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How Can Taiwan Enter the United Nations?: Implications of the ROC’s Quest for International Recognition

Vincent Wei-cheng Wang

Most existing literature on the issue of Taiwan’s admittance into the United Nations (UN) focuses on why Taiwan should have a seat in the UN, by invoking the UN’s principle of universality. This paper focuses on how: the strategies and approaches.¹

The government of the Republic of China (ROC) on Taiwan has so far adopted an open-ended yet passive strategy. In 1993 it knocked on the UN’s door for the first time since 1971, when the People’s Republic of China (PRC) replaced it in the UN. Taiwan requested seven Central American states to ask the UN to create an ad hoc committee to report to the General Assembly about the special case of Taiwan. In 1994, 1995, and 1996 similar proposals were put forth, endorsed by a slightly increasing number of member states who maintain diplomatic ties with the ROC. However, each year that the ad hoc committee proposal came before the General Committee, the PRC used its clout to keep the item off the agenda, although there had been considerable debate over that item. In light of these setbacks, some rethinking is beneficial. This paper will discuss several prerequisites for Taiwan’s UN bid, analyze the various models for Taiwan, and evaluate the various approaches to entry. The discussions will also have some implications for the ROC’s membership in other international organizations, and for the ROC’s quest for a higher international status in general.

Prerequisites

1. Diplomatic recognition

Some prerequisites will facilitate Taiwan’s UN bid. First, a UN bid will have a much more realistic chance when more states have diplomatic relations with Taiwan. The bottom line is politics: the PRC got enough votes in 1971, so it was seated. When Taiwan has enough votes, it will be admitted. Substantive relations, however strong, are no substitute for diplomatic relations. Taiwan’s departure from the UN in 1971 presaged many countries’ shift of recognition. Conversely, a resolution on Taiwan’s status by the UN would herald other states’ diplomatic reassessments. This is perhaps why the government’s stance is to hope that the UN
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will study a solution that is acceptable to most members. But this is not enough to satisfy the domestic constituencies.

2. A Plebiscite

Instead of asking the UN to decide how Taiwan could join, Taiwan should first decide how it wants to join the UN. A national debate, albeit divisive, is inevitable. So the second prerequisite is a plebiscite on this issue. A plebiscite, or expression of national self-determination, is an exercise of the “elementary right” of a people to decide their legitimate ruler, and has been an internationally well-established democratic practice. It is not enough for the government to proclaim a consensus, because there is none. And since the UN issue is emotionally intertwined with Taiwan’s fundamental identity dilemma—unification or independence—eventually it must be resolved in one way or another. In fact, it may be beneficial for the government to conduct a plebiscite. Most opinion polls (and inferences from election results) 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 would 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, although a seeming departure from the arcane “one China” stance, would provide a legal pretext to avert the PRC’s claim to Taiwan, and open the door for other states’ recognition (of this fact). The Democratic Progressive Party (DPP) has for years advocated a plebiscite (on legitimate independence), and the government could in effect pre-empt it and win on this issue. It seems that only a plebiscite, allowing all voters to decide on the name and approach of Taiwan’s UN participation, could form a genuine national consensus—a pact which no party could argue further about.

Perhaps most importantly, results from a plebiscite would unambiguously signify to the UN and the world the real wishes of the people on Taiwan, and quite simply, make those wishes less likely to be ignored. After all, the principle of national self-determination is not entirely dead. If the UN can monitor the election of Eritrea (formerly a part of Ethiopia), respect its people’s wishes, and accept it as a member, and if the UN can accept so many separate members resulting from the breakup of
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the former Soviet Union, and Yugoslavia, and accept the division of the former Czechoslovakia, how could it justify denying the same to the 21 million people on Taiwan? In fact, numerous plebiscites have been conducted in recent years: in West Irian, the Cook Islands, Equatorial Guinea, Okinawa, and several of the U.S. Pacific Islands. Had the vote for Quebec to secede from Canada passed in 1995, both Canada and the UN would most likely have accepted it.

3. The China factor

Taiwan’s UN bid would be completely effortless, if the PRC did not negate it. In fact, the PRC has constantly forced states or international organizations to choose between Beijing and Taipei. Given Beijing’s veto power in the UN, its nuclear weapons, and growing might, the choice has usually been politically easy: Beijing. In recent years, Taipei has started to pursue “dual recognition” which means that Taipei will exchange formal ties with a state, so long as it recognizes Taipei, regardless of its ties with Beijing. But so far there has been no enduring precedent. So the third prerequisite for Taiwan’s UN bid is for it to to improve relations with Beijing. It may be an exaggeration to say that “The road to the UN is through Beijing,” although most countries would probably favor a Beijing-Taipei negotiated solution to this problem. But clearly, without Beijing’s acquiescence, Taipei’s quest for international identity will continue to be extremely problematic.

Unfortunately, Beijing still clings to outmoded concepts of sovereignty. It has steadfastly maintained that the so-called “Taiwan issue” is China’s domestic affair. This is a dangerous stance for Taiwan, because in international law there is a long-established principle of non-interference in internal affairs. If Taiwan’s future is an international issue, it should be protected by the principle of peaceful resolution of conflicts. However, if it is an internal matter, as the PRC has claimed, only the PRC’s goodwill can guarantee Taiwan’s security—and that is hardly dependable. So the UN bid also has enormous security implications for Taiwan. There is also no wonder at the reasons for the PRC’s strenuous opposition to it. The PRC even equates Taiwan’s UN bid (and President Lee Teng-hui’s “pragmatic diplomacy”) as a ploy to seek independence; hence, a justification for using force against Taiwan. Since President Lee’s visit to the U.S. in June 1995, the PRC has greatly escalated its military provocations (missile tests and military exercises), aimed at intimidating Taiwan and influencing the island’s first popular direct presidential election on 23 March 1996. It has also increased diplomatic pressure on Taiwan: in late 1996, South Africa, Taiwan’s most important ally, decided to cancel diplomatic ties with Taipei in favor of Beijing. No one fantasizes that Taiwan’s UN bid will not face strong opposition from Beijing. However, Taipei must still be resolute in pursuing a
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goal that is crucial to its own security and prosperity. It will take education, patience, economic enticement, and military preparedness on the part of Taipei to convince Beijing of the reality of a Taiwan separate from the mainland. The rise of independence sentiment in Taiwan has, ironically, largely been contributed to by Beijing’s intransigence. By giving Taiwan more room internationally, Beijing could in fact expect a more confident Taiwan, more willing to seek rapprochement and less compelled to seek independence.

4. The U.S. factor

A final catalyst is U.S. support. It was the Nixon Administration’s policy that led to the “diplomatic stampede” of countries recognizing the PRC, which precipitated the ROC’s rapid descent. Following the U.S. example, the world has settled into diplomatic complacency: maintaining formal ties with Beijing, and informal ties with Taipei. In fact, the world community faces a classic “collective action” problem in dealing with Taiwan. That is, if each country deals with the PRC bilaterally, it is always compelled to choose Beijing over Taipei (the lure of a market of one billion consumers, however poor at present, UN Security Council veto power, nuclear weapons) and thus to go along with Beijing’s “one China” policy, which perpetuates Taiwan’s plight. But if all countries collectively took a strong stand against Beijing over the Taiwan issue, then they might succeed. The obvious issue is, who that “political entrepreneur” willing to bear the costs of ensuring the public good, will be. In other words, who will provide the leadership necessary to overcome Beijing’s opposition? The answer should be: the U.S., with its tremendous power and prestige in international organizations. The U.S. may have only one vote in the General Assembly, but it has a veto in the Security Council. In organs adopting weighted voting, such as the World Bank, the U.S. has 33% of the vote. If the U.S. really wants, it can help seat Taiwan in international organizations, including the UN. In fact, the U.S. has done that in the cases of the Asian Development Bank (ADB), the Asia-Pacific Economic Cooperation (APEC) forum, and the General Agreement on Tariffs and Trade (GATT).

An in-depth analysis of the U.S. role in Taiwan’s UN efforts is beyond the scope of this paper. I can only briefly address the clear division of opinions on this issue. An increasing number of people in Congress favor a more active role that the U.S. could and should assume in helping Taiwan obtain a seat in the UN. Understandably, the executive branch does not support Taiwan’s UN cause, arguing that it would harm U.S.-China relations. However, it pledges to support Taiwan’s membership in
international organizations that allow non-states to join. Further, the Taiwan Relations Act, the U.S. law enacted in the aftermath of its de-recognition, passed to maintain and enhance relations between the U.S. and Taiwan, mandates the U.S. government to support Taiwan's membership in international organizations, especially financial ones.

Models

Regarding the capacity of Taiwan in the UN, six models can be compared. Note, however, that these models are mainly heuristic devices, created to stimulate thinking and discourse.

The first model is the exclusive representation model (i.e., reversing Resolution 2758): seeking to replace the PRC in the UN as the only representative of China. This is not only impossible but also undesirable, because it would unjustly exclude 1.17 billion people.

The second model is the new state model: applying to the UN as a new state (e.g., the 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 the votes in the General Assembly.

The third model is the German / Korean model: parallel representations for both the PRC and the ROC (i.e., a "two Chinas" formula). This is the ROC government's preference.

The fourth model is the ADB/ APEC model: coexistence of one "China, People's Rep. of" and one "Taipei, China" (i.e., a "one China, one Taiwan" formula). Presently this may be Taiwan's best hope. However, whether such an improvised arrangement can lead to a diplomatic breakthrough for Taiwan is a big question: For instance, 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 the U.S.'s predominance in the UN at the time of its founding, the Soviet Union insisted in having two more seats in the UN (Belarus and Ukraine; however, neither could conduct foreign policy). This might be
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Beijing'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 claim to represent the people of Taiwan. The claim that there is no need to have more than one representation 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 would allow Taiwan to participate in the international community, although 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 become possible. It is to be hoped that a solution can be found to satisfy Taiwan's yearning for dignified international participation, China's concern about "face," and accinidate the international community's real need to incorporate Taiwan, an increasingly important actor on the world scene, simultaneously.

Approaches

Finally, I will discuss three approaches to participation, each with differing degrees of effectiveness and problems: (1) seeking entry to the General Assembly, (2) seeking Observer status, and (3) participating in UN programs and affiliated organs. These three approaches are not mutually exclusive; rather, they should be used in tandem or in sequence.

1. The General Assembly

First, knocking on the door of the General Assembly directly, the "front door" approach, has the advantage of driving home the issue. However, current politics in the UN and Taiwan's setbacks in the last four years 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 cannot solve this problem, the more it will feel ashamed and obligated to do so. Time is on Taiwan's side.

An interesting strategy under the "front door" approach -- repealing Resolution 2758 -- is suggested by John Bolton. Condemning 2758 as illegal, he dispels the myth that resolutions adopted by one UN General Assembly plenary session cannot be repealed by another. He cites the repealing in 1991 of the 1975 Resolution 3379...
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(i.e., “Zionism is racism”). He argues that since this strategy essentially means for the General Assembly to correct its own mistake, because re-recognizing the ROC’s representatives is not the admission of new states, it does not involve the Security Council (thus a possibility of a PRC veto). He argues that repealing 2758 is a prerequisite for reinstating the miscarried “dual representation” scheme of 1971.\(^\text{12}\)

2. Observer Status

The UN has given “observer status” to four types of entities, which entitles them to participate in all plenary and other UN meetings without the right to vote, as well as to attend UN-organized conferences: (1) states that are not UN members (e.g., Switzerland, the Holy See), (2) liberation movements (e.g., the Palestinian Liberation Organization), (3) intergovernmental organizations (e.g., the Organization of African Unity), and (4) specialized agencies (e.g., the International Atomic Energy Agency).\(^\text{13}\)

Observer status has the advantage of giving Taiwan (an incomplete) representation yet avoids challenging Beijing’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 UN. As an Observer, Taiwan would gain the opportunity to address issues important to it, but it could not vote. There is no question when Palestinians one day have their own state, they will want a full Member, not just an Observer, status. So this is really a transitional and unsatisfactory arrangement. But if such a status were granted to Taiwan, Taiwan should not reject it.

Based on his study of sixteen UN observer cases, James C. Hsiung finds that the UN Secretary-General, upon an application for observer status, has almost summary right to make a final decision. In all past cases, when the Secretary-General asked the General Assembly for a retroactive review following a decision he had made, the Assembly invariably accepted his decision. However, Hsiung argues that this route is now closed for Taiwan, because the PRC, following Taiwan’s aborted “study committee” endeavor in 1993, went straight to the former UN Secretary-General Boutros Boutros-Ghali and served him notice that the PRC would object, \textit{pre hoc} to Taiwan’s entry in any form, including that of an observer.\(^\text{14}\)
3. UN Programs and Affiliated Organizations

In contrast to the "front door" approach described above, Taiwan could first join the UN through the "back door," i.e., through UN programs, or specialized agencies and autonomous organizations within the UN system. This incremental approach, though less flamboyant, should not be discounted. The UN 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 UN but autonomous; some are unconnected with the UN. Despite their publicity (or notoriety), the General Assembly and the Security Council are really not where the action of our daily lives takes place. It is these numerous functional organs that weave together people across national boundaries into a truly interdependent world.

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, or even private charities. If the PRC were to object to Taiwan's proposal, for example, to donate $1 million every year to the UNICEF's Children's Emergency Fund for vaccinating Third World children against diseases (a purely humanitarian measure), it would undoubtedly make enemies for the PRC and win friends for Taiwan.

Presently 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. Also, the decisions of the General Assembly on representation are advisory, but not binding, on these specialized agencies, where the bulk of UN's daily work is carried on. This is even more true of the autonomous agencies. They are masters of their own houses, and have different requirements for membership: some allow non-UN members, or even non-states.

At least a dozen UN-affiliated organizations permit non-UN members to join: the International Maritime Organization (IMO), the Food and Agricultural Organization (FAO), the International Civil Aviation Organization (ICAO), the International Labor Organization (ILO), the International Telecommunications Union (ITU), the United Nations Industrial Development Organization (UNIDO), the Universal Postal Union (UPU), the World Health Organization (WHO), the World Intellectual Property Organization (WIPO), the World Meteorological Organization (WMO), the International Atomic Energy Agency (IAEA), the International Monetary Fund (IMF), and the World Bank (IBRD). All except IMF and IBRD permit automatic membership for UN members who wish to join.

In light of this, it is very appropriate for Taiwan, as a key economic power, after its accession to the WTO, to join the World Bank and the IMF — and it is also proper for the U.S. to support Taiwan's entry into these international financial bodies. In fact, the weighted voting system in these bodies (as opposed to the one-
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state-one-vote system in the UN) can further augment Taiwan’s influence. Taiwan will be a major donor, and will benefit many borrowing nations, including the PRC!

It is in these “low-profile” yet practical bodies where Taiwan should immediately begin 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 will 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 Beijing’s.

Aside from its Security Council seat and veto, Beijing is really not a major player in the UN. 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. For the PRC to block Taiwan’s entry into the IMF and the IBRD is like for the borrower to dictate from whom the bank can receive money. The PRC contributed just 0.77% of UN’s budget in 1993!— and that figure did not even include membership dues 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 more ready to embrace it in a few years. The way to the UN may be long and arduous, at least there is not just one road and the end seems to be in sight. The Cold War is over, and this last remnant of the Cold War must also eventually be swept away. It is time to invite Taiwan, a prosperous and democratic nation, to the larger family of nations.

Notes

1. For a fuller discussion on the changing politics of the UN, the China question, and the rationales and strategies for Taiwan’s UN bid, see the author’s “All dressed up but not invited to the party: Can Taiwan join the United Nations now the cold war is over?” in J. M. Henckaerts (Ed.), The international status of Taiwan in the new world order: Legal and policy considerations (The Hague: Kluwer Law International, 1996), 85-115; and “How can Taiwan enter the United Nations? History, issues, and approaches,” (1994, October). Issues & Studies, 30(10), 108-131.
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3. E. H. Carr (1942) said, "Self-determination might indeed be regarded as implicit in the idea of democracy" (p. 39). Conditions of Peace. New York: Macmillan. Woodrow Wilson, whose strong advocacy of national self-determination made it a key principle of the League of Nations, said, "No peace can last...which does not...accept the principle that governments derive all their just powers from the consent of the governed and that no right anywhere exists, to hand peoples about from sovereignty to sovereignty as if they were property." J. Mattern (1920). The employment of the plebiscite in the determination of sovereignty (p. 76). Baltimore: The Johns Hopkins University Press. Both quotations are cited from Farley, Plebiscite (Pp. 4-5).

4. In 1991, by abrogating the Temporary Decrees for the Period of Mobilization and Suppression of Rebellion, the ROC recognized the PRC as a political entity and that the ROC's governance does not extend to the mainland. In essence, it is an abandonment of the one-China stance. However, such a declaration did not stipulate that only the ROC, and not any other country including the PRC, has jurisdiction over Taiwan and the associated islands. This is why a plebiscite must establish this claim.

5. Chapter VI of the UN Charter mandates that parties to a dispute should seek "pacific settlement of disputes." One legal expert has pointed out that action taken under Chapter VI can proceed unhindered by the PRC, because Article 27(3) stipulates that "in decisions under Chapter VI...a party to a dispute shall abstain from voting." The Security Council could thus use a wide range of peaceful means (even stationing peace-keeping forces on Taiwan) in response to a PRC attack on Taiwan. D. Scheffer (1993). International legal implications
of a PRC use of military force against Taiwan (p. 62). In P. H. Chang and M. L. Lasater, (Eds.), *If China crosses the Taiwan Strait: The international response.* Lanham, MD: University Press of America.

6. In 1971, the ROC had diplomatic relations with 69 states, including the U.S., Japan, and most other major countries. Today, only 29 countries have diplomatic ties with Taiwan.


8. “The Administration does not support H. Con. Res. 63 and does not support Taiwan’s participation in the UN. The U.S. could accept any solution to this issue that is consistent with the UN Charter and is agreed upon by the people on both sides of the Taiwan Strait.” Kent Wiedemann, Deputy Assistant Secretary of State, argued that even the passage of H. Con. Res. 63 will prompt China to “react severely based on its conviction that this is a direct attack on its national sovereignty by pulling back entirely from its relationship with the U.S.; finding every possible way it could to see areas in which it could affect negatively U.S. interest!” *H. Con. Res. 63*, pp. 39, 41, 45, and CNA News Wire, (1995, Dec. 18.) available at http://www.taipei.org/teco/cicc/news.

9. Section 4(d) of the Taiwan Relations Act (P.L. 96-8) stipulates: “Nothing in this Act may be construed as a basis for supporting the exclusion or expulsion of Taiwan from continued membership in any international financial institutions or any other international organizations.”
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10. When the World Trade Organization (WTO), which superseded GATT in 1995, does admit Beijing and Taipei, it will set up a new precedent: one China and one "Taiwan, Penghu, Kinmen, Matsu Customs Territory." But this is essentially a variation of the ADB/APEC model.

11. It should be noted that, after the Soviet Union disintegrated, Belarus and Ukraine obtained their own UN seats independent of Russia's, although Russia became the successor state of the Soviet Union.

12. See his prepared testimonies in Should Taiwan be admitted (Pp. 75-85), and H. Con. Res. 63 (Pp. 81-95).


15. UN, Image & Reality, p. 72. Contrast other countries: the U.S.A 25%, Japan 12.45%, Germany 8.93%, Russia 6.71%, France 6%, the UK 5%. China, with a population of 1.17 billion, pays only one half of the Netherlands' (population: 15.2 million)dues (1.5%)!