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Request for the inclusion of a supplementary item in the agenda of the fifty-ninth session

Question of the representation of the twenty-three million people of Taiwan in the United Nations

Letter dated 6 August 2004 from the representatives of Belize, Burkina Faso, Chad, the Gambia, Grenada, Malawi, the Marshall Islands, Nicaragua, Palau, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Senegal, Solomon Islands, Swaziland and Tuvalu to the United Nations addressed to the Secretary-General

Upon the instruction of our respective Governments, we have the honour to request, pursuant to rule 14 of the rules of procedure of the General Assembly, the inclusion in the agenda of the fifty-ninth session of a supplementary item entitled "Question of the representation of the twenty-three million people of Taiwan in the United Nations". Pursuant to rule 20 of the rules of procedure of the General Assembly, we attach an explanatory memorandum (annex I) and a draft resolution (annex II).

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Annex I

Explanatory memorandum

The Republic of China (Taiwan) is a free and peace-loving sovereign State, and its democratically elected Government is the sole legitimate government that can represent the interests and wishes of the people of Taiwan in the United Nations. However, the rights and interests of the 23 million people in Taiwan, which is excluded from the United Nations, are not upheld and protected in the United Nations. Today, for the following reasons, there is an urgent need to further examine this particular situation and to redress this mistaken omission.

1. Universality is a core principle of the United Nations

The Preamble to the Charter of the United Nations states that the mission of the United Nations is "to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small".

This commitment to the principle of universality, for all peoples and all nations, is at the centre of the international system established by the founding fathers of the Organization of the United Nations in 1945. Furthermore, Article 4 of the Charter invites "all other peace-loving States" to join the newly established Organization.

Since the end of the cold war, the work of the United Nations has become increasingly important, and the principle of universality has taken on a new urgency. With the admission of East Timor and Switzerland, almost all the countries of the world have become members of this ever more truly global Organization — all except one, Taiwan. After all these achievements in realizing the principle of universality, the complete exclusion of Taiwan from the United Nations poses a moral and legal challenge to the international community. The United Nations must cease senselessly enforcing a policy of political apartheid against the 23 million people in Taiwan.

Indeed, it is the common wish of the 23 million people of Taiwan to participate in the United Nations. Based on this strong public enthusiasm, securing such participation has become a paramount task of the democratically elected Government of Taiwan. In this age of globalization, all members of the international community should welcome the aspiration of the 23 million people.

2. General Assembly resolution 2758 (XXVI) has not resolved the issue of the representation of the people of Taiwan

From 1949 to 1971, the question of the representation of the People's Republic of China in the United Nations was disputed. The General Assembly of the United Nations finally adopted resolution 2758 (XXVI) on 25 October 1971, by which it admitted the People's Republic of China to the United Nations. This resolution, however, did not address the issue of the representation of the 23 million people of Taiwan in the United Nations. Unfortunately, resolution 2758 (XXVI) has subsequently been misused to justify Taiwan's exclusion. Resolution 2758 (XXVI) reads as follows:

The General Assembly,

Recalling the principles of the Charter of the United Nations,

Considering that the restoration of the lawful rights of the People's Republic of China is essential both for the protection of the Charter of the United Nations and for the cause that the United Nations must serve under the Charter,

Recognizing that the representatives of the Government of the People's Republic of China are the only lawful representatives of China to the United Nations and that the People's Republic of China is one of the five permanent members of the Security Council,

Decides to restore all its rights to the People's Republic of China and to recognize the representatives of its Government as the only legitimate representatives of China to the United Nations, and to expel forthwith the representatives of Chiang Kai-shek from the place which they unlawfully occupy at the United Nations and in all the organizations related to it.

It should be noted especially that resolution 2758 (XXVI) addressed only the issue of the representation of the People's Republic of China in the United Nations and all related organizations. It did not determine that Taiwan is a part of the People's Republic of China, nor did it confer on the People's Republic of China the right to represent the Republic of China (Taiwan) or the people of Taiwan in the United Nations and its related organizations.

Despite the clear spirit and letter of the resolution, during the 33 years since the adoption of resolution 2758 (XXVI) Taiwan has been excluded from the United Nations and Taiwan's 23 million people have been deprived of their fundamental human rights to participate in the work and activities of the United Nations — in violation of the Charter of the United Nations, the Universal Declaration of Human Rights, and other international human rights norms.

3. The Republic of China (Taiwan) is a sovereign State and a constructive member of the international community

With a population of 23 million inhabitants, making it the forty-second largest population in the world, and a territory consisting of the islands of Taiwan, Penghu, Kinmen and Matsu, Taiwan enjoys an efficient Government and solid institutions that have proved their capacity to conduct friendly and constructive international relations with many States throughout the world. This last fact is demonstrated by its maintaining full diplomatic relations with 25 States Members of the United Nations. Moreover, through its full membership, Taiwan plays an active role in several international organizations, including the World Trade Organization.

Taiwan is not, and has never been, a local government or province of the People's Republic of China. On the contrary, ever since the establishment of the People's Republic of China on 1 October 1949, the two sides of the Taiwan Strait have been governed separately, with neither side having any control or jurisdiction over the other.

4. Taiwan is a vibrant democratic society and an active international partner

Following the end of four decades of authoritarian rule in Taiwan, in 1987, the profound constitutional reforms undertaken made it possible for Taiwan to hold its very first general parliamentary elections in 1992, followed by the first direct presidential election, in 1996. In 2000, the second presidential election paved the way to the first peaceful transfer of power from one political party to another. The third direct presidential election of 2004 further demonstrates Taiwan's commitment to genuine democratization.

Taiwan's successful transition to democracy and its unrelenting efforts to promote human rights are evidence of the perseverance of the people and Government in upholding and strengthening peace and stability. In this context, in his inaugural speech in 2000, President Chen Shui-bian emphasized the importance of democracy and peace for the people of Taiwan: "With our sacred votes, we have proved to the world that freedom and democracy are indisputable universal values, and that peace is the highest goal of humanity". In his inaugural speech in 2004, he reiterated Taiwan's firm belief and determination: "Taiwan stands ready to continue in its role as an active participant and contributor to international society — this is the right of Taiwan's 23 million people; likewise, it is our duty as citizens of the world community."

Furthermore, as a democracy, Taiwan is committed to the protection and promotion of universal human rights. The Government aims at integrating Taiwan into the international human rights regime, pledging to abide by the norms and standards of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the Vienna Declaration and Programme of Action. In implementing these goals, Taiwan is establishing a National Human Rights Commission, in full accordance with the principles set up by the United Nations.

In the global campaign against the scourge of terrorism, Taiwan has never been absent. Nor has Taiwan been absent from international humanitarian assistance efforts. In recent years, for defending and promoting the universal values of freedom, democracy and human rights, Taiwan founded the Pacific Democratic Alliance, established the Taiwan Foundation for Democracy, and actively promotes its action in non-governmental organizations.

For all these reasons, we believe that Taiwan serves as an excellent model for all those countries that seek to embrace democracy, human rights and the norms and values of our international community.

5. Taiwan's exclusion from the United Nations constitutes discrimination against its people, depriving them of their fundamental right to benefit from and contribute to the work of the United Nations

As a newly developed economy, Taiwan confronts a wide variety of issues and needs in areas such as environmental protection, demographic shifts, the provision of health care and the control of infectious diseases, food and energy security, safer and speedier international air travel and transportation, and efficient telecommunications. In a world of increasing interdependence, these issues and needs must be adequately addressed via international mechanisms and cooperation under the leadership of the United Nations and the specialized agencies.

However, the People's Republic of China and United Nations officials often invoke General Assembly resolution 2758 (XXVI) to prevent governmental agencies, non-governmental organizations, and even individuals from Taiwan from participating in the activities of the United Nations, including all activities related to the Economic and Social Council. This unjust exclusion of Taiwan's Government, civic organizations and individuals contradicts the fundamental principle of universal participation that the United Nations upholds. Moreover, it infringes upon the right of the people of Taiwan to be represented in the United Nations system and to engage in the wide range of substantive United Nations programmes for the common interests of all.

Among the most recent examples of this discrimination are the following:

(a) While the Government of Taiwan is willing to contribute its financial and human resources to the Global Fund to Fight AIDS, Tuberculosis and Malaria, it has not been invited to any of the various United Nations-sponsored conferences and programmes on HIV/AIDS; nor have researchers and non-governmental organizations from Taiwan been allowed to participate in the fight against these diseases.

(b) Despite Taiwan's serious efforts to improve children's rights over the past three decades, Taiwan was unable to attend the special session of the General Assembly on children in May 2002.

(c) Although the Taipei Flight Information Center and five major airports in Taiwan provide a huge number of flight information services, Taiwan's Civil Aeronautics Administration continues to be barred from the activities of the International Civil Aviation Organization. In fact, the Taipei Flight Information Region provides service to 1.54 million controlled flights annually, and more than 22.3 million international passengers arrive and depart from Taiwan every year. Taiwan's international airports process over 1.47 million tons of cargo annually. Furthermore, 38 airlines operate regular flights to and from Taiwan, and 32 of them are foreign airlines with more than 146,490 flights to Taiwan annually.

(d) Without Taiwan's participation in appropriate international mechanisms to respond effectively to the Security Council's call for action on international terrorism, there exists a critical gap in the global network to safeguard against terrorism and money-laundering.

(e) Taiwan's Government is willing to provide Afghanistan and Iraq with medical, food and other related assistance. Nevertheless, no United Nations bodies are willing to accept Taiwan's aid for Afghanistan and Iraq. This surely is not in the interest of the Afghan and Iraqi people, or of the world community at large.

(f) Taiwan is a responsible member of the international community. It has long adhered to regulations related to environmental protection and worked strenuously to contribute to global sustainable development. In order to implement the Rio Principles and Agenda 21, Taiwan established a National Sustainable Development Committee to mobilize public and private resources for the promotion of sustainable development. The Committee has made great achievements. Nevertheless, Taiwan was excluded from the United Nations-sponsored World Summit on Sustainable Development, held in Johannesburg, South Africa, from 26 August to 4 September 2002.

(g) Although Taiwan's health administration is responsible for handling the health-related issues of 27 million international travellers on the 225,000 international flights that pass through Taiwan's airspace annually, Taiwan has not been able to join the discussion on issues of public medical treatment and health policy since it was excluded from the World Health Organization (WHO) in 1972. The normal channel of contact with the technology department of WHO has also been disrupted. This fact is not only unfair to the 23 million people of Taiwan, but also detrimental to the health of millions of people around the world. The outbreak of severe acute respiratory syndrome (SARS) in Taiwan in 2003 has made it clear that Taiwan should not be excluded from the global network for preventing the spread of infectious diseases. Quite the contrary, Taiwan must immediately be allowed to join the WHO Global Outbreak Alert and Response Network and all WHO-related activities. However, the World Health Assembly still refuses to even consider a proposal to invite Taiwan to participate in its work as an observer.

It is high time that the United Nations and the specialized agencies stop excluding Taiwan. Taiwan's inclusion will enable it to contribute to and benefit from the global efforts led by the United Nations, while the continued exclusion of Taiwan violates the rights of Taiwan's 23 million people and greatly diminishes these important efforts.

6. Taiwan's long-standing commitment to the Charter of the United Nations and international law and cooperation

Taiwan fully recognizes the right of all the peoples of the world to adhere to the United Nations, as enshrined in the Preamble to the Charter itself: "We, the peoples of the United Nations". Taiwan is fully aware that Member States also have obligations and duties to fulfil as responsible international actors. Moreover, under Article 56 of the Charter, all nations "pledge themselves to take joint and separate action" for the achievement of the purposes set forth in Article 55, including "(a) higher standards of living, full employment, and conditions of economic and social progress and development; (b) solutions of international economic, social, health, and related problems; and international cultural and educational cooperation; and (c) universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion".

As a peace-loving country and a vibrant democracy, Taiwan is willing to carry out these solemn obligations because it adheres unconditionally to the United Nations ideals of international peace and security, respect for human rights and sustainable development. In addition, with its internationally recognized achievements and progress in economic and social development, Taiwan stands ready to share its unique experience with other nations. Over the past 50 years, through hard work and sacrifices, Taiwan is today the world's seventeenth largest economy, the world's fifteenth largest trading country, and the holder of the third largest foreign exchange reserves. This outstanding economic growth has already greatly contributed to both regional and global prosperity, and is a crucial asset for Taiwan to carry out all of the obligations under the Charter of the United Nations.

As an example of successful economic development, Taiwan's experience could have a positive impact on many developing nations. Taiwan has always been willing to share this unique experience with the rest of the world by engaging constructively in various foreign assistance and humanitarian and relief

programmes. It is to be recalled that external aid played a crucial role in the early stages of Taiwan's own economic and social development. The people of Taiwan share the belief that it is now their responsibility to give back some of this generosity to the rest of the world.

In this context, Taiwan witnessed a steady expansion of overseas development assistance, which has risen to 0.15 per cent of GDP. Although this remains far below the 0.7 per cent agreed upon by both the United Nations and the Organization for Economic Cooperation and Development, it remains nevertheless a significant contribution, bearing in mind the exclusion of Taiwan from the main multilateral aid funds and programmes. As of March 2004, Taiwan had 38 long-term technical missions stationed in 32 partner countries, focusing in areas as diverse as capacity-building, agriculture, fisheries, horticulture, livestock, handicrafts, medicine, transport, industry, mining, electricity generation, printing, vocational training, and trade and investment. As of 2003, Taiwan's technological missions were assisting local farmers to boost the productivity of 6,887 hectares of land in Honduras and 11 other countries. In addition, the total size of rice production under assistance from Taiwan's technological missions was 34,696 hectares, and rice production on that land was 424,891 tons from 2000 to 2003. These and other similar efforts demonstrate Taiwan's sincerity and ability to facilitate meaningful development for all peoples of the world.

In the area of humanitarian assistance, Taiwan is also playing an increasingly active role. In 2001, Taiwan dispatched a rescue team and supplies to El Salvador following two earthquakes, and non-governmental organizations from Taiwan contributed to relief efforts following an earthquake in the Indian State of Gujarat. Taiwan also developed an Emergent Relief Programme for Snow Disaster in Mongolia, that provided relief to severe loss of livestock property caused by the snow disaster. In addition, the Government of Taiwan, working through Taiwan-based non-governmental organizations, delivered humanitarian relief goods to refugees in Afghanistan and Iraq. Moreover, Taiwan allocated 100,000 tons of rice in principle annually as humanitarian foreign aid. In 2003, Taiwan-based non-governmental organizations donated 48,712 tons of rice to the Marshall Islands, Jordan, Tuvalu, Indonesia, South Africa, Lesotho, Peru, Haiti and Mongolia.

These activities continue to grow in scale and scope despite Taiwan's exclusion from relevant multilateral mechanisms. Of course, Taiwan's endeavours would be much more effective if they could be coordinated with international efforts undertaken by the United Nations and the specialized agencies. In a time of increasingly serious resource gaps in many vitally important programmes, refusing to work with a willing partner like Taiwan is unreasonable if not irresponsible.

7. Taiwan's participation in the United Nations will help maintain peace, prosperity and stability in Asia and the Pacific

Taiwan concurs with the paramount role of the United Nations in maintaining world peace, security and prosperity. Stable and peaceful relations across the Taiwan Strait are critical to lasting peace, security, and prosperity in the Asia-Pacific region. The United Nations has the responsibility to pay close attention to the developments in this area. As the global form for dialogue, the United Nations could play a facilitating role by promoting opportunities for reconciliation and rapprochement between Taiwan and the People's Republic of China.

Eventually, by working together, Taiwan and the People's Republic of China have the potential to make significant contributions to peace, security and prosperity, to the great benefit not only of the peoples on both sides of the Taiwan Strait, but of the whole region. The United Nations should embrace a leading role to encourage and facilitate this outcome.

The leaders of Taiwan have repeatedly called for the peaceful settlement of political disputes between the two sides. Taiwan has also taken steps to normalize trade relations with the People's Republic of China so as to pave the way for political reconciliation. These steps include the establishment of direct trade, communication and transportation links between Taiwan's offshore islands of Kinmen and Matsu and China's ports of Xiamen and Fuzhou.

In his statement on 9 May 2002 on the islet of Tatan, President Chen Shui-bian reiterated his appeal to leaders of the People's Republic of China to resume dialogue between the two sides of the Taiwan Strait without any preconditions. He stated that normalization of relations across the Taiwan Strait should start with economic, trade and cultural exchanges. In his re-election inaugural speech in May 2004, President Chen Shui-bian stressed once again: "It is my firm belief that both sides must demonstrate a dedicated commitment to national development, and through consultation, establish a dynamic 'peace and stability framework' for interactions; that we must work together to guarantee there will be no unilateral change to the status quo in the Taiwan Strait; and, additionally, we must further promote cultural, economic and trade exchanges — include the three links — for only in so doing can we ensure the welfare of our peoples while fulfilling the expectations of the international community." President Chen further stated: "In the future, we hope to continue pushing forth current liberalization measures while expanding cross-strait exchanges across the spectrum — from journalism and information to education and culture, to economics and trade — and to promote the establishment of channels for resuming cross-strait dialogue and communications. By building bridges, we will aim to close gaps and establish a foundation for mutual trust."

It should be noted that in January 2002 both Taiwan and the People's Republic of China became full members of the World Trade Organization, which has the potential to serve as a constructive platform for dialogue on trade and economic issues between the two sides. Likewise, the United Nations and the specialized agencies can provide a multilateral forum for contacts on a wider range of issues. This positive interaction will help build trust and confidence between Taiwan and the People's Republic of China and thus contribute to peace, prosperity and stability in Asia and the Pacific.

8. The representation of the Republic of China (Taiwan) in the United Nations will benefit all humankind

Taiwan's representation in the United Nations will fulfil the principle of universality in membership, making the world body more representative, comprehensive and effective. It will also contribute to the maintenance of international peace and security and to enhancing international cooperation in political, economic, social and cultural development, as well as in human rights and humanitarian affairs. The 23 million people of Taiwan need the United Nations, and the United Nations needs the 23 million people of Taiwan!

Annex II

Draft resolution

The General Assembly,

Considering, with concern, the fact that the 23 million people of Taiwan are the only remaining people in the world who still lack representation in the United Nations, which situation violates the principles and spirit of the Charter of the United Nations, in particular the fundamental principle of universality, and of the Universal Declaration of Human Rights,

Recalling that by resolution 2758 (XXVI) the General Assembly decided to restore all its rights to the People's Republic of China and to recognize the representatives of its Government as the only legitimate representatives of China to the United Nations, and to expel forthwith the representatives of Chiang Kai-shek from the place which they unlawfully occupy at the United Nations and in all the organizations related to it,

Recalling, further, that General Assembly resolution 2758 (XXVI) addressed only the issue of the representation of the People's Republic of China in the United Nations and all related organizations, did not determine that Taiwan is a part of the People's Republic of China, and did not confer on the People's Republic of China the right to represent the Republic of China (Taiwan) or the people of Taiwan in the United Nations and all related organizations,

Noting the fact that, since its establishment in 1949, the People's Republic of China has never exercised any control or jurisdiction over Taiwan, nor has the Government of the Republic of China or Taiwan ever exercised any control or jurisdiction over the territory of the People's Republic of China,

Noting, further, that the Republic of China has transformed itself in Taiwan into a free, democratic State after terminating four decades of authoritarian rule,

Acknowledging that the democratically elected Government in Taiwan is the sole legitimate Government that can represent the Republic of China (Taiwan) and the people of Taiwan in the United Nations and the international community,

Observing that the people of Taiwan and their elected leaders are committed to the universal values of democracy, freedom and human rights as well as to the enhancement of international cooperation on economic, social and cultural development and humanitarian assistance,

Mindful of the importance of the strategic position of Taiwan in the Asia-Pacific region, and that the participation of Taiwan in the United Nations will contribute significantly to the maintenance of international peace and security in that region through preventive diplomacy,

Decides:

(a) To recognize the right of the 23 million people of Taiwan to representation in the United Nations system;

(b) To take appropriate measures to implement paragraph (a) of this resolution.