How Can Taiwan Enter the United Nations? History, Issues, and Approaches

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How Can Taiwan Enter the United Nations?
History, Issues, and Approaches

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This paper examines the history and issues related to, as well as offers some suggestions to, Taiwan's efforts to enter the United Nations. It first juxtaposes the UN's idealism (universal representation) with its realism (power politics) and reviews the evolution of the China representation issue in light of the changing politics in the United Nations. Then it tests Taiwan's statehood, which is requisite for UN membership, and discusses the domestic and international reasons for Taiwan's UN bid. In the final section, the paper demonstrates the prerequisites, models, and approaches for Taiwan's reentry into the United Nations. The three prerequisites are: (1) increasing the number of states that recognize Taiwan; (2) holding a plebiscite to determine the name and methods used in joining the United Nations; and (3) improving relations with Peking (Beijing). By discussing six possible models—(1) exclusive representation, (2) new state, (3) the German/Korean (parallel representation) model, (4) the Asian Development Bank model, (5) the Soviet Union model, and (6) the Vietnam model—this paper speculates that the most tenable bargaining set is between the fourth and fifth models. Finally, this paper suggests three distinct and not mutually exclusive approaches for Taiwan to join the United Nations: (1) General Assembly, (2) Observer, and (3) UN Programs and Autonomous Organizations. Emphasis is put on the third at the present time.

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Introduction: Idealism and Realism of the United Nations

The end of the Cold War brought back relevance and credibility to the United Nations.¹ During the peak of the East-West conflict, the

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¹On the role of the United Nations in the future world order, see J. Martin Rochester,
United Nations, the global experiment at organizing interstate affairs that most closely approximates a world government, was alternately ineffective and irrelevant, and ultimately succumbed to an arena of superpower struggle. But with the demise of Communism, and the rise of regional, ethnic, and religious conflicts, the United Nations was suddenly thrust onto the center stage of this "new world (dis-)order." It was poised to assume even broader functions, such as "preventive diplomacy," "peacemaking," and "post-conflict peace-building," in addition to its conventional role of peacekeeping.

In fact, the United Nations today is a nearly universal body in terms of its membership. There are currently 184 member states (see Exhibit 1). Nearly all territories on the earth are represented in this body. However, there are important exceptions, such as Switzerland (voluntary neutrality) and the Republic of China (ROC) on Taiwan (involuntary exclusion). Given the increased interdependence among states and peoples, and given the nature of many global problems—environmental degradation, overpopulation, and resource depletion—that mandate transnational coordination, the United Nations is expected to play an even greater role in the years to come. So the United Nations has seemingly avoided the plight of its predecessor, the League of Nations, the failure of which contributed to the outbreak of mankind's last total war—World War II.

Despite its moral overtones, the United Nations is an eminently political body. Occasional gaps between idealpolitik and realpolitik (hence the designation, nearly universal) have produced such glaring


The phrase "new world order" was first popularized by former U.S. President George Bush during the Gulf Crisis (1990-91) surrounding the invasion of Kuwait by Iraq and the global reaction to that invasion. The qualifier "disorder" reflects an opposite view: the world will be chaotic, disorderly, and unstable, rather than orderly.


United Nations Department of Public Information, Press Release, ORG/1165, July 28, 1993. The latest states admitted as members were the Czech Republic, the Slovak Republic (from a breakup of Czechoslovakia), Andorra, Eritrea (formerly a part of Ethiopia), Monaco, and the former Yugoslav Republic of Macedonia.

### Exhibit 1

**UN Membership, by Years of Admission, 1945-94 (N = 184)**

<table>
<thead>
<tr>
<th>Year</th>
<th>Member States</th>
</tr>
</thead>
<tbody>
<tr>
<td>1945</td>
<td>Founding members (N = 51): Argentina, Australia, Belarus, Belgium, Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Honduras, India, Iran, Iraq, Lebanon, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Philippines, Poland, Russian Federation, Saudi Arabia, South Africa, Syria, Turkey, Ukraine, United Kingdom, United States, Uruguay, Venezuela, Yugoslavia</td>
</tr>
<tr>
<td>1946</td>
<td>Afghanistan, Iceland, Sweden, Thailand</td>
</tr>
<tr>
<td>1947</td>
<td>Pakistan, Yemen</td>
</tr>
<tr>
<td>1948</td>
<td>Myanmar</td>
</tr>
<tr>
<td>1949</td>
<td>Israel</td>
</tr>
<tr>
<td>1950</td>
<td>Indonesia</td>
</tr>
<tr>
<td>1955</td>
<td>Albania, Austria, Bulgaria, Cambodia, Finland, Hungary, Ireland, Italy, Jordan, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Nepal, Portugal, Romania, Spain, Sri Lanka</td>
</tr>
<tr>
<td>1956</td>
<td>Japan, Morocco, Sudan, Tunisia</td>
</tr>
<tr>
<td>1957</td>
<td>Ghana, Malaysia</td>
</tr>
<tr>
<td>1958</td>
<td>Guinea</td>
</tr>
<tr>
<td>1960</td>
<td>Benin, Burkina Faso, Cameroon, Central African Republic, Chad, Congo, Côte d'Ivoire, Cyprus, Gabon, Madagascar, Mali, Niger, Nigeria, Senegal, Somalia, Togo, Zaire</td>
</tr>
<tr>
<td>1961</td>
<td>Mauritania, Mongolia, Sierra Leone, United Republic of Tanzania</td>
</tr>
<tr>
<td>1962</td>
<td>Algeria, Burundi, Jamaica, Rwanda, Trinidad and Tobago, Uganda</td>
</tr>
<tr>
<td>1963</td>
<td>Kenya, Kuwait</td>
</tr>
<tr>
<td>1964</td>
<td>Malawi, Malta, Zambia</td>
</tr>
<tr>
<td>1965</td>
<td>Gambia, Maldives, Singapore</td>
</tr>
<tr>
<td>1966</td>
<td>Barbados, Botswana, Guyana, Lesotho</td>
</tr>
<tr>
<td>1968</td>
<td>Equatorial Guinea, Mauritius, Swaziland</td>
</tr>
<tr>
<td>1970</td>
<td>Fiji</td>
</tr>
<tr>
<td>1971</td>
<td>Baharain, Bhutan, Oman, Qatar, United Arab Emirates</td>
</tr>
<tr>
<td>1973</td>
<td>Bahamas, Germany</td>
</tr>
<tr>
<td>1974</td>
<td>Bangladesh, Grenada, Guinea-Bissau</td>
</tr>
<tr>
<td>1975</td>
<td>Cape Verde, Comoros, Mozambique, Papua New Guinea, São Tomé and Príncipe, Suriname</td>
</tr>
<tr>
<td>1976</td>
<td>Angola, Samoa, Seychelles</td>
</tr>
<tr>
<td>1977</td>
<td>Djibouti, Vietnam</td>
</tr>
<tr>
<td>1978</td>
<td>Dominica, Solomon Islands</td>
</tr>
<tr>
<td>1979</td>
<td>Saint Lucia</td>
</tr>
<tr>
<td>1980</td>
<td>Saint Vincent and the Grenadines, Zimbabwe</td>
</tr>
</tbody>
</table>
How Can Taiwan Enter the United Nations?

Exhibit 1 (Continued)

<table>
<thead>
<tr>
<th>Year</th>
<th>Member States</th>
</tr>
</thead>
<tbody>
<tr>
<td>1981</td>
<td>Antigua and Barbuda, Belize, Vanuatu</td>
</tr>
<tr>
<td>1983</td>
<td>Saint Kitts and Nevis</td>
</tr>
<tr>
<td>1984</td>
<td>Brunei Darussalam</td>
</tr>
<tr>
<td>1990</td>
<td>Liechtenstein, Namibia</td>
</tr>
<tr>
<td>1991</td>
<td>Democratic People’s Republic of Korea, Estonia, Latvia, Lithuania, Marshall Islands, Micronesia (Federated States of), Republic of Korea</td>
</tr>
<tr>
<td>1992</td>
<td>Armenia, Azerbaijan, Bosnia and Herzegovina, Croatia, Georgia, Kazakhstan, Kyrgyzstan, Moldova, San Marino, Slovenia, Tajikistan, Turkmenistan, Uzbekistan</td>
</tr>
<tr>
<td>1993</td>
<td>Andorra, Czech Republic, Eritrea, Former Yugoslav Republic of Macedonia, Monaco, Slovak Republic</td>
</tr>
</tbody>
</table>

Notes:

a Despite a seat in the United Nations, it was a constituent part of the Union of Soviet Socialist Republics (USSR) until 1991.
b The Republic of China, 1945-71; the People’s Republic of China, 1971-.
c A founding member in 1945; in 1993 it ceased to exist, so its former constituent parts received separate membership.
d The successor state to the USSR.

anomalies as Taiwan, whose 21 million inhabitants have not been properly represented in the United Nations since 1971. The tension between these two trends can often be found in the spirit and deeds of the United Nations.

The United Nations was intended to be a universal organization. In fact, the word "universal" has two meanings: that is, all states and all persons should be properly represented in the United Nations. Article 4 of the UN Charter states that UN membership is "open to all . . . peace-loving states" willing to accept the obligations in the Charter. Article 55 calls on the United Nations to "promote universal respect for, and observance of, human rights and fundamental freedoms of all without distinction as to race, sex, language, or religion." Furthermore, the UN’s Universal Declaration of Human

For the text of the Charter of the United Nations, see ibid., Appendix B.
Rights (1948), the International Covenant on Civil and Political Rights (1966), and the International Covenant on Economic, Social, and Cultural Rights (1966) all emphasize that every person is entitled to participate in political, cultural, and economic activities.7

And when the states are represented in the United Nations, they are equally represented, at least formally speaking. That is, no one state possesses a higher status than another state.8 Nor can any state bully other states. For example, Article 2 points out that the United Nations is "based on the principle of sovereignty equality of all its Members," and that all Members shall "settle their international disputes by peaceful means."

These moral principles are, however, sometimes subject to purely political considerations. For instance, which political entities constitute "states" and which ones are "peace-loving" or deemed "able and willing to carry out international obligations" are highly political decisions. In fact, whether an aspiring member can become a member of the international community has to be essentially "certified" by the United Nations. The very article (4) that proclaims universal membership also contains a proviso: "only those peace-loving states, "in the judgment of the UN" which are "able and willing to carry out Charter obligations," can become UN members. In other words, if a peace-loving state cannot obtain a positive ruling of the United Nations on its peace-loving nature and capacity, it can be possibly excluded from the United Nations!

But how is such a verdict rendered? By politics. The same article stipulates that states can be granted UN membership only with "a decision of the General Assembly [by a two-thirds majority] upon the recommendation of the Security Council [where five states hold veto powers on nonprocedural matters]."9 That is, any one of the five

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7 The texts of these documents can be found in Burns H. Weston, Richard A. Falk, and Anthony A. D'Amato, eds., Basic Documents in International Law and Order (St. Paul, Minn.: West, 1980).
8 All states are sovereign—they answer to no higher authority and they are formally equal among one another. This is why the United Nations is only an inter-national organization, the effectiveness of which depends upon the voluntary cooperation of egoistic states, and not a supra-national (i.e., a world government) that can dispense authoritative decisions above and sometimes against the will of a state. By contrast, the European Commission is closer to being a supranational body. One example is that the European Court of Justice has established its right to overrule national laws when in conflict with EC laws.
9 See Articles 4, 18, and 23 of the Charter. The five permanent members of the Security Council listed in the Charter, which enjoy the veto power, are the Republic of China.
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great powers, should it desire, can single-handedly keep an aspiring state out of the United Nations! In fact, this happened often in the infamous early history of the United Nations. Bestowing the veto power on the five permanent members of the Security Council was a pragmatic recognition that achieving world peace would require the concert of great powers. However, such special status has also frequently handcuffed the United Nations and tarnished its image—the very international body created to promote peace and avoid another great war.

So on the one hand the United Nations advocates the moral principle of universal representation, yet on the other hand politics has kept Taiwan out of the United Nations. To understand why this anomaly has occurred is not only the first step toward a solution to the agony of a particular people, but also a necessary step of making the United Nations a truly universal organization. But first we have to understand the changing international politics of the United Nations since its founding and how those politics largely settled the evolution of the China representation issue.

The Changing International Politics of the United Nations

In 1945, fifty-one ‘‘peace-loving’’ states joined the United Nations as the founding members, many joining because they had fought against fascist Axis powers during World War II. In fact, the United States led an ‘‘automatic majority’’ in the United Nations which had often been used to further U.S. foreign policy. This was a clear example of the political nature of the United Nations. During the first ten years of the United Nations, admission was granted grudgingly. This was the result of a hardening of East-West lines. The U.S.-led majority denied the necessary votes to applicants from the Soviet bloc; in return, the Soviet Union, leading a ‘‘frustrated minority,’’ used the

France, the Soviet Union, the United Kingdom, and the United States. The China seat was held by the Nationalist government from 1945 to 1971, and by the Communist government since then. The Soviet seat has been taken over by its successor state, the Russian Federation, after the breakup of the former Soviet Union. Article 27 establishes the veto power of these five permanent members on nonprocedural (i.e., important) matters. One interesting but not trivial question pertains to the issue of which China is really in the United Nations: the original ROC is now out of the United Nations, yet the ‘‘ROC’’ currently in the United Nations is actually the People’s Republic of China (PRC). However, amending the Charter (‘‘to set the record straight’’) will require an yes-vote and constitutional ratification of two-thirds of the members of the General Assembly, including all the permanent members of the Security Council. See Article 108.

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veto to block the admission of most other applicants. The breakthrough in the stalemate (in the form of a “package deal”) came in 1955, when sixteen new members were admitted. Since then UN membership has been available virtually for the asking. Exhibit 1 also shows the present UN member states by years of admission.

With the entry of so many new member states, most of them poor former colonies from the Third World, the politics of the United Nations has also changed. The East-West conflict (between the Soviet-led Communist camp and the U.S.-led non-Communist camp) was pushed aside by the North-South conflict (between the “haves” and “have-nots”—rich versus poor nations). Third World states, which struggled with underdevelopment, now constituted a “tyranny of the majority” (more than two-thirds) of UN membership. They saw the West, particularly the United States, as the major impediment to their yearnings. They pushed for a New International Economic Order that would fundamentally redistribute global wealth and income (at the expense of the North). Gradually the United States found itself in the minority, having to cast the most number of veto votes (including its support of Israel) in the 1970s and 1980s, at a time when the Soviet Union was largely irrelevant on North-South issues. Exhibit 2 shows the changing lot of the five permanent members of the Security Council. Exhibit 3 shows the percentage of issues on which either superpower voted with the majority.

The changing politics of the United Nations over the years provides an excellent perspective to understand the changing lot of Taiwan...
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Exhibit 3
U.S. and Soviet Union Percentage with the Majority


in the United Nations. The following section explains.

A Brief History of the China Representation Issue in the United Nations

The political nature of the United Nations was further demonstrated by how that body handled the admission of divided states: Germany, Korea, Vietnam, and China, each a persisting legacy of the Cold War and domestic politics. Roughly speaking, two models have been used: parallel representation (Germany and Korea) and exclusive representation (Vietnam and China).

Both German states were admitted in 1973 as a result of détente and intra-German rapprochement. After Germany was unified in

1990, the two separate German representations in the United Nations became one. Before they formally became members in 1991, both North Korea and South Korea had also held Observer status in the United Nations. By contrast, neither North Vietnam nor South Vietnam was ever a UN member. However, a unified (Communist) Vietnam was admitted in 1977. So the pattern for these three divided states had been a postponement of admission until an "internal" solution could be reached one way or the other: either the two sides could be simultaneously admitted (Germany and Korea—parallel representations) or only the victor side could be admitted (Vietnam—exclusive representation). And in the case of Germany, when the two sides were unified, parallel representations became an exclusive one. In fact, as the German case indicated, formal separate international identities for the two German states had not prevented their eventual unification. A unified Korea in the future may also follow this model.

The case of China was, however, different. The ROC was a founding member of the United Nations. Hence, the issue could not be postponed. In fact, ever since the Communist regime was established and the Nationalist regime was driven to Taiwan in 1949, the United Nations had to wrestle with this issue: which China should represent China in the United Nations. The issue was further exacerbated because neither China would officially admit the reality of two Chinas. Therefore, the issue was treated as one of representation rather than of admission to membership: which China could exclusively represent all the people of China in the United Nations, rather than whether each China should represent only the people under its jurisdiction.11

The zero-sum diplomatic struggle between the ROC and the People's Republic of China (PRC) defined the politics of the China representation in the United Nations. As it turned out, the ROC held that exclusive representation from 1945 to 1971, when the PRC was excluded; and the PRC has held that post ever since while the ROC has been excluded. Either period of exclusive representation (and exclusion), unfortunately, stood in stark contrast to the UN's universalist principles. From the outbreak of the Korean War (1950) to Henry Kissinger and Richard Nixon's "opening China" (1971), the ROC was a major beneficiary of the Cold War. On the contrary, Taiwan was a

11The PRC's posture toward the United Nations before 1971 was one of "Love me or leave me, but don't leave me alone." Samuel S. Kim, China, the United Nations, and World Order (Princeton, N.J.: Princeton University Press, 1979), 99.
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victim of détente, despite efforts to curb the uncontrollable decline, of its international status.\(^{12}\) As a U.S. protégé, Taiwan’s fate waxed and waned with that of the United States in the United Nations.

The United States adopted two strategies to support the ROC in the United Nations: moratorium (1950-61) and important question (1961-71). The moratorium tactic was used when the United States controlled a majority of votes in the United Nations (see section 2). Year after year, the United States used its influence to prevent proposals calling for admission of the PRC and expulsion of the ROC from being put on the General Assembly agenda. Starting from the early 1960s, however, an increasing number of Third World member states wanted to seat Peking (Beijing).\(^{13}\) The United States had to adopt a new strategy by defining the China representation issue as an important issue, requiring a two-thirds majority vote of the General Assembly.\(^{14}\) The string of U.S. and Nationalist voting victories, though impressive, was finally broken in 1971.\(^{15}\) During its 26th Plenary Session, the UN General Assembly adopted the infamous Resolution No. 2758, which gave the China seat to the PRC and in effect expelled the ROC.

Resolution 2758 was an ugly piece of remanufactured world history.\(^{16}\) Its tone was completely one-sided. It sought to “restore the lawful rights of the PRC” as if the PRC were a founding UN member (it was the ROC! The PRC was not even founded until 1949). It recognized the representatives of the PRC as “the only lawful representatives of China to the UN” and “the PRC is one of the five perma-


\(^{13}\) Because these Third World states were anti-U.S., they saw the seat held by the ROC, supported by the United States, as unjust. Furthermore, the PRC at least rhetorically sided with the Third World Non-Aligned Movement. See King C. Chen, ed., *China and the Three Worlds* (Armonk, N.Y.: M. E. Sharpe, 1979).

\(^{14}\) According to Article 18 of the Charter, the admission of new Members to the United Nations, the suspension of the rights and privileges of membership, and the expulsion of Members are important questions to be decided by a two-thirds majority. However, deciding on “additional categories of questions to be decided by a two-thirds majority” can be made by a (simple) majority.

\(^{15}\) Former U.S. President George Bush was the U.S. envoy to the United Nations who tried to save the ROC’s UN membership.

nent members of the Security Council" (the name for China in the Charter, the ROC, notwithstanding!). It also decided to "expel the representatives of Chiang Kai-shek from the place which they unlawfully occupy at the UN and all the organizations related to it." The issue of legitimacy notwithstanding, this decision openly violated the spirit of universalism of the United Nations.

A dual representation scheme—awarding the PRC the Security Council seat, yet retaining the ROC in the General Assembly—was never considered. The zero-sum mentality of both Chiang and Mao Tse-tung (Mao Zedong) and the UN politics then made it impossible. One has to wonder had this scheme, rather than Resolution 2758, been adopted, how different Taiwan's international status would have been.

In any case, Nixon's announcement of his trip to mainland China dealt a final blow to Taiwan's UN fight. With the UN example, countries quickly shifted recognition from Taipei to Peking, including Japan (1972) and the United States (1979). Under immense pressure from Peking, other UN organs quickly followed the lead of the Assembly, and after 1980 representatives of Taipei completely disappeared from the UN scene. Although the Peking government purports to speak for all of China, including Taiwan, that island and its 21 million people remain unrepresented in the United Nations. Resolution 2758 was clearly inadequate and unjust: the PRC indeed received a representation proper to its stature, yet Taiwan has no representative in the United Nations. This is perhaps the most blatant breach of the UN's ideals of universal representation.

Taiwan: State or Province?

What is Taiwan's formal status: a state or a province? This is a critical question, since UN membership is only open to states, not provinces. But what constitutes a state? Article 1 of the Convention on Rights and Duties of States (1933, also known as the Montevideo

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17 General Assembly Resolution 396 of 1950 established a precedent that whenever more than one authority claims to be the government entitled to UN representation, other UN bodies should take into account the decisions of the General Assembly in deciding which delegation to seat within its halls. Note, however, the Assembly can only recommend, but not instruct, other UN bodies what to do.

18 The UN exclusion of Taiwan is so complete that even data on Taiwan are omitted from UN official publications. This is an injustice to one's right to knowledge and information.
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Convention) lists the four qualifications of the state as a person of international law: (1) a permanent people, (2) a defined territory, (3) government, and (4) capacity to enter into relations with the other states.\(^1\)

Clearly Taiwan has a permanent population. Even mini-states, such as Antigua and Barbuda, the Seychelles, Dominica, the Marshall Islands, Micronesia, Liechtenstein, San Marino, and Andorra, each with less than 100,000 people, have been accepted into the United Nations. Further, more than thirty other UN member states have populations less than one million.\(^2\) One can, therefore, conclude that no state is too small to qualify for membership. In fact, Taiwan’s population of 21 million would place it in the top third of all UN members.

In terms of defined territory, the ROC has effectively and continuously ruled the islands of Taiwan, the Pescadores (Penghu), Quemoy (Kinmen), and Matsu since 1949,\(^3\) with a total area of 36,000 km\(^2\) (14,000 mi\(^2\)). In fact, the PRC has never ruled Taiwan. How can the PRC claim that Taiwan is a PRC province if it has never ruled it? Even the Palestinians, a people without territory, have their representation in the United Nations—the Palestine Liberation Organization (PLO), albeit as an Observer.

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1. The text can be found in Weston, Falk, and D’Amato, Basic Documents in International Law and Order.
3. A minor issue pertains to whether the ROC controls Taiwan. A minority of scholars and politicians argue that the international status of Taiwan remains undecided. They point out that U.S. President Harry Truman, in ordering the Seventh Fleet to prevent the Communist attack on Taiwan in June 1950, also declared “the determination of the future status of Formosa (Taiwan) must await the restoration of the security in the Pacific, a peace settlement with Japan, or consideration by the United Nations.” Department of State Bulletin, July 3, 1950, 5. See Ralph N. Clough, Island China (Cambridge, Mass.: Harvard University Press, 1978), 8-9. They further point out that in the 1951 Japanese Peace Treaty signed in San Francisco, Japan merely renounced, in Article 2, “all right, title, and claim” to Taiwan (a Japanese colony from 1895 to 1945), but did not specify to whom the title was transferred. Nor did the April 28, 1952 ROC-Japan Peace Treaty explicitly provide for the return of Taiwan to China. These documents are reproduced in Hungdah Chiu, ed., China and the Question of Taiwan: Documents and Analysis (New York: Praeger, 1973). That Taiwan’s status is still undetermined is a peculiar argument to forestall the PRC’s claim over Taiwan. However, it is also an insignificant one, since the ROC can still ascertain its control over Taiwan through the principle of effective occupation and control (for a long period of time), argued Chiu. Ibid. See also Herst Lauterpacht, Oppenheim’s International Law: A Treatise, vol. 2, Disputes, War, and Neutrality, 7th edition (London: Longman Greens, 1952), 611: “… the effect of a treaty of peace is that conditions remain as at the conclusion of peace. . . . Thus . . . if nothing is stipulated regarding conquered territory, it remains in the hands of the possessor, who may annex it.”
Regarding government, the ROC government moved from the mainland to Taiwan in 1949 and has remained ever since. Although the ROC lost most of the territory and people it previously controlled to the Communists, it nevertheless has effectively exercised on Taiwan all the basic governing functions: taxation, armed forces, elections, foreign relations, etc. By contrast, the PRC claims to represent the people on Taiwan, but has it paid for these people's share of membership fee in the United Nations? Do these people agree to let the PRC represent them? Judging from all available opinion polls, the answer is a resounding "no"!

The only controversy involves the last qualification: the capacity to enter into relations with other states. But how does one interpret "foreign relations"? If it means "formal diplomatic relations," then it is true that only twenty-nine states maintain formal ties with the ROC. However, measured in "substantive relations"—Taiwan's unorthodox approach to its international isolation—Taiwan has close ties with most states (often those ties are even stronger than the formal ties enjoyed by the PRC) and is an active international player.

Granted, the lack of formal diplomatic recognition hampers Taiwan's international personality. It is unlikely that Taiwan, at the present time, can get the necessary votes for its entry to the United Nations, be it through "representation" or "new member" status. In fact, Taiwan's bid for the UN membership should be bolstered by a concomitant effort at increasing the number of states that maintain formal ties with Taiwan.

So, the test is whether a political entity possessing nearly all the four conditions laid out in the Montevideo Convention qualifies as a state. There has been debate in conventional international law on this. The Declaratory School argues that any entity that possesses all the elements of the state is a state. The Constitutive School, however, argues that such an entity must be recognized by other states to qualify as a state. In this latter view, recognition is actually used by states as a foreign policy tool. The ROC definitely qualifies as a state based upon the first view. Although some people invoke the second view and argue that the ROC is not a state, I argue that it is. Article 3 of...
the Montevideo Convention states, "The political existence of the state is independent of recognition by the other states." Just because the United States does not recognize Castro's Cuba does not mean that Cuba is not a state. Furthermore, Article 6 clarifies the nature of recognition: "The recognition of a state merely signifies that the state which recognizes it accepts the personality of the other with all the rights and duties determined by international law" and "recognition is unconditional and irrevocable" (emphasis added).

So the international personality of Taiwan as a state is well grounded, de facto and de jure, despite the PRC's persistent efforts to force international "recognition" of Taiwan as a PRC province (through all official records such as publications of international organizations and bilateral communiqués on establishing diplomatic relations). Nevertheless, it is also true that Taiwan's international personality has been seriously hampered by the PRC's actions.

So, Taiwan is a state. But is it a peace-loving state? Unlike the PRC, which was condemned as an aggressor in 1950 by the United Nations for its action in the Korean War, the ROC has never been an aggressor. In fact, with its well-known economic development experience, the ROC has, in recent years, begun to provide humanitarian aid, economic and technical assistance—feedback to the international society.

Taiwan is a peace-loving state but, as section 1 explains, was forced out of the United Nations due to political reasons. It is facing an uphill battle to reenter the United Nations (recall Articles 4 and 27 of the Charter). But why does Taiwan want a seat in the United Nations after it has been excluded for twenty-three years anyway?

The Case for Taiwan Entering the United Nations

Taiwan wants a seat in the United Nations for several international and domestic reasons.\(^2\) The first and most obvious reason is that Taiwan meets all the qualifications of a state (see section 4). And

it is a peace-loving state. Thus, it should be in the United Nations. But being a state and a peace-loving one, both able and willing to accept international obligations as discussed earlier, is unfortunately only a necessary but not sufficient condition to UN membership.

The second reason is the appeal to UN idealism: universal representation and fundamental human rights for all. Naturally, for a significant group of people (21 million) to be deprived of these basic rights is a disgrace to the United Nations.

The third reason is that Taiwan has become an increasingly important global player, and excluding such a player from this comprehensive international organization will seriously impair the functioning of the international system. Taiwan's foreign trade volume, US$162 billion in 1993, ranked it as the fourteenth largest trading nation in the world (that is more than Mexico, Brazil, Venezuela, and Argentina combined). Its foreign exchange reserve (at US$86.2 billion in February 1994) is the second largest in the world (after Japan). Its gross national product (GNP), at US$220 billion in 1993, is the twentieth largest in the world. Its GNP per capita, US$10,566 in 1993, would have placed it in the select few "high-income economies" among all UN members. Moreover, Taiwan is the seventh largest investor in the world and an especially important investor in Southeast Asia. Yet, such an important trading nation is not even in the General Agreement on Tariffs and Trade (GATT), the International Maritime Organization (IMO), the World Intellectual Property Organization (WIPO), etc.

Rights and obligations go hand in hand. Without according Taiwan its deserved rights and yet expecting it to honor the same duties as everyone else, the international community can only hope, but not be sure, that this key player would "play by the same rules." To ensure this, what better way than to include Taiwan in these bodies? Other functional areas, such as preventing ozone layer depletion (the 1987 Montreal Protocol), really have no boundaries. A solution has to

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24 Industry of Free China 80, no. 3 (March 1994), and World Development Report, 1992.
26 Currently Taipei is negotiating with GATT about its accession. With the conclusion of the Uruguay Round (1986-93), GATT will cease to exist and a new World Trade Organization (WTO) will take over GATT functions and more, starting 1995. All GATT members will automatically become WTO members. The GATT case is interesting, because the ROC wisely applied as "(Separate) Customs Territory of Taiwan, Penghu, Kinmen, and Matsu" under Article 33, thereby establishing an international identity separate from the PRC's.
be found to bring Taiwan into the international society. This is because global problems can only be best solved through the collaboration of all, not just some, players.

The fourth reason is that the United Nations has in the past accommodated the contending sides of divided states through the parallel representation scheme (Germany and Korea). And as the German case illustrates, such an arrangement has not hindered the internal political evolution of Germany. In fact, other intergovernmental organizations, such as the Asian Development Bank (ADB) and the Asia-Pacific Economic Cooperation (APEC) forum, have established various precedents, whereby Táipei and Peking can both participate. GATT is likely to follow suit.27 So finding a creative arrangement to accommodate Taiwan in the United Nations is not unrealistic. However, it must also be pointed out that the UN General Assembly is a consummate political body, where power sways. Furthermore, the PRC holds veto power in the Security Council. So it may be very difficult for Taiwan to return to the United Nations via its Assembly. But a formal representation in the Assembly will be an ultimate solution to Taiwan's current dwarfed diplomatic status.

The fifth reason is domestic politics. There is hardly any other case wherein the gap between a country's economic might and its diplomatic status is as outrageous as Taiwan's. The increasingly affluent people of Taiwan have become impatient with the unjust treatment they have received from the international society and demand more dignity. For the opposition Democratic Progressive Party (DPP), the issue of joining the United Nations is tantamount to a formal declaration of Taiwan's independence. Capitalizing upon the popular discontent with Taiwan's international status, the DPP sought to put the ruling Kuomintang (KMT, or the Nationalist Party of China) on the defensive. The government responded by undertaking its own campaign but was rather ambivalent for fear of fueling independence aspirations. The KMT and the DPP, at least in rhetoric, both want Taiwan to return to the United Nations. They differ, however, on how. The DPP wants Taiwan to join the United Nations as a new

27 ADB official documents refer to the ROC as "Taipei, China" and the PRC as "People's Republic of China, People's Republic of." The APEC summit meeting of November 1993 in Seattle established a precedent: Vincent Siew, chairman of Taiwan's Council for Economic Planning and Development, participated as "President Lee Teng-hui's representative," whereas the PRC was represented by President Chiang Tse-min (Jiang Zemin).
member state, the Republic of Taiwan. The KMT, by contrast, would only avow that Taiwan should be allowed to participate in the United Nations, leaving important issues such as the name and methods of entry undecided. Although ambiguity sometimes permits creativity, it may also be politically costly, as the next section elaborates.

Roads to the United Nations: Issues and Approaches

It is clear why Taiwan should belong in the United Nations, but the question is how. The government’s approach is an open-ended yet passive one. Last year it knocked on the UN’s door for the first time. It requested seven Central American states to ask the UN’s Credentials Committee to “analyze comprehensively all aspects of the exceptional situation of the 21 million Chinese on Taiwan who are not represented in the United Nations and to make recommendations.” But most major powers (e.g., the United States, the PRC, and Secretary-General Boutros-Ghali) spoke against it. The proposal was never put on the agenda. It appeared a moratorium in reverse—the PRC can now just muffle the fight! But, ironically, the PRC’s experience of entering the United Nations can provide some insights to Taiwan!

Prerequisites

In fact, there are some prerequisites for Taiwan’s UN bid. First, Taiwan’s UN bid will have a much more realistic chance when more states have diplomatic relations with Taiwan. Substantive diplomacy, though strong, is no substitute for formal diplomacy on such highly symbolic political issues. Taiwan’s departure from the United Nations in 1971 presaged many countries’ shift of recognition. Conversely, a resolution on Taiwan’s status by the United Nations will herald some states’ diplomatic reassessments. This is perhaps why the government’s stance is to hope that the United Nations will study a solution that is acceptable to most members. But this is not enough to satisfy the domestic constituencies.

So instead of asking the United Nations to decide how Taiwan could join, Taiwan should first decide how it wants to join the United Nations. Therefore, a national debate, albeit divisive, is inevitable. The second prerequisite, therefore, is a plebiscite on this issue.28 It is

28 For a recent treatise on the increasing use of direct democracy worldwide (as opposed
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not enough for the government to proclaim a consensus, for there is none. In fact, it may be beneficial for the government to conduct a plebiscite. Most opinion polls show that a large majority of people in Taiwan favors the status quo—neither open declaration of independence nor immediate reunification with the mainland. A formal plebiscite will presumably reflect this fact.

Such a plebiscite should further affirm that the ROC is the only legitimate government on Taiwan and the associated islands. This proclamation, albeit a seeming departure from the arcane “one-China” stance, will provide a legal pretext to avert the PRC’s claim and opens the door for other states’ recognition (of this fact). Although the DPP has for years advocated a plebiscite (to legitimize independence), the government can in effect preempt and win on this issue. It seems that only a plebiscite, which allows all voters to decide on the name and approach of Taiwan’s UN participation, can form a genuine national consensus—a “pact” which neither party can further argue about.

Moreover, results from a plebiscite will unambiguously communicate to the United Nations and the world the real wishes of the people on Taiwan, so these wishes are less likely to be ignored. After all, the principle of national self-determination is not entirely moribund. If the United Nations can monitor the election in Eritrea (a part of Ethiopia), respect its people’s wishes, and accept it as a member, and if the United Nations can accept so many separate members resulting from the breakup of the former Soviet Union, Yugoslavia, Czechoslovakia, etc., then why it cannot do the same for the 21 million people on Taiwan? In fact, numerous plebiscites have been conducted in recent years: West Irian, the Cook Islands, Equatorial Guinea, Okinawa, several of the U.S. Pacific Islands, etc.


In 1991, by abrogating the Temporary Provisions Effective During the Period of Mobilization for the Suppression of Communist Rebellion, Taiwan recognized the PRC as a political entity and that the ROC’s governance does not extend to the mainland. However, such a declaration did not stipulate that only the ROC, not any other country including the PRC, has jurisdiction over Taiwan and the associated islands. This is why a plebiscite must establish this claim.

Taiwan’s UN bid would be completely effortless, if the PRC did not exist. In fact, the PRC has constantly forced states or international organizations to choose between Peking and Taipei. Given Peking’s veto power in the United Nations, its nuclear weapons, and regional influences, the choice has been “easy”—Peking. In recent years, Taipei started to pursue “dual recognition”—Taipei will exchange formal ties with a state as long as it recognizes Taipei, regardless of its ties with Peking. But so far, there has been no enduring precedent. So the third prerequisite for Taiwan’s UN bid is to improve relations with Peking. It may be an exaggeration to say “the road to the UN is through Peking,” but without Peking’s acquiescence, Taipei’s quest for international identity will continue to be hard. Unfortunately, Peking still clings to outmoded concepts of sovereignty. It will take education, patience, economic enticement, and military preparedness on the part of Taipei to convince Peking of the reality of a Taiwan separate from the mainland. In large part, Peking’s intransigence has contributed to the rise of independence sentiment in Taiwan. By giving Taiwan more room internationally, Peking can in fact expect a more confident Taiwan, which is more willing to seek rapprochement and less compelled to seek independence.

Models

Regarding the capacity of Taiwan in the United Nations, six models can be compared. But these models are mainly heuristic devices, created to stimulate discourse and thinking.

The first model is the exclusive representation model (i.e., reversing Resolution 2758): seeking to replace the PRC in the United Nations as the only representative of China. This is not only impossible (PRC’s veto and most states’ opposition) but also undesirable (exclusion of 1.17 billion people).

The second model is the new state model: applying to the United Nations as a new state (e.g., Republic of Taiwan). As much as DPP idealists preach this, it is also impossible, because (1) the PRC would veto it, and (2) Taiwan cannot get two-thirds of all the votes in the General Assembly (recall section 1).

The third model is the German/Korean model: parallel representation for both the PRC and the ROC (in essence a “two Chinas” formula). It is the ROC government’s preference.

The fourth model is the ADB/APEC model: coexistence of one “China, People’s Republic of” and one “Taipei, China” (in essence
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a “one China, one Taiwan” formula). Presently this may be Taiwan’s best hope. However, whether such an improvised arrangement can lead to diplomatic breakthroughs for Taiwan is a big question: How can other states recognize “Taipei, China” or “Chinese Taipei” as a state?

The fifth model is the Soviet Union model: multiple representations yet one central government. To forestall U.S.’s predominance in the United Nations at the time of founding, the Soviet Union insisted on having two more seats in the United Nations (Belarus and Ukraine; however, neither could conduct foreign policy). This may be Peking’s eventual offer (in essence a “one country, two systems” model).

The last model is the Vietnam model: one seat for one unified country. Should one day the PRC rule Taiwan, it could indeed claim to represent the people on Taiwan. In fact, there is even no need to have more than one system. This is the PRC’s current position, obviously an unpopular one in Taiwan.

At the present time, the “bargaining set” or feasible outcomes are really between the fourth and fifth models. Frankly, the fourth model is not all bad, since it allows Taiwan to participate in the international society, albeit not quite equally. But even this narrow set contains much room for creativity. Furthermore, if international politics should continue to evolve in Taiwan’s favor, then the third or even the second model may become possible. Hopefully, a solution can be found to simultaneously satisfy Taiwan’s yearning for dignified international participation, the PRC’s concern about keeping “face,” and the international community’s real need to incorporate Taiwan.

Approaches

Finally, this paper will discuss three approaches of participation, each with differing degrees of effectiveness and difficulty: (1) seeking entry to the General Assembly, (2) seeking an Observer status, and (3) participating in UN programs and affiliated organs. These three

31 When GATT does admit Peking and Taipei, it will set up a new precedent: one China and one “TPKM Customs Territory.” But this is essentially a variation of the ADB/APEC model.

32 The International Olympic Committee (IOC) prescribed this name to the sports teams from Taiwan.

approaches are not mutually exclusive; rather, they should be used *in tandem* or *in sequence*.

First, knocking on the door of the General Assembly directly has the advantage of driving home the issue. However, the current politics in the United Nations and Taiwan’s setback last fall suggest that Assembly membership may be the *fruit*, rather than the catalyst, of a long fortuitous process. In addition, repeated setbacks may further frustrate Taiwan’s people and put more pressure on the government. Still, this approach is worth pursuing *with care*, since it keeps the issue alive. The more the international society knows about yet fails to resolve this problem, the more it will feel ashamed and obliged. Time is on Taiwan’s side.

Second, the Observer status has the advantage of giving Taiwan partial representation yet avoid challenging Peking’s sovereignty. Switzerland, Monaco, the Holy See, East Germany, West Germany, North Korea, South Korea, and the PLO, at one time or another, have all been Observers at the United Nations. As an Observer, Taiwan would gain the opportunity to address issues important to it, though it could not vote. There is no question that when the Palestinians one day have their own state, they will want full Member, not just Observer, status. So this is really a transitional and unsatisfactory arrangement. But if such a status is soon granted to Taiwan, Taiwan should not reject it.

It seems that the third approach, an *incremental* one, is what Taiwan can and should do now. Exhibit 4 shows that the United Nations stands at the hub of a network of specialized international bodies. Some of these are operated directly by the UN General Assembly; some are formally affiliated with the United Nations but autonomous; some are unconnected with the United Nations. Despite the publicity they receive, the General Assembly and the Security Council are really *not* where the practical day-in, day-out action is. It is the numerous functional organs that weave people together across national boundaries into a truly interdependent world.

The UN Programs are overseen by the General Assembly through the Economic and Social Council in order to advance economic development and social stability in poor Third World states. The funding of these programs comes partly from the General Assembly and partly from contributions of member states, businesses, and even private charities. If the PRC objects to Taiwan’s proposal, for example, to donate US$1 million every year to the UNICEF’s Children’s Emergency Fund for vaccinating Third World children against diseases (a purely
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Exhibit 4
The United Nations System

## UN Programs
- **UNEP** (UN Environment Program)
- **UNICEF** (UN Children’s Fund)
- **UNDRO** (Office of the UN Disaster Relief Coordinator)
- **UNHCR** (Office of the UN High Commissioner for Refugees)
- **UNRWA** (UN Relief Works Agency for Palestinian Refugees)
- **UNDP** (UN Development Program)
- **UNITAR** (UN Institute for Training and Research)
- **UNIFEM** (UN Development Fund for Women)
- **UNISTRAW** (UN International Research and Training Institute for women)
- **UNCTAD** (UN Conference on Trade and Development)
- **WFP** (World Food Program)
- **WFC** (World Food Council)
- **Habitat** (Housing Program)
- **UNFPA** (UN Population Fund)
- **UNU** (UN University)

* Does not report to ECOSOC.

## Autonomous Agencies
- **IAEA** (International Atomic Energy Agency, Vienna)
- **WHO** (World Health Organization, Geneva)
- **FAO** (Food and Agriculture Organization, Rome)
- **IFAD** (International Fund for Agricultural Development, Rome)
- **ILO** (International Labor Organization, Geneva)
- **UNESCO** (UN Educational, Scientific, and Cultural Organization, Paris)
- **UNCTAD** (UN Industrial Development Organization, Vienna)
- **ITU** (International Telecommunications Union, Geneva)
- **IPU** (International Postal Union, Berne)
- **ICAO** (International Civil Aviation Organization, Montreal)
- **IMO** (International Maritime Organization, London)
- **WIPO** (World Intellectual Property Organization, Geneva)
- **WMO** (World Meteorological Association, Geneva)
- **IMF** (International Monetary Fund, Washington)
- **IBRD** (International Bank for Reconstruction and Development [World Bank], Washington)
- **IDA** (International Development Association, Washington)
- **IFC** (International Finance Corporation, Washington)
- **GATT** (General Agreement on Tariffs and Trade, Geneva)

* Does not report to ECOSOC.


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humanitarian measure), it will undoubtedly make enemies for the PRC and win friends for Taiwan. As section 2 points out, now Third World states constitute more than two-thirds of the UN membership, so gaining support from this key "voting bloc" is critical to Taiwan's UN bid. In addition, as section 3 points out, the decisions of the General Assembly on representation are only advisory but not binding on these specialized agencies, where the bulk of UN's daily work is carried on. For example, a seat in the International Sugar Organization or the International Tropical Timber Organization, both dealing with matters important to Taiwan and both related to the United Nations Conference on Trade and Development (UNCTAD), could be a backdoor to the UNCTAD.  

This is even more true of the autonomous agencies. For example, it will be logical for Taiwan, as a key economic power, to rejoin the World Bank (IBRD) and the International Monetary Fund (IMF) after its accession to the GATT. In fact, the weighted voting systems of these bodies (as opposed to the one-state-one-vote system in the United Nations) can further augment Taiwan's influence. The World Health Organization (WHO) is one of several UN bodies which do not restrict membership to UN member states. Non-UN members like Switzerland and nonstates like Hong Kong belong to the WHO, just as they do to many other UN bodies.

It is these "low-profile" yet practical bodies where Taiwan should immediately start seeking positive participation. After all, Taiwan has been missing from the international scene for too long. And with its admirable economic success and political democratization, Taiwan would play a very influential role in these bodies, establish a positive reputation, accumulate goodwill and support, and coincidentally foster a separate identity (as perceived by others) from Peking's.

Aside from its Security Council seat and veto power, Peking is really not a major player in the United Nations. It adopts a very low profile in the General Assembly, and is hardly visible at all in the technical and specialized agencies. In fact, it is the major recipient of loans and grants from the IMF and the IBRD. In contrast, the PRC contributed just 0.77 percent (US$7.85 million) of UN's budget in 1993!—and that contribution did not even include membership dues

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for the 21 million "compatriots" on Taiwan.

By taking this three-pronged strategy, emphasizing the third approach while also pursuing the other two, Taiwan should see its international stature greatly improve and the world become more ready to embrace it in a few years. The way to the United Nations may be long and arduous. But at least there is not just one road, and the end seems to be in sight.

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Nations, November 1993), 72. Contrast other countries: the United States (25 percent, US$310 million), Japan (12.45 percent, US$127 million), Germany (8.93 percent, US$91 million), Russia (6.71 percent, US$68 million), France (6 percent, US$61 million), the UK (5 percent, US$51 million). The PRC, with a population of 1.17 billion, pays as much as Iran (population: 60 million) and only one half of the Netherlands' (1.5 percent) (population: 15.2 million)!