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President: Mr. Adam MALIK (Indonesia).

AGENDA ITEM 93

**Restoration of the lawful rights of the People's Republic
of China in the United Nations (*continued*)**

1. Mr. SHAHI (Pakistan): This year the debate on the question of the restoration of the lawful rights of the People's Republic of China in the United Nations is taking place in extraordinary circumstances.
2. When I describe them as "extraordinary", I mean that the circumstances hold out unique prospects of a creative turn in world affairs. Such opportunities as are presented to us by new developments come very rarely in contemporary international life. In view of the complexities of the issues that face States in their mutual dealings, we all know how limited is the range of options available to Governments. When the Government happens to be one of the great Powers, the difficulties of making breakthroughs and radical departures from past policies are compounded even more.
3. Considering this, it was with complete acclaim that the Government of Pakistan greeted the indications of President Nixon's intention to visit Peking and to normalize relations between the United States and the People's Republic of China. Of course, this reaction was not peculiar to Pakistan; it was shared by all those nations that desire an end to the dangerous confrontations of the cold war and want them to be replaced by meaningful negotiations and interchanges between the great Powers.
4. We note with gratification that preparations for a Sino-American summit meeting are under way at this very moment in Peking. The heads of both Governments have wisely warned us not to entertain the illusion that one such meeting will produce an instant *détente* between the two Powers. Nevertheless, the very fact that the meeting is taking place after nearly a quarter-century of tension and hostility between the United States and China has aroused hopes that it would mark a turning-point in world affairs.
5. I am putting particular emphasis on the uniqueness of this background because I do not wish that anything which my delegation finds it necessary to say on the question

before us should derogate from our sincere appreciation of the value and the significance of the new policy of the United States Government. That this policy connotes an abandonment of the many arguments which were heard on this question at previous sessions is by itself something for which the United States deserves a tribute. We find it unnecessary, therefore, to revert to those arguments any more.

6. As we pointed out repeatedly at previous sessions those arguments were wholly untenable in both the law of the United Nations and political reality. It was natural that they would eventually evaporate. However, courage and statesmanship were still required to give them up. But the moment which has thus been ushered in can yet be lost if those arguments are revived in a disguised form. Whatever these may be, the inescapable fact is that the People's Republic of China is bound to have its rights in the United Nations restored soon. That is the writing on the wall which no one can refuse to read.

7. The important question which this Assembly has to face, therefore, is whether the States Members of the United Nations are going to display foresight and grace in now welcoming the representatives of the People's Republic of China or whether, by following a course which would postpone that event, they betray the impotence of all but the great Powers, to accelerate progress towards ends that themselves are no longer controversial. The seating of the People's Republic of China at this session will evoke a new interest in, and respect for, the United Nations among peoples and Governments all over the world. Failure in this regard will signify that, far from stimulating progress, the United Nations falls behind even those developments that have already taken place in national policies. All other questions that will arise in the minds of delegations during this debate are secondary when compared to this paramount consideration.

8. I turn now to the substance of the question before us. The first point which my delegation would urge on the Assembly is that we have to be clear as to the precise issue to which we have to address ourselves. It is accurately stated in agenda item 93, which reads: "Restoration of the lawful rights of the People's Republic of China in the United Nations". The issue is not one of the admission of a new Member State or that of the expulsion of an existing Member State. The issue is not even one of finding a new doctrine of representation. It will be observed that only draft resolution A/L.630 and Add.1—submitted by 22 Member States, among which Pakistan has the honour to be included—deals with this issue of the restoration of the lawful rights of the People's Republic of China without evasion and without ambiguity. This draft resolution is essentially identical to the one which was proposed at many

previous sessions and which secured a majority of votes last year.¹ Let me make it clear that this draft resolution is one and indivisible. It would be a total misrepresentation to allege that it falls into two parts, one of which can be separated from the other.

9. The Assembly will observe that the draft resolution has only one operative paragraph. This paragraph would have the Assembly restore all its rights to the People's Republic of China and recognize the representatives of its Government as the only legitimate representatives of China to the United Nations. This is the sum and substance of our draft resolution. The words "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" do not represent an additional element; they merely state what logically follows from the previous paragraph. We are of course asked why the insertion of these words is necessary. The answer is that, considering the misrepresentation to which the issue has been subjected, we would be less than honest if we did not spell out exactly what the restoration of its rights to the People's Republic of China would mean in practice. This is not an issue on which it is wise to leave room for doubt or further contention. It had to be made clear that when the *de facto* and *de jure* Government of China is represented in this Organization, it will mean that those representatives who have so far occupied China's seat will have to depart. I would urge delegations not to be misled by the word "expel", for which there happens to be no ready substitute. The use of this word should not lead anyone to think that the draft resolution seeks the expulsion of a Member State. There is only one Member State, which is China. It is that Member State, howsoever designated, for which the 22-Power draft resolution seeks rightful representation at the United Nations.

10. There is only one route to such representation. This is the route that has been followed in the case of the representation of all other Member States. Not the expulsion of a Member State, but the departure of one delegation and the entry of another is all that is involved here. Had it been otherwise, the fact that no Member State has been expelled from the United Nations in its history would have certainly made us pause and reflect. But there have been a number of cases where the representatives of governments and régimes have vacated their seats when those governments or régimes ceased to exercise authority. Let us not forget that those representatives were also honourable men whose integrity could not be impugned. Yet neither their personal worth nor the good standing of the Governments which they represented could avail against the operation of an established rule. It is only because those who now occupy China's seat have not elected to depart that a necessity has been imposed upon us to demand their withdrawal.

11. Now, the only way which can be contrived to prevent the departure of the representatives of Generalissimo Chiang Kai-shek, is by postulating the existence of "two Chinas" or "one China and one Taiwan". But the United States and the other sponsors of draft resolution A/L.633

and Add.1 and 2, have repeatedly disclaimed these concepts. In that draft resolution, they affirm the right of representation of the People's Republic of China without making it an issue of the admission of a new Member State. Hence, the oneness and indivisibility of China is not even now in question in the United States draft resolution, sponsored also by other delegations. The indivisibility of China has remained unchallenged throughout the existence of the United Nations. When in 1949 the Nationalist Government was ousted from the mainland and fled to Taiwan, where it established itself and managed to survive with foreign assistance, it was still allowed to retain its seat in the Organization as the Government of China, as well as of the island of Taiwan that was considered to be a part of China.

12. No separate statehood for Taiwan was postulated in the international agreements embodied in the Cairo Declaration of December 1943 and in the Potsdam Declaration of July 1945. Even today those who, for whatever reasons, are reluctant to witness the departure of the Chiang Kai-shek representatives do not seek the admission of Taiwan as a separate Member State. Therefore, the question whether or not the Government of the People's Republic of China maintains authority over Taiwan is of no relevance to the issue as to which government can represent China, in its indivisible integrity, at the United Nations.

13. The second point which my delegation would urge on the Assembly is that, once the unity of China is accepted, the formula of dual representation can be seen to be wholly out of place. There is nothing in the Charter of the United Nations or in the consistent practice of the Organization which sanctions the dual representation of any Member State. There is everything which forbids it. To have two opposing delegations represent one indivisible State would not only be a violation of the principle of territorial integrity—one of the fundamental principles of the Charter—but it would also be an innovation, establishing a precedent, for giving permanence to the division of a Member State.

14. It is not that we are afraid of innovations; but we have to remind ourselves that we are bound by the Articles of the Charter—a multilateral law-making treaty—which cannot be bent in respect of one of its overriding principles. This is the principle of the territorial integrity of Member States. Would not that principle be violated, and China's integrity be shattered, if, by recourse to the dual representation formula without the consent of the People's Republic of China, or, for that matter, of Generalissimo Chiang Kai-shek—to judge by the statement his representative made here yesterday [1967th meeting]—we gave permanence to the *de facto* division which has been imposed on China?

15. It is said that the dual representation formula does not foreclose the chances of a future settlement. But is it realistic to suppose that the conferment of the status of a separate Member on the Chiang Kai-shek régime will not prejudice those chances? What inducement will this régime still have to settle China's internal problems with the Central People's Government if, in the General Assembly, it attains a status equal to the latter, that is, to the status of the Central People's Government of China? It seems to us that the dual representation resolution may turn out to be a

¹ See *Official Records of the General Assembly, Twenty-fifth Session, Annexes, agenda item 97, document A/L.605.*

prescription for perpetuating the division of China by legalizing the representation of two conflicting authorities within China.

16. As for the example of the membership of Byelorussia and the Ukraine, which are constituent parts of the Soviet Union, these Members are afforded separate representation in the United Nations on the basis of a request made to this effect in 1945 by the Soviet Union. Let us be clear that there is no analogy between their case and that of China. China is a unitary State. In the second place, there is no request from the People's Republic of China that the so-called Republic of China may continue to remain seated in the General Assembly. What the dual representation proposal seeks to do is to force the People's Republic of China and the United Nations to accept the membership of the Chiang Kai-shek régime.

17. All this shows that the central issue of this debate revolves around the principle of the territorial integrity of States. We cannot accommodate two conflicting claims with regard to the representation of a single State. This is not a case where the United Nations can hand down a decision on the principle of "equal dissatisfaction to both". In this case, the decision would have a disruptive impact on the principles on which this Organization is based.

18. This is only one aspect of the question. Of more immediate importance is the practical reality that dual representation will mean no representation for China in the Organization. It is a foredoomed formula which will do nothing but perpetuate the *status quo* and exclude the People's Republic of China from the United Nations.

19. I would draw the attention of the General Assembly to the clear pronouncement of the Ministry of Foreign Affairs of the People's Republic of China circulated in document A/8470. That document leaves no doubt that the People's Republic of China will have absolutely nothing to do with the United Nations if any formula of "two Chinas", "one China, one Taiwan" or "the status of Taiwan remains to be determined" or any similar device is adopted by the Assembly. Dual representation is nothing but a variant of those formulas.

20. Let it not be thought that this declaration by the Foreign Ministry of China is an expression of intransigence. It represents a position of principle no different from what any other Member State would maintain if it prized the indivisibility of its territory more than representation at the United Nations. To say that Peking is laying down its own terms for entry into the Organization is unjust because those terms are no other than those of the Charter and those to which every State is entitled under international law.

21. The argument of universality has been advanced against the 22-Power draft resolution. It is contended that the expulsion of the Chiang Kai-shek delegation would deprive 14 million people of representation. It is also asked, "Why expel one part of the only divided country that is already a Member in order to make way for the other divided part, when there is a trend towards admitting divided countries to the United Nations?" In the first place, it is inconsistent, we would submit, to imply that the

Chiang Kai-shek delegation represents the 14 million people of Taiwan and at the same time to disclaim that the dual-representation formula is based on the concept of "one China, one Taiwan". Secondly, the admission of a divided country to the United Nations must follow, not precede, agreement between the Governments concerned to seek admission. Otherwise, United Nations membership would become an obstacle to the reunification of divided States.

22. The adoption of the draft resolution of the United States and other delegations [A/L.633 and Add.1 and 2] would, we fear, be bound to give rise to consequences worse than the *status quo*. This draft resolution recommends that the People's Republic of China be seated as one of the five permanent members of the Security Council. What would that mean? It would mean that the representative of Generalissimo Chiang Kai-shek would be expelled from the Security Council. Since, however, the representatives of the People's Republic of China would not join as long as Chiang Kai-shek's representatives remained in the General Assembly under the name of the Republic of China, the net outcome would be that the seat of one of the permanent members of the Security Council would be rendered vacant. That would so reduce the composition of the Security Council as to cripple its capacity. What would the United Nations amount to, with a truncated Security Council?

23. It follows from all those considerations that the formula of dual representation must be totally rejected if the United Nations wishes to solve the question before us. This question cannot be solved except on the basis of justice and the law of the United Nations Charter. Both demand what realities make incumbent upon us: that the representatives of the People's Republic of China be invited to take the place which is theirs as a matter of right in the Organization, and that the Chiang Kai-shek delegation be asked to depart. Any postponement of that invitation needs to be avoided if the collective membership of the Organization is not to show that it is totally incapable of independent action.

24. I come last to the procedure envisaged in draft resolution A/L.632 and Add.1 and 2, which is that any proposal in the General Assembly that would deprive the Republic of China of representation in the United Nations is an important question under Article 18 of the Charter of the United Nations. Draft resolution A/L.630 and Add.1, sponsored by Albania and 21 other States, including Pakistan, does not deprive the Republic of China of such representation. We refuse to accept the identification of the Republic of China as mentioned in the Charter with the delegation appointed by an authority in Taiwan. The People's Republic of China is a continuation of the State entity which was known as the Republic of China at the time the Charter was framed. It is established in the jurisprudence of the United Nations that the continuation of a State does not require the retention or preservation of a particular name. The essence of the matter is whether the entity is still in being, not how it is designated. It therefore follows that the relevance of draft resolution A/L.632 and Add.1 and 2 is open to question.

25. Moreover, we must recall that in the past a draft resolution used to be sponsored laying down that any

change in the representation of China was an important question under Article 18 of the Charter. We should like to ask whether the draft resolution contained in document A/L.633 and Add.1 and 2, which indubitably contemplates a change in the representation of China, does or does not involve an important question.

26. We observe that the sponsors of draft resolution A/L.632 and Add.1 and 2 no longer adhere to the position they advocated last year in their important-question draft resolution.² Whereas formerly it was their position that any proposal to change the representation of China was an important question, they now take the stand that only a proposal to deprive the Republic of China of representation in the United Nations is such a question. Surely not legal reasoning but short-term political considerations bring about such shifts.

27. If those sponsors really thought that the 22-Power draft resolution involves the expulsion of a Member State, they would not have failed to raise the objection that such expulsion can only take place upon the recommendation of the Security Council under Article 6 of the Charter. The fact that they have proposed the procedure outlined in draft resolution A/L.632 and Add.1 and 2 raises the question whether they themselves are convinced that this is the case.

28. It is indeed clear beyond any doubt that the two-thirds majority rule is sought to be applied from no other motive than that of defeating the draft resolution contained in document A/L.630 and Add.1, sponsored by Albania and 21 other delegations. Let there be no mistake that the application of this rule will mean that this debate will have a wholly negative result.

29. To sum up, the Pakistan delegation would urge the General Assembly to bear in mind that the problem of Chinese representation has arisen only because, owing to a succession of fortuitous circumstances, the People's Republic of China was deprived of its rights in the United Nations. It is that deprivation that has now to be ended. It can be ended only by the straight and simple action envisaged in the 22-Power draft resolution. Any attempt at turning away from that course will not only exclude the People's Republic of China from the United Nations but will also jeopardize the principles on which this Organization is based.

30. At the beginning of my statement I referred to the unique opportunity that has arrived for strengthening the United Nations through an accommodation among the great Powers. Can there be the slightest doubt that this opportunity will be wasted if this debate proves to be futile? A wiser man than all of us here has spoken of "a tide in the affairs of men which, taken at the flood, leads on to fortune". What is true of the affairs of men is true also of the affairs of nations. If we utilize the moment, the United Nations will regain relevance to the issues of war and peace. If we lose it, the Organization will remain removed from realities and will continue to suffer from a disability that has seriously affected its standing in humanity's esteem.

² *Ibid.*, document A/L.599 and Add.1.

31. Mr. AMERASINGHE (Ceylon): On an occasion that promises to be of historic significance for the United Nations and for all that it seeks to achieve in the fulfilment of its declared purpose of maintaining international peace and security, it behoves us to place the question that we are discussing in its true historical setting and to see it in its proper historical perspective. We must also be absolutely clear about what we are discussing here and about the implications for the world as a whole—and not for any particular group—of the decision that we shall take here.

32. In the past we have had to deal with two draft resolutions when handling this question: one, the so-called Albanian draft resolution, which sought to restore all its rights to the People's Republic of China, to recognize the representatives of its Government as the only lawful representatives of China in 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.

33. The other was a procedural draft resolution which asked that the Albanian draft resolution be treated as an important question requiring a two-thirds-majority vote on the ground that the Albanian draft resolution was a proposal to change the representation of China.

34. This year the Albanian draft resolution appears in a slightly modified form as draft resolution A/L.630 and Add.1, but retains the same objectives it had in the past.

35. In addition, however, we have two other draft resolutions. We have draft resolution A/L.632 and Add.1 and 2, which, while recalling the provisions of the Charter of the United Nations, asks the General Assembly to decide that any proposal which would result in depriving the Republic of China of representation in the United Nations is an important question under Article 18 of the Charter and, therefore, requires decision by a two-thirds majority. This is the old procedural draft resolution in a new dress.

36. We have also a third draft resolution, A/L.633 and Add.1 and 2, which, while noting that the Republic of China has been continuously represented as a Member of the United Nations since 1945, and expressing the belief that the People's Republic of China should be represented in the United Nations, affirms the right of representation of the People's Republic of China in the Organization and recommends that it be seated as one of the five permanent members of the Security Council and at the same time affirms the continued right of representation of the Republic of China.

37. The fundamental issue raised by these draft resolutions is the following: what is the "Republic of China" that is referred to in Article 23 of the Charter and in draft resolutions A/L.632 and A/L.633? In order to give the answer to this issue we do not have to take into account, as draft resolution A/L.633 would have us do, the fundamental changes that have occurred in China since the founding of the United Nations, or the existing factual situation, or the provisions of Article 1, paragraph 4, of the Charter of the United Nations, which established the United Nations as a centre for harmonizing the relations between nations.

38. Draft resolution A/L.633 also suggests that an equitable resolution of "this problem" should be sought in the light of these considerations and without prejudice to the eventual settlement of the conflicting claims involved.

39. There is only one problem for the United Nations, and that is to decide what is the "Republic of China" which was a founder-Member of the United Nations, and which is mentioned in Article 23 as a permanent member of the Security Council.

40. In our view—and it is a view that is legally incontestable—Article 23, in referring to the Republic of China, is not merely using a name or title, but is referring to a State. The name can be identified only with a geographical, political and juridical entity. It is on behalf of that entity and of the peoples occupying it that the Charter was signed.

41. Thereafter, and until 1949, that entity continued to be known as the Republic of China. In that year it changed its name and ousted its ruler and his Government. It assumed a new name, the People's Republic of China, and had a new Government. The fundamental change of which we should take cognizance is the change that occurred in China in 1949—a change that replaced the writ of the Government of Chiang Kai-shek by the writ of another Government.

42. Had the accepted norms of international law and practice been applied, the new Government would have been recognized as the lawful Government of China and would have succeeded to all the rights in this Organization previously exercised and enjoyed by Chiang Kai-shek and his Government. For 22 years the United Nations has, by a simple majority, denied the lawful rights of the People's Republic of China—denied the lawful rights of its people, who were partners in the victorious alliance which under the Charter was entrusted with the primary responsibility of maintaining international peace and security and thereby saving mankind from the scourge of war.

43. So far as the United Nations is concerned, since 1945 there has been only one China and there still is only one State of China, whatever its name. Even those who unlawfully occupy China's seat here, claiming to be the representatives of the Republic of China, maintain that there is only one China. Until now, many of the sponsors of draft resolution A/L.632 and Add.1 and 2 had treated the Albanian draft resolution as a proposal to change the representation of China. They have now reversed themselves and in doing so have rejected the pretensions of the Chiang Kai-shek group to represent China here, that is, to represent the People's Republic of China.

44. The Albanian draft resolution [A/L.630] cannot therefore be construed as expelling the so-called Republic of China from the United Nations or depriving it of representation in the United Nations. It seeks to ensure that the geographical, political and juridical entity formerly known as the Republic of China and since 1949 known as the People's Republic of China is correctly and lawfully represented in this Organization. As a corollary to such lawful representation and as an essential implication of such representation, the Albanian draft resolution calls, in effect, for the rejection of the credentials of the representatives of

Chiang Kai-shek and their exclusion from the place which they unlawfully occupy. Their occupation of this place is unlawful because they cannot pretend to represent the peoples occupying the geographical, political and juridical entity of China.

45. If the Assembly approved any resolution that implied the simultaneous existence of the so-called "Republic of China" and also of the People's Republic of China, it would be endorsing a fiction—both a legal and a political fiction. The proposition that an entity calling itself the Republic of China continued to exist after the emergence of the Government of the People's Republic of China does violence to both reason and law. The conflict is brought into sharper relief by the fact that the so-called Government of the so-called Republic of China itself claims to be in control of the State of China, namely, the single geographical, political and juridical entity known to us all as the People's Republic of China.

46. My delegation would like to repeat the observations it has made in the past regarding the procedural motion for the treatment of any particular question as an important question. Draft resolution A/L.632 and Add.1 and 2 purports to be based on the provisions of the Charter of the United Nations, more particularly on Article 18. The relevant portions of Article 18 are paragraphs 2 and 3. We would presume that if any draft resolution invokes the provisions of the Charter, we are doubly required to act in strict accordance with those provisions, since they represent the law that we have all accepted and we have a clear duty to show a proper respect for that law. We must maintain the integrity of that law at all costs and resist any attempt to make incorrect use of it.

47. What is that law in its relation to the purpose of that draft resolution? The purpose of that draft resolution is to ensure that any proposal in the General Assembly which would result in depriving the Republic of China of representation in the United Nations is an important question under Article 18 of the Charter and therefore requires decision by a two-thirds majority. Our contention has been and still is that there is no State called the Republic of China separate and distinct from the People's Republic of China. As there is no proposal to deprive the Republic of China of representation in the United Nations, the draft resolution is out of order.

48. But apart from that, there is a far more serious objection to the provisions of draft resolution A/L.632, and that is a constitutional objection. Article 18, paragraph 2, lists the questions that are to be treated as important questions requiring decisions by a two-thirds majority. They include: the admission of new Members to the United Nations, the suspension of the rights and privileges of membership and the expulsion of Members.

49. Paragraph 3 of Article 18 makes two specific provisions: firstly, that decisions of the General Assembly on questions other than those listed in paragraph 2 of Article 18 as important questions shall be made by a majority of the Members present and voting; secondly, paragraph 3 of Article 18 provides that the determination of additional categories of questions—and I emphasize "categories of questions"—to be decided by a two-thirds

majority shall be made by a simple majority. The clear meaning and effect of the provisions of Article 18, paragraphs 2 and 3, are that the questions listed in paragraph 2 of Article 18 are categories of questions and not single questions; and that paragraph 3 of Article 18 empowers this Assembly to add only categories of questions to the list contained in paragraph 2 of Article 18. The General Assembly is not empowered by Article 18, paragraph 3, to add single questions to the list of important questions contained in paragraph 2 of Article 18. That would require an amendment of the Charter and cannot be effected otherwise than in accordance with the provisions of Chapter XVIII of the Charter. The objection to draft resolution A/L.632 is that it seeks by a decision of the majority of the Members present and voting to make a single isolated proposal an important question.

50. It has been stated that, unless we adopt draft resolution A/L.632 and Add.1 and 2, the membership of any one of us is in danger and that we could be expelled by a simple majority of the Members present and voting. This argument completely ignores the fact that there is a specific provision in the Charter for the expulsion of a Member. Paragraph 2 of Article 18 clearly states that the expulsion of Members is one of the questions on which decisions shall be taken by a two-thirds majority of the Members present and voting. We have also the provisions of Article 6 of the Charter which protect even chronic delinquents from summary expulsion by a simple majority. The real danger springing from the adoption of draft resolution A/L.632 is that it could create a precedent for amending the Charter by a procedure that is contrary to the provisions of the Charter itself.

51. In conclusion, I should like to refer to my Prime Minister's statement in the general debate on 12 October. Dealing with this question, she stated as follows:

"We have throughout maintained that the China that was the founder Member of the United Nations and a permanent member of the Security Council was not to be identified by reference to a particular group of individuals, that is, Chiang Kai-shek and his supporters. Rather, it is to be identified as a geographical, political and juridical entity which is now known as the People's Republic of China and has been known as such ever since Chiang Kai-shek was ousted from power and sought refuge on the island of Formosa, taking with him only the name but not the allegiance of the country and people on whose behalf he signed the Charter.

"The reality can no longer be ignored, and there is hope that at long last the incongruous and legally insupportable contention that Chiang Kai-shek and his group represent China will be unequivocally rejected and that the real representatives of the real China—the People's Republic of China—will assume their rightful seat in this Organization. There is no question whatsoever of the expulsion of a Member of the United Nations. Taiwan has never enjoyed the legal status of membership in the United Nations." [1962nd meeting, paras. 39-40.]

52. In conformity with the position which we have set out, my delegation will vote in favour of draft resolution A/L.630 and Add.1. We shall vote against any motion to

give priority over that draft resolution to any other draft resolution. We shall vote against draft resolution A/L.632 and Add.1 and 2 for the reasons which we have set out in great detail. We shall vote against draft resolution A/L.633 and Add.1 and 2 because it seeks to invest a fiction with legality, namely, the fiction that, in addition to the People's Republic of China, there is a separate entity called the Republic of China.

53. Mr. RAMPHUL (Mauritius) (*interpretation from French*): Speaking last year from this rostrum on the item which we are now considering [1910th meeting], I defined clearly the position of Mauritius which, briefly, was as follows. Firmly believing in the principle of the universality of our Organization, Mauritius was in favour of the representation of the Government of the People's Republic of China in the United Nations and was of the view that one should restore to it its rights to represent the Chinese people in the General Assembly and in the Security Council. On the other hand, in the name of the principle of the universality of the United Nations, the delegation of Mauritius was opposed to the expulsion of the Republic of China because it believed that one had to recognize the reality of the 14 million people living in Taiwan.

54. Our position has not changed; this will lead us, at the end of this debate, on the one hand to vote in favour of any draft resolution asking for the representation of the Government of Peking in the United Nations on condition that that draft would not provide for the expulsion of the Government of Taipei and on the other hand, to vote in favour of any draft resolution which would make the expulsion of the Republic of China an important question under Article 18 of the Charter.

55. It was, therefore, normal that Mauritius should be a sponsor of the draft resolution proposing, *inter alia*, that the General Assembly should affirm the right of the People's Republic of China to be represented among us, at the same time affirming the right of the Republic of China to continue to be represented here [A/L.633 and Add.1 and 2].

56. The position of Mauritius is in keeping with its foreign and internal policy. Indeed, ever since its independence Mauritius has exchanged goodwill missions with the People's Republic of China. At this very moment as I speak, several members of the Mauritian Parliament representing different political parties and participating in the Government presided over by Sir Seewoosagur Ramgoolam are on an official visit to Peking. On the other hand, the population of Mauritius is a multiracial population which has about 40,000 persons of Chinese origin, and in our Parliament we have two deputies of Chinese origin, one being a minister in the Government. In Mauritius we are not only aware of the emotional ties binding these two members of Parliament to the people of Taiwan, but we know also that in the Chinese community feelings are divided between Taipei and Peking. As a democracy, the Government of Mauritius must take into account the feelings of both.

57. The position of Mauritius is also based on the logic and realism which have led the stubborn opponents of the representation of Peking in the United Nations radically to

change their position and to come out now in favour of such representation. Realism impels us to recognize that at this time the Government of the People's Republic of China effectively governs the greater part of the Chinese people and that, for this reason, it must occupy its lawful place in the General Assembly and in the Security Council. This same realism, which has already been invoked by several previous speakers, leads us to recognize that, by dint of an autonomous existence that has lasted over 20 years, the Republic of China, which, during that time, has loyally contributed to the activities of our Organization, is a sovereign nation that cannot be considered as an integral part of continental China. Of course, the people of the Republic of China, as the peoples of other States Members of the United Nations, must be able to exercise their right of self-determination; and it is up to them, and to them alone, to choose their leaders. They alone can determine their attitude concerning a possible union with continental China.

58. Our common obligation to recognize the realities of the 20th century leads us to ask the representatives of Taipei to renounce their claims to mainland China and to accept the obvious fact that they have lost the right to govern in Peking.

59. The great advantage of draft resolution A/L.633 and Add.1 and 2 is that it takes into account the realities and the *de facto* changes which have taken place in mainland China and in its relations with Taiwan. In another case—a different case, it is true—the General Assembly in 1947 was obliged to take realities into account when it had to admit Pakistan as an independent State, separate from India.

60. These are the considerations which have governed the attitude of Mauritius. Recently much has been said about the pressure which purportedly was exerted on certain States. I must recall in this connexion that the position adopted by Mauritius this year is in no way different from the one it held last year.

61. Since our admission to the United Nations, Mauritius has always examined questions of which the Assembly was seized solely by taking into account their nature and in accordance with the policy which the Government presided over by Sir Seewoosagur Ramgoolam adopted democratically and in full freedom.

62. To conclude, I shall not speak of "conscience" or "morality", but rather of "truth". I do this, with the permission of the Indian delegation, by saying two words in Sanskrit, two words that are sacred for me: *satyameva jayate* which mean that truth alone will triumph.

63. Mr. PAZHAWAK (Afghanistan): The issue before us, the restoration of the lawful rights of the People's Republic of China in the United Nations, is a dramatic challenge to the most fundamental claim of this Organization, the claim that it represents and speaks with authority for peoples. As you, Mr. President, said to the Asia Society on 13 October:

"We must never forget that the United Nations real constituency is not its Member States, but rather the peoples of the world."

This claim is enshrined in the first three words of the Charter: "We the peoples".

64. Politically, as we have now begun to realize after 23 years of power politics, incredible political sophistry and self-deception, what was omitted from the scope of those three words was the Government that effectively presided over 25 per cent of the world's family of peoples. The political anomaly of this gap no longer needs elaboration: it is now in the realm of the obvious. If continued, it threatens to become the graveyard of major United Nations programmes such as space, the seas, the environment, the nuclear threat, disarmament and—involving as it does a major military Power—world peace itself.

65. Morally, it is a blatant injustice, not because a Member with a larger population enjoys a higher rating than a small nation, but because such vast numbers do assume a moral dimension, even a moral compulsion, in the thinking of the average man, and this injustice undermines the moral authority of the Organization, the only authority we really wield. Who can calculate how much of that prestige, whose low ebb we so deeply and repeatedly deplore, was eroded by our failure to act decisively on this issue? Who can deny this?

66. Now we are accorded a unique opportunity for the first time—the first truly promising one in the history of the United Nations—to rectify one of the most colossal blunders ever committed in the functioning of our Organization. The question is, are we going to meet that challenge in response to overwhelming world public opinion? Are we going to have the strength and the resolve to make the right decision? The delegation of Afghanistan takes as its criterion that a right decision is the one which best defends the rights of the vast majority of China's people. It must be right in terms of the representative democracy which is the spirit of the Organization. It must be right in the light of the unequivocal principles of the Charter. Also, pragmatically, it must be right in response to the current world political situation, which is marked by a hoped-for general *détente* among the big Powers but which is also characterized by great shifts in the relations between the big and the small Powers. The dismay, confusion and uncertainty that this shift has provoked has already been amply expressed in the discussions. In the years ahead the smaller nations will have to face the problem of mustering their forces in defence of their interests in the new international realignment of interests now in the making.

67. The smaller nations here must be circumspect about losing their advantages in this transition, in which China, whose present policies are geared to small-Power interests, can play an advantageous role in the United Nations family. The smaller nations must not short-measure their own weight on the changing scales of the power balance that China at this juncture represents—and, incidentally, that others are wooing so dramatically, a development that we welcome in the interest of peace, while expecting the majority here to do less. If China is good enough for the big Powers, it is good enough for the States that are not big. We cannot all go to Peking; but why should we, when we have the United Nations as the great international concourse for consultations and negotiations? Should we be expected to keep Peking from coming to us?

68. Frankly, the United Nations is sorely in need of a massive transfusion, which China's presence here can give to

a great extent. While the smaller nations need their old friends, they also need new friends, a new, powerful economy in the comity of nations, a new political force that stands ready to help implement those resolutions on colonialism and development which now lie abandoned on the shelves of our archives. Who, may we ask, will deny that the Security Council is in need, almost pathologically, of a new, effective voice in its deliberations?

69. We are not arguing the point—so frequently asserted by others—that the United Nations needs China more than China needs the United Nations. But the Organization unquestionably can be strengthened immeasurably by the presence of China, particularly now that China has manifested a new policy to the United Nations and to the whole world. This can be a natural marriage; and it should not be frustrated by a political version of what is known in certain Western circles as “the eternal triangle”.

70. For my delegation the issue poses no new problems. The Government of Afghanistan has always supported the restoration of the rights of the People's Republic of China as the only legitimate Government of all China in all international organizations. We might recall that we were among the first to perceive this reality—if we must use the word “reality”—to mean recognition of complete control of the country, and Taiwan as an integral part of its territory.

71. This still is our view today when it is expanding, we are happy to see, to a greater and greater majority in the General Assembly, regardless of the artificial fission and amputation that we are being asked to perform on that great nation. The proponents of draft resolution A/L.633 and Add.1 and 2 have insisted in this very hall that their procedure does not divide China into two separate States; and we are, of course, happy to see this duality concept buried as no longer a plausible and feasible idea. If this is so, then we are mystified by the reliance placed on Article 18 of the Charter to move that a single State in the United Nations can be legally represented by two Governments even, as is hinted, temporarily. There can be no such thing as a temporary shelving of the Charter.

72. Aside from the incontrovertible fact that the Charter itself recognizes only one China, there is the endorsement of this unitarian principle by the ruling group of Taiwan, whose name, significantly, and perhaps for that very reason, does not appear among the co-sponsors of the duality draft. Thus we may well ask: For whom does the draft speak? Not for Peking, not for Taipei; we are seemingly asked to be more Taiwanese than Taiwan. We find it difficult to grasp the legal premises of this proposal, a proposal which appears to us to be suspended in a juridical vacuum which, emulating nature, the United Nations would do well to abhor.

73. Similarly, if the Charter speaks of only one China, the issue of so-called expulsion can hardly arise; it obviously becomes, as they say in the United States, “irrelevant, immaterial and incompetent.”

74. We are, in fact, presented with an impossible riddle in law. One fact, as ancient as the issue itself, is that the Taiwan group has always maintained its claim to represent all the people of all China. Now we are told by others—not

by themselves—that the Taiwan group represents only the people of Taiwan and to accord Taipei this recognition. But Taiwan's rulers have never abandoned their claim to all of China, even at this moment of truth. Are we being asked to accord a *de facto* group recognition which it does not seek and which it may reject if it is imposed upon it? Are unsolicited recognitions imposed in the practice of nations? On the other hand, if Taiwan bows to the honour imposed upon it, what happens to its claim that it represents all the Chinese people? Does that claim stand? And if it abandons it by mere governmental decision, can it do so without the consent of the Chinese people? We are entitled to an elucidation of this vital point, which raises the crucial issue of conflicting claims. In the absence of clarification on this point, we are confronted with something of a legal monstrosity.

75. In fact, the Taiwan group never was a creation of the people of Taiwan. Historically there was a military invasion of the island, recognized as a Chinese province by international agreements and by the invaders as well, who imposed their rule upon a helpless people by force of arms without even the quasi-legal claim of a *de facto* secession. The group came to the United Nations with the same merit as it came to Taiwan—as an artificial, political, military contrivance, foredoomed to end in the juridical void in which it now finds itself. This is the void we are now being asked to recognize, as some kind of a fated “reality”, and to give this “reality” a newly conceived legality.

76. It is even claimed that, by giving the seat to its rightful owner, we shall somehow be guilty, perhaps, even ungrateful, with respect to a so-called good Member. If the world must be used at all, what is the yardstick for “good”, except the fulfilment of assigned and assumed obligations—in this case, the responsibility of a permanent member, one of the big Powers, in the Security Council. Can we say that this delegation has functioned effectively in this privileged capacity? Could it have done so with the best will in the world when the other big Powers, now reduced to one sponsor, have not even accorded it the dignity of the most routine consultations?

77. Where is Taiwan in the consultations of the permanent members of the Security Council on the Middle East? These consultations have been conducted by the Big Four, and by the Big Four for a long time. With all the goodwill and protocol in the world—and I do have personal respect for the persons who represent that Government—they could not sustain this fiction now dubbed as a reality.

78. Now that the authors of this fiction are ready to strip the island group of the epaulets of permanency on the Council, we are asked to endow it with the permanency of history. Logic is stretched to the breaking-point, and the whole enterprise is riddled with contradictions, upon which no peace could ever be permanently constructed. If Peking accepted this Gordian knot—and we know positively that it would not—at best we should have two rival governments at eternal war with each other in every committee, in every organ, in every specialized agency, in every international conference. Not a thousand flowers but a thousand bomb-shells would bloom in a United Nations climate charged with unbending tensions and bickering, with unending demands on our votes to resolve them. It is a prospect that we should devoutly try not to achieve.

79. It has been forcefully argued, also in the realm of myth, that a single seat for China would leave 14 million people on Taiwan unrepresented in the world Organization. We shall pass over the obvious fact that those who now seem to be so concerned about the people of the island never showed the same concern about the unrepresented status of some 57 times that number, the 800 million Chinese on the mainland. On what grounds are we to suppose that the 14 million people on Taiwan would not be more adequately represented by a permanent mission from the People's Republic, that can, as all of us now admit, represent the 800 million? Are we seriously to envisage the impossible eventuality that the Government in Peking would pursue two policies in the United Nations—one, say, for the mainland and another—perhaps discriminatory—for Taiwan?

80. For the Afghan delegation there is only one question about the seating of a Government in the United Nations under the Charter in this case, and one question only: Is that Government effectively and legally the Government of its land and its people? We all know that few Governments could go unchallenged on these essential prerequisites. We know that secessionist groups sometime arise and pin their fate on support from outside intervention. We also know that the ruling United Nations principle is to discourage such intervention everywhere. But in this case we are asked to sanctify it with an international decision by the world family of nations. If we are thus enticed by clever arguments into such a decision, we shall open a Pandora's box that will leave no Government and no nation unimpaired.

81. We do not choose to gamble with world stability and world law. My Government recognizes the People's Republic of China as a reality—one reality, not two. It recognizes that, without the presence of the People's Republic of China in the Organization, many people are questioning the reality of the United Nations itself. It recognizes that now we have the time and the opportunity to strengthen the Organization by a bold decision to rectify a historical error.

82. For those reasons my delegation will vote against any procedural proposal designed to obstruct the seating of the People's Republic of China at this session. Seeing no merit whatever in the schism-ridden approach, we shall of course vote against any move to give it priority. Because we find that Article 18 is not applicable to this issue we shall vote against the procedural draft resolution requiring a two-thirds-majority vote [A/L.632 and Add.1 and 2] on the question of the present, illegal incumbents in the China seat.

83. Instead we shall cast our vote for draft resolution A/L.630 and Add.1, as the only course which opens the door to a simple, direct solution of this crucial issue, the one which has the support of Peking and the only one on the basis of which that Government will send a delegation to this Assembly. We shall vote for it because the alternative draft resolution carries in effect a built-in veto and nullification of any possibility of a delegation being sent from Peking. It is thus self-defeating and would reduce all our labours to a meaningless pantomime.

84. We think not only of our vote but also of the consequences of our vote. What would be the reaction to

our decision if we adopted a hollow decision, one which would change nothing? There would be dismay, disappointment, a bad let-down and another poisonous argument in the deadly arsenal of the enemies and critics of the United Nations. If we acted positively, the atmosphere here would become electrified with a sense of something accomplished. The whole world—its press now cynically sneering at the impotence of the United Nations—would resound with the good news of a good decision for a better, stronger and more highly respected United Nations.

85. Mr. AICHI (Japan): My delegation has consistently emphasized in the past decade that the question of the representation of China in the United Nations is one of the most complex and important problems that has ever been faced by this Organization. We note that there have been significant developments in the international situation relating to China in recent months. In the face of this evolution in the actual circumstances surrounding the People's Republic of China, a realistic assessment and approach to the question of Chinese representation is called for.

86. The Japanese Government is taking a positive and open-minded attitude in dealing with this question, in the hope of further reducing tension in our part of the world. Nevertheless, the question of the representation of China in the United Nations is not merely a technical one to be treated in isolation from the factual situation obtaining in the Far East. It should be considered in all its real aspects in the light of the relevant and accurate facts and in full cognizance of the widest possible implications. To cope with the changing situation in Asia, it is all the more imperative that the General Assembly should give broad and sober consideration to the whole question of China with objectivity and fairness and not in a one-sided way. As a close neighbour of China, we are keenly aware of the nature and shades of the realities of the China problem. The question of Chinese representation touches the heart of this problem and therefore my Government has a most vital interest in the outcome of the present issue before us.

87. The sensitive position of our nation concerning China is a natural reflection of Japan's close association with China, geographically as well as historically. The geographical location of Japan brought our two nations, among the oldest in the East, into the very closest of relationships and helped an almost unbroken intercourse and exchange between the two countries over the past 2,000 years. Despite the vicissitudes of a long and illustrious history, Japan and China have by and large lived together in a friendly manner and developed mutual respect. Cultural intercourse between Japan and China has been highly developed over many centuries to the mutual benefit of both nations.

88. In dealing with the China problem as a whole, and in particular with the question of Chinese representation now before the General Assembly, we intend to take a constructive and progressive attitude which will be fair to all the parties involved. In the view of my delegation, the basic factors which must be taken into account in our objective approach to the question of Chinese representation, which is an extremely important, complex and delicate problem, are the following considerations.

89. The first basic factor to be taken into account is that there are two Governments confronting each other across the Taiwan straits. One of these is the Government of the Republic of China, which is in effective control of a population of some 14 million people who enjoy a high standard of living on Taiwan. The other is the Government of the People's Republic of China, which is in effective control of the mainland of China with a population of over 700 million. At present 60 countries have diplomatic relations with the Republic of China and 65 countries have diplomatic ties with the People's Republic of China. We believe that the United Nations should reflect the existing factual situation prevailing in the world and should be open-minded in taking into account the changing situation which has occurred since the founding of our Organization. We must be realistic in assessing the present situation with regard to this question.

90. We are prepared to accept the reality of the actual situation that has developed over a number of years in the Far East. We sincerely believe that the time is ripe for the People's Republic of China to participate fully in the United Nations. The situation in Asia seems to be undergoing a change for the better, and it appears that the external posture of the People's Republic of China, as part of this favourable trend, has become more moderate. There is, furthermore, a large and growing voice in the international community, which we share, supporting the participation in the United Nations of the Government of the People's Republic of China, which effectively controls mainland China. It appears that the People's Republic of China desires to respond to that voice. We are glad to take note of these developments and we would welcome and look forward to the active participation of the Government of the People's Republic of China in the United Nations.

91. I should like to add that we have for many years developed mutually beneficial trade relations with the People's Republic of China on a large scale. Also, there has been an increasing flow of people between Japan and mainland China, and we hope that this trend will be further strengthened in the future. There has also been, for some years, an exchange of news media representatives. It is indeed the wish of the Japanese Government that friendly contacts between the People's Republic of China and Japan may continue to expand. We, therefore, for all these reasons, have sponsored the draft resolution which affirms the right of representation of the Government of the People's Republic of China and, further, recommends that it be seated in the Security Council as a permanent member [A/L.633 and Add.1 and 2], since the People's Republic of China has a vital role to play in the maintenance of international peace and security. Our objective is clear: it is to accord fair and realistic treatment to the People's Republic of China in the confidence that that State will develop friendly relations with the Member countries and work actively for peace-building through this world Organization. We are also confident that it will be well aware of its great responsibilities as a permanent member of the Security Council and will fulfil those responsibilities as befits a great Power. We are indeed rendering its rightful place to the People's Republic of China by according it a permanent seat in the Security Council, as well as full-fledged representation in the United Nations as a whole.

92. The participation of the People's Republic of China, with its more than 700 million inhabitants, will enormously broaden the scope of our Organization and strengthen its work. I wish to emphasize that Japan is second to none in its desire to see the United Nations offer a forum for the fruitful development of relations between the People's Republic of China and the other Member countries.

93. On the other hand, the Republic of China was one of the principal and original founders of the United Nations in 1945. Moreover, the Republic of China has, since then, faithfully carried out its responsibilities and obligations under the Charter, consistently upholding the authority and prestige of the Organization. For two decades the General Assembly has reaffirmed the continuous right of representation of China by the Government of the Republic of China. Those are well-known and indisputable facts that cannot be denied by anyone. The Government of the Republic of China has effectively controlled the island of Taiwan for more than 25 years, and has developed a sound and stable economy. The economic growth of Taiwan is one of the highest in the world. The island's economy, for example, has continued to grow at a rate of roughly 10 per cent in the past four years, while its *per capita* income is relatively high for an Asian country. It has shown a most active interest in assisting the developing countries in the economic and technical fields—for example, in agriculture. Therefore, if in the United Nations the Government of the Republic of China were to be replaced by the Government of the People's Republic of China that would be ignoring the *de facto* situation and would be tantamount to the expulsion of a Member that has effectively controlled an island territory with a viable system of its own. In the light of those facts, it is beyond doubt that the expulsion or exclusion of the Republic of China from the United Nations against its will would be a matter of great injustice which would be contrary to the spirit of universality, harmony and friendship between nations and inconsistent with the purposes and principles of the Charter of the United Nations.

94. We think it would militate against reason and justice if a proposal that would result in depriving the Republic of China of its representation in the United Nations were to be treated as an unimportant question that could be lightly decided by a simple majority. Truly, it is in the light of those considerations that we have sponsored draft resolution A/L.632 and Add.1 and 2, requesting that any proposal that would result in depriving the Republic of China of its representation in the United Nations be treated as an important question under Article 18 of the Charter.

95. In that connexion it is most pertinent to remind ourselves that, in the voting history of the General Assembly, over the past 25 years an overwhelming number of resolutions has in fact been adopted and decisions have been made by a two-thirds majority or by unanimity. It has been estimated that the number of cases of resolutions adopted by a simple majority amounts to less than a few per cent of the total. Surely a question of such magnitude as the present one—which may entail the exclusion of 14 million people who have great hope in our Organization—should be treated as being just as important as so many other questions in the United Nations.

96. The principle of universality of membership in the United Nations has sometimes been alluded to in connexion with the present item. We whole-heartedly agree that it is highly desirable for our Organization to be in fact at centre for harmonizing the actions of nations. That is precisely why it is self-contradictory to advocate the principle of universality in support of the Albanian draft resolution contained in document A/L.630 and Add.1, since its adoption would have the effect of depriving the Republic of China and its people in Taiwan of its long-standing loyal status in the United Nations. We must carefully ponder the serious and far-reaching consequences for the whole structure of the voting system of the United Nations of dealing with this crucially important matter merely on the basis of a simple majority vote.

97. At present it is an undeniable fact that there exist two Governments in China, one that of the People's Republic of China and the other that of the Republic of China. Japan has repeatedly declared that it sincerely hopes that their disputes will be solved amicably through peaceful dialogue between the two parties directly concerned. Japan has said further that it is ready to accept and respect the conclusions thus reached, whatever they might turn out to be. Our two draft resolutions do not at all stand in the way of the future efforts of those two Governments to solve their problems in a peaceful manner within the framework of the purposes and principles of the United Nations Charter.

98. Therefore, it is our firm conviction that, as a transitional step for solving the issue of Chinese representation within the context of one China, and as a just assessment of the political realities of the existence of two Governments in China, the best proposals are the two draft resolutions sponsored by Japan and a number of other Member States—namely, A/L.632 and Add.1 and 2, sponsored by Australia, Bolivia, Colombia, Costa Rica, Dominican Republic, El Salvador, Fiji, Gambia, Guatemala, Haiti, Honduras, Lesotho, Liberia, Mauritius, New Zealand, Nicaragua, Philippines, Swaziland, Thailand, United States and Uruguay, together with Japan; and A/L.633 and Add.1 and 2, sponsored by Australia, Bolivia, Chad, Costa Rica, Dominican Republic, Fiji, Gambia, Haiti, Honduras, Lesotho, Liberia, Mauritius, New Zealand, Philippines, Swaziland, Thailand, United States and Uruguay, also together with Japan. Our two draft resolutions are truly impartial, just and fair, and they are not prejudicial to the conduct and outcome of future peaceful talks by the two parties concerned.

99. We believe that the so-called Albanian draft resolution is an unreasonable and peremptory demand, as it would force the United Nations to expel forthwith one of the parties to the dispute from the Organization in which it has legitimately occupied its place. It ignores the real situation concerning China. It is punitive in substance and intent, since it would expel once and for all one party to the dispute without an adequate examination of the case. Thus, the adoption of the so-called Albanian draft resolution would be prejudicial to the position of the United Nations, which should be an impartial and universal world Organization. Should the United Nations adopt the so-called Albanian draft resolution and expel the Government of the Republic of China, thereby excluding 14 million people from the forum of the United Nations, such an action

would be likely to entail an abrupt change in the delicate international situation prevailing in the Far East. We must try to seek a more orderly process of evolution. Furthermore, if recourse is had to the formula in the Albanian draft resolution that would deprive a Member of representation by a simple majority vote, we fear that a bad precedent will be created in the United Nations which will lead to future abuse: namely, the expulsion, in effect, of a country from the United Nations by depriving it of representation, even though it has faithfully observed the provisions of the Charter.

100. I wish to stress that, if the General Assembly were to decide on the exclusion of the Republic of China, which has been a loyal Member of the United Nations for a quarter of a century, and represents 14 million people—a population larger than that of two thirds of the Members of our Organization—we would do a great disservice and damage to the United Nations, because the United Nations should be a universally represented and respected Organization, and should handle grave problems of an international character with the utmost caution and broad-mindedness.

101. We appeal to the wisdom of all Members of the United Nations, and would strongly urge them to refrain from supporting the adoption by a simple majority vote of a draft resolution, such as the so-called Albanian draft resolution, which contains provisions which may have grave and harmful consequences for a Member of the United Nations.

102. Compared with the so-called Albanian draft resolution, the two draft resolutions which Japan has sponsored with other countries are indeed helpful in avoiding all the difficulties and unfavourable situations which would surely be brought about by the adoption of the so-called Albanian draft resolution. I wish to challenge the allegation that our draft resolutions are complicated. I beg to request representatives to examine our draft resolutions carefully again.

103. Far from freezing the present situation, these draft resolutions are flexible, and they leave the option open to the two Governments to take whatever direction they wish in dealing with their conflicting claims through peaceful talks. As a transitional step, they merely intend, in a pragmatic spirit, to reflect in the United Nations the existence of the Government of the People's Republic of China and the Government of the Republic of China. With the strong support of the Members of the United Nations, our two draft resolutions might open the way to working out a mutual accommodation that would help the two parties concerned to find a more enduring solution.

104. Indeed, the General Assembly is about to take a momentous decision which will inevitably have a deep and far-reaching impact on the political situation prevailing in the exceedingly sensitive area of Asia. That is precisely why a large number of the countries in Asia and the Pacific region which have a vital interest in the maintenance of peace in the area have co-sponsored the two draft resolutions, as opposed to the so-called Albanian draft resolution. We do not side with the view that the so-called Albanian draft resolution should be adopted because it is the only resolution which the People's Republic of China has declared acceptable. As the Foreign Secretary of the

Philippines, Mr. Romulo, has rightly emphasized at the 1959th meeting, the People's Republic of China should not attempt to dictate the terms of its own participation in the United Nations even before the question has been decided by the General Assembly and the Security Council.

105. I wish to declare with pride, but without prejudice, that we sincerely believe in the rightness of our two draft resolutions. They honestly take the measure of the realities of the situation involving China and give a rightful place to the representation of the People's Republic of China and also to the Republic of China. They carefully refrain from embracing the idea of two Chinas, since they do not purport to divide China into two separate States. Our formulae are pragmatic and provisional, in the sense that most complex and delicate problems have to be solved by cautious and gradual steps. These two draft resolutions neither prejudice the two conflicting claims of the parties involved nor prejudice the eventual settlement of those claims. It is our profound belief that by adopting our draft resolutions, the United Nations will open the way to reconciliation and peaceful dialogue, and will promote peace and stability in Asia.

106. I appeal to the conscience of my fellow representatives in this Assembly: let us show a strong sense of responsibility in dealing with this issue of crucial importance. Quite frankly, to adopt the Albanian draft resolution by a simple majority would be, in our considered view, an irresponsible action not befitting the high prestige and noble obligations of our world Organization. Its adoption would undermine international trust in our work. Let us reassure ourselves that we should all co-operate to strengthen the United Nations by supporting the right of representation of the People's Republic of China and, at the same time, by affirming the continued right of representation of the Republic of China. I have already said, very sincerely, that we would welcome and look forward to the active participation of the Government of the People's Republic of China in the United Nations. We fully accept the principle that the full representation of the People's Republic of China would be entirely in accord with the ideal of universality and impartiality. At the same time, we firmly believe that the same principle of universality and impartiality should be equally applied, in all fairness and equity, to the continued representation of the Republic of China. To look at this matter in any other way would seriously diminish the credibility of United Nations ideals. Draft resolution A/L.630 and Add.1, submitted by Albania and other States, would, in an entirely inequitable way, deny the application of the principle of universality and impartiality to the continued representation of the Republic of China. We shall, of course, vote against that draft resolution.

107. I should like to turn now to the procedure of voting on the pending resolutions and to associate myself fully with the proposal made by the United States [1966th meeting] that priority should be granted to draft resolution A/L.632 and Add.1 and 2, of which Japan is a sponsor.

108. It is axiomatic that our draft resolution is truly a procedural one. This draft clearly states that the General Assembly must decide that any proposal in the General Assembly which would result in depriving the Republic of

China of its representation in the United Nations is an important question under Article 18 of the Charter. My delegation considers it self-evident that an essentially procedural draft resolution, concerning the question of whether a simple majority or a two-thirds majority is required for the adoption of a substantive resolution, should logically be put to the vote first. For example, if the so-called Albanian draft resolution were put to the vote first, we would be left in the dark as to whether that draft resolution had been adopted or not. We must know before voting on the substance whether the decisions are to be made by a simple majority, by a two-thirds majority, or even by a unanimous vote. Unnecessary confusion and controversy would otherwise be inevitable in this sort of complex situation. It is the firm belief of the delegation of Japan that, in the common interest of us all, we should try to avoid the chaotic and most undesirable situation that would undoubtedly arise simply from the procedural mistake of putting to the vote a substantive proposal prior to the vote on a procedural proposal.

109. In this connexion, I wish to draw to the attention of all the Members present here the precedents we have had in the General Assembly under entirely analogous circumstances. It is to be recalled that in two instances in the past, namely, during the course of the sixteenth session [1080th meeting] and of the twenty-second session [1610th meeting], the General Assembly, in discussing precisely this question of Chinese representation, took the right direction and decided by a majority vote to accord priority to a procedural resolution over a substantive one. The Assembly thus avoided the procedural chaos which would otherwise have resulted on those occasions and which, as I have indicated, would result in the present situation, if priority is not granted to draft resolution A/L.632 and Add.1 and 2.

110. I sincerely hope, and would urge, therefore, that the General Assembly will decide to put to the vote first our draft resolution A/L.632 and Add.1 and 2 before it votes upon the draft resolution sponsored by Albania and other countries.

111. In conclusion, I believe that all of us here are fully and very soberly aware of the momentous importance of this matter not only in terms of the future of the United Nations, but also in the light of the future peace and security of Asia. Japan, as an Asian country and a close neighbour of China, is keenly aware of these considerations. I hope very much that the views and observations of my Government on this matter, as I have expressed them today, will have convinced a very large majority of the delegations of the candour and sincerity, as well as the fairness and equity, of our position. In that conviction, we earnestly hope, and strongly urge, that draft resolution A/L.632 and Add.1 and 2 should be given priority in the voting and that our two proposed draft resolutions, A/L.632 and Add.1 and 2 and A/L.633 and Add.1 and 2, will be adopted by the General Assembly.

112. Mr. BENITES (Ecuador) (*interpretation from Spanish*): Mr. President, although it is very difficult at this very late hour at which you have given me the floor to hold the attention of this distinguished audience, I should like to say that my statement will be very brief—at least as compared with those we have heard this morning.

113. The item that we are discussing today has been included in the agenda of the General Assembly for 21 years now, although for a long time it was dealt with in abortive terms in the General Committee, which prevented it from being debated in plenary meetings. Over those 21 years in considering the Chinese problem, we have followed what, by analogy with the biological phenomenon of protective colouration, could be called the squid policy because rivers of ink were made to flow to obscure what was clear and to make it impossible to see the truth.

114. The problem, if it is reduced to its fundamental aspects, has two facets: one, a political aspect, which consists of determining which of the two authorities that claim to constitute the legitimate Government of the Republic of China, to which reference is made in the United Nations Charter in Article 23, is the one which has the right to permanent representation in the Organization, including the Security Council; the other aspect, of a legal nature, involves a claim of territorial domination over the archipelago of Taiwan and the Pescadores, which both Governments claim to be under Chinese domination.

115. Naturally the two aspects are closely linked and their arbitrary division is the thing that has heightened confusion and created artificial problems whose only purpose was to keep the People's Republic of China outside the world Organization indefinitely.

116. Nevertheless, at the outset the problem was posed in its true dimensions because, in a cable dated 18 November 1949,³ Minister Chou En-lai announced that the People's Republic of China, which had been created a few days earlier, was challenging the representation of the Government of the Republic of China, which had taken refuge on Taiwan and asked that the delegation headed by Mr. Tsiang Ting-fu should be deprived of that representation.

117. At its fifth session, in 1950, the General Assembly found itself compelled to study the item entitled "Recognition by the United Nations of the representation of a Member State", which was precisely in line with the case in dispute between Peking and Taiwan, namely the representation of that State to which the Charter, in Article 23, assigned permanent representation in the Security Council under the name of "the Republic of China".

118. As a result of this approach, on 14 December 1950, resolution 396 (V) was adopted. It stated:

"Considering that it is in the interest of the proper functioning of the Organization that there should be uniformity in the procedure applicable whenever more than one authority claims to be the government entitled to represent a Member State in the United Nations".

This was and continues to be the problem of China in which two authorities, one with its capital in Peking and the other on Taiwan, claim to be the Government entitled to represent the State Member of the United Nations described in Article 23 of the Charter by the name of "the Republic of China".

119. That same resolution 396 (V) establishes that the question should be studied by the General Assembly; this distinguishes it from the question of the admission of new Members, which, under the provisions of Article 4 of the Charter, should be recommended by the Security Council, and from the question of the expulsion of a Member State, which should also be recommended by the Security Council under the provisions of Article 6 of the Charter.

120. The aforementioned resolution 396 (V) provides that it is the Assembly which must decide this matter and it goes on to provide that the question should be considered in the light of the purposes and principles of the Charter and the circumstances of each case.

121. I have mentioned these facts to show that from the very outset in 1949, the problem of China was a question of recognition: which of two Governments established on Chinese territory was entitled to represent the Chinese State the Charter recognizes as a Member of the United Nations. In this connexion I shall cite what was said by the Secretary-General at that time, Mr. Trygve Lie:

*"When a revolutionary Government presented itself as representing a State, in rivalry to an existing Government, the question at issue should be which of the two Governments in fact was in a position to employ the resources and direct the people of the State in fulfilment of the obligations of membership. In essence, this meant an inquiry as to whether the new Government exercised effective authority within the territory of the State and was habitually obeyed by the bulk of the population."*⁴

122. If ever since then the problem had been raised as a legal question of the recognition of a government, it would have been obvious that the Government of the People's Republic of China was that which had control over almost all of the territory and the vast majority of the population and was requesting to be recognized as the legitimate representative instead of the Government that had taken refuge on the small territory of Taiwan. I should add, for my part, that in Taiwan there is a population the majority of which is not Chinese, but rather of a different ethnic and cultural origin much closer to the racial groups of Indo-China and the Malay archipelago, and that this population, it is estimated, makes up 14 million of the 16 million persons now in Taiwan.

123. It is important to bring out that the recognition of the People's Republic of China was based primarily on the fact that the Government presided over by General Chiang Kai-shek was not a government-in-exile—that is to say, existing outside of Chinese territory—but rather that it was within its own territory since Taiwan and the Pescadores islands had been ceded as such under the Potsdam Declaration of 1945 and the Cairo Declaration of 1943 and incorporated after the Japanese surrender into the territory of China before the Nationalist Government had been overthrown.

124. To review the facts: Taiwan and the Pescadores islands, which had for 50 years been under Japanese

³ See document A/1123 (mimeographed).

⁴ See *Official Records of the General Assembly, Fifth Session, Supplement No. 1*, p. 33.

domination and which had previously been colonized at will by dissident elements leaving the Manchu monarchy in 1661, approximately, were ceded to the Chinese State and not to the Chinese Government; for under international law, it is States and not Governments which are recognized as having legal entity. That being so, it was obvious that the cessation of the territory of Taiwan and the Pescadores islands to China took place when the Government of China headed by Generalissimo Chiang Kai-shek represented the whole of China, even though there already existed on Chinese territory a Communist Government whose strength was growing.

125. As far back as 1926 there already existed an army of the Government headed by Mao Tse-tung. That army grew tremendously around 1929, despite the repressive action of the Central Government, which nevertheless found itself compelled to collaborate with it to offset the Japanese attack. That same Generalissimo Chiang Kai-shek in his book entitled *Soviet Russia in China*,⁵ recognizes this fact. At the end of the war there was already a breach between the two Governments, but the Nationalist Government of Generalissimo Chiang Kai-shek still represented the majority of the people and the territory of China.

126. As the representative of that Government, Generalissimo Chiang Kai-shek had acted at international meetings and concluded agreements with the other Allied Powers. It fell to that Government to sign the Charter at San Francisco and to receive the Asian territories occupied by the Japanese, including Taiwan and the Pescadores islands. Obviously, the fact that General Chiang Kai-shek received Taiwan and the Pescadores islands on behalf of China gave him no personal right over those territories.

127. The communist offensive led by Mao Tse-tung was extraordinarily energetic. In 1948 Mukden fell, then Canton, and in 1949 the Government of Chiang Kai-shek and his army had to remove to the Chinese archipelago of Taiwan and the Pescadores, where they set up a Government, recognized almost immediately by the United States of America. On 1 October 1949 Mao Tse-tung proclaimed the People's Republic of China, covering 9 million square kilometres of territory on the continent and 700 million inhabitants.

128. Immediately thereafter, as I pointed out earlier, the Government of the People's Republic of China claimed to be the lawful representative of the Chinese people and, as such, asked the United Nations to recognize it and to grant it the seat attributed to the State called the Republic of China which was already a Member of the United Nations.

129. We cannot deny that the argument which some have put forward—namely, that, since the Government of Generalissimo Chiang Kai-shek had signed the Charter, it was the one that should continue to represent China in the United Nations—is an ingenious line of reasoning. This would be tantamount to saying that the United Nations can have personal contracts with Heads of State or Government instead of being what it is, an assemblage of legally organized States.

130. In the 26 years of the life of the Organization there have been many changes of government in various States. Nevertheless we have never heard the affirmation that, since a particular Head of State signed the Charter, his Government must continue to be represented in the Organization, even though it may have been overthrown.

131. There is another strange argument, namely, that the People's Republic of China should be admitted to the United Nations in accordance with the provisions of Article 4 of the Charter, by offering a sort of *mea culpa* concerning the Korean war, which was unleashed along its frontiers by promising that it would respect the Charter and by asserting that it is a peace-loving State.

132. This is an argument totally devoid of legal value, because China is a founding Member of the United Nations and one of the five permanent members of the Security Council and does not have to be admitted, for all we have to do is ascertain which of the two Governments should represent it.

133. After this summary of the original situation as it existed and, in the opinion of my delegation, continues to exist, I should like to refer briefly to the way the issue is put to us today.

134. We should recall that until 1960, whenever we discussed the question of the recognition of the People's Republic of China in the United Nations, we had what the Soviet Union called, ironically, "mechanical majorities" that prevented its acceptance in the General Committee. Since 1960, when a number of new States which had emerged from colonial régimes entered the Organization, the situation changed, and in 1961 the Soviet Union asked for the discussion of the item entitled "Restoration of the lawful rights of the People's Republic of China in the United Nations".⁶ On 1 December of that year a group of States consisting of Australia, Colombia, Italy, Japan and the United States submitted a draft resolution in document A/L.372, which recalled the provisions of resolution 396 (V) and which proposed that the Assembly should decide that, in accordance with Article 18 of the Charter, any proposal to change the representation of China was an important question, that is to say, that approval of any such proposal would require a two-thirds-majority vote. This draft, which became resolution 1668 (XVI), was the response to the draft resolution submitted by the Soviet Union.⁷

135. As you can see, this resolution, which was repeated year after year until last year, referred to the over-all problem, that is to say, that the People's Republic of China should be incorporated into the United Nations as the legitimate representative of the Chinese people. In resolution 2642 (XXV) it was asserted "that any proposal to change the representation of China is an important question". The current United States draft resolution [A/L.632 and Add.1 and 2] no longer states that any proposal designed to "change" the representation of China is an important question; in other words, it has been completely

⁶ See *Official Records of the General Assembly, Sixteenth Session, Annexes*, agenda items 90 and 91, document A/4874.

⁷ *Ibid.*, document A/L.360.

⁵ London, George G. Harrap and Co., 1957.

changed in the sense that what is important is any measure that would result in "depriving" the Republic of China of its representation in the United Nations. The text of the draft has been distributed and I do not have to read it out.

136. I must confess that I find it difficult to understand the operative paragraph of this draft. The Republic of China is a Member State designated as such in Article 23 of the Charter and therefore no one can deprive it of its existence or of its representation without a revision of the Charter. In our view, the issue is simply that there are two States which claim the right to represent China and only one of them can occupy the seat assigned to it under the Charter.

137. In other words, if, as a result of the vote, we decide that the People's Republic of China is the one that is the lawful representative of the people of China, we would not be depriving the Republic of China of representation but rather we would change the representation that it has held so far.

138. Therefore it would appear that what this operative paragraph of the United States draft is trying to say is that the Republic of China means the Republic of Taiwan and that any intent to deprive the Republic of China with its seat in Taiwan of its representation should be considered an important question.

139. In order to understand this more clearly, we must look at it in the light of the new draft resolution submitted by the United States and other States [A/L.633 and Add.1 and 2]. The operative part of this is known, and therefore I shall not read it out. The draft I am discussing in paragraph 2 "affirms the continued right of representation of the Republic of China", after establishing in paragraph 1 the right of representation of the People's Republic of China and recommending that it be seated as one of the five permanent members of the Security Council. Thus there are two recommendations in the draft on one and the same representation. This is really a paradox, because if only one Chinese State exists and since 1949 two Governments—one on the mainland and the other on the islands—have been disputing the right to represent that State, called the Republic of China, with the recognition of one of them, the representative character of the other automatically ceases. This is the serious problem offered in the draft resolution that I am analysing.

140. Obviously in one and the same territory of a State you cannot recognize two governments without this being tantamount to recognition of a secession. The United Nations has always been reluctant to accept secession, as, for example, in the case of Biafra and other cases that I do not want to cite now.

141. Perhaps the most realistic approach to this problem would have been to accept the representation of the People's Republic of China with a full measure of its rights

and negotiate politically with it in advance for the recognition of a provisional status for Taiwan which should be resolved through a consultation for the self-determination of the population inhabiting Taiwan and the other islands.

142. The classic draft presented by the socialist countries and non-aligned countries in document A/L.630 and Add.1 has also been modified. In the first place, it no longer talks about the expulsion of the Chiang Kai-shek clique but rather that of the representatives of Chiang Kai-shek. Also in one of the paragraphs of the preamble it speaks of the representation of the Government and incorporates this concept in the only operative paragraph, saying that we should recognize "the representatives of its Government as the only legitimate representatives of China to the United Nations". Then there follows the classic concept of expelling the representatives of Chiang Kai-shek, although the draft no longer refers to them as a "clique".

143. Obviously this draft has certain technical defects. We cannot speak about restoring anything, because restoration is tantamount to returning, and the People's Republic of China has never exercised such rights. Also the word "expel" is a mistake, because what we are really dealing with here is not expulsion but rather the automatic exclusion that would occur when the People's Republic of China took the seat in the United Nations that belongs to China, because you cannot have two governments representing a single State, as indeed in physics you cannot have two bodies occupying the same point in space.

144. We should have liked to see a realistic policy which would have dealt with the question as a politically negotiated matter. Unfortunately, the changes that have occurred in the classic positions do not help to define the position of the Republic of China with its seat in Taiwan for we should not confuse realism with lack of legal logic. My delegation will abide by legal logic and these considerations will guide our vote.

145. I wish to thank you, Mr. President, for being kind enough to give me the floor at such a very late hour. I should like to add that I was not wrong at the outset in stating that I would be brief and then having taken 20 minutes, but this is what usually happens in the United Nations.

146. The PRESIDENT: Before I adjourn the meeting I should like to refer to a matter I mentioned yesterday. I propose that the list of speakers in the debate on the item under consideration be closed tomorrow, 20 October, at 5 p.m. If there is no objection, I shall take it that the Assembly agrees to that proposal.

It was so decided.

The meeting rose at 1.20 p.m.

