returning to the Security Council after a temporary boycott, argued that the issues of recognition and representation must be treated separately. He said that the question before the Council was a special case not provided for in any of the rules of procedure or in the Charter. On this basis, the Soviet Union demanded the exclusion of the Chinese Nationalists from the UN, as they did not legally represent China.

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10 Ibid.
11 Ibid.
12 Ibid.
The Soviet draft resolution (S/1443) was rejected on January 13 by 6 votes to 3 (India, U.S.S.R., and Yugoslavia), with 2 abstentions (Norway and the United Kingdom). The Soviet representative declared that his delegation refused to participate in the Council's work until the Chinese Nationalist representative had been removed. Nor, he declared, would the U.S.S.R. recognize as legal any decision of the Council adopted with the participation of the Chinese Nationalists. Nor, would the Soviet Union deem itself bound by such decisions. Accordingly, he left the Council chamber for the second time. 13

After the rejection of the Soviet draft resolution, the representative of Yugoslavia submitted a draft resolution proposing (A) to suspend Rule 18 of the provisional rules of procedure of the Council, (B) to invite the representative of Cuba, Blanco, to take over the Presidency of the Council immediately, and to preside until February 28, 1950, and (C) to return to the application of Rule 18 of the provisional rules of procedure of the Council on March 1, 1950. 14

The Acting President said that, in view of the vote on the Russian draft resolution, he felt that the Council had decided to close the matter on Chinese representation. 15

After discussion on January 13 and 17, the Yugoslav draft resolution was rejected by 6 votes to 1 (Yugoslavia) with 3 abstentions (India, Norway, and the United Kingdom), one member (the U.S.S.R.) being absent. 16

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13 Ibid.
14 Ibid., p. 33.
15 Ibid.
16 Ibid.
In a cablegram dated January 20, 1951, the Foreign Minister of Communist China informed the UN his government had appointed Chang Wang-tien as Chairman of its delegation to attend the meetings and participate in the work of the United Nations. He asked when the representatives of Nationalist China would be expelled from the UN and when the representatives of Communist China could replace them. In a cablegram dated February 3, 1951, the Vice-Minister of Foreign Affairs of the People's Republic of China protested against the continued presence of the Nationalist Chinese representative in the Security Council. 17

On March 8, the Secretary-General circulated to the Security Council members a memorandum on the legal aspects of the problem of the representation of states in the United Nations. 18 The memorandum maintained that the question of representation in the UN had been incorrectly linked with the question of recognition by the governments of member states. When a revolutionary government presented itself as representing a state, in rivalry to an existing government, the question at issue should be which of the two governments in fact was in a position to employ the resources and direct the people of the state in fulfillment of the obligations of membership. In essence, this meant an inquiry as to whether the new government exercised effective authority within the territory of the state and was habitually obeyed by the bulk of the population. If so, the memorandum stated, it would seem to be appropriate for the United Nations organs, through their collective action, to accord it the right to represent the state in the UN organization.

17 Ibid.
18 Ibid.
On March 13, Representative Tsiang of Nationalist China lodged on behalf of his government a formal protest against the memorandum. He argued that the linkage between recognition and representation was natural and inevitable. He considered that the Chinese representation issue could not be held to "threaten the maintenance of international peace and security" within the meaning of Article 99 of the Charter, the only article that assigned a sphere of political action to the Secretary-General.  

The withdrawal of the Soviet representative from the Security Council was followed by similar withdrawals by Russian representatives and other representatives from other organs and bodies of the United Nations. So the Soviet Union initiated a general boycott of all UN organs and affiliated bodies, a boycott which lasted over six months.

In a continuing coverage of the 1950 UN discussion of and action on the Chinese representation issue, the 1950 Annual Report relates that the alternate representative of Cuba to the UN requested Secretary-General Lie, by a letter dated July 19, to place the question of the recognition by the UN of the representation of a member state on the provisional agenda of the fifth session of the General Assembly. An explanatory memorandum was transmitted to the Secretary-General on July 26. The memorandum included a summary of the consideration of the same questions.

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19 Ibid.
20 Ibid.
by the Security Council and its Committee of Experts in January and February of 1950. The Cuban representative stated at that time that only the General Assembly or a subsidiary organ established by it was legally authorized to study or promote identical solutions for all organs of the UN concerning questions affecting the functioning of the organization as a whole. The Committee of Experts had generally agreed with this position.22

It was argued that the question dealt with the formal problem of credentials and to the question of the legality of the representation of a member state in the UN, when the latter had to decide which government had the right to represent that state in the organization.

On September 6, 1950, the Secretary-General transmitted to the members of the General Assembly the text of a resolution adopted on May 30, 1950, by the fifth session of the General Conference of the United Nations Educational, Scientific, and Cultural Organization, forwarded to him on June 1 by the Director-General of that organization. The resolution expressed the wish that the UN should adopt general criteria to permit uniform and practical settlement of the problem of representation in the United Nations.23

The General Assembly, on September 26, 1950, decided to include the item on the agenda of its fifth session and to refer it to the Ad Hoc Political Committee, which considered the matter October 20-26, and on November 27-28.24

22 Ibid.
23 Ibid., p. 70.
24 Ibid.
On October 7 and 20 respectively, Cuba and the United Kingdom submitted draft resolutions in connection with the item. The operative part of the Cuban proposal (A/AC. 38/L6) recommended that questions arising in connection with the representation of a member state in the United Nations should be decided in the light of the following: (1) effective authority over the national territory; (2) the general consent of the population; (3) ability and willingness to achieve the purposes of the Charter, to observe its principles, and to fulfill the international obligations of the state; and (4) respect for human rights and fundamental freedoms. The operative part of the United Kingdom proposal (A/AC. 38/L21) recommended that, where the question of representation of a member state arose in consequence of internal processes or changes which had taken place in that state, the right of a government to represent the member state concerned in the United Nations should be recognized if that government exercised effective control and authority over all or nearly all the national territory, and had the obedience of the bulk of the population of that territory, in such a way that this control, authority, and obedience appeared to be of a permanent character. Both proposals provided that the decisions taken by the General Assembly were not of themselves to affect the direct relations of individual member states with the state concerned.\(^{25}\)

Various amendments to the two proposals were submitted, attempting to make the criteria to be applied more detailed. On October 23, 1950, the Dominican Republic proposed that the International Law Commission

\(^{25}\text{Ibid.}\)
should be requested to study the legal aspects of the item and to submit the results in time for inclusion in the agenda of the sixth session of the General Assembly. On October 26, the United Kingdom submitted a proposal setting out questions that should be put to an outside body if it were decided to refer the matter to one. Such a body should, in its view, be the International Court of Justice rather than the International Law Commission.26

During the general debate, various representatives disavowed attempts to adopt proposed criteria. Some of these held that every case should be decided on its merits; others declared that the only accepted international legal criterion was that of effective control and authority over the territory of the state concerned.

On October 26, the committee decided to establish a sub-committee to consider the item in the light of all the proposals, amendments, suggestions and views presented in the course of the debate.

The sub-committee submitted its report on November 27, 1950. The draft resolution adopted by the sub-committee for consideration by the Ad Hoc Political Committee recommended that whenever more than one authority claimed to be the government entitled to represent a member state in the United Nations and that question became the subject of controversy in the United Nations, the question should be considered in the light of the principles and purposes of the Charter and the circumstances of each case. The following factors were to be taken into consideration in determining any such question: (1) the extent to which the new authority exercised

26 Ibid.
effective control over the territory of the member state concerned and was generally accepted by the population; (2) the willingness of that authority to accept responsibility for the carrying out by the member state of its obligations under the Charter; and (3) the extent to which that authority had been established through internal processes in the member state. When any such question arose, it should be considered by the General Assembly, or by its Interim Committee if the Assembly were not in session.27

Various amendments were submitted during the discussion of the sub-committee's draft resolution, including one submitted by Egypt, proposing the deletion of the factors enumerated in the proposal. On November 28, 1950, the Egyptian amendment was adopted by 27 votes to 13, with 14 abstentions. Several other amendments were also adopted. An amendment proposed by the Soviet Union calling for the deletion of the reference to the Interim Committee was rejected by 35 votes to 6, with 11 abstentions. The draft resolution calling for study of the legal aspects of the question by the International Law Commission, submitted on November 28 by the Dominican Republic during the discussion of the sub-committee's report, was withdrawn after the vote.28

The General Assembly considered the report of the Ad Hoc Political Committee on December 14, 1950. An Egyptian amendment restoring the paragraph deleted by the committee to the effect that when a question concerning representation arose, it should be considered by the General Assembly,

27 Ibid., p. 71.

28 Ibid.
or by the Interim Committee if the General Assembly were not in session, was adopted by 25 votes to 10, with 8 abstentions. The draft resolution, as amended, was adopted by 36 votes to 6, with 9 abstentions.29

The resolution referred to the desirability of uniformity in the procedure applicable whenever more than one authority claimed to be the government entitled to represent a member state in the United Nations, and that question became a subject of controversy in the United Nations. It stated that, in virtue of its composition, the General Assembly was the organ of the UN in which consideration could best be given to such a matter. It recommended that such a question should be considered, in the light of the purposes and principles of the Charter and the circumstances of each case, by the General Assembly, or by the Interim Committee if the General Assembly were not in session. The attitude adopted by either of those bodies concerning any such question should be taken into account in the other organs of the United Nations and in the specialized agencies. It declared that the attitude adopted would not of itself affect the direct relations of individual member states with the state concerned.

Following the adoption of Resolution 396 (V), several delegations, including that of the U.S.S.R., declared that it was unacceptable. The Soviets and others maintained that the only criterion for representation in the UN of a member state was the exercise of effective power.30 Thus, there was much activity in the UN organization concerned with the Chinese representation issue in 1950.

29Ibid.
30Ibid.
One of the most important resolutions adopted by the UN General Assembly in 1950 was Resolution 396 (V), already mentioned above. In 1960, Representative Menon of India refreshed the memories of other UN delegates by quoting it in full, as follows, before the Assembly's fifteenth session.

The General Assembly, Considering that difficulties may arise regarding the representation of a member state in the United Nations and that there is a risk that conflicting decisions may be reached by its various organs,

Considering that it is in the interest of the proper functioning of the organization that there should be uniformity in the procedure applicable whenever more than one authority claims to be the government entitled to represent a member state in the United Nations, and this question becomes the subject of controversy in the United Nations,

Considering that, in virtue of its composition, the General Assembly is the organ of the United Nations in which consideration can best be given to the views of all member states in matters affecting the functioning of the organization as a whole,

1. Recommends that, whenever more than one authority claims to be the government entitled to represent a member state in the United Nations and this question becomes the subject of controversy in the United Nations, the question should be considered in the light of the purposes and principles of the Charter and the circumstances of each case;

2. Recommends that, when any such question arises, it should be considered by the General Assembly, or by the Interim Committee if the General Assembly is not in session;

3. Recommends that the attitude adopted by the General Assembly or its Interim Committee concerning any such question should be taken into account in other organs of the United Nations and in the specialized agencies; and
4. Declares that the attitude adopted by the General Assembly or its Interim Committee concerning any such question shall not of itself affect the direct relations of individual member states with the state concerned.  

This important General Assembly resolution has been referred to on many occasions by representatives from many nations seated in the UN, during the twenty-one-year-long debate over Chinese representation.

The Annual Report of 1950 observes that, before the fifth session of the Security Council, in 1950, the Russian representative returned to the Council, after a boycott lasting more than six months, to assume the Council Presidency. He attempted to enter an item entitled "Recognition of the representative of the Central People's Government of the People's Republic of China as the representative of China" on the Security Council agenda on July 31, 1950. On August 1, the representative of the United States challenged the Council President's ruling that the Nationalist Chinese delegate was not fit to sit on the Security Council. After discussion, the Council voted 8 to 3 (India, the U.S.S.R., and Yugoslavia dissenting) to overrule the ruling of the President. After much discussion, on August 3, the Security Council rejected the Soviet proposal to include the item "Recognition of the representative of the Central People's Republic of China as the representative of China" on the agenda. The vote was 5 in favor, 5 against (China, Cuba, Ecuador, France, and the United States), and one abstention (Egypt).  

33 Ibid., p. 72.
In a cablegram dated August 26, 1950, addressed to the UN, the Chinese Communist Minister of Foreign Affairs again called for the expulsion of the Chinese Nationalist representatives from the UN. On September 5, Secretary-General Lie replied that he would make a prompt request for an invitation to the Chinese Communists to take a seat in the Assembly on acceptance or invitation by the Assembly. In a cablegram dated September 18, the Chinese Communist Foreign Affairs Minister repeated his previous messages and declared that all Assembly resolutions pertaining to China, and adopted without the participation of the Chinese People's Republic, would be "illegal, and consequently null and void."  

As the fifth session of the General Assembly opened on September 19, 1950, four draft resolutions were advanced. India submitted one (A/1365); the Soviet Union submitted two (A/1369 and A/1370); and Canada submitted one (A/1368), with an Australian amendment (A/1371) accepted by Canada.

The Indian draft resolution proposed recognition of Communist China as the only government functioning in the Republic of China which exercised control over the territory and commanded the obedience of the people of that country.

The draft resolution proposed by Canada called for the establishment of a special committee of seven members to consider the question and to report back with recommendations, to the fifth session when consideration of the question of the recognition of the representation of a member state by the United Nations had been completed. Pending the decision on the committee's report, the representatives of the Republic of China were to be seated with the same rights as other representatives.

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34 Ibid.
The first draft resolution advanced by the U.S.S.R. proposed excluding Nationalist China from the UN. The second Soviet draft resolution proposed inviting the representatives of the People's Republic of China to take China's place in the UN.\(^{35}\)

At the September 19 meeting, the General Assembly voted on all four draft resolutions. The Indian draft resolution was rejected by a vote of 33 to 16, with 10 abstentions. The Canadian draft resolution was voted upon in two parts. The first two paragraphs were adopted by 38 votes to 6, with 11 abstentions, and the last paragraph was adopted by 42 votes to 8, with 6 abstentions. The Soviet draft resolutions were rejected by 38 votes to 10, with 8 abstentions, and by 37 votes to 11, with 8 abstentions, respectively.\(^{36}\)

On December 12, the General Assembly, on the nomination of the President, elected by secret ballot the following member states to serve on the Special Committee: Canada, Ecuador, India, Iraq, Mexico, the Philippines, and Poland.\(^{37}\)

The Special Committee met on December 15, 1950, and elected the representative of India, Sir Benegal Rau, as its Chairman. After some discussion, it decided, by 3 votes to one, with 2 abstentions, to leave the convening of the next meeting to the discretion of its Chairman.\(^{38}\)

\(^{35}\)Ibid., p. 73.

\(^{36}\)Ibid.

\(^{37}\)Ibid.

\(^{38}\)Ibid.
The Chinese representation question was brought up on several occasions in various other UN organs and bodies by the Soviet Union and other delegations. The Canadian draft resolution became Resolution 490 (V). The Special Committee of seven members did not convene again until the fall of 1951, well toward the end of the fifth session of the UN General Assembly.


According to the Annual Report of 1951, the Special Committee established by the General Assembly to deal with the China problem in the UN reported on October 16, 1951, that it had been unable to make any recommendation on the question of the representation of China. The President of the Assembly, Entezam of Iran, proposed that the Assembly should take note of the Special Committee's report. This proposal was adopted by 36 votes to 5, with 2 abstentions. A Soviet proposal to refer the Chinese representation question to the sixth session of the General Assembly failed by a vote of 20 to 11, with 11 abstentions.41

On November 10, the General Assembly's General Committee adopted a draft resolution, introduced by the representative of Thailand, which proposed first, that the Assembly reject all attempts to enter the Chinese

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39 Ibid.
41 Ibid.
representation question on the agenda of the sixth session, and second, that the Assembly postpone the question or any consideration of it for the duration of the sixth session in Paris. The Assembly adopted the Thai draft resolution on November 13, 1951, by a vote of 37 to 11, with 4 abstentions.\footnote{Ibid., p. 41.} The Thai draft resolution thus became the first of the postponement resolutions, measures by which Nationalist China and its allies in the UN were able, up until 1961, to defer serious consideration of the Chinese representation issue by the UN.

The Credentials Committee reported to the General Assembly that it had rejected a Byelorussian proposal to unseat the Chinese Nationalists in the UN. The representative of the Byelorussian S.S.R. then introduced a draft resolution into the Assembly itself, calling for the expulsion of the Chinese Nationalists. This motion was rejected by 39 votes to 7, with 4 abstentions. The report of the Credentials Committee was adopted by 32 votes to 5, with 7 abstentions.\footnote{Ibid.}

The Soviet Union and other delegations raised the question of Chinese representation in other UN organs and bodies throughout the sixth session.\footnote{Ibid.} So the major developments of the sixth session of the UN General Assembly were the failure of the Special Committee to produce any recommendation on the Chinese representation issue, and the adoption of the Thai postponement draft resolution by the Assembly.

\footnote{Ibid.}
The 1952 Annual Report states that the Soviet Union, on October 17, 1952, introduced into the Credentials Committee a draft resolution proposing a rejection of the credentials of Nationalist China as "invalid" in the seventh session of the UN General Assembly. The Russian representative argued that Nationalist China's credentials did not satisfy Rule 27 of the rules of procedure of the General Assembly. The United States sponsored a counter-resolution requesting the Assembly to 1) postpone any consideration of the Chinese representation issue for the duration of the seventh session, and 2) find the credentials of Nationalist China valid under Rule 27 of the Assembly's rules of procedure.

The Credentials Committee adopted the United States draft resolution by a vote of 6 to 3, and, by a vote of 6 to 2, with 1 abstention, declined to vote on the Soviet draft resolution.

The Credentials Committee, in its report to the seventh session, included the Republic of China on its list of delegations with valid credentials, and recommended that the General Assembly 1) approve the committee's report, and 2) postpone for the duration of the seventh session the consideration of the Chinese representation issue.

On October 25, 1952, the report was submitted to the Assembly, and the Soviet delegate resubmitted the Soviet proposal. The Assembly

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46 Ibid.

47 Ibid.
adopted the Credentials Committee's report and recommendations as a whole, by a vote of 42 to 7, with 11 abstentions. This became Resolution 609 A (VII) of the General Assembly.

The American representative urged the Assembly to decline to vote on the U.S.S.R. draft resolution. The Assembly adopted this motion by a vote of 45 to 6, with 4 abstentions.48

The Soviet delegation and other delegations raised the issue of Chinese representation in various other UN organs and bodies throughout the seventh session.49 So a familiar historical pattern in the UN began to emerge. The United States, the major champion of Nationalist China in the UN, was able to muster the necessary votes in the Credentials Committee and in the General Assembly to block all Russian and other efforts to unseat Taiwan's representatives and to seat Peking's representatives.

Since Secretary-General Lie resigned his post and was replaced by Dag Hammarskjold in April, 1953, the Annual Report of 1953 was prepared by the staff of the new Secretary-General. The report records that on September 15, 1953, at the opening of the eighth session of the General Assembly, the Soviet delegate introduced a draft resolution which proposed to consider the representatives of the Central People's Government of the People's Republic of China as the legal representatives of China in the UN, and the representatives of the Republic of China as illegally present in the UN.50

48 Ibid.
49 Ibid.
The representative of the United States proposed postponement by the Assembly of any consideration of the Chinese representation issue during the eighth session. The U.S. proposal was adopted by the General Assembly, the vote being 44 to 10, with 2 abstentions. The U.S. draft resolution thus became Assembly Resolution 800 (VIII).51

Next, the Temporary President ruled that the Assembly should vote on the Soviet draft resolution, but the representative of the United States raised an objection, saying that this was unnecessary due to prior adoption of the U.S. draft resolution. The ruling of the Temporary President of the Assembly was sustained by a vote of 22 to 13, with 13 abstentions.52

The Thai delegate cited Rule 91 of the rules of procedure of the General Assembly, which provides that the Assembly may, after each vote on a proposal, decide whether to vote on the next proposal. Under this rule, the Thai delegate called on the Assembly to decide whether it wished to proceed to a vote on the U.S.S.R. draft resolution. The Assembly decided not to vote on the Soviet motion, by a vote of 35 to 11, with 11 abstentions.53

During the remainder of the eighth session, the Chinese representation issue was raised in various other UN organs and bodies by the Soviet Union and by other delegations.54 So the super-power politics

51 Ibid.
52 Ibid., p. 30.
53 Ibid.
54 Ibid.
being played between the United States and the Soviet Union in the United Nations resulted, in the eighth session of the General Assembly, in a victory for the United States, Taiwan, and their allies.

The 1954 Annual Report relates that, at the opening of the ninth session of the General Assembly on September 21, 1954, the Soviet Union sponsored a draft resolution which demanded the expulsion of the Nationalist Chinese representatives from the UN and their replacement by representatives of Communist China. 55

The representative of the United States offered the Assembly the by-then customary counter-proposal, requesting the Assembly to postpone any consideration of the Chinese representation issue during its ninth session. The United States employed the by-then familiar tactic of asking the Assembly to vote on the U.S. proposal before it voted on the Soviet proposal; this motion carried by a vote of 45 to 7, with 5 abstentions. The American draft resolution was then adopted by a vote of 43 to 11, with 6 abstentions. 56

The question of Chinese representation was raised by the U.S.S.R. and other delegations in various other UN organs and bodies through the ninth session. 57 So the Soviet Union once again, lacking the necessary ideological support in the UN, failed in its attempt to induce the General Assembly to consider seriously the issue of Chinese representation.

56 Ibid., p. 34.
57 Ibid.
The 1955 Annual Report notes that, at the opening of the tenth session of the General Assembly on September 20, 1955, the representative of the Soviet Union introduced a draft resolution calling for the expulsion of Nationalist China's representatives to the UN and their replacement by the representatives of Communist China. He pointed out the participation of the People's Republic in the historic conferences at Geneva and Bandung as evidence of Peking's desire for peace. The delegate of the United States introduced a counter-resolution requesting the General Assembly, during its tenth session, to decide not to consider the Chinese representation issue at all. The Nationalist Chinese representative spoke, and claimed as he had in preceding years, that mainland China was an outlawed aggressor, and that Nationalist China had performed its duty well as the sole, legal representative of China in the UN, from 1945 on.

The Colombian representative argued that it would be a legal absurdity for the UN to admit Red China to a seat in the organization, in view of the 1951 resolution condemning Communist China as an aggressor in Korea and passed by the Assembly. This resolution, like Resolution 396 (V) in 1950 and Resolution 1668 (XVI) in 1961, stands as one of the most important references in UN history to the Chinese representation issue. Representative Enckell of Finland quoted it in full before the fifteenth session of the General Assembly in 1960 as follows:

The General Assembly finds that the Central People's Government of the People's Republic of China, by giving direct aid and assistance to those who were already committing aggression in Korea and by engaging in hostilities against United Nations forces there, has itself engaged in aggression in Korea;

and calls upon the Central People's Government of the People's Republic of China to cause its forces and nationals in Korea to cease hostilities against the United Nations forces, and to withdraw from Korea.59

After a discussion involving the representatives of Poland, Czechoslovakia, Burma, Yugoslavia, Indonesia, and Iraq, the General Assembly decided to vote first on the U.S. draft resolution. It was adopted by a roll-call vote of 42 to 1, with 6 abstentions, and was designated Assembly Resolution 990 (X).60

The Chinese representation issue was raised by the U.S.S.R. and other delegations in various other UN organs and bodies.61 Not even favorable publicity for participation in the Geneva and Bandung conferences helped Peking's cause in the tenth session of the UN General Assembly.

The United Nations in 1956 was in emergency session to consider the crises of Suez and Hungary. But the China problem was still raised during the eleventh session of the General Assembly. The 1956 Annual Report observes that, on October 31 and November 1, 1956, the

61 Ibid.
representatives of Poland, Albania, Bulgaria, the Byelorussian S.S.R., Czecho­slovakia, Romania, the Ukrainian S.S.R., and the Soviet Union de­manded the expulsion of Taiwan's representatives and their replacement by Peking's representatives in the UN.62

On November 8, 1956, the Credentials Committee accepted National­ist China's credentials as valid by a vote of 6 to 3, with no abstentions. On November 10, India's representative proposed that the Chinese representation issue be entered as the Assembly's agenda for the eleventh session.63

On November 14, 1956, the General Committee, by a vote of 8 to 5, with one abstention, recommended that the General Assembly adopt a United States draft resolution proposing that the Assembly reject the inclusion of the Chinese item on the agenda and that the Assembly postpone any consideration of the Chinese representation issue during its eleventh session.64

On November 15 and 16, the representative of India submitted amendments to the U.S. draft resolution, which would have had the effect of reversing it. The amendments were defeated and the U.S. draft resolution, as recommended by the General Committee, was adopted by 47 votes to 24, with 8 abstentions.65


63 Ibid.

64 Ibid.

65 Ibid., p. 64.
The Chinese representation issue was brought up again, both in the Credentials Committee and in the plenary meeting of the Assembly when the Committee's report was discussed. On February 21, 1957, the General Assembly adopted, by 60 votes to none, with 1 abstention, the report of the Credentials Committee, which stated that a U.S.S.R. draft resolution challenging Nationalist China's UN credentials was ruled out of order.66

The Chinese representation question was also raised in various other UN organs and bodies during the eleventh session.67 Beginning in 1956, India emerged as a champion of Peking's seating in the UN. The Soviet Union figured prominently in this role all throughout the history of the China problem in the United Nations, and Albania predominated in the same capacity throughout most of the decade of the 1960s and into the 1970s.

The 1957 Annual Report points out that, on September 13, 1957, India proposed the inclusion on the agenda of the twelfth session of the General Assembly the question of the representation of China in the United Nations. On September 19, the General Committee decided, by 9 votes to 4, with two abstentions, to recommend to the Assembly the adoption of a draft resolution submitted by the United States, which called for the Assembly to reject the Indian proposal to include the Chinese item on the agenda and to postpone the Chinese representation issue and its consideration at the twelfth session.68

66 Ibid.
67 Ibid.
The committee's report was considered in plenary meeting on September 24, and India submitted two amendments to the draft resolution recommended by the Committee, which would have had the effect of reversing the Committee's two recommendations. The first amendment was rejected and the second amendment was withdrawn. The General Assembly adopted the draft resolution by 47 votes to 27, with 7 abstentions, as Resolution 1135 (XII). 69

The Chinese representation issue was raised again in the Credentials Committee and in the plenary meeting at which the Assembly considered the committee's report.

The issue of Chinese representation was also raised in other UN organs and bodies during the twelfth session. 70 So the twelfth session was very much a repetition of several UN General Assembly sessions preceding it.

The 1958 Annual Report remarks that, on July 14, 1958, India proposed the entry on the agenda of the thirteenth session of the General Assembly of an item entitled "Question of the representation of China in the United Nations." On September 19, the General Committee decided, by a vote of 12 to 7, with 2 abstentions, to recommend to the General Assembly the adoption of an American draft resolution, which requested the rejection of the Indian proposal for inclusion of the Chinese item on the

69 Ibid.
70 Ibid.
agenda of the thirteenth session and which requested the General Assembly not to consider the Chinese representation issue at its thirteenth session. 71

On September 22 and 23, the Assembly considered the General Committee's report at three meetings. Afghanistan, Burma, Ceylon, India, Indonesia, Nepal, and the United Arab Republic submitted amendments to the U.S. draft resolution, which would have had the effect of reversing the two recommendations written therein.

On September 23, the amendments were rejected, and the Assembly adopted the U.S. draft resolution by a vote of 44 to 28, with 9 abstentions, as Resolution 1239 (XIII). 72

The Chinese representation issue was raised again, both in a meeting of the Credentials Committee on December 12, and in the plenary meeting of December 13, at which the Assembly considered the committee's report.

The question of Chinese representation was also raised in other United Nations organs and bodies throughout the thirteenth session. 73 So the pro-Peking forces in the United Nations again failed in their attempt to seat mainland China in the organization.

The 1959 Annual Report states that, on July 13, 1959, India proposed that the Chinese item be entered on the agenda for the General


72 Ibid.

73 Ibid.
Assembly's fourteenth session. On September 16, the General Committee recommended to the General Assembly, by a vote of 12 to 7, with 1 abstention, the adoption of an American draft resolution, which proposed the rejection of India's request for the inclusion of the Chinese item on the Assembly's agenda, and which proposed that the Assembly decline to consider the Chinese representation issue at its fourteenth session.  

The General Assembly considered the General Committee's report at four meetings held on September 21 and 22. Nepal submitted two amendments to the U.S. draft resolution, which would have had the effect of reversing it. These amendments were rejected, and on September 22, the Assembly adopted the U.S. draft resolution by 44 votes to 29, with 9 abstentions, as Resolution 1351 (XIV).  

The question of Chinese representation was raised again, in a meeting of the Credentials Committee on December 9, and in the plenary meeting on December 10, when the Assembly considered the committee's report. 

The question was also raised in other UN organs and bodies during the fourteenth session. Again, the United States, Nationalist China, and their allies prevailed triumphantly in the UN. 

The 1960 Annual Report, the last one prepared by the staff of Secretary-General Hammarskjold, comments that, on September 5, 1960, 


\[75^{\text{Ibid.}}\]

\[76^{\text{Ibid.}}\]
the U.S.S.R. requested the inclusion of the Chinese item on the agenda of the General Assembly's fifteenth session. An explanatory memorandum listing reasons for the Soviet proposal was attached.

The General Committee, on September 27, recommended, by 12 votes to 7, with one abstention, to the General Assembly, the adoption of an American draft resolution, which proposed that the Soviet request be rejected and that the Assembly decide to postpone any consideration of the Chinese representation issue for the duration of its fifteenth session.77

The Committee's report was considered by the Assembly at four meetings held on October 1, 3, 6, and 8. Nepal submitted two amendments to the U.S. draft resolution, to one of which Guinea submitted a sub-amendment. These motions would have reversed the U.S. draft resolution in effect. They were rejected. On October 8, the General Assembly adopted the American draft resolution by a vote of 42 to 34, with 22 abstentions, as Resolution 1493 (XV).78

The issue of Chinese representation was raised again, in the Credentials Committee on April 20, 1961, and in plenary meeting on April 21, when the Assembly considered the committee's report.

The question was also raised in other UN organs and bodies during the fifteenth session.79 So even when the Congo crisis erupted onto the


78 Ibid.

79 Ibid.
world scene, the UN organization was still able to deal with the China problem, as it had done for so many years previously.


As Dag Hammarskjold was killed in a plane crash in Southern Africa while conducting negotiations during the Congo Crisis, the 1961 Annual Report was prepared by the staff of his successor, U Thant of Burma. The report notes that, in a letter dated September 17, 1961, New Zealand requested the inclusion of the "Question of the representation of China in the United Nations" as an additional item on the agenda of the sixteenth session of the General Assembly. On September 18, 1961, the U.S.S.R. requested the inclusion of another item, "Restoration of the lawful rights of the People's Republic of China in the United Nations."

On September 21, the General Committee, by a vote of 15 to none with 5 abstentions in the case of the New Zealand proposal and by a vote of 7 to 3 with 10 abstentions in the case of the Soviet proposal, recommended the inclusion of the two items on the Assembly's agenda for the sixteenth session. On September 25, the General Assembly approved the General Committee's recommendation, and the two items were considered jointly at twelve plenary meetings of the Assembly between December 1 and 15.

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81 Ibid.
On October 27, the Soviet Union submitted a draft resolution calling for the restoration of Peking's lawful rights in the UN. On December 1, a second draft resolution was submitted by Australia, Colombia, Italy, Japan, and the United States of America (A/L. 372), which proposed that the Assembly decide in accordance with Article 18 of the UN Charter that any proposal to change the representation of China was an important question, requiring a two-thirds majority vote of the Assembly for approval.82

The debate on the topic was long and varied. The supporters of the Soviet draft resolution and of the five-power draft resolution recited at length their reasons for support. Other nations, such as Senegal and the United Kingdom, expressed a desire to have Communist China seated in the UN, but not at the expense of the representation of Nationalist China. On December 12, Cambodia, Ceylon, and Indonesia submitted an amendment to the Soviet draft resolution, which would have had the effect of deleting the operative paragraph of the draft resolution and inserting a new operative paragraph.83

On December 15, the General Assembly decided to vote on the five-power draft resolution first, and adopted it by a roll-call vote of 61 to 34, with 7 abstentions, as Resolution 1668 (XVI). The amendment to the Soviet draft resolution was rejected in two parts, by votes of 23 to 41, with 39 abstentions and of 30 to 45, with 29 abstentions. The Russian draft resolution itself was rejected by a vote of 36 to 48, with 20

82 Ibid., p. 76.
83 Ibid., p. 77.
The most important result of the sixteenth session of the UN General Assembly, with regard to the Chinese representation issue, was the adoption of Resolution 1668 (XVI), the all-important "two-thirds rule" by which the United States and other pro-Taiwan delegations were able to thwart the seating of Communist China in the UN throughout the decade of the 1960s.

The 1962 Annual Report declares that, in a letter dated September 17, 1962, the Soviet Union requested the inclusion of the item "Restoration of the lawful rights of the People's Republic of China in the United Nations" on the agenda of the seventeenth session. The U.S.S.R. also proposed a draft resolution calling for the removal of the Nationalist Chinese delegation from the UN and its replacement by a Communist Chinese delegation. Over fifty delegations took part in the ensuing debate in seven plenary meetings of the Assembly.

On October 30, the General Assembly rejected the Soviet draft resolution by a vote of 56 to 42, with 12 abstentions. So the Soviet Union failed once again in its attempt to induce the UN General Assembly to seat China.

The 1963 Annual Report records that, on September 16, 1963, Albania requested the inclusion of an item entitled "Restoration of the

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84 Ibid.


86 Ibid., p. 35.
lawful rights of the People's Republic of China in the United Nations" on the agenda of the General Assembly's eighteenth session. On October 11, Albania and Cambodia co-sponsored a draft resolution which proposed to remove the representatives of Nationalist China from the UN and to replace them by representatives from Communist China.  

The Assembly discussed the issue at six plenary meetings held between October 16 and 22, 1963; over fifty delegations participated in the debate. On October 21, the Assembly rejected the Albanian-Cambodian draft resolution by a roll-call vote of 57 to 41, with 12 abstentions. So Albania emerged as a prominent spokesman for mainland China in the United Nations.

In 1964, an unusual situation developed in the UN General Assembly. Ellen C. Collier, a U.S. foreign policy analyst, notes that in the nineteenth session, the Assembly followed a no-voting policy on the Chinese representation issue because of the peace-keeping financing and Article 19 controversy involving the United States, the Soviet Union, and France, as well as certain other delegations. However, the General Assembly postponed until 1965 and the twentieth session the vote on the Credentials Committee reports for both the nineteenth and the twentieth sessions. General Assembly President Panfani of Italy directed that vote

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88 Ibid.

in two parts; an amendment to the committee's report was adopted by 53
votes to 42, with 9 abstentions, and paragraph A of the committee re-
port's draft resolution was adopted by 45 votes to 1, with 58 absten-
tions.90 Thus, Nationalist China's credentials for the nineteenth session
were accepted at the twentieth session.

The 1965 Annual Report notes that, in a letter dated August 25,
1965, Albania, Algeria, Burundi, Cambodia, Congo (Brazzaville), Cuba,
Ghana, Guinea, Mali, and Romania requested the inclusion of the item,
"Restoration of the lawful rights of the People's Republic of China in
the United Nations," on the agenda of the General Assembly's twentieth
session.91 On September 13, Syria joined the above nations in their re-
quest. The item was discussed at eleven plenary meetings, between
November 8 and 17, 1965; fifty representatives participated in the debate
or explained their vote. Two draft resolutions were submitted to the
Assembly: first, an eleven-power draft sponsored by Australia, Brazil,
Colombia, Gabon, Italy, Japan, Madagascar, Nicaragua, Philippines,
Thailand, and the United States, asking the Assembly to reaffirm the
validity of Resolution 1668 (XVI) of December 15, 1961; and second, a
twelve-power draft sponsored by Albania, Algeria, Cambodia, Congo
(Brazzaville), Cuba, Ghana, Guinea, Mali, Pakistan, Romania, Somalia,
and Syria. The latter contained two operative paragraphs—the first

91United Nations, General Assembly, 21st Session, June 16, 1965-
June 15, 1966, Annual Report of the Secretary-General on the Work of the
Organization, A/6301, Supplement 1, p. 35.
proposing the seating of Communist China in the UN and the second calling for Nationalist China's expulsion. Amendments to the twelve-power draft were offered by Ceylon and Mauritania, which sought to preserve Taiwan's UN status, at least in the General Assembly. The amendments were withdrawn on November 17. 92

The Assembly voted on the eleven-power (pro-Taiwan) draft resolution first, adopting it by a vote of 56 to 49, with 11 abstentions. Next, the twelve-power (pro-Peking) draft resolution received a vote of 47 to 47, with 20 abstentions. Consequently, the representation of China in the UN remained unchanged. 93 Thus, there was a tie vote in the case of the twelve-power draft resolution. Rule 87 of the General Assembly rules of procedure provides that, if a vote is equally divided on matters other than elections, the proposal voted on is to be regarded as rejected. 94 The adoption of the eleven-power draft resolution by the Assembly assured doubly the death of the twelve-power proposal.

The 1966 Annual Report notes that, on August 29, 1966, Albania, Algeria, Cambodia, Congo (Brazzaville), Cuba, Guinea, Mali, Romania, and Syria requested successfully that an item entitled "Restoration of the lawful rights of the People's Republic of China in the United Nations" be included on the General Assembly's agenda for the twenty-first session. 95

92 Ibid., p. 37.
93 Ibid.
The Assembly discussed the item at twelve plenary meetings between November 18 and 29, 1966. Three draft resolutions on the item were submitted to the Assembly. The first was presented by Australia, Belgium, Bolivia, Brazil, Colombia, Gabon, Italy, Japan, Madagascar, New Zealand, Nicaragua, the Philippines, Thailand, Togo, and the United States and called for the Assembly to reaffirm Resolution 1668 (XVI) of December 15, 1961 and Resolution 2025 (XX) of 1965 (a repetition of Resolution 1668 (XVI)).

The second draft resolution was sponsored by Albania, Algeria, Cambodia, Congo (Brazzaville), Cuba, Guine, Mali, Mauritania, Pakistan, Romania, and Syria. It called for the seating of Peking in the UN, and for the expulsion of Taiwan.

The third draft resolution was submitted by Belgium, Bolivia, Brazil, Chile, Italy, and Trinidad and Tobago, and called on the Assembly to: 1) establish a special study committee, similar to the one appointed in 1950, and 2) call for all member states to assist the committee in its search for a solution to the problem of Chinese representation in the UN.96

Representatives of sixty-nine states took part in the debate and the explanation of vote. On November 29, the General Assembly adopted the fifteen-power (pro-Taiwan) draft resolution by a vote of 66 to 48, with 7 abstentions. It then rejected the eleven-power (pro-Peking) draft resolution by 57 votes to 46, with 17 abstentions, leaving the representation of China in the UN unchanged. A Syrian motion requesting the

96 Ibid., p. 40.
application of the two-thirds rule to the six-power (special study committee) draft resolution carried by a vote of 51 to 37, with 30 abstentions. The Assembly then rejected the six-power draft resolution by a vote of 62 to 34, with 25 abstentions. So, once again, the two-thirds rule adopted as Resolution 1668 (XVI) was reaffirmed, and Red China remained outside the UN.

The 1967 Annual Report observes that, on September 8, 1967, Albania, Algeria, Cambodia, Congo (Brazzaville), Cuba, Guinea, Mali, Romania, and Syria successfully requested the inclusion of the Chinese item on the agenda of the General Assembly's twenty-second session.

The General Assembly discussed the item at ten plenary meetings between November 20 and 28, 1967. Three draft resolutions were submitted to the Assembly. The first was submitted on October 27 and was sponsored by Albania, Algeria, Cambodia, Congo (Brazzaville), Cuba, Guinea, Mali, Mauritania, Pakistan, Romania, the Sudan, and Syria. It proposed the seating of Red China in the UN, and the expulsion of Nationalist China. The second draft, submitted on the same day, was sponsored by Australia, Belgium, Bolivia, Brazil, Colombia, Gabon, Italy, Japan, Madagascar, New Zealand, Nicaragua, the Philippines, Thailand, Togo, and the United States. It called for a reaffirmation of Resolution 1668 (XVI) of 1961. The third draft resolution was submitted to the Assembly on November 20

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97 Ibid., p. 41.
and was sponsored by Belgium, Chile, Italy, Luxembourg, and the Netherlands. It proposed: 1) to establish a special study committee to find a solution for the China problem in the UN, and 2) to call on all member nations to assist the committee in its search for such a solution. 99

Sixty-one representatives took part in the general debate and the explanation of vote. On November 21, the Australian representative requested the Assembly to vote on the fifteen-power (pro-Taiwan) draft resolution first. His motion passed by a vote of 67 to 41, with 12 abstentions on November 28. 100

On the same day, the Assembly chose to vote on all three draft resolutions. The fifteen-power draft was adopted by a vote of 69 to 48, with 4 abstentions. The twelve-power (pro-Peking) draft was rejected by a vote of 58 to 45, with 17 abstentions. The Assembly then approved a Syrian motion to have the two-thirds rule applied to the five-power (special study committee) draft, by a vote of 36 to 31, with 53 abstentions. The Assembly then rejected the five-power draft by a vote of 57 to 32, with 30 abstentions. 101 Thus, the pro-Taiwan forces in the UN prevailed once again, and a proposed study committee was voted down for the second consecutive year.

The 1968 Annual Report records that, on September 16, 1968, Albania, Algeria, Cambodia, Congo (Brazzaville), Cuba, Guinea, Mali, Mauritania, Romania, Southern Yemen, and Syria successfully requested

99 Ibid., p. 65.
100 Ibid., p. 67.
101 Ibid.
the inclusion of the Chinese item on the agenda of the General Assembly's twenty-third session. 102 The Assembly discussed the item at thirteen plenary meetings between November 11 and 19, 1968.

Three draft resolutions were submitted. The first was submitted on October 29 and sponsored by Australia, Bolivia, Brazil, Colombia, Gabon, Italy, Japan, Madagascar, New Zealand, Nicaragua, the Philippines, Thailand, Togo, and the United States. It asked the Assembly to reaffirm Resolution 1668 (XVI) of 1961. The second draft was presented on November 7, and was sponsored by Albania, Algeria, Cambodia, Congo (Brazzaville), Cuba, Guinea, Mali, Mauritania, Pakistan, Romania, Southern Yemen, the Sudan, Syria, the United Republic of Tanzania, Yemen, and Zambia. It proposed the seating of Communist China in the UN and the expulsion of Nationalist China. The third draft was submitted to the Assembly on November 11, and was sponsored by Belgium, Chile, Iceland, Italy, and Luxembourg. It proposed: 1) to establish a special study committee to find a solution to the China problem in the UN, and 2) to call on all member governments to assist the committee in its search for such a solution. 103

Fifty-three representatives took part in the general debate and the explanation of vote. On November 19, the General Assembly voted on the three draft resolutions. It adopted the fourteen-power (pro-Taiwan) draft by a vote of 73 to 47, with 5 abstentions, as Resolution 2389

103 Ibid.
(XXIII). It then rejected the sixteen-power (pro-Peking) draft by a vote of 58 to 44, with 23 abstentions. The Assembly next adopted a Cambodian motion to apply the two-thirds rule to the five-power (special study committee) draft by a vote of 63 to 32, with 29 abstentions. Finally, the Assembly rejected the five-power draft by a vote of 67 to 30, with 27 abstentions. Thus, the Assembly repeated the pattern of voting evident in the UN without interruption since 1966.

The 1969 Annual Report relates that, on September 8, 1969, Albania, Algeria, Cambodia, Congo (Brazzaville), Cuba, Guinea, Mali, Mauritania, Romania, Southern Yemen, Syria, the United Republic of Tanzania, Yemen, and Zambia successfully requested the inclusion of the Chinese item on the agenda of the General Assembly's twenty-fourth session. The Assembly discussed the item at eleven plenary meetings between November 3 and 11; fifty-five representatives took part in the general debate and the explanation of vote.

Two draft resolutions were submitted to the Assembly. The first was presented on October 17, was sponsored by eighteen states, and proposed the reaffirmation of Resolution 1668 (XVI) of 1961. The second draft was offered on October 22 by seventeen states, including those which had requested consideration of the item. It called for the seating of Peking in the UN and the ouster of Taiwan.
On November 11, the General Assembly voted on the two draft resolutions. It adopted the eighteen-power (pro-Taiván) draft by a vote of 71 to 48, with 4 abstentions, as Resolution 2500 (XXIV). It then rejected the seventeen-power (pro-Peking) draft by a vote of 56 to 48, with 21 abstentions. The 1969 vote and the twenty-fourth session were characterized by the absence of the study-committee proposal advanced in 1966, 1967, and in 1968.

At the twenty-fifth session of the UN General Assembly in the fall of 1970, the Red China seating proposal failed to pass with a simple majority of 51 in favor, 49 against, with 25 abstentions.

1971 U.N. General Assembly Vote on China

The debate and vote on the Chinese representation issue in the General Assembly of the United Nations, at the twenty-sixth session, resulted in the admission of Peking and the expulsion of Taiwan. On October 25, 1971, the General Assembly voted down the American-sponsored "important question" resolution, which sought to admit Red China while at the same time retaining Nationalist China in the world body. The vote for the rejection of the U.S. resolution was 55 in favor, 59 against, and 15 abstaining. The same day, the General Assembly voted to admit Red China by adopting an Albanian resolution by a 76-35-17 tally. America's UN Ambassador, George Bush, expected a close win for the United States

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107 Ibid., p. 60.
109 Ibid.
and Taiwan; Nationalist China's Foreign Minister, Chow Shu-kai, anticipated the situation more correctly—he stalked out of the Assembly chamber prior to the historic vote on the Albanian resolution. Thus, the China item, which had plagued the UN since 1949, was expedited in an unexpected development, victory for Red China coupled with defeat for Taiwan.

*Newsweek*, in its November 15, 1971 issue, names the officials selected by Peking to represent the People's Republic of China at the United Nations. Vice Foreign Minister Chiao Kuan-hua was named to lead the first showcase Communist Chinese delegation. Also named to the delegation were Wang Hai-jung, niece of Mao Tse-tung; Huang Hua, former ambassador to Canada and Red China's permanent representative; Chen Chu, reputed as an alert analyst of Soviet and Mid-East affairs; Hsiung Hsiang-hui, who studied at American universities during the 1940s; Tang Ming-chao, who lived in the U.S. for sixteen years preceding Mao's take-over of the Chinese mainland in 1949; and Kao Liang, known to be one of Communist China's top intelligence and espionage operatives. *Newsweek* also notes that the Communist Chinese delegation was assigned headquarters at the Roosevelt Hotel in New York City. So it appears that Kao Tse-tung's government has chosen a highly professional group of diplomats to represent mainland China in the United Nations. In December,

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110 Ibid.


112 Ibid.
1971, Kurt Waldheim of Austria was named to succeed the ailing U Thant of Burma as Secretary-General of the United Nations.

Summary

In summation, it may be asserted that the major highlights of the chronological history of the China problem in the United Nations are the adoption of key resolutions by the UN General Assembly; the employment of various tactics by the United States, Nationalist China, and their allies to preserve the old status quo situation of China's UN representation—namely, the absence of Peking and the presence of Taiwan; and the admission of Peking to, and the expulsion of Taiwan from, the UN in October, 1971. Some of the key resolutions adopted in the period 1950-1970 include Resolution 396 (V) of December 14, 1950, regarding the representation of a member state in the UN; Resolution 498 (V) of February 1, 1951, condemning Red China as an aggressor in Korea; and Resolution 1668 (XVI) of December 15, 1961, considering any proposal to change the representation of China in the UN an important matter requiring a two-thirds majority vote of the General Assembly. Some of the major tactics employed by the United States, Nationalist China, and their allies to prevent or delay the entry of Red China into the UN included the postponement resolutions that typified the period 1950-1960, and the persistent invocation of the so-called "two-thirds rule" (Resolution 1668 (XVI) of 1961) during the period 1961-1970.

And on October 25, 1971, the United Nations General Assembly adopted the historic Albanian resolution, by a vote of 76-35-17, admitting Red China to the world body and expelling Nationalist China therefrom.
CHAPTER THREE

POLITICAL AND LEGAL ISSUES OF THE
CHINA PROBLEM IN THE UNITED NATIONS

Once the chronological history of the China problem in the United Nations has been examined, it is then possible to proceed to a consideration of the major political and legal issues of the China problem in the UN prior to October 25, 1971. It is also possible to view these political and legal issues in terms of pro-Peking arguments and of pro-Taiwan arguments. These arguments involved the statements of the spokesmen of Nationalist China, Communist China, the United States, the Soviet Union—in fact the statements of most or all of the nations involved in the China problem in the UN.

Political Issues

The major political issues of the China problem in the UN prior to October 25, 1971, may be listed as five in number: 1) the representation of 800 million to one billion mainland Chinese in the United Nations; 2) the exclusion of Red China as a sore point in relations between the Communist nations and the non-Communist nations, especially the nations of the West; 3) the recognition of Communist China's rise to the forefront of international politics as the "third" nuclear power, after the United States and the Soviet Union; 4) the displeasure of the neutralist, non-aligned, and developing nations at the denial of Peking's rights in the
UN (a political issue with obvious racial overtones); and 5) the American pursuit of U.S. national interests in the United Nations. Each one of these five major political issues, in its turn, may be developed in terms of pro-Peking and pro-Taiwan arguments.

The first major political issue, of the China problem in the United Nations, namely, that of the representation of 800 million to one billion mainland Chinese, may now be considered. The pro-Peking arguments on this issue usually centered around the fact that one-quarter of the world's population was denied representation in the UN.

In the thirteenth session of the UN General Assembly, the Romanian representative, Bunaciu, stated that Red China's population, then (1958) some 600 million people, represented the symbol of a new age of anti-colonialism in the world.¹ At the fifteenth session of the General Assembly in 1960, Representative Sir Correa of Ceylon declared that the UN was unrealistically and unjustly denying representation to 650 million mainland Chinese people, and could not lay claim to being a fully representative world body in the persistence of this denial.² Representative Wirjoopranoto of Indonesia quoted Adlai Stevenson in the January, 1960 issue of Foreign Affairs as writing that Communist China, with a quarter of the world's population, would be more accountable to world opinion as a member of the UN than as an outcast.³


Cypriot Representative Rossides, speaking before the General Assembly in 1962, observed that since Red China represented a great proportion of the earth's population, that nation had to be represented in the United Nations.\textsuperscript{4} In 1963, Representative Bitsios of Greece reminded the Assembly that he had to agree with a statement, signed by Albania and other nations favorable to Peking's entry into the UN, which brought out the fact that mainland China had a population equal to one-quarter of the world's.\textsuperscript{5} Representative Huot Sambath of Cambodia spoke before the Assembly in 1964, asserting that the United Nations could not speak of itself as a universal organization when it ostracized the representatives of 700 million mainland Chinese, or one-fifth of humanity.\textsuperscript{6} Although the Greek representative was not in favor of Peking's admission to the UN in 1963, he did agree with the pro-Peking forces in the UN that Red China did in fact have a large population.

As regards the population issue, the pro-Taiwan arguments in the UN normally were based on the contention that population is not an important qualification for representation, or on the fact that Taiwan exercises effective control over a considerable population in its own right. Thus, Representative Wadsworth of the United States, in General Assembly debate over the General Committee report in 1960, advanced the argument that Communist China's population of 600 million was not a valid issue,\textsuperscript{7}

given the Peking regime's long record of aggression and threats of war. 7 U.S. Ambassador to the UN Adlai Stevenson charged before the General Assembly in 1961 that Communist China designed to conquer Taiwan and the eleven million people who lived there, and thereby contribute to the overthrow and the abolition of the independent Government of the Republic of China. 8 Representative Sosa Rodriguez of Venezuela, speaking to the Assembly in the same year, declared that, under international law, the UN could not arbitrarily divest the government of the Republic of China of its authority and thus deliver approximately twelve million people to another government, which had never exercised any effective authority over the islands of Formosa and the Pescadores. 9

In the debate before the General Assembly at the sixteenth session, Adlai Stevenson of the United States enunciated "six realities" of the China problem in the UN, the first of which was the Communist Chinese government did not even represent the 650 to 700 million people it ruled, as it subjected them to all kinds of mass repression. The fourth reality was that the government of Taiwan did indeed exist, and so did the eleven million people it represented. 10 In 1965, Representative Rakotomalala of Madagascar was perhaps a bit more blunt than other pro-Taiwan spokesmen in the UN; he said his delegation disagreed with the argument that 700


million people must have a voice in the organization. Other defenders of Taiwan in the UN relied on the argument that Nationalist China effectively governs a population larger than that of many member states.

The second major political issue of the China problem in the United Nations, the exclusion of Red China as a sore point in relations between the Communist nations and the non-Communist nations, especially the nations of the West, was a legacy of the ideological "Cold War" between the United States and the Soviet Union during the mid-Twentieth Century. It disappeared as a major issue in 1971, due to Red China's admission to the UN in October of that year. It was salient in the early and later history of the China problem in the UN, that is, in the decade 1950-1960. The pro-Peking arguments on this issue were based on accusations against the United States, Nationalist China, and their allies in the UN made by the Soviet Union, its Communist allies, and other pro-Peking delegations.

Representative Voyna of the Ukrainian S.S.R., speaking to the General Assembly's Ad Hoc Political Committee at the fifth session, noted the support for the People's Republic of China's early efforts (1949-1950) to gain entry to the UN by such delegations as the Soviet Union, Poland, Czechoslovakia, and India. He alleged that, due to the stubborn opposition of certain states claiming to be China's friends, Mao Tse-tung's government failed to gain the representation it was entitled to under

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international law. In the same vein, Representative Malik of the Soviet Union, in addressing the 1950 Ad Hoc Political Committee, accused the "bloc of states which formed a majority within the organization" of using the very general conditions for admission of new members laid down in Article 4 of the UN Charter to prevent countries whose internal regimes they disliked from becoming members of the United Nations. Again in the fifth session of the General Assembly, the representative of India, Sir Benegal Rau, displayed an awareness of the tension between the United States and the Soviet Union over the Chinese representation issue when he advised the Assembly to deal with the question as early as possible, and to dispose of it without delay, while the atmosphere of the Assembly was calm, and the "temperature not too high." He proposed as a method for keeping the two super-powers at bay the adoption of his country's draft resolution, which proposed seating Communist China in the UN and expelling Nationalist China. Other nations sympathetic with Peking attacked the United States much as the representatives of the Ukraine and the Soviet Union had.

With regard to the hostile-relations issue, the pro-Taiwan delegates usually replied with counter-attacks against the Soviet Union, other nations of Communist political persuasion, and other nations sympathetic to the cause of Peking in the UN.

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Representative Tsing-Fu Tsiang of Nationalist China delivered a stinging rebuke to the pro-Peking forces when he commented on the Credentials Committee's report to the General Assembly in 1957. He charged that the representatives of the Soviet bloc tried to use the meeting called for the consideration of the report as an excuse for another propaganda campaign; that they presumed to tell the UN who did and who did not represent China, and that the Chinese Communists would be eventually repudiated by the Chinese people.\textsuperscript{15} At the fourteenth session of the General Assembly, Representative Robertson of the United States argued that the United Nations did not stipulate universality as a qualification for membership, but outlined qualifications in the Charter, a motion which the Soviet Union itself supported in 1945 at the organization's founding.\textsuperscript{16} In 1961, Representative Salum Flecha of Paraguay recalled before the Assembly that the UN itself had been defied by the arrogant Chinese Communist intervention in Korea, which resulted in the deaths of thousands of soldiers of many different nationalities who fought there in the service of the UN.\textsuperscript{17} The pro-Taiwan delegates also cited Chinese Communist involvement in Viet-Nam, another facet of the East-West struggle in international politics.

The third major political issue of the China problem in the United Nations was the recognition of Communist China's rise to the


forefront of world politics as the "third" nuclear power, after the United States and the Soviet Union. This issue achieved prominence on the world scene when mainland China exploded its first atomic device in October of 1964. The pro-Peking arguments on this issue largely focused on the relation of Red China's increasing nuclear strength to the need for Communist Chinese representation in disarmament negotiations and in the UN.

Representative Huot Sambath of Cambodia expounded before the General Assembly's nineteenth session the opinion that certain great powers pointed to the explosion of China's first atomic bomb as proof that Peking wanted war. Yet, he asserted, these same powers would expand their own nuclear arsenals, and would not hesitate to resort to them if they felt their own interests unduly threatened.\(^\text{18}\) And at the same Assembly session, Representative Rubadiri of Malawi declared that one of the UN's obvious weaknesses was the absence of mainland China. He said it seemed anomalous to him that China must "blow dangerous fireworks into the atmosphere" before the UN could stir up the delegates to consider the question of world peace.\(^\text{19}\) In 1965, Iraqi Representative Yassen cautioned the Assembly against partial solutions to vital world problems, such as disarmament. He called for protection of what he called the "principle of summit unity," or the "unity of the supreme hierarchy of the world organization." He warned that the world would end up divided into opposing


\(^{19}\text{Ibid., 1297th Plen. Mtg., December 9, 1964, Vol. I, p. 5.}\)
sectors that might ultimately destroy each other. Thus, the pro-Peking advocates in the UN called for mainland China's representation in disarmament negotiations, especially United Nations-sanctioned discussions.

As regards the nuclear-power issue, the pro-Taiwan arguments centered on Peking's rejection of the nuclear test-ban treaty of 1963 and on the renunciation of force by states which are purported to be peace-loving. In 1963, Representative Hay of Australia reminded the General Assembly that Peking characterized the nuclear test-ban treaty, which was very widely hailed at the UN, as "diametrically counter to the wishes of the peace-loving peoples of the world." Nationalist Chinese Representative Shen, speaking to the Assembly's nineteenth session, maintained that the UN was facing a grave crisis, which was due to the fact that too often the principles of the Charter were compromised by yielding to force, by disregard of justice, or by contempt of human rights. In 1965, Representative Lopez of the Philippines emphasized that the United Nations must have the courage to reject the pretensions of the absolutists and the dogmatists who, "by fire and sword," were determined to destroy the organization in the name of some fanatical ideology. As other signs of Communist Chinese ill-will, pro-Taiwan elements in the

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UN pointed out Peking's invasion of Indian territory in 1962 and in 1965 and its border clashes with the Soviet Union in 1969.

The fourth major political issue of the China problem in the United Nations was the displeasure of the neutralist, non-aligned, and developing nations at the denial of mainland China's rights in the UN. This issue had racial overtones, because many Afro-Asian nations and other nations of the "Third World" have felt a common bond with mainland China, whose people, unlike those of the United States, Europe, and the Soviet Union are non-whites like themselves. The pro-Peking arguments on the "Third World" issue were founded on statements of support for the People's Republic of China by spokesmen of the neutralist, non-aligned, and developing countries.

Ghana's Representative Quaison-Sackey stated before the General Assembly in 1959 that his people did not believe it right or just to exclude any country from participation in the UN because those present did not agree with its form of government. If this were to be the guiding principle, then the UN membership would be much smaller than it was.\textsuperscript{24} Representative Pazhwak of Afghanistan, speaking to the Assembly in 1961, claimed that Red China was being given increasing support in its bid for UN membership in the area of the world to which it belonged, and that this fact should be admitted and given the significance it deserved.\textsuperscript{25} And Cambodia's Representative Huot Sambath repeated before the twentieth


session of the Assembly the recommendation of the Conference of Heads of State or Governments of Non-Aligned Countries, held at Cairo from October 5 to 10, 1964. This recommendation called for the restoration to the People's Republic of China of all its rights and the recognition of its representatives as the only lawful representatives of China to the United Nations. Various other delegates from the "Third World" states mentioned approvingly Communist China's participation in the historic Bandung Conference, a conclave of neutralist, non-aligned, and developing states held in 1955.

The pro-Taiwan forces in the UN treated the "Third World" issue largely by citing statements detrimental to Peking and made by spokesmen of the neutralist, non-aligned, and developing countries. India's Representative Chakravarty scored mainland China for refusing to accept proposals for peaceful settlement of the China-India border dispute of 1962, which were made by six Afro-Asian non-aligned countries after a conference held in Colombo, Ceylon, in December of 1962. Representative Rakotomalala of Madagascar, speaking to the General Assembly in 1965, admonished the organization against depriving the people of Taiwan of their UN representation and delivering them to the Chinese Communists, whose form of government they did not wish to have. In 1970, Premier

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Eisaku Sato of Japan announced that his country's UN delegation would side with the United States at the twenty-fifth session of the General Assembly, in calling for the application of the two-thirds rule to the Chinese representation issue. And the fact that the Nationalist Chinese are also a non-white people tended to undermine the racial aspect of the "Third-World" issue.

The fifth major political issue of the China problem in the United Nations was the American pursuit of U.S. national interests in the UN. The pro-Peking elements in the UN based their arguments on the idea that the United States was using the United Nations as an instrument of its foreign policy by blocking Communist China's admission.

In 1958, Representative Lukanov of Bulgaria charged that it was the "ruling circles of the United States" who would like, and were trying, to create two Chinas. At the same General Assembly session, Representative Sobolev of the Soviet Union proclaimed that the United States made no secret of the fact that its attitude toward mainland China was the only obstacle to the restoration of China's lawful rights in the UN. He also accused the U.S. of exerting crude pressure on other delegations to prevent the Assembly from even discussing the question of Chinese representation. In 1962, Representative Budo of Albania, in outlining a history of U.S. tactics against Red China in the years 1950-1961, lambasted the

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31 Ibid., 792nd Plen. Mtg., December 13, 1958, p. 610.
United States for using the "mechanical vote" to force the United Nations into accepting the usurpation of the rights of the Chinese people by a "group of mercenary traitors." Other representatives criticized the United States for maintaining the Seventh Fleet in the Taiwan Straits, between mainland China and the off-shore islands of Formosa and the Pescadores.

The pro-Taiwan arguments on the U.S.-interests issue usually depended on statements by the U.S. representatives to the UN, which attempted to show that the U.S. opposed Red China's admission to the world organization on grounds other than the pursuit of its own national interests. Representative Acheson of the United States, speaking to the General Assembly's fifth session, attempted to demonstrate U.S. concern for orderly procedure in the UN and consideration of Assembly business the U.S. deemed more vital than the Chinese representation issue. He was calling for the immediate rejection of India's pro-Peking draft resolution. In 1958, Representative Lodge of the U.S. utilized a different approach. He pointed to the fact that the United States anti-Peking draft resolution of that year had received overwhelming support in the General Committee, that it was not only something the U.S. believed in, but that it also appeared to be wise to a substantial majority of the members of the General Committee, who approved it by a substantial vote. At the


fifteenth session of the General Assembly, Representative Wadsworth of the U.S. pointed out that one of the reasons for American opposition to Red China's entrance into the UN was the latter state's lack of moderation. He used the occasion of the visit of Red Chinese emissaries to the UN in the winter of 1950-1951, a visit marked by an arrogant and inflexible attitude on the part of the Peking representatives, to support his stand. Other U.S. delegates to the UN opposed Red China's entry into the organization on the grounds that Peking could not satisfy the requirements of the Charter.

Legal Issues and Their Relations to Various Theoretical and Organizational Aspects

The legal issues of the China problem in the United Nations were, prior to October 25, 1971, many in number and complex in nature. They can best be considered in terms of their relations to various theoretical and organizational aspects. So the legal issues connected with the Chinese representation question in the UN, prior to October, 1971, can be related to: 1) international law; 2) the "two-Chinas" theory; 3) the UN Charter; 4) the UN General Assembly; and 5) the UN Security Council. The relations of the legal issues to these various theoretical and organizational aspects can, in their turn, be developed in terms of pro-Peking and pro-Taiwan arguments.

The first major relation of the legal issues of the China problem in the United Nations to various theoretical and organizational aspects

was the relation of these legal issues to international law. The pro-
Peking arguments on this relationship usually were based on the claim of
the existence of the Peking government, and/or the non-existence of the
Taiwan government, as formulated in international law.

In 1950, Representative Voyna of the Ukrainian S.S.R. declared
that Chiang Kai-shek and the Nationalists had been driven out of mainland
China by the Chinese people, that Chairman Mao Tse-tung's government
exercised authority throughout Chinese territory, and that the Communist
Chinese government was the only legitimate government of China. He went
on to say that, it was obvious by virtue of international law and the UN
Charter that the government of Mao Tse-tung should be represented in all
United Nations organs. In the same year, and before the same Ad Hoc
Political Committee, Representative Khomsko of the Byelorussian S.S.R.
affirmed that, according to international law, one specific requirement
governed the recognition of states and the transfer of power from one
government to another, which was that a government must exercise effective
control and the people must be obedient to it. He cited the legal opinions
of Oppenheim and Lauterpact to support his argument. He also cited
Professor Faredes, who had defended the right of a nation to overthrow
an oppressive government. And he finally mentioned the Estrada Doctrine,
unanimously adopted by Latin American nations, which stated that although
states were free not to enter into diplomatic relations with the regime
of another state, they could not dispute the legitimacy of its government.
He declared that, on the basis of this legal evidence, the People's

A/AC. 38/L 6, October 25, 1950, p. 135.
Republic of China was the legitimate government of China, and its legitimacy was beyond dispute. Representative Huot Sambath of Cambodia cited the legal basis whereby Taiwan is recognized to be an integral part of the territory of China. He reiterated that Taiwan, a province of China, was in fact recognized, like Manchuria and the Pescadores, as an integral part of Chinese territory, both by the Cairo Declaration of December 1, 1943, at the conference attended by President Franklin D. Roosevelt and Prime Minister Winston Churchill, and also by the Potsdam Declaration of July 26, 1945, issued jointly by Prime Minister Joseph Stalin, President Harry Truman, and Prime Minister Winston Churchill, reaffirming the terms of the Cairo Declaration. Pro-Peking spokesmen in the UN resorted often to the argument that Nationalist China is not an "effective government" of China, and so does not exist under international law. Mainland China's supporters in the world body also cited the Stimson Doctrine, an American foreign-policy statement, issued in the 1930s, which declared recognition of a foreign government by the United States to be possible if the foreign government in question could demonstrate: 1) effective control of the administrative apparatus of state; 2) the acquiescence of the people in its rule; and 3) an ability to discharge its international obligations. The Stimson Doctrine also assured America's recognition of China's claims to Manchuria and to off-shore islands that Imperial Japan seized and occupied prior to World War II.

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37 Ibid., 22nd Mtg., A/AC. 38/L 6, October 25, 1950, p. 143.
In relating the legal issues of the China problem in the UN to international law, the pro-Taiwan advocates attempted to rebut or correct the arguments of the pro-Peking group. Thus, in 1950, Nationalist Chinese Representative Liu Chieh brought up the theory of premature recognition, of which all nations who campaigned for Red China's admission to the UN were guilty. According to this theory, under international law, recognition was considered premature as long as the existing government continued to offer resistance. Authority over a territory could not be considered effective as long as there was persistent and organized resistance by the people or the existing legal government which the new regime sought to overthrow. The same Nationalist Chinese delegate, in the same General Assembly session, attacked the United Kingdom draft resolution which proposed to seat mainland China in the UN. According to him, the British draft was continually placing emphasis on international law. He considered, however, that the Charter had been accepted as the law of nations. In 1965, Representative Liu of Nationalist China asserted Taiwan's sovereignty. He agreed with those who said that Taiwan was an integral part of China. He then went on to state that the government of the Republic of China was a Chinese government on Chinese soil dedicated to the task of restoring freedom to the Chinese people. And the Republic of China, like all sovereign and independent governments, was free to enter into alliance with any country it saw

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40 Ibid., 22nd Mtg., A/AC. 38/L 6, October 25, 1950, p. 148.
Thus, the pro-Taiwan spokesmen in the UN appealed to international law for proof of the legal existence of the Nationalist Chinese government.

The second major relation of the legal issues of the China problem in the United Nations to various theoretical and organizational aspects was the relation of these legal issues to the "two-Chinas" theory. The pro-Peking arguments on this relationship generally disavowed the existence of "two Chinas" and claimed the existence of only one China—the China ruled by Chairman Mao Tse-tung and the Chinese Communists.

Speaking before the sixteenth session of the General Assembly, Representative Zorin of the Soviet Union illustrated his argument against the existence of two Chinas by using the hypothetical example of a divided France at the end of World War II. He asked the Assembly to imagine briefly that, at the end of the Second World War, the allied troops which liberated France had let General Pétain escape, and he had crossed over to Corsica with the remnants of his troops. Would it, the Soviet delegate asked, ever have occurred to anyone to claim that there were two Frances—one with its capital in Paris, and the other with its capital at Ajaccio? He said that anyone who had tried to make such an assertion would have been regarded as mad—above all by the French themselves. He went on to declare that there were no two Chinas, just as there were no two United Kingdoms, no two Japans, no two Indias, no two United States of Americas, and no two Frances. He concluded by demanding that the

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legitimate rights of the People's Republic of China be restored in the United Nations. Representative Hajek of Czechoslovakia argued before the Assembly's seventeenth session that the fact that, following a revolution, the previous government may continue to be recognized by states which did not wish to become reconciled to the new situation did not, in any case, mean that, as a consequence of the existence of such a pseudo-government, two states should exist. And in 1965, Representative Quaison-Sackey of Ghana offered the General Assembly the hypothetical case of "Two Americas." He asked the Assembly to suppose that there was a revolution in the United States. The existing government in Washington then moved to Alabama and there maintained its stronghold. Would, he asked, the seat of the United States in the Security Council and other organs of the United Nations continue to be occupied by the discredited government hiding in Alabama, or by the government which would be the popular government in the country? Did this not, he asked, sound absurd in the ears of his colleagues? He affirmed that this was the point which the Peking supporters in the UN were advancing in regard to China and Taiwan. As a matter of policy, both the Peking and the Taiwan governments disclaim the notion of "two Chinas." Each maintains that it is the only legitimate Chinese government.

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In relating the legal issues of the China problem in the UN to the "two-Chinas" theory, the pro-Taiwan supporters based their arguments mainly on the claim that, whatever the opposition said, there were two Chinas in fact. So, in this light, Representative Sosa Rodriguez of Venezuela, addressing the sixteenth session of the General Assembly, posited that, if it were recognized that there were two distinct lawful governments exercising authority over two distinct parts of Chinese territory, that would give de jure recognition to a de facto situation, and the possibility of allowing each of those governments to have its own separate representative in the United Nations could be considered. Representative Hay of Australia, speaking to the Assembly's eighteenth session, pointed out that Formosa was an island of eleven million people—a population greater than, or as great as, the populations of many of the other states represented in the UN at that time (1963). He stated that the people of Taiwan and their government were in fundamental opposition to the Peking regime. And pro-Taiwan spokesmen in the UN also referred to the U.N.A. Panel Report of 1966, which asserts that a two-China approach in the General Assembly would reflect present political realities in the Far East. So the main thesis of the pro-Taiwan forces in the UN


was that there are two Chinas in fact, and that this fact should be
given legal recognition.

The third major relation of the legal issues of the China problem
in the United Nations to various theoretical and organizational aspects
was the relation of these legal issues to the UN Charter. Here, the pro-
Peking supporters were put on the defensive, because their opponents were
able to point to Red China's military adventures in Korea during the
year 1950-1953, in Tibet in 1959, and in India in 1962 and in 1965 as
signs that the People's Republic was not a "peace-loving state." The
pro-Peking arguments tended to de-emphasize mainland China's aggressive
militarism or to ignore it altogether.

At the fifth session of the General Assembly, Representative
Lachs of Poland noted that some members of the Ad Hoc Political Committee,
at that time (1950) considering the question of Chinese representation in
the UN, envisaged applying Article 4 of the Charter to the case, whereas
he considered only the provisions of Article 3 as applicable to China.\footnote{A.O.R., 5th sess., Ad Hoc Political Committee, 23rd Mtg.,
A/AC. 38/L 6, October 26, 1950, p. 152.}

Article 4 of the UN Charter reads, in its entirety, as follows:

1. Membership in the United Nations is open to all
other peace-loving states which accept the obligations
contained in the present Charter and, in the judgment of
the Organization, are able and willing to carry out these
obligations.

2. The admission of any such state to membership in
the United Nations will be effected by a decision of the
General Assembly upon the recommendation of the Security Council. 49

Article 3 of the UN Charter read: in its entirety, as follows:

The original Members of the United Nations shall be the states which, having participated in the United Nations Conference on International Organization at San Francisco, or having previously signed the Declaration by United Nations of January 1, 1942, sign the present Charter and ratify it in accordance with Article 110. 50

In 1961, Representative Winiewicz of Poland declared that, since the inception of the UN, China had been a member of the United Nations and, in compliance with Articles 3 and 23 of the Charter, was given the status of an original member and of a major power. He contended that a change of political systems, such as the one undergone by China, was an internal affair of a sovereign nation and an independent state. 51 Article 23 of the UN Charter, referring to the composition of the Security Council, reads as follows:

1. The Security Council shall consist of eleven Members of the United Nations. The Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America shall be permanent members of the Security Council. The General Assembly shall elect six other Members of the United Nations to be non-permanent members of the Security Council, due regard being specially paid, in the first instance to the contribution of Members of the United Nations to the Maintenance of international peace and security and to the other purposes of the Organization, and also to equitable geographical distribution.


50 Ibid., p. 198.

2. The non-permanent members of the Security Council shall be elected for a term of two years. In the first election of the non-permanent members, however, three shall be chosen for a term of one year. A retiring member shall not be eligible for immediate re-election.

3. Each member of the Security Council shall have one representative.\textsuperscript{52}

In 1965, Representative Budo of Albania declared that the Chinese representation issue was, as he said, simply a question of credentials and could not be regarded as an important question within the meaning of Article 18 of the Charter.\textsuperscript{53} This is a veiled attack on Resolution 1668 (XVI), adopted by the General Assembly on December 15, 1961. Article 18 of the Charter, referring to voting, reads as follows:

1. Each member of the General Assembly shall have one vote.

2. Decisions of the General Assembly on important questions shall be made by a two-thirds majority of the members present and voting. These questions shall include: recommendations with respect to the maintenance of international peace and security, the election of the non-permanent members of the Security Council,\textsuperscript{54} the election of the members of the Economic and Social Council, the election of members of the Trusteeship Council in accordance with paragraph I (C) of Article 86, the admission of new Members to the United Nations, the suspension of the rights and privileges of membership, the expulsion of Members, questions relating to the operation of the trusteeship system, and budgetary questions.

\textsuperscript{52}Nicholas, \textit{The United Nations As A Political Institution}, p. 203.


3. Decisions on other questions, including the determination of additional categories of questions to be decided by a two-thirds majority, shall be made by a majority of the members present and voting.\textsuperscript{55}

Supporters of Peking's cause in the UN also cited Article 2, paragraph 7 of the Charter, as a legal basis for the integrity of the Communist Chinese government. The "domestic jurisdiction" clause reads as follows:

\begin{quote}
Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII.\textsuperscript{56}
\end{quote}

The pro-Peking elements in the UN, as a rule, avoided mention of Article 4, or de-emphasized it as much as possible.

In relating the legal issues of the China problem in the UN to the UN Charter, the pro-Taiwan delegations mostly centered their arguments on Article 4, and criticized mainland China heavily for not living up to its ideals. Representative Robertson of the United States, before the fourteenth session of the General Assembly, quoted John Foster Dulles as stating that the United Nations had a choice of whether or not to bring into its membership, and to veto power on the Security Council, a regime which had flagrantly defied the United Nations; which had fought it; which had been found an aggressor; and which far from being "peace-loving"—the test for membership—had "persistently violated the principles


\textsuperscript{56} \textit{Ibid.}, p. 198.
contained in the Charter—which is the test for expulsion."\(^{57}\) In 1965, Representative Montenegro Medrano of Nicaragua emphasized that the defenders of Peking in the UN mentioned such mainland Chinese assets as the size of its territory and population, and its military and atomic power, without mentioning a single duty that it had performed or was prepared to perform, forgetting that rights and duties are closely related, that Communist China had violated the rules and principles laid down in the Charter for the admission of a member state, and that a right should not be claimed unilaterally unless the corresponding duty has first been discharged.\(^{58}\) In 1962, Representative Amman-Rajadhon of Thailand explicated the relation of the Chinese item to the UN Charter before the General Assembly. According to him, the People's Republic of China, if it wished to seek admission to the United Nations, should comply with Article 4, paragraphs 1 and 2, of the Charter. He saw, however, no evidence that the People's Republic of China had expressed any such wish. He went on to say that, to be qualified for membership in the United Nations, the People's Republic of China would have to furnish evidence that: first, it was a peace-loving state; second, it accepted the obligations contained in the Charter; and third, in the judgment of the organization, it was able and willing to carry out those obligations. Furthermore, admission could be affected by the decision of the General Assembly only upon the recommendation of the Security Council. Up to


that point (1962), none of those questions had received a positive recommenda-

tion by the Security Council.59 Other pro-Taiwan representatives in

the UN delivered long speeches on the relationship between legal issues

of the China problem and the UN Charter, most focusing on the provisions

of Article 4.

The fourth major relation of the legal issues of the China prob-

lem in the United Nations to various theoretical and organizational

aspects was the relation of these legal issues to the UN General Assembly.

Here the pro-Peking supporters mounted their greatest offensive for the

seating of Red China in the UN, prior to October 25, 1971. Their argu-

ments usually urged immediate action by the Assembly on the restoration

of Peking's "lawful rights" in the UN.

In 1950, Representative Sir Benegal Rau of India implored the

General Assembly to deal with the matter of Chinese representation at

once, or at least when the report of the Credentials Committee was before

it, but not later. He said the question was one relating to credentials.60

Representative Quaison-Sackey of Ghana, addressing the Assembly's four-

teenth session, declared that, on each occasion the Chinese representa-

tion issue was brought up in the UN, the organization was placed in a

farcical position by its inability even to discuss the problem. He

stated that on each occasion, the Assembly adopted resolutions to postpone

discussion of the question. He considered this against the Assembly's

59 G.A.O.R., 17th sess., 1157th Plen. Mtg., October 23, 1962,


better judgment. He also considered the maneuvers by which some delegations blocked the General Assembly from discussing the merits of the question as quite unrealistic. Representative Sir Correa of Ceylon observed before the Assembly in 1960 that there was a legal linkage between diplomatic recognition of Communist China and support for Communist China's representation in the UN General Assembly. He said he thought this logical and proper. Other pro-Peking delegates in the UN supported the option of representation in the General Assembly for both Peking and Taiwan.

In relating the legal issues of the China problem in the UN to the General Assembly, the pro-Taiwan delegates argued for the validity of the General Assembly's decisions as reflected in its annual Credentials Committee reports and in its annual resolutions. The committee reports, from 1950 to 1970, always recommended the recognition of Taiwan's UN credentials as legal and valid. As for the resolutions, one of them, 498 (V), condemned Communist China as an aggressor in Korea in 1951, and another, 1668 (XVI), imposed the two-thirds rule on all subsequent Assembly voting on the China item from 1961 until 1971. In 1950, Representative Chieh of Nationalist China gave his opinion that it was up to the General Assembly to determine the manner in which a new regime had been established, and whether it had been constituted by the freely elected representatives of the people in accordance with general democratic

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procedure. Also, and more importantly, the General Assembly should determine whether the new regime was or was not brought about by an act of aggression or the forcible intervention, direct or indirect, of a foreign power.\footnote{G.A.O.R., 5th sess., Ad Hoc Political Committee, 18th Mtg., A/AC. 38/L 6, October 20, 1950, p. 112.} Also in 1950, Representative Acheson of the United States attempted to demonstrate the legality and validity of Nationalist China's representation in the UN by pointing out that, of the General Assembly's membership, forty-three of the nations recognized the Taiwan government and only sixteen states recognized the Peking government.\footnote{Ibid., 277th Plen. Mtg., September 19, 1950, Vol. I, p. 6.} Representative Lodge of the United States, in what he considered a legally valid motion, requested the Assembly at its thirteenth session to do as it had done since 1951, to adopt a decision not to consider the Chinese item for the duration of that session.\footnote{G.A.O.R., 13th sess., 753rd Plen. Mtg., A/3926, September 22, 1958, p. 61.} Thus, both pro-Peking and pro-Taiwan factions in the UN regarded the General Assembly as the main legal vehicle for their respective causes in the world organization.

The fifth major relation of the legal issues of the China problem in the United Nations to various theoretical and organizational aspects was the relation of these legal issues to the UN Security Council. On this point, the pro-Peking forces were able to put the opposition on the defensive, because permanent membership on the Security Council was intended for major world powers, and it was generally conceded by the United States and its allies in the UN that Nationalist China was not
really a world power, nor could it be considered such. Thus, as it was to the legal advantage of the pro-Taiwan proponents in the UN to emphasize the UN Charter (especially Article 4), and to the legal advantage of the pro-Peking proponents in the UN to de-emphasize it, the reverse held true for the Security Council. It was to the legal advantage of the pro-Peking forces in the UN to emphasize the Security Council, and to the legal advantage of the pro-Taiwan forces in the UN to de-emphasize it.

At the fifth session of the General Assembly, Representative Malik of the Soviet Union recalled that, when the Security Council had been considering the application of certain states for membership, the U.S. representative had said that the American government would support the applications of those states if their governments modified their domestic policy. In 1958, Representative Sobolev of the Soviet Union asserted that the absence of China (Peking)—a great power and a permanent member of the Security Council—could not fail to detract from the authority and prestige of the United Nations. At the sixteenth session of the General Assembly, Representative Koirala of Nepal quoted a statement in the September, 1961 issue of the Political Science Quarterly which posited that, in international law, a state had the right to change its name. The Charter of the United Nations, it was said, does not restrict this right, even with respect to a permanent member of the Security Council mentioned under a definite name in Article 23. The mere change of

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title, therefore did not necessarily create the status of a non-member of the UN whose admission might be subject to veto in the Security Council. Other pro-Peking delegates in the UN merely pointed to the fact that Nationalist China was not a world power per se, and thus illegally occupied China's UN Security Council seat.

In relating the legal issues of the China problem in the UN to the Security Council, the pro-Taiwan advocates centered their arguments on a de-emphasis of the Security Council or on the legality and validity of the Nationalist Chinese representation in the UN, dating back to China's status as a founding member of the UN in 1945 and as an original great power and permanent member of the Council in 1945. Addressing the Security Council in 1950, Representative Blanco of Cuba explained the legal reasoning involved in Resolution 291 (IV) and in Resolution 292 (IV), both sponsored by Cuba and both referring to the right of the Chinese people to determine their own destiny. He advanced the argument that the Chinese Nationalist government of Generalissimo Chiang Kai-shek was, at that time, recognized by the majority of members of the UN. He said that the organization as a whole should recognize the aforesaid government, and that its representatives both in the Security Council and in the other UN organs were China's legitimate representatives. He declared that, for the United Nations to act otherwise would be to transform the organization—and in particular the Security Council—into a body intended to accept and legalize de facto situations without even undertaking to consider how they came about. Such a procedure, he

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declared, would be in accordance neither with the Charter nor with the most elementary principles of international law and morality. In 1950, Representative Acheson of the United States decried an attempt by India to have Nationalist China ejected from the UN General Assembly, Security Council, and other organs and bodies. He pointed out that China under Chiang Kai-shek was a founding member of the UN and had been represented by the Nationalists in the UN since 1945. Speaking to the seventeenth session of the General Assembly, Representative Amman-Rajadhon of Thailand reminded the delegates that Article 23 of the UN Charter declares the Republic of China, ipso nomine, a permanent member of the Security Council. It would therefore appear flagrantly unconstitutional for a permanent member to attempt to oust another permanent member in a manner not contemplated by the Charter, in the drafting of which both participated on a footing of sovereign equality. In the final analysis, Nationalist China could have vetoed its own removal from the Security Council interminably, unless the UN Charter were revised to alter or modify the veto powers of the five permanent members of the Security Council.

Summary

In summation, it may be advanced that the China problem in the United Nations, throughout the period 1950–1970, had generated a number

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of political and legal issues, which have been discussed, debated, and argued within and without the UN organization. These major political and legal issues, as listed above, formed the center of the China controversy in the UN. Other political issues have been advanced, such as the personality of Chiang Kai-shek himself (and, correspondingly, of Mao Tse-tung). The political issue of the overseas Chinese is brought up from time to time. Also advanced is the legal issue of Chinese treatment of treaties, especially Communist Chinese treatment of the 1963 nuclear test-ban treaty. But all of these issues may be viewed as either peripheral to or subordinate to the major political and legal issues cited and outlined above. Each one of the five major political issues and each one of the five major relationships of legal issues to various theoretical and organizational aspects, prior to Red China's admission to the UN in 1971, can be developed in terms of pro-Peking and pro-Taiwan arguments.

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72 See pp. 58-59 and 84.
CHAPTER FOUR

CURRENT STATUS OF THE CHINA PROBLEM

IN THE UNITED NATIONS

The China problem in the United Nations remains a dilemma in international relations. Nationalist China under Generalissimo Chiang Kai-shek has been expelled from both the UN Security Council and the UN General Assembly, and other organs and bodies of the world organization as well; Red China is now a member of the United Nations organization. And the twenty-three-year-old problem leaves in its wake certain major political and legal issues, some resolved and some not.

Major Political Issues

Of the five major political issues of the China problem in the UN considered heretofore, the representation of 800 million to one billion Chinese in the United Nations has been resolved with the admission of Red China to the UN in 1971. Former UN Indian Representative Arthur Lall provided an Asian viewpoint, prior to October 25, 1971, on the China problem in the UN by noting that, in terms of the people involved, unrepresented Asia exceeded the total populations of Africa and North and South America, taken together, or of Africa and Europe. He posited that, while it was, of course, true that the United Nations was an association of states, the demographic factor had a bearing on the importance of the organization and the allegiance it commanded. The defection of Indonesia
from the UN, he said, was to be explained in an important degree by the fact that a Communist China outside the United Nations was growing in power and prestige. Lall was of the opinion that the longer this large nonrepresentation of Asia in the United Nations continued, the greater was the likelihood that there would be further defections from the organization. He concluded by stating that if the UN was to reach its full measure of effectiveness and value in Asia, it should become much more effectively representative of that continent. Lall's fears may be completely dispelled by such recent developments as the 1970 UN vote on the China item, in which, for the first time, Peking received a majority of the General Assembly vote (51-49-25), the 1971 "ping-pong diplomacy," signalling a warming trend in relations between the People's Republic of China and the United States, and the admission of Red China to the UN in 1971.

The second major political issue of the China problem in the UN, the exclusion of Red China as a sore point in relations between the Communist nations and the non-Communist nations, especially the nations of the West, has also been resolved, due largely to such factors as the Sino-Soviet ideological split, which became evident in 1961; Peking's admission to the UN, as mandated by the 1971 UN General Assembly vote on the China item; and the recognition of Communist China's government by various Western nations—Canada, Belgium, Italy, and Chile in the period 1970-1971. The fact that the Soviet Union and Communist China are still feuding is brought out by a 1970 Pravda editorial, which accuses Red

China of entertaining thoughts inspired by the "Great Han dreams of becoming new emperors of the Great China' that would rule at least Asia, if not the whole world." However, it must be noted that, under the leadership triumvirate of Leonid Brezhnev, Nikolai Podgorny, and Aleksei Kosygin, the Soviet Union is attempting to renew better relations with the Chinese Communists.

The third major political issue of the China problem in the UK, the recognition of Communist China's rise to the forefront of international politics as the "third" nuclear power, after the United States and the Soviet Union, at the present time remains unresolved, but there are indications that Red China is currently being given its due recognition as the up-and-coming third world power. Diplomatic recognition of Communist China by such Western nations as Canada, Belgium, Italy, and Chile; attempts of the Soviet ruling hierarchy to smooth over the ideological dispute with the Chinese Communists; a guarded and cautious liberalization of the American Nixon Administration's policy toward mainland China; and Red China's admission to the UN—all these developments of 1970-1971 may be taken as indications of recognition of Communist China's rise to a prominent position in international politics by other nations of the world. In 1969, Richard Nixon's then Under-Secretary of State (now Secretary of Health, Education, and Welfare in the Nixon Cabinet), Elliot L. Richardson, enunciated what has since been described as the "Richardson Doctrine" on U.S. foreign policy toward mainland China. Richardson gave the opinion that long-run improvement in American relations

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with Red China is in the American national interest. He emphasized that the government of the United States would not seek to exploit for its own advantage the hostility between the Soviet Union and the People's Republic of China; rather, he declared that the U.S. could not fail to be deeply concerned with an escalation of this quarrel into a massive breach of international peace and security. American national security would in the long run be prejudiced by the U.S. associating itself with either side against the other. He asserted that the Nixon Administration intended, nevertheless, to pursue a long-term course of progressively developing better relations with both. He contended that the United States would not let Communist Chinese invective deter it from seeking agreements with the Soviet Union where those would be in the U.S. interest. Conversely, America would not let Soviet apprehensions prevent it from attempting to bring Communist China out of its "angry, alienated shell."3 These words seem almost prophetic, in the light of 1971 negotiations directed in the Middle East by U.S. Secretary of State William Rogers, in the light of the 1971 Washington-Peking "ping-pong" diplomacy," and President Nixon's "Journey for Peace" to Peking in February, 1972.

The fourth major political issue of the China problem in the UN, the displeasure of the neutralist, non-aligned, and developing nations at the denial of Peking's rights in the UN, a political issue with obvious racial overtones, has been resolved, as Red China is now a UN member. In 1965, John Karefa-Smart, former Foreign Minister of Sierra Leone,

observed that, in spite of all the positive aspects of their membership in the United Nations, the African countries experienced a certain disillusionment with the UN in the following areas: 1) the continuation of the Cold War and the huge sums of money spent by the great powers in defense and armaments; 2) the refusal of the Western powers to support in the Security Council strong economic measures against South Africa; 3) the question of the participation of Communist China in the UN organization; and 4) the stubborn refusal of both the United States on the one hand and France and the Soviet Union on the other to accept compromise solutions to the problem of the deadlock over payments for the peace-keeping operations in the Middle East and the Congo (Leopoldville).4 This political issue, with its racial implications, has been resolved, from the point of view of the neutralist, non-aligned, and developing nations of the world.

The fifth major political issue of the China problem in the UN, the American pursuit of U.S. national interests in the UN, remains unresolved, but the United States was willing to acquiesce in some sort of scheme allowing some form of representation for Communist China in the UN prior to October 25, 1971. In October, 1967, a U.S. writer in Foreign Affairs stated his opposition to "rushing" to grant recognition to Peking, to admit it to the UN, and to "ply" it with offers to trade.5 He said that the United States should be distinguishing "carefully between


long-range and short-range policies, and fashioning short-range programs so as to advance long-range goals." He said that the world simply cannot afford to leave China forever outside the family of nations. The world cannot be safe until China changes, he continued. The aim of the U.S. should be to induce change to the extent that it can influence events. The U.S. could do this, he insisted, by persuading China that it must change, that it cannot satisfy its "imperialist ambitions," and that its own national interest requires abandoning foreign military adventures and "a turning inward" toward the solution of domestic problems. Finally, he concluded by calling for the formation of regional security pacts that would serve as "buffers" separating the major nuclear powers in the case of "wars of national liberation," supported by Moscow or Peking but fought "by proxy." This writer was Richard Nixon, now President of the United States.6 By mid-1971, there appeared to be a softening of the U.S. hard-line approach to the Chinese representation issue in the UN. This was overshadowed by the UN General Assembly vote on China on October 25, 1971.

Major Legal Issues

Of the five previously-mentioned major relationships of the legal issues of the China problem in the UN to various theoretical and organizational aspects, the relation of these issues to international law gives rise to at least one major unresolved legal issue. This is the issue of effective authority. A 1950 memorandum prepared by the Legal Department of the United Nations Secretariat, according to McDougal and Goodman,

6 Ibid.
proceeded by derivation from Article 4 of the UN Charter, and concluded that a representative decision should focus on whether "the new Communist Chinese government exercises effective authority within the territory of the state, and is habitually obeyed by the bulk of the population." According to this legal provision, Nationalist China could not enjoy UN status because it lacked "effective authority" over the "bulk of the population." This was part of the memorandum prepared by Secretary-General Trygve Lie and delivered on March 8, 1950. But the fact that the Nationalist government controls Formosa and the Pescadores Islands, and their population of approximately fourteen million people, complicates the issue. The Nationalist Chinese government can prove effective authority over the area of Taiwan and its neighboring islands, even though it is now outside the UN.

The second major relationship of the legal issues of the China problem in the UN to various theoretical and organizational aspects is the relation of these issues to the "two-China" theory. This relationship gives rise to at least one major unresolved legal issue, that of the existence of two competing Chinese governments, the Communists in Peking and the Nationalists in Taipei. Writing in 1968, Chiu and Edwards noted that, in the view of Communist China, the Chinese representation question was a question of credentials which should have been decided by a simple majority of the UN General Assembly on the basis that the People's Republic of China was the sole legal government of China. No compromise

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solution on the basis of any "two Chinas" or "one China, one Taiwan" formula was deemed acceptable by Communist China. Yet, the fact is, there are indeed two Chinas. The issue is complicated by the fact that certain nations recognize Peking and approve of its admission to the UN, certain nations recognize Taiwan and campaign for its reinstatement in the UN, and a third category of nations recognizes either one or the other, but approves of the representation of both in the UN.

The third major relationship of the legal issues of the China problem in the UN to various theoretical and organizational aspects is the relation of these issues to the UN Charter. This relationship gives rise to at least one major unresolved legal issue, namely, the ability of Communist China to meet the qualifications for UN membership as spelled out in Article 4 of the Charter. McDougal and Goodman noted that Article 4 requires an applicant for UN membership to be "peace-loving" and "willing to carry out the obligations of the Charter." Red China has clearly indicated by its past actions in Korea, Tibet, and India that it is not a "peace-loving" state; at the same time, some nations would doubt mainland China's "willingness" to abide by the UN Charter. But the issue is complicated by Peking's peaceful participation in the Bandung Conference of 1955 and by its support for the so-called "five principles of peaceful co-existence." And now that Red China is represented in the UN, it remains to be seen whether Peking will abide by Article 4 of the UN Charter.

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The fourth major relationship of the legal issues of the China problem in the UN to various theoretical and organizational aspects is the relation of these issues to the UN General Assembly. This relationship gives rise to at least one major unresolved legal issue. This is the right of both Peking and Taiwan to be represented in the Assembly. The United Nations Association Panel of 1966 recommended in its report of that year that Red China at least be admitted to the General Assembly. At the same time, the London Economist gave evidence that the United States would not accept the expulsion of Taiwan from its General Assembly seat." The matter is complicated by the fact that the General Assembly passed Resolution 498 (V) on February 1, 1951, declaring Red China an aggressor in Korea, and Resolution 1668 (XVI) on December 15, 1961, declaring the two-thirds rule applicable to the Chinese representation issue in the UN. But Taiwan is no longer represented in the UN, and Peking is.

The fifth major relationship of the legal issues of the China problem in the UN to various theoretical and organizational aspects is the relation of these issues to the UN Security Council. This relationship gives rise to at least one major resolved legal issue, namely, Taiwan's status as a great power. Finkelstein noted that uncertainties


about the great-power status of Nationalist China and France gave rise to suggestions that the UN Charter provide for future change in the "permanent" membership of the Security Council. In some quarters, it was even thought that if a "permanent member" which proved to be no longer a great power sought to stultify the organization by "abusing" the veto, the remedy would be for all the others formally to set up a new organization from which that power would be excluded or in which its status would be altered. If Taiwan could not prove great-power status, then its membership as a permanent member on the Security Council was open to question. And, it is generally agreed today that Nationalist China is not a great power. And the issue is resolved by the fact that Red China, which can prove at least imminent great-power status, is now a member of the Security Council and the General Assembly.

Projections for 1972 and the Near Future

The year 1971 was a turning point in relation to the Chinese problem in the United Nations. It is possible to consider what may lie ahead in relation to the China problem in the UN during what could be a significant year, 1972, and the years following it, or the near future.

First of all, the continuation of the new status quo at the United Nations (Red China represented and Nationalist China not) appears to be the safest projection for 1972. The October 25, 1971, UN General Assembly vote overwhelmingly favored the Albanian resolution to admit Peking and to expel Taiwan, 76 to 35, with 17 abstentions. The United

States and other pro-Taiwan members of the world body have, to date, made no effort to regain UN representation for Nationalist China. Newsweek noted, in its November 8, 1971 issue, that Peking was determined to supplant Taipei in the UN's affiliated agencies. It was also observed by that magazine that the United Nations Educational, Scientific, and Cultural Organization (UNESCO) voted to remove Taiwan and offer a seat to Peking; most other agencies were expected to follow suit. Taiwan was expected to remain in a few international organizations, such as the World Bank. Thus, for the most part, Red China has assumed the Chinese seats throughout the entire UN organization, and it appears that Red China is in the UN to stay.

Next, the Sino-American thaw now in evidence will probably proceed, but slowly and cautiously. Communist China still regards the United States with at least a measure of suspicion. On May Day in 1970, Chairman Mao Tse-tung ridiculed the United States in strong language. He claimed it is not the Viet-Namese people, the Laotian people, the Cambodian people, the Palestinian people, the Arab people, or the people of other countries who fear "United States imperialism"; it is United States imperialism that fears the people of the world. Mao continued his attack on the United States, declaring that a weak nation can defeat a strong, a small nation can defeat a big nation. The people of a small country can certainly defeat aggression by a big country, if only they dare to rise in struggle, take up arms, and grasp in their own hands the

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destiny of their country. Mao insists that this is a law of history.\textsuperscript{14} The use of this kind of language indicates that the United States is still considered an enemy by Communist China, and that the current Washington-Peking thaw will probably be closely watched and controlled by the governments of the United States and Red China.

A significant development in Sino-American relations in 1972 was the Nixon trip to the People's Republic of China. The American President, his wife, and a select entourage of U.S. diplomats and newsmen, flew to Peking on February 20, 1972. President Nixon conferred with Communist Chinese Premier Chou En-lai throughout the week of February 20-27, and spent at least one hour in conference with Chinese Communist Party Chairman Mao Tse-tung. The President, his wife, and his entourage also visited the mainland cities of Hangchou and Shanghai. President Nixon and Premier Chou En-lai joined in a 1,750-word communiqué highlighting their differences, but agreeing on an over-all pledge to work toward peace and to foreswear any attempted domination of Asia by either Washington or Peking.\textsuperscript{15} According to the communiqué, the United States does not challenge the premise that mainland Chinese and those on Taiwan maintain there is one China and that the island of Taiwan is part of China. The U.S. government wants a peaceful settlement by Chinese themselves and as tensions lessen in the area it will progressively withdraw its military forces. The Chinese maintain that the People's Republic is the sole


legal government of Taiwan and that the issue is an internal affair for China. Thus, the U.S. acknowledges the fact that Communist China claims to be the legal owner of Taiwan, but does not agree with this claim.

O. Edmund Clubb offers some views on what Red China's expectations of UN membership might be. He states that, with China's security imperiled, the Maoist regime would in all probability prove ready to assume China's UN seat to gain whatever additional protection its new relationship might offer vis-a-vis the United States as China takes its stand in support of the Indo-Chinese revolution. The avoidance of a major collision between the two countries in that Asian sector will at best prove a matter of great difficulty. Maoist policies have alienated China's Soviet ally and have notably failed to win the sympathy of Japan; it is moreover certain, Clubb affirms, that "the people of the world" would not mass in China's defense in the event of a nuclear war. But with China in the United Nations, paradoxically, at a crucial juncture in Southeast Asian developments, that somewhat bourgeois organization might provide the means for the salvation of revolutionary China. Thus, Red China might view membership in the United Nations as a definite asset, especially now that it is a member.

A study group sponsored by the China Institute of International Affairs stated that the question of Chinese representation would, eventually, be resolved by the development of events, which it was, to a

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16 Ibid.
certain extent, in October, 1971. But if there is to be a real debate on the question in the United Nations, political considerations must carry great weight and a number of urgent questions will have to be considered. The study group lists them as follows: Will the presence of the Chinese Communists promote or obstruct peace and co-operation? Will the United Nations be strengthened and reinforced by the admission of the Peking regime or will it be a disruptive and divisive force in the organization? These questions, the study group concludes, will have to be faced objectively and dispassionately so that the United Nations may not make fatal errors.\(^{13}\) It is still difficult to envision Red China's actions since it has gained entry into the UN.

In 1952, international legal scholar Herbert Briggs wrote that it was possible that for a time the Chinese Communists might be seated in some United Nations organs and the Chinese Nationalists in others.\(^ {19}\)

In 1961, Soviet Representative Zorin quoted Professor Briggs, a member of the UN International Law Commission, as explaining that, when the question of China's representation was discussed by any United Nations body, a vote could be taken only on the question of credentials, if the body in question did not want to lay itself open to the charge of interfering in the internal affairs of a member state. The Russian representative also quoted Professor Fitzmaurice, a prominent British legal authority and, at one time, a member of the International Court of


Justice, as contending that the actual issue on which various UN organs voted was, and had invariably been, treated as one of procedure, to be decided by an ordinary majority vote—and that it was very important that it should continue so to be. Zorin quoted Fitzmaurice as saying that not only would any other course lead to considerable practical difficulty and inconvenience, but, in bodies where questions of substance have to be decided by a qualified majority vote, for example, two-thirds, it might enable a minority to deny representation to a delegate whose credentials were considered in all respects valid by the majority. So some of the legal possibilities involved in the admission of Red China to the UN give an indication of the complexity of the Chinese item in the UN, and how it might be dealt with in the near future, though this complexity has been somewhat reduced by Peking's UN seating in 1971.

Several study groups and scholars have commented on the actual operation of the UN itself after Red China's admission, now a fact. The National Policy Panel of the United Nations Association argued that Peking would encounter difficulty in aligning obstructionist allies in the General Assembly among the smaller members, since the latter wish to strengthen that organ, where they now form a majority and where they believe their national interests may best be served. Related to this is the fact that Red China would need the support of one-third of the Assembly members present and voting in order to prevent peace-keeping operations established by the Assembly under the "Uniting for Peace" Resolution of 1950. To stop an operation already under way, Peking would have the

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difficult task of obtaining the support of a two-thirds majority.²¹ So the legal machinery of the Assembly's voting procedures might prevent Red China from effectively obstructing important functions of the Assembly, such as peace-keeping.

*The Spectator* of London commented on some legal complications that could have arisen with regard to the Chinese item in the United Nations Security Council. Among the nightmare complexities which loomed, for example, was the *de jure* possibility of the General Assembly seat going to Peking while the Security Council seat was retained by Formosa. Technically, the Republic of China (Formosa) was one of the five permanent members of the Council, and it could have thus vetoed any attempt to replace itself by Peking. However, before it could have done so, the Council would have had to decide that the matter was substantive, not procedural—since only substantive issues are subject to the veto—and this could have produced endless debate and would have raised the vexed question of the "double veto," that is to say a veto on a decision as to whether a question is substantive or procedural. Yet although this situation in the Security Council remained a legal possibility, in practice it was not expected to arise. Peking was considered most unlikely to accept a seat in the Assembly alone, and the Nationalist Chinese might not have wished to remain in the UN if they were beaten in the Assembly.²² Thus, the Security Council's veto provisions could have enabled Taiwan to retain


its Council seat, although it had no legitimate claim to that seat, as
taiwan was not a great power. All things considered, taiwan did not
use its veto powers and simply abandoned its UN seats to Peking in 1971.

the national policy panel of the united nations association, in
its 1966 recommendations, noted some of the implications of red china's
presence on the security council legal machinery. according to the
panel's report, the united nations charter gives the security council
primary responsibility for the maintenance of international peace and
security. while over the last few years the council has had limited
effectiveness in dealing with problems involving important interests of
major powers, more recently it has been able to take up some of these
questions with reasonable assurance of useful consideration. With Peking
on the security council, the council as well as the assembly might be in
an improved position to take up other issues—such as Viet-nam—now
eluding effective UN consideration. however, once a permanent member of
the security council, mainland China would of course possess veto powers.
The council would, as a result be subject to the serious risk of inter­
mittent paralysis—a risk that would no doubt be particularly severe
during the early stages of Chinese membership.

Frequent Chinese use of the veto in the security council would
almost certainly lead to much greater use of the "uniting for peace"
Resolution of 1950. Consequently, while the assembly might be utilized
to make recommendations on important political questions, the security
council would probably lose, on balance, at least for a substantial
period, some of its present ability to make substantive decisions—most
importantly those on the establishment of peace-keeping operations.
Although the disruptive effects of seating mainland China in the Security Council are quite unpredictable, it is conceivable that the sources of constructive power within the UN might shift to such an extent as to indicate a need for some new organizational approaches. So there could be, in the near future, the shifting of certain responsibilities within the UN organization. If the Security Council were to be deadlocked continually by the veto, then UN legal machinery provides for the transfer of responsibilities to the General Assembly. And now that Peking is in the UN, it remains to be seen whether the U.N.A. Panel Report's predictions will be borne out.

O. Edmund Clubb, writing in 1965, pointed out a development that will definitely have some effect on the China problem in the United Nations, even with Peking in the UN organization presently. He reported that, in June, 1962, the Chiang Kai-shek regime had reached a "secret agreement" with the Communist leaders in Peking. It was comprised of the following points: 1) neither side to make "any serious attack" on the other during Chiang's lifetime; 2) after Chiang's death, his family to implement an agreement whereby Formosa will formally become an Autonomous Region of Communist China but remain under Kuomintang control; 3) from ten to twenty years later, a referendum to be held to decide whether Formosa should be independent or a part of Communist China; and 4) as soon as possible, the island of Quemoy and the Communist-held port of Amoy on the adjoining mainland to be integrated into a

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buffer administrative district, with free movement permitted between them. This secret agreement between Nationalist China and Communist China will undoubtedly have great influence on the ultimate fate of the China problem in the United Nations. Also, Chiang asked his government to allow him to retire in February, 1972, but his request was denied.

Here, also, might be raised the question of suzerainty, a compromise arrangement whereby, at some future time, Communist China might assume control over the foreign affairs of Nationalist China, yet allow Taiwan sovereign authority in local or internal affairs. This would incorporate the third and fourth points of the 1962 agreement, as delineated by Clubb. Such an arrangement, of course, would reduce Taiwan to the status of a vassal state of the Chinese mainland, and would, no doubt, provoke adamant opposition from the Taiwanese themselves.

In 1966, the London Economist mentioned the fact that Red China might have refused the proffered seats in the Security Council and in the General Assembly, once it would be granted UN admission. Also, the Economist speculated that Red China's disruptive potential in the UN could be considerably great. Available evidence indicates that Peking wanted UN membership all along, but it is difficult at the present time to tell how it will react, even now that it is a member of the UN.

A major conclusion of the 1966 National Policy Panel of the United Nations Association was that Peking's seating in the UN would

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25 "Why Formosa Must Go," p. 20
introduce an abrasive new factor and impede great-power unanimity in the Security Council. It is quite obvious that Peking would be at odds with other Security Council permanent members, particularly the United States and the Soviet Union, on a variety of issues and questions, although this has not as yet been borne out at the UN.

George E. Taylor, writing in 1967, drew his own conclusion on the 1966 U.N.A. Panel report. As he saw it, the panel was of the view that a new posture on the part of the United States would leave the door open for that country to take advantage of future changes in the Chinese leadership and in the meantime put the burden of isolation on Peking. A changed or modified United States policy on Communist Chinese membership in the United Nations was in the making, prior to October 25, 1971, as a result of the Nixon Administration's efforts to improve Washington-Peking relations, and as a result of what appeared to be positive responses on the part of Peking to those efforts, as manifested in the 1971 Sino-American "ping-pong diplomacy." This policy has been overshadowed by Red China's 1971 UN admission.

Summary

In summation, it may be stated that the China problem in the United Nations has generated certain political and legal issues, some of which are resolved and some which remain unresolved. These major


political and legal issues are listed above. In a larger context, the entire scope of the China problem in the UN, itself, was, at least, significantly altered in what turned out to be a year of great changes in international politics, 1971.

The China problem in the United Nations appears to be entering a significant phase in 1972. Communist China has already gained admission to the world organization, and Taiwan has been excluded. And this new status quo seems destined to continue indefinitely. Some projections can be made as to the status of Sino-American relations; as to the legal and political complications that could be expected to arise, since Red China has gained a seat in the General Assembly, and on the Security Council; and as to the impact of mainland Chinese membership on the UN as a whole—especially with regard to peace and security functions. Sino-American relations in the near future will probably continue to improve, but this development will most likely be guarded and controlled carefully by both Washington and Peking. President Nixon's trip to Communist China in February, 1972, has added to the Sino-American thaw. Red China achieved membership in the UN, in 1971, and Nationalist China withdrew almost completely from the organization. Peking's presence on the Security Council could lead to a paralysis of that organ. Peking will most likely not be able to obtain a friendly majority in the General Assembly. Consequently, peace and security functions may increasingly be transferred from the Security Council to the Assembly. Peking may well seriously disrupt the normal operations of the United Nations; on the

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26 See pp. 103-112.
other hand, Peking may well be assimilated into the family of nations with tangible benefits for itself and for the other states members of the United Nations as well. But only speculation may be advanced at the present time, for the ultimate fate of the China problem in the UN remains a mystery, like the Chinese mainland itself. The admission of Red China to, and the expulsion of Nationalist China from, the UN in 1971, have moved this fate closer to realization.
CHAPTER FIVE

CONCLUSION

The China problem in the United Nations is still an existing dilemma in international relations. The issue of Chinese representation has been brought up, in one form or another, in the world organization every year since 1949. The United States exhausted all of its parliamentary resources in the UN General Assembly and Security Council to block the admission of Communist China; the Soviet Union, Albania, and other Communist member states, as well as India and other neutralist, non-aligned, and developing states unsuccessfully explored many possible political and legal avenues to bring the Peking delegation into the UN until 1971, when Peking was finally admitted to the organization. Now Red China maintains a tenacious hold on China’s seats in the Assembly, on the Council, and in other UN organs and bodies as well. Nationalist China remains outside of the UN organization almost entirely. The problem has caused ill feelings between the pro-Peking and the pro-Taiwan forces in the UN. And it has left certain major political and legal issues, delineated heretofore, unresolved.

The year 1971 was a significant year in the history of the China problem in the United Nations. That year, Red China actually was seated in the UN General Assembly and Security Council. If UN admission is not granted to Taiwan in 1972, it seems to be a quite certain possibility in the years following that Nationalist China will never regain representation in the organization.
Possible Solutions to the China Problem in the U.N.

At this point in time, the Winter of 1972, there appear to be three major ways in which the ultimate fate of the China problem in the United Nations will be finally determined. They may be viewed as three points on a spectrum of possibilities, with two points representing extremes, and one point representing the middle position.

At the right end of the spectrum can be found the first point, which is the old status quo. Under this method, Nationalist China would regain both of China's major UN seats, on the Security Council, and in the General Assembly, and otherwise be represented in the UN's organs and bodies. Red China would be completely excluded from the United Nations, until a change in its governmental system—namely, overthrow of the Communist regime—could be effected, and mainland China and Taiwan re-united as one China. This position is extremely unrealistic and indefensible in the light of the General Assembly vote of October 25, 1971. From a military standpoint, Generalissimo Chiang Kai-shek's army cannot, at the present time, hope to regain the mainland. For its own political purposes, the United States would restrain the Nationalist Chinese from such a venture. And there is little doubt that the Communist Chinese "People's Liberation Army," numbering nearly three million strong, with home-guard reserves estimated in the hundreds of millions, and with the Peking government in possession of nuclear weapons since 1964, would be able to repulse a Kuomintang invasion of the mainland with impunity.

From the standpoint of economics, such nations as Japan and Canada find Red China to be more of a lucrative trading partner than they do Nationalist China. From the standpoint of international politics, Communist
China is being increasingly recognized as the up-and-coming third world power, and has gained entry into the UN. From a legal standpoint, the Peking government does, in fact, exercise effective authority over a land area of some 3.7 million square miles, and over the earth's largest national population, 800 million to one billion people, and could not easily be removed from the UN now. In other words, the People's Republic of China, now some twenty-two years in existence, has become a reality that has to be reckoned with.

At the left end of the spectrum of possibilities can be found the second point, the new status quo. According to this method for resolving the China problem in the United Nations, Communist China would retain the seats of China in the General Assembly, on the Security Council, and in all other UN organs and bodies. Nationalist China would remain completely expelled from the world organization so that Communist China would continue to hold all of China's UN seats. This position is as untenable as the old status-quo position. From the military standpoint, the United States, one of the two super-powers, and a signatory to a defense treaty with Taiwan, would not be likely to stand idly by and witness passively a Chinese Communist conquest and subjugation of the off-shore islands of Formosa and the Pescadores. From the standpoint of international politics, Nationalist China served the United Nations with quiet honor and loyalty from 1945 to 1971, and deserves to be reinstated to representation in the UN General Assembly as the Republic of China. From a legal standpoint, Nationalist China does, in fact, exercise effective authority over an area of nearly 14,000 square miles, and over a population of nearly fourteen million people—larger than the populations of many UN member states.
The third point on the spectrum of possibilities is the middle position. According to this method, a way can be found to assure UN representation for both the People's Republic of China and Nationalist China. Many representation combinations are possible and have been proposed. Some proposals call for an Assembly seat for both Peking and Taiwan, and a Council seat for Peking. Other proposals call for Assembly seats for Peking and Taiwan, plus a Council seat for Taiwan, but this is obviously no longer credible. Still other proposals advance wholesale revision of the UN Charter to expand the Security Council to include both Peking and Taiwan, as well as India and Japan, as permanent members. Additional proposals have suggested representation in the Assembly not only for the two Chinas, but also for the two Germanies, the two Viet-Nams, and the two Koreas. Other proposals call for basic representation for both Peking and Taiwan in the General Assembly, and alternating representation (Peking one year, Taiwan the next) on the Security Council. (However, with Peking now on the Council, Taiwan is unlikely to ever regain a seat there.) This middle-of-the-road or moderate position on the spectrum of possibilities for resolution of the China problem in the United Nations appears to be, at this point in history, the most fair, if not the most feasible. From the military standpoint, the two Chinas are most likely not going to be allowed by the United States and the Soviet Union to confront each other in a battle to the death. From the political standpoint, both the pro-Peking and the pro-Taiwan forces could claim victories of sorts in the UN. And from the legal standpoint, de jure recognition of a de facto situation, namely, the existence of two competing Chinese
governments, would help ease international tensions and to make the United Nations a more representative body of world realities than it is at present.

Major Recommendations

As the better interests of international peace and security demand a resolution of the China problem in the United Nations, it is now possible to advance two major proposals which, if adopted, would help expedite the whole matter of Chinese representation. These two major proposals may be enunciated as follows: 1) that, for the present, Red China be allowed to retain both its General Assembly and Security Council seats, but that, at a later date, the Security Council be expanded, through important revision of the United Nation Charter, to include other nations representative of Asia, as permanent members, such as India and Japan; and 2) that, for the present, Nationalist China be readmitted to the General Assembly as the Republic of China.

The idea of representation for both Chinas in the United Nations has prestigious support. In 1971 a presidential commission headed by Ambassador and former UN Representative Henry Cabot Lodge, urged U.S. President Richard Nixon to back UN seats for both Communist China and Nationalist China. This commission viewed membership in the United Nations as "a duty, not a privilege." It also favored UN seats for West and East Germany, South and North Viet-Nam, and South and North Korea, as well as the two Chinas. ¹

The report by the Lodge Commission said the United Nations "can best do its job of war prevention and settlement of disputes if its membership includes all governments of the world provided they subscribe to the principles of the UN Charter." It said this means all governments which govern specific areas, even though they may not control all the areas they claim.

The report was delivered at a time when President Nixon was studying a separate U.S. Government report dealing with recommendations for U.S. strategy at the United Nations toward the China question and for U.S. recognition of the Peking regime. It was released also at a time when the State Department confirmed that the United States had utilized third governments to act as go-betweens to inform Peking that President Nixon wished to improve relations with the People's Republic of China.\(^2\)

Thus, in the spring of 1971, a U.S. presidential commission came out in favor of the representation of both the People's Republic of China and the Republic of China in the United Nations.

As the idea of representation for both Chinas in the UN has prestigious support, so does the movement for reform of the United Nations Charter. China scholar George E. Taylor, writing in 1967, declared that then was as good a time as any for the U.S. to indicate its intention to call for Charter revision, which was in fact long overdue, in order to make the Charter conform with the political realities of the UN. He affirmed that, the United States, by taking the initiative in reorganizing

\(^2\)Ibid.
the UN, could have better served its own national interests and those of its allies. Thus, the United States might not only anticipate major revision of the UN Charter, it might also take the initiative in that revision, thus regaining face after a humiliating defeat at the UN on the China question in 1971.

The present Charter of the United Nations may be amended or revised in accordance with Article 108 or Article 109. Wilcox and Marcy stated that two different methods of amending the Charter were finally agreed upon at early organizational meetings of the United Nations. The ordinary procedure is set forth in Article 108, which outlines two distinct steps that are to be followed in the normal amending process: adoption of the proposal by a two-thirds vote of the General Assembly; and ratification by two-thirds of the members of the United Nations, including the permanent members of the Security Council. According to Wilcox and Marcy, four important points should be noted in connection with these steps: first, proposed amendments may be adopted by the General Assembly without any concurring action by the Security Council. In the initial stages, at least, the will of the majority prevails. No single member state or small group of member states can prevent an amendment from being approved and sent to the other members for further consideration and possible ratification.

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Second, Article 108 reiterates the predominant position of the great powers in the United Nations. The requirement that amendments must be ratified by two-thirds of the member states, including the five permanent members of the Security Council, means that no amendment can become effective if it is opposed by any of the permanent members.

Third, once an amendment receives the required number of ratifications, including those of the five permanent members of the Security Council, it becomes effective with respect to all members, even those who voted against it or failed to ratify it.

And fourth, no reference is made in Article 108 to any time period within which amendments proposed by the General Assembly must be ratified.

The normal amending procedure outlined in Article 108 was not enough to satisfy the demands of many delegations at the San Francisco Conference. For this reason, Article 109 was developed. It was the result of an attempt to set up a second method of amending the Charter different from and easier than that found in Article 108. The attempt fell short of its mark. Although Article 109 establishes a somewhat different procedure, it is certainly no easier than that envisaged in Article 108. Article 109, basically, calls for a two-thirds vote by the members of the General Assembly and a vote by any seven members of the Security Council to call a General Conference of the Members of the United Nations for the purpose of reviewing the Charter, and to fix a date and a place for the Conference. Each UN member would have one vote in the Conference. Two-thirds of the members of the Conference can effect a recommendation for alteration of the present Charter, but for it to take effect requires
ratification by two-thirds of all UN members, including all the permanent members of the Security Council. Finally, Article 109 provides that if a Conference had not been held before the tenth annual session of the General Assembly, the proposal to call such a Conference shall be placed on the agenda of that session of the General Assembly, and the conference shall be held if so decided by a majority vote of the members of the General Assembly and by a vote of any seven members of the Security Council. Under the provisions of Article 108 and Article 109, any proposal to revise the UN Charter would require the express approval of both the United States and Communist China, who are permanent members of the Security Council. Thus, some sort of compromise on Charter revision would have to be reached; otherwise, such revision could not even be considered.

The United Nations Association, in its National Policy Panel Report of 1966, asserted that the time had come for the United States to support some form of two-China solution to the representation question in the United Nations. The panel report went on to say that the response of Peking and Taiwan to a two-China decision by the Assembly would have provided some guidance for any subsequent action in the Security Council. The stakes here were much greater, both for the United Nations and for the parties directly concerned. The panel declared that if what it was proposing for the Assembly was adopted, any seating of Peking in the Security Council should have been deferred pending Peking's acceptance of the two-China approach in the Assembly. The panel did not believe

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5 Ibid., pp. 24-27.
the United States should have supported any change in the Chinese representation in the Security Council unless Taiwan's membership in the Assembly was maintained. It can be noted here that the pro-Taiwan forces in the UN were placed in a strong bargaining position, due to the provisions of Article 108 and Article 109, as noted above. If the United States could not succeed in getting a guarantee of Nationalist China's representation in the Assembly, it could have, along with Taiwan, blocked any major Charter revision and made it legally impossible for Red China to enter the United Nations. However, on October 25, 1971, neither the U.S. nor Taiwan chose to invoke these provisions, and Red China was granted unconditional admission to the UN.

When the UNA Panel Report was released in 1966, several members or groups of members of the panel offered their own memoranda of comment and reservation on the report itself. Messrs. Kenneth T. Young, Lucian W. Pye, Franklin A. Lindsay, and Hardy C. Dillard wrote that the United States should have changed or modified its China policy by means of a two-stage "amplification." By this modification, the U.S. would have proposed that the UN 1) provide for dual representation of both the Republic of China and the Chinese People's Republic in the General Assembly but 2) defer the complicated question of changing the representation of a permanent and veto-empowered member of the Security Council. In the opinion of these panel members, it would have been premature, at least

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in 1966, to propose any ultimate resolution of the complex issue of membership in the Security Council, particularly as this would have required an amendment of Article 23 of the Charter, which would have, in turn, opened consideration of other possible candidates such as Japan, India, and even others. The chief and perhaps sole reason for the support of these panel members for the principle of altering United States policy along the lines mentioned above was their estimate that such an internationally supported change would have had some reasonable chance of encouraging the emergence of moderate leadership, eventually, in China. That, they remarked, was the most important objective and consideration for the world community involved in the issue of Chinese representation.7

Arthur H. Dean, another UNA Panel member, offered his comments on the reservation appended to the panel's report by Messrs. Young, Pye, Lindsay, and Dillard. He was of the opinion that the United Nations only functions effectively when the members of the Security Council are in unanimous agreement. He cited Korea, 1950, as an exception. He also contended that, when the General Assembly acts pursuant to the "Uniting for Peace" Resolution of 1950, against the wishes of a permanent member of the Security Council, such a permanent member, as in the case of the Soviet Union in the Congo peace-keeping operation, can withhold payment of its assessment for the peace-keeping operations, and can continue to issue propaganda and to harass the Secretariat. For these reasons, Dean said, he believed that the granting of the Security Council seat, then held by Nationalist China, to Communist China should have been deferred.

7Ibid., p. 721.
until such time as it was clear Communist China would be, and Nationalist China would continue to be, members of the United Nations. Then, he added, the question of the Security Council membership could have been worked out more intelligently. In essence, the panel members cited above generally agreed with one of the panel report's major recommendations: that both Communist China and Nationalist China be accorded representation in the UN General Assembly, and that representation on the UN Security Council for Communist China be deferred for consideration at a later time. However, Communist China is now on the Council.

Panel member George E. Taylor also commented on the reservation of Messrs. Young, Pye, Lindsay, and Dillard. He said that, to him, the representation of Communist China in the United Nations was no more or less important than that of other states not members of the UN. He said that under the prevailing ground rules, of that time, representation of Communist China was unacceptable. But he stated it could have been discussed if it was understood that the Republic of China as a legal entity was not negotiable and that all remaining states not UN members should have been invited to membership in the General Assembly at the same time. He agreed with Young, Pye, Lindsay, and Dillard that the question of the composition of the Security Council could have been left to future negotiations. Finally, Panel member Everett Case indicated in his comment that he favored the "continuance of U.S. commitments to Taiwan and our support for her independence" on the understanding that

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8 Ibid., p. 722.
9 Ibid., p. 723.
it included the right of self-determination. All of the UNA Panel members who offered comments and reservations on the 1966 report, then, were in agreement with the Panel's proposal that Taiwan's representation in the UN General Assembly should have been honored, that Communist China should have also been represented in the General Assembly, and that the consideration of Peking's seat as a permanent member of the UN Security Council should have been deferred for later negotiations. All of these significant conclusions of the 1966 UNA Panel Report generally, though not specifically, agree with the two major proposals advanced herein for the resolution of the China problem in the United Nations, namely, 1) that, for the present, Red China be allowed to retain both its General Assembly and Security Council seats, but that, at a later date, the Security Council be expanded, through important revision of the United Nations Charter, to include other nations representative of Asia, as permanent members, such as India and Japan; and 2) that, for the present, Nationalist China be readmitted to the General Assembly as the Republic of China.

Summary and Concluding Statement

In conclusion, it may be stated that the origin of the China problem in the United Nations had its roots in the civil war between the Chinese Nationalists under Generalissimo Chiang Kai-shek and the Chinese Communists under Chairman Mao Tse-tung.

The chronological history of the China problem in the United Nations, extending from 1949 to 1972, has been characterized by denials

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10 Ibid.
of representation for Communist China through postponement resolutions in the years 1951-1960; through the two-thirds rule, Resolution 1668 (XVI), from 1961 to 1970, invoked by the United States, Taiwan, and their allies in the General Assembly; and the admission of Red China to, and the expulsion of Nationalist China from, the UN in October, 1971.

The major political and legal issues of the China problem in the United Nations are directly linked with the major resolved and unresolved political and legal issues of this great enigma of international politics. Several projections on the China problem in the UN for 1972 and the near future may be advanced. Communist China will most likely maintain representation in the world organization for the foreseeable future, and Nationalist China will most likely remain excluded. Relations between the People's Republic of China and the United States seem destined to improve, though cautiously, even with President Nixon's trip to mainland China in February, 1972. Peking's admission to the United Nations may have various political and legal ramifications for the Security Council, the General Assembly, and the character of the whole UN organization. Or Red China's admission may well have minimal disruptive effects on the United Nations. The current status of the China problem in the UN is that it still exists. But 1972, or the near future, may signify its eventual resolution.

Of the three possible ways, or methods, the Chinese-UN issue may eventually be resolved, the return to the old status quo may be rejected as untenable; Communist China has become a modern international political

\[1\]^ See Chapters Three and Four, above.
reality that has to be dealt with. The new status quo may be rejected as equally untenable; the United States, one of the two super-powers, is not likely to abandon its commitments to Nationalist China; also, Nationalist China served the United Nations with quiet honor and loyalty from 1945 to 1971. The third method is a moderate proposal, which appears to have, in general, though not specifically, the prestigious support of the 1966 United Nations Association National Policy Panel Report and the groups of panel members who wrote their own separate comments on the report, as well as the equally prestigious support of the 1971 Lodge Commission. In essence, this proposal embodies the two major proposals for the resolution of the China problem in the UN, advanced heretofore, namely: 1) that, for the present, Red China be allowed to retain both its General Assembly and Security Council seats, but that, at a later date, the Security Council be expanded, through important revision of the United Nations Charter, to include other nations representative of Asia, as permanent members, such as India and Japan; and 2) that, for the present, Nationalist China be readmitted to the General Assembly as the Republic of China.

The maintenance of international peace and security requires an eventual resolution of the China problem in the United Nations; the two major proposals mentioned above appear from all available evidence to be the fairest method by which to expedite the Chinese representation issue. One of the greatest assets of the United Nations today is that it includes in its present membership what is considered to be the potentially third most powerful nation in the world, representing the earth's largest national population, of from 800 million to one billion people—the
People's Republic of China. One of the greatest tragedies of the United Nations has been the almost complete expulsion of the Republic of China from its ranks. Certainly, a place for both Peking and Taiwan can be found in the comity of nations; the United States, the Soviet Union, Communist China, Nationalist China, the pro-Peking forces, the pro-Taiwan forces—indeed, all the actors in the great international drama of the China problem in the United Nations—owe it to themselves and to their common humanity.
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