A PRACTICE OF ONE-CHINA PRINCIPLE IN INTERNATIONAL ORGANISATIONS

一個中國原則在國際組織的實踐

—By Robert Lih-torng Chen 陳荔彤

The ROC has made every effort to participate in international organisations since the 1970s. On 3 July, 1979, the Executive Yuan of the ROC issued "Guidelines for Personnel Attending International Conferences", and "Guidelines for Dispatching Personnel to International Conferences and for Convening International Conferences." Such Internal Directives usually instruct all government personnel of the ROC to accept invitations from international organisations. Indeed, even if the competition for bilateral diplomatic relations has been the most important and significant aspect of the contest between the ROC and the PRC for the international status, the competition for membership of international organisations, including Inter-Governmental Organisations (hereinafter referred to as IGOs) and International Non-Governmental Organisations (hereinafter referred to as NGOs), is no less important. This research examines the contest of Chinese representation between the ROC and the PRC in these international organisations wherein the Taiwan issue has been involved, including their struggle for the U.N. membership.

A. INTER-GOVERNMENTAL ORGANISATIONS

(1) The Battle for Membership of the United Nations under the "One China" Principle

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Among these international organisations, the most important organisation is the United Nations.

The ROC was a charter member of the United Nations and one of the five permanent members of the U.N. Security Council. But early in January 1950, a few months after the establishment of the PRC, Premier Chou En-lai cabled Secretary-General T. Lie, demanding the expulsion of the ROC from the United Nations. The PRC’s legal stand on the Chinese representation question has always been rather rigid. It contended that the PRC has already been a member of various international agencies by virtue of assuming the Chinese Government position. The formal national name of China has been altered to read “the People’s Republic of China” instead of “the Republic of China” but that, it argued, was a prerogative of any sovereign state and international organisations have no right to intervene in such internal matters but have the obligation to accept the conversion. Moreover, the PRC always held that Taiwan is an integral part of China and that Peking could not endure a separate delegation from Taiwan by any name. At the third session of the PRC’s First National People’s Congress on 28 June, 1956, Premier Chou En-lai elucidated the PRC’s basic policy on this subject:

*Those who vainly seek to create “two Chinas” recognise that it is becoming more and more difficult to continue to exclude the PRC from international organisations and conferences. Therefore they are attempting to create beforehand a state of “two Chinas” in international organisations and conferences. The Chinese people long ago saw through this plot. It is futile to hope that China will fall into this trap. International organisations and conferences are only one means of effecting international exchanges and contacts, China will not find it any more difficult to expand its contacts and connections with other countries because of its being excluded from international organisations and conferences. Only one China exists in the world. Only the Government of the PRC can represent the Chinese people. We believe that sooner or later this fact will receive general recognition.*


(註 三) Premier Chou En-lai’s speech at the Third Session of The First National People’s Congress of the PRC, 28 June, 1956.
in the world. The sooner this day arrives, the sooner will normal international relations be restored.

Furthermore, in 1960, Premier Chou was actually asked the direct question, "Would China refuse to sit in the United Nations as long as any kind of Taiwan government was allowed to represent Taiwan separately there?" His reply revealed the PRC's firm position that Peking would never concede to the ROC Government. Chou answered: 4

If the so-called "Taiwan Clique" is to appear in the United Nations, under whatever form and in whatever name -- be it the Chiang Kai-shek Clique or some other clique -- we shall definitely refuse to take part in the United Nations and sit together with them, so as not to create a situation of "two Chinas." This applies also to our participation in other international organisations and conferences.

On 6 July, 1950, Premier Chou cabled T. Lie accusing the United States of having committed armed aggression against the Chinese territory by sending the Seventh Fleet to the Taiwan Straits. 5 In another cablegram dated 24 August, 1950, Premier Chou urged that the U.N. Security Council take immediate action against the United States. Chou said: 6

On behalf of the Central People's Government of the People's Republic of China, I now lodge this charge with the U.N. Security Council and propose that, to maintain international peace and security and uphold the dignity of the United Nations Charter, the U.N. Security Council is obliged as its bounden duty to condemn the United States Government for its criminal act of armed invasion of the territory of China, and to take immediate measures to bring about the complete withdrawal of all the invading armed forces of the United States from

(注五) Chinese People's Institute of Foreign Affairs, Important Documents Concerning the Question of Taiwan (Peking: Foreign Languages Press, 1955), pp.18-20.
(注六) Ibid., pp.21-22.
Taiwan and other territories belonging to China.

Consequently, the U.N. Security Council placed the PRC's complaint on its agenda at its 492nd meeting under the title "Complaint of armed invasion of Taiwan." on 20 August, 1950. On 17 September, 1950, Chou again cabled the U.N. Security Council that as the sole legal government representing the Chinese people, and being the accuser in the case, it had the right to present its case directly. He also declared that if the U.N. Security Council should proceed with this agenda item without the attendance and participation of representation from the PRC, its resolutions would be illegal, null and void.\(^7\) Therefore, the U.N. Security Council passed a resolution on 27 September, 1950 to invite representatives of the PRC to attend its meetings held beginning 15 November, 1950.\(^8\) On 29 November, 1950, General H.C. Wu, representing the PRC, took his seat at the Council table. Wu submitted a draft resolution calling upon the U.N. Security Council to condemn the United States.\(^9\) The resolution, sponsored by the Soviet Union, was rejected by the U.N. Security Council.\(^10\) By this time, however, PRC forces had intervened in Korea and the so-called "Chinese People's Volunteers" had crossed the Yalu in October 1950.\(^11\) The U.N. General Assembly hence adopted a resolution condemning the PRC as "aggressor" in Korea on 1 February, 1951. As a result, the PRC had lost all its fights in the United Nations since then, and there was little that could be done in the world organisation for twenty years.

Accordingly, the United States, which recognised the ROC at that time, was able to obtain a majority for its resolution "not to consider" any change in Chinese representation in the World body. This so-called "moratorium" on debating the Chinese representation question in the United Nations had been renewed year after year from 1951 to 1960. Nonetheless, voting majorities in the U.N. General Assem-


\(^8\) Ibid., p.291.


\(^11\) Ralph N. Clough. op. cit., P.150.
bly for the resolution of adjourning the debate could not last forever and gradually eroded after 1960. In 1960, the vote on the moratorium had slipped to 42 for, 34 against, and 22 abstentions, as compared to 1951 when it had been 37 for, 11 against, and 12 abstentions.\(^\text{12}\) Table I lists the total vote of the U.N. General Assembly in Chinese representation from 1950 to 1960.

**TABLE I**

<table>
<thead>
<tr>
<th>Year</th>
<th>Type of Draft Resolution</th>
<th>Total Membership</th>
<th>Pro-US Position</th>
<th>Anti-US Position</th>
<th>Abstentions and Absence</th>
</tr>
</thead>
<tbody>
<tr>
<td>1950</td>
<td>N</td>
<td>59</td>
<td>33</td>
<td>16</td>
<td>10</td>
</tr>
<tr>
<td>1951</td>
<td>M</td>
<td>60</td>
<td>37</td>
<td>11</td>
<td>12</td>
</tr>
<tr>
<td>1952</td>
<td>M</td>
<td>60</td>
<td>42</td>
<td>7</td>
<td>11</td>
</tr>
<tr>
<td>1953</td>
<td>M</td>
<td>60</td>
<td>44</td>
<td>10</td>
<td>6</td>
</tr>
<tr>
<td>1954</td>
<td>M</td>
<td>60</td>
<td>43</td>
<td>11</td>
<td>6</td>
</tr>
<tr>
<td>1955</td>
<td>M</td>
<td>60</td>
<td>42</td>
<td>12</td>
<td>6</td>
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<tr>
<td>1956</td>
<td>M</td>
<td>79</td>
<td>47</td>
<td>24</td>
<td>8</td>
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<tr>
<td>1957</td>
<td>M</td>
<td>82</td>
<td>47</td>
<td>27</td>
<td>8</td>
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<tr>
<td>1958</td>
<td>M</td>
<td>81</td>
<td>44</td>
<td>28</td>
<td>9</td>
</tr>
<tr>
<td>1959</td>
<td>M</td>
<td>82</td>
<td>44</td>
<td>29</td>
<td>9</td>
</tr>
<tr>
<td>1960</td>
<td>M</td>
<td>99</td>
<td>42</td>
<td>34</td>
<td>23</td>
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N: The Indian draft resolution to seat the PRC on the basis of its effective control.  
M: A moratorium proposal to postpone consideration of the substance of the question at a given session.


Since 1961, the Kennedy Administration of the United states gave up the moratorium tactics and devised a new strategy to continue seating the ROC. Whenever a resolution was raised to seat the PRC and expel the ROC, it would be voted on, but simultaneously a second resolution, calling upon that any change in Chinese representation was an "important question" requiring a two-thirds majority for approval, would also be put forward. In 1961, this US-sponsored second resolution was passed by a U.N. General Assembly vote of 61 for, 34 against, and 9 abstentions. At the same time, the Soviet Union's draft resolution to have the PRC replace the ROC

(註一) -- Ibid., pp.150-51.
delegation in the United Nations was defeated by another U.N. General Assembly vote of 37 for, 48 against, and 19 abstentions. However, in 1964 France's decision to break relations with the ROC and establish diplomatic relations with the PRC had tremendous repercussions. In 1965, the U.N. General Assembly vote on the resolution to seat the PRC and expel the ROC dropped to 47 for, 47 against, and 20 abstentions. Moreover, U.N. members which supported the need for a two-thirds majority vote to decide Chinese representation was also diminishing. The 1965 vote on this "important question" was 56 for 49 against, and 11 abstentions.\textsuperscript{13} Table II lists the U.N. General Assembly vote in Chinese representation from 1961 to 1965.

\textbf{TABLE II}

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<tbody>
<tr>
<td></td>
<td>I</td>
<td>R</td>
<td>R</td>
<td>(no vote taken)</td>
<td>I</td>
</tr>
<tr>
<td></td>
<td>104</td>
<td>104</td>
<td>110</td>
<td>114</td>
<td>117</td>
</tr>
<tr>
<td></td>
<td>61</td>
<td>56</td>
<td>47</td>
<td></td>
<td>56</td>
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<td>34</td>
<td>42</td>
<td>47</td>
<td></td>
<td>49</td>
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<td></td>
<td>9</td>
<td>12</td>
<td>13</td>
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<td>12</td>
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</tbody>
</table>

I: A draft resolution to have the U.N. General Assembly decide that any proposal to change the representation of China in the United Nations was an important question.
R: A draft resolution to have the PRC replace the ROC delegation in the United Nations.


With President Nixon's new policy towards China in 1971, the United States Government withdrew its yearly opposition to seat the PRC in the United Nations, but continued to oppose the expulsion of the ROC. Nevertheless, the PRC unyieldingly rejected any proposal that it might be seated in the United Nations along with the ROC.\textsuperscript{14} August 1971, a couple of months prior to a critical U.N. General Assembly vote of Chinese representation, the PRC issued a statement:\textsuperscript{15}

\textsuperscript{13} Ibid., pp.151-52.
should a situation of "two Chinas," "one China, one Taiwan," or "the status of Taiwan remaining to be determined or any other similar situation occur in the United Nations, the Government of the People's Republic of China will absolutely have nothing to do with the United Nations.

Eventually, Peking's insistence resulted in most U.N. members voting for the final ouster of the ROC in October 1971. The U.N. General Assembly rejected the resolution requiring a two-thirds majority was an important question by a vote of 55 for, 59 against, and 15 abstentions. The vote on expelling the ROC and seating the PRC was then 76 for, 35 against, and 17 abstentions.\(^\text{16}\)

On 29 October, 1971, the PRC Government issued a statement concerning the historic U.N. action. The second part of this statement was as follows:\(^\text{17}\)

> The United States and Japanese reactionaries are continuing to spread the fallacy that "the status of Taiwan remains to be determined" and are frenziedly pushing their scheme of creating "an independent Taiwan" in a wild attempt to continue to create "one China, one Taiwan" which is in effect tantamount to "two Chinas." While instigating the representatives of the Chiang Kai-shek clique to hang on in some specialized agencies of the United Nations, they are even vainly attempting to let the Chiang Kai-shek clique worm its way back into the United Nations under the name of a so-called "independent Taiwan." This is a desperate struggle put up by them, and their scheme must never be allowed to succeed. The just resolution adopted by the U.N. General Assembly must be speedily implemented in its entirety. All the representatives of the Chiang Kai-shek clique must be expelled from the United Nations Organisation and all its bodies and related agencies.

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\(^\text{17}\) Peking Review, 27 August, 1971.


The Expulsion of the ROC from Inter-Governmental Organisations under the "One-State-One-Government" Rule

As the result of the ROC'S expulsion from the United Nations in 1971, the PRC immediately replaced the ROC in the Security Council, the Economic and Social Council, and other organs of the United Nations. In addition, the ROC naturally lost its membership in eleven specialised agencies of IGOs related to the United Nations. These are: the United Nations Educational, Scientific, and Cultural Organisation (UNESCO), the World Health Organisation (WHO), the Food and Agriculture Organisation of the United Nations (FAO), the World Meterological Organisation (WMO), the International Hydrographic Organisation (IHO), the International Civil Aviation Organisation (ICAO), the International Telecommunications Union (ITU), the Inter-Governmental Maritime Consultative Organisation (IGMCO), the Universal Postal Union (UPU), the International Labor Organisation (ILO), and the International Atomic Energy Agency (IAEA). All expelled the ROC under the pressure from the PRC, but the PRC have chosen not to enter the ILO and IAEA.18

In 1979, there were only four UN-affiliated organisation from which the ROC hat not been expelled. They were major international financial institutions, including the International Monetary Fund (IMF), the International Bank for Reconstruction and Development (IBRD, that is the World Bank), the International Finance Corporation (IFC), and the International Development Association (IDA).19 Among the four agencies, the membership in the IMF is the key to the others. Early in September 1973, the Foreign Minister of the PRC, P.F. Chi, in a message to the managing director of the IMF, called attention to the action of the United Nations expelling the ROC and demanded that the IMF follow suit. Another similar message also was sent by him to the President of the World Bank.20 In September 1976, the People's Bank of China sent a message to the IMF again demanding the expulsion of the ROC representatives, and declaring that all China's assets in the IMF would belong to the People of the PRC, that only the Pelsey's Bank of China should have the legal right

to deal with these assets, and that any illegal disposal of them would be null and void.\textsuperscript{21} At that time, the system of weighted voting in these financial institutions and the problem of assets and loans involved actually made it unmanageable to replace the ROC with the PRC.\textsuperscript{22} However, the settlement of Chinese representation in the IMF still worked out eventually in April 1980. The PRC accepted or at least tolerated that the settlement provided that the PRC would be seated in place of the ROC, but that the ROC, not the PRC, would be entitled to the restitution of the original gold portion in China's IMF quota.\textsuperscript{23} On 18 April, 1980, the Ministry of Foreign Affairs of the ROC issued a statement, announcing that "its government wished to announce its withdrawal as of this date from the IMF." \textsuperscript{24} The World Bank and the other two agencies followed in May 1980. The Ministry of Foreign Affairs of the ROC similarly issued a withdrawal statement in May 1980. The Ministry of Finance of the ROC sent a cable to these three organisations to lodge a strong protest then.\textsuperscript{25} It is worthy of note that even though these financial institutions excluded all ROC's membership and admitted the PRC as members, the ROC still promised to repay the World Bank US $ 190 million.\textsuperscript{26}

In addition to the above special agencies related to the United Nations, the ROC also lost six members out of the IGOs with which it was originally UN-affiliated throughout the 1970s. The six IGOs are: the Asian-Oceanic Postal Union (AOPU), the International Hydrographic Bureau (IHB), the International Sugar Organistaion (ISS), the International Telecommunications Satellite Organisation (ITSO), the International Union of Official Travel Organisation (IUOTO), and the International Wheat Council (IWC).\textsuperscript{27} On 5 September, 1984, an important IGO, that is the International Criminal Police Organisation (INTERPOL), voted to admit the PRC as a member of INTERPOL.\textsuperscript{28} The following day on 6 September, 1984, the Ministry of Foreign Affairs of the ROC at once issued a statement concerning its membership in the

\begin{itemize}
\item \textsuperscript{21} Ibid., 30 September, 1976, p.A1.
\item \textsuperscript{22} Ralph N. Colugh, op. cit., p.157.
\item \textsuperscript{23} CYILA. Vol.1 (1981), pp.85-86.
\item \textsuperscript{24} Ibid., p.142.
\item \textsuperscript{25} Ibid., pp.142-43.
\item \textsuperscript{26} CYILA. Vol.1(1981), p.86.
\item \textsuperscript{27} China Yearbook (Taipei: China Publishing Co., 1970-79).
\item \textsuperscript{28} CYILA. Vol.4(1984), p.246.
\end{itemize}
INTERPOL. The ROC solemnly declared that "our country expresses its severe condemnation of the illegal decision of the Assembly stated above and will never accept it." but did not announce its withdrawal of this organisation. In 1988, a chief police officer of the ROC participated the General Assembly Session of the INTERPOL in Bangkok, Thailand with "Individual Status." In December, 1992, the membership of the ROC in this IGO was not yet removed while the PRC has been admitted to the organisation. In the event, the membership of the ROC has been referred to the Executive Committee of the INTERPOL for consideration.

Those IGOs in which the ROC still retains membership are because they neither offer the PRC any practical benefits nor foster its Taiwan claim. In December 1992, the ROC still retains membership in ten IGOs as listed in the following table III.

(3) The Coexistence Precedent in the Asian Development Bank under the Hong Kong Formula

The fact that PRC has never seated itself with the ROC together in any IGOs illustrates, once again, the PRC's consistent approach to the Taiwan issue. However, in an important case of the PRC's challenge to its membership of the Asian Development Bank (hereinafter referred to as ADB), a major regional financial institution in Asia and of the PRC's interest, an exceptional case has occurred.

At a meeting of the U.N. Economic Commission for Asia and the Far East (ECAFE) held in Tokyo in April 1973, the PRC announced that the ECAFE should urge the ADB, though not an ECAFE organ but closely related to it, to expel the ROC. But the ADB made no such move. In March 1976, the ADB President stated that although the PRC, as a major Asian state, should have joined the ADB long before, it had not applied to do so. He also enunciated a disposal principle that the ADB would welcome the PRC's application as a new member. However, it could hardly expel the ROC, which had US $90 million loans outstanding.
### TABLE III

The ROC Membership in IGOs in December 1992

<table>
<thead>
<tr>
<th>Name of Organisation</th>
<th>Abbreviation</th>
<th>Date of Establishment</th>
<th>Headquarters</th>
</tr>
</thead>
<tbody>
<tr>
<td>International Union for Publication of Customs</td>
<td>1</td>
<td>Apr., 1891</td>
<td>Brussels</td>
</tr>
<tr>
<td>Tariffs</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Permanent Court of Arbitration¹</td>
<td>29</td>
<td>July, 1899</td>
<td>The Hague</td>
</tr>
<tr>
<td>International Criminal INTERPOL Police Organisation²</td>
<td>7</td>
<td>Sept., 1923</td>
<td>Paris</td>
</tr>
<tr>
<td>International Office of Epizooties</td>
<td>IOE</td>
<td>25</td>
<td>Paris</td>
</tr>
<tr>
<td>International Cotton Advisory Committee</td>
<td>ICAC</td>
<td>5</td>
<td>Washington, D.C.</td>
</tr>
<tr>
<td>Asian Productivity Organisation</td>
<td>APO</td>
<td>26</td>
<td>Tokyo</td>
</tr>
<tr>
<td>Afro-Asian Rural Reconstruction Organisation</td>
<td>AARRO</td>
<td>31</td>
<td>New Delhi</td>
</tr>
<tr>
<td>Asian and Pacific Council</td>
<td>ASPAC</td>
<td>14</td>
<td>Bangkok</td>
</tr>
<tr>
<td>Asian Development Bank³</td>
<td>ADB</td>
<td>22</td>
<td>Manila</td>
</tr>
<tr>
<td>Central American Bank for Economic Integration</td>
<td>CABELI</td>
<td>31</td>
<td>Tegucigalpa</td>
</tr>
</tbody>
</table>


2. The PRC was admitted to the membership of INTERPOL in September 1984 and the membership of ROC was referred to the Executive Committee of the Organisation for study.

3. The PRC was admitted to membership of ADB in March 1986 and the ROC still maintains its membership of ADB though the latter decided to refer to it as "Taipei, China."

4. The ROC was admitted to be an observer of the General Agreement of Trade and Tariffs (GATT) in September 1992.

The ADB was established in 1966 which is later than the 1949 China’s split. Theoretically, it seems that there is no reason for Taiwan’s seat to be treated as the sole Chinese seat. In favour of its membership, the ROC may argue that it joined the Bank in 1966 in its own right as the island of Taiwan, not as the legitimate government of the whole China. The United States, as the ADB’s second largest contributor, even indicated that it is unreasonable to push the ROC out into the cold. In 1983, J. Bohn, who represented the United States on the board of the ADB, said that although the United States recognises the PRC, Taiwan was a co-founder of the 17-year-old bank and has been a "loyal member." Accordingly, in the 1983 session of the ADB, the United States took a strong stand on the issue, insisting that the PRC should apply for a new membership; Japan, as the ADB’s largest contributor, also objected to the expulsion of the ROC, even though it favoured opening the door to China since more construction capital for mainland China means more contracts for Japanese traders and industrialists. Through the strong objection of the United States and Japan, the PRC seemed willing to compromise. Hence in 1983 Deng Xiaoping reportedly advised Professor Winston Yang that Taiwan could retain its ADB membership under the name "China Taipei." 

The Bank was established in 1966, 17 years after China’s split between the ROC in Taiwan and the PRC in the mainland in 1949. In theory and in practice, the two governments can be accommodated together if they so agree. The ADB President, M. Fujioka, who personally had visited both Taipei and Peking and had almost fifty contacts with them for over three years, has wooed the two antagonists into a historic accommodation. It is understood that all national flags in the ADB will be removed understood that all national flags in the ADB will be removed from the Bank, and governors (mostly Finance Ministers or Central Bank Governors) may dispense with the name of their countries on their conference desks. Of course, that will minimize friction at the annual meeting. But the names of two parties will still be required on legal documents and in internal or external communications or published reports. While that was acceptable to the PRC, the ROC has persistently rejected its new name as "China Taipei". The Premier of the ROC, K.Yu, asserted that the ADB has absolutely no right to insist on such a change of name. Fujioka would
agree, but hoped nevertheless, to reach an understanding along these lines.\textsuperscript{35}

In fact the United States already proposed various new names for the ROC to choose. There are (1) China Taiwan; (2) Taiwan, China; (3) China Taipei; (4) Taipei, China; (5) China, Taiwan; (6) Taiwan China; (7) China, Taipei; (8) Taipei China. The ROC was interested to accept one of (5)-(8) and objected to the others, while the PRC was willing to take any kind of (1)-(4) and rejected the others.\textsuperscript{36} Finally, it has been resolved that the PRC would be called "China" and the ROC should be called "Taipei, China".\textsuperscript{37} That is how Taiwan's name would appear in English, but in the Chinese language the more important parts of place names are given first, so it would read "中國台北-China Taipei". However, the ROC, in public, still strongly rejected a change of its name.

The PRC's entry into the ADB was universally expected. A formal application has been made by the PRC and two-thirds of the 35 governors approved its admission in a postal ballot in 1986. The PRC was admitted to the membership of the ADB in March 1986, and the ROC still maintains its membership of the ADB though the latter decided to refer to it as "Taipei, China".\textsuperscript{37} The ADB officials pointed out that the Taiwan authorities have threatened to leave if the other ADB members require such a change of its name. But the ROC's threat is so far limited to a protest. On 11 March, 1986, the Ministry of Foreign Affairs of the ROC issued a statement to protest what its so-called "illegal" change of its name. Part of this statement reads as follows: \textsuperscript{38}

\textbf{The designation "Taipei, China" is patterned after the so-called Hong Kong formula in an attempt to downgrade the status of the ROC from a local government. This is a new united front tactic taken by the Chinese Communists and its totally unacceptable to the Government of the Republic of China.}

\textbf{It is earnestly hoped that the ADB uphold the principles enunciated in its Agreement, respect the basic rights of its members, and reconsider the case so as to reach a just and reasonable solution.}

\textsuperscript{36} Democratic Progressive Weekly (Taipei), No.10, 23-29 April, p.27.
\textsuperscript{38} Ibid., p.256.
The ROC has adopted three principles about its membership in the ADB. Firstly, the ROC did not withdraw from the ADB; secondly, it did not accept this change of its name; and thirdly, it did not attend the annual meeting in 1986 and 1987. The first principle represented that the ROC did not change its consistent stand which it was unwilling to seat with the PRC together in international organisations. The second principle revealed that the ROC still holds its position as the legitimate status of a sovereign state of China instead of a local government. The third principle meant that it intended not to attend the formal ADB conferences temporarily. In practice, the ROC already refused to attend the 19th and 20th annual meetings of the ADB in 1986 and 1987. But on 28 April, 1988, it decided to go back to attend the 21th annual meeting in Manila. For the purpose of continuing to hold the above second principle, the ROC delegation name tag "Taipei, China" on the conference table. Further, on 6 April, 1989, the Ministry of Foreign Affairs of the ROC even announced that in May 1989 the ROC should send an official delegation led by its Fiance Minister, Mrs. Shirley Kuo, to attend the 22th annual meeting in Peking. The ROC emphasised that this decision would not be contrary to its current "Three Nos" policy because the mission should attend the international meeting but not contact or negotiate with Peking about the bilateral relation issues of both parties. In addition, the ROC reiterated that the decision absolutely would not mean that it already agreed to accept the name "Taipei, China" in the ADB. Again on 2 May, 1990, the ROC attended the 23rd annual meeting of the ADB in New Delhi, India.

No other IGO has succeeded in keeping both Chinas as members simultaneously. The ADB looks like the first IGO to accommodate both the ROC and the PRC provided that the last procedural details can be completely settled. If so, such a compromise could break the jam in opening the way for Taiwan to participate again in all IGOs where the PRC has replaced it. The precedent of Hong kong-- which in 1997 will become "Hong Kong, China". and now is already a full member of the ADB under the name of "Hong Kong, United Kingdom" -- may become more germane to the ROC Government.

In the same vein, the ROC filed its membership application with the General

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Agreement on Tariffs and Trade (GATT) in the name of "The Customs Territory of Taiwan, Penghu, Kinmen and Matsu" in January 1990. It was admitted to be an observer of the GATT in September 1992. The membership of the ROC and the PRC in the GATT is being considered currently. This should be another coexistence precedent in IGOs since 1986 if both are admitted to membership of the GATT.

B. INTERNATIONAL NON-GOVERNMENTAL ORGANISATION

Since the PRC was admitted to the United Nations in 1971, it has not only pressed for the expulsion of the ROC from IGOs, but has also sought its exclusion of the ROC from all kinds of private international organisations. Obviously the International Non-Governmental Organisations were another battlefield in which the PRC displayed its concern for the Taiwan issue.

(1) The Rule of Sole Legitimacy of the PRC for its Challenge to the Membership of International Non-Governmental Organisation during the 1970s

The PRC has placed pressure on these NGOs related to those UN-affiliated IGOs in order to expel the ROC. At first, it concentrated on the more than three-hundred NGOs related to the United Nations Educational, Scientific, and Cultural Organisation (UNESCO).

At the 93th session of the Executive Board meeting of the UNESCO in October 1973, the PRC introduced a resolution asking the UNESCO to urge all NGOs maintaining relations with it to expel "representatives of the Chiang Kai-shek clique ". The resolution was adopted overwhelmingly with only one vote, by the United States, against it.41 The same actions, with similar resolutions submitted and adopted by the UNESCO, were renewed by the PRC during the 18th, 19th and 20th General Conferences of the UNESCO in 1974, 1976, and 1978 respectively. In November 1974, it prevailed on the 18th General Conference in Paris to pass a resolution urging all those NGOs maintaining relations with the UNESCO to immediately break off all relations at once with "bodies or elements linked with Chiang Kai-shek." 42 Only some of the NGOs complied with the UNESCO's advice. Therefore, at the 19th

General Conference in Nairobi in November 1976, the PRC sought and obtained acceptance of another resolution, which stated that "a few leaders of certain international organisations stated that "a few leaders of certain international organisations have hitherto continued to permit the Chiang bodies or elements to carry out illegal activities in these organisations in violation of the resolution adopted by the UNESCO general conference at its 18th session." It also asserted that "the bodies or elements linked with it have no right whatsoever to join any international organisations, whatever name they may use." 43 Again, the resolution of the 20th General Conference in November 1978 also asked NGOs concerned to expel the ROC. The resolution noted that "with preoccupation that the branches, sections, or elements having ties with the Chiang clique and usurping the name of China or employing all other names are committing illegal activities within certain non-governmental international organisations maintaining relations with the UNESCO." It is significant that the PRC seemed to have softened its absolute isolation policy since this Conference. Evidently at this 20th conference, it further stated that "we are not against the participation in various non-governmental international scientific and technical and academic conferences by scientists of Taiwan province in the capacity of individuals." 44

Similar actions were taken by the PRC in the World Health Organisation (WHO), the International Civil Aviation Organisation (ICAO), and the World Meteorological Organisation (WMO). Its resolutions calling upon affiliated NGOs to expel groups or individuals linked to the ROC were passed by the WHO in January individuals linked to the ROC were passed by the WHO in January 1974 45 and the ICAO in April 1976. 46 However, in May 1975, the PRC failed to pass a similar resolution in the WMO. 47

It is hard to evaluate the effect of those adopted resolutions which intended to preclude the ROC members in NGOs in order to make a place for one from the PRC, because the NGOs related to the UNESCO, the WHO……etc., are numerous. However, a few cases, such as the two cases that follow, revealed that these resolutions


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have sometimes failed.

Fistly, the International Council of Scientific Unions (ICSU), a NGO closely related to the UNESCO, has proved resistant to the PRC’s pressure or persuasion. The ICSU took the position that since it is a non-political agency, membership should be welcome for bona fide scientists or scientific bodies regardless of their provenance. In November 1976, only a few days after the 19th General Conference, in which UNESCO had passed its pro-PRC resolution, the General Assembly of the ICSU adopted a resolution embodying its stand concerning Chinese scientists. At once, the PRC issued a statement charging the ICSU for "rabid activities of creating 'two Chinas' or 'one China, one Taiwan'".48 In spite of PRC’s protest, the ICSU, nevertheless, passed a resolution in May 1980, accepting separate bodies from the PRC and the ROC as full members representing Chinese scientists. The PRC thus refused to attend the meeting in September 1980 on the ground that it should not treat Taiwan as a full member of the the ICSU.49

The case involving the International Badminton Federation (IBF) was the second case. In May 1977, the IBF passed a resolution which admitted the PRC as an IBF member and excluded the membership of the ROC. However, the Badminton Committee of the ROC challenged the decision of the IBF by bringing the controversy to the British Court. The Court determined that the expulsion of the ROC was invalid and ordered the restoration of the membership of the ROC. The IBF accepted the ruling of the British Court involving the disputed issue.50

As far as the PRC is concerned, its primary regard in international organisations is its legitimacy. But the NGOs are more multifold than the IGOs. Although the PRC has made every endeavour to seek the exclusion of the ROC from all kinds of NGOs in order for it to implement its one-China principle, the number of the NGOs in which the ROC retained membership had actually increased during the 1970s. By


FBIS-China, 14 October, 1977, p.C1. Since the IBF accepted the decision of the British Court, the PRC declined to join the IBF but went ahead and organised a new World Badminton Federation (WBF) with Asian countries. Later in 1981, the IBF and the WBF merged into one organisation (still called IBF). However, the ROC changed its name as "the Chinese Taipei Badminton Committee," see Renmin Ribao (People's Daily), 26 March, 1981. CYILA, Vol. (1981), pp.88-89.
1979, the membership of the ROC in the NGOs had slightly increased to 254,\textsuperscript{51} as compared to 1973 the number was 246.\textsuperscript{52}

Throughout the 1970s, the PRC adopted the isolationist policy that if any IGOs or NGOs whose members admitted the ROC, the PRC refused to join unless and until the ROC was completely precluded. However, the isolation overtures has not gone through in all NGOs. Once more, in the model case of International Amateur Athletic Federation (IAAF) [Reel V. Holder, \[1979\], I. W.L.R. 1252] illustrated in the following is a good elucidation of the PRC’s eventual failure to utilise its political upper hand as a widely-recognised sovereign state of China to expel the ROC from NGOs.

In Puerto Rico, the PRC was, by a majority vote, accepted as an IAAF member, with jurisdiction also over Taiwan, to the exclusion of the ROC in 1978. The controversy was brought to the U.K. Queen’s Bench Division in 1979. The IAAF is an unincorporated association with its head office in the United Kingdom. Membership of the Federation is open to the "national governing body" of any "country", and it is expressly provided that the jurisdiction of members of the Federation shall be limited “to the political boundaries of the 'country' they represent.” \[Rule I(2) of the Federation\]. Perhaps, from the viewpoints of the British Government and of international law both agree that the state, China, incorporates the entire territory under the control of the PRC and under the control of the ROC. However, the rule of the Federation employs the term "Country", which is not necessarily coextensive with the term "State". In other words, the ROC in Taiwan is to be regarded as a country separate from mainland China. Therefore, Forbes J. held that the ROC in Taiwan forms a separate country within the meaning of the rule of the Federation, so that the Taiwanese association remains in law a member of the IAAF and that the expulsion of the ROC from Taiwan was invalid. Part of his reasoning reads:\textsuperscript{53}

\begin{quote}
I do not think that either the meaning of the term 'country' or the identity of
\end{quote}

\begin{list}{}{}
\item[(註五)] China Yearbook (Taipei: China Publishing Co., 1979), p.373.
\item[(註五二)] China Yearbook (Taipei: China Publishing Co., 1979), p.356.
\end{list}
a country, once defined, can conclusively be deduced from the attitudes, or aspirations, of these respective authorities or even of the athletes themselves. The word must be given its ordinary meaning, having regard to the 'factual matrix' in which it was formed. I should find it surprising if the ordinary person did not regard Scotland and Wales as being examples of countries; in doing so they would not be considering the existence, or absence, of a separate government, nor the desire, or lack of it, of any of the inhabitants of either area to achieve the position of belonging to a separate state......Despite reference to 'international' competition and to 'national' authorities in the IAAF rules, I see no warrant for equating 'country' with 'nation' for the 'terms international' and 'national' are not insisting on nationhood in the sense of political independence or ethnic origin. The significant part of rule I seems to me to be that the bodies to be elected must be those 'in control of amateur track and field athletics', in the countries which they represent. The sentence in rule I.I 'Only one member for each country can be affiliated' was never, in my view, intended to regulate differences caused by rival political claims to sovereignty; it was clearly introduced to prevent, or compose, a situation where, although the identity of the country was not in dispute, there were two or more rival associations within the country claiming that they were in control of the athletes situated there.

The Court of Appeal, Civil Division upheld the judgment of the Queen's Bench Division in June 1981. Eveleigh L.J. delivered his opinion as follows:54

That rule [9(7) of the Federation] clearly contemplates that there may be an existing member of the federation which is a colony and not itself a sovereign state. The word ['country'] is used in the rules in the sense of an area or part of the world where the applicant has authority in relation to athletics and an area to which the word 'country' is appropriate because the inhabitants share the right to live there in common as one distinct people. This is a question to be answered broadly and not on a

political basis alone. Political status may have some relevance. It may perhaps help to see the inhabitants as being one people, but it is not the decisive factor.

(2) The De Facto Participation of ROC in International Non-Governmental Organisations in the US-PRC Post-Normalization

The decision of the British Court would seem to have established a legal basis in British municipal law that such NGOs could open their membership to the ROC as a region of China, seated together with the PRC representing China. In practice, some NGOs usually also admit countries, colonies, trustee and so on, such as "Hong Kong, United Kingdom," "Guam, United States," "Puerto Rico, United States." As their members. Fortunately, the PRC began with its "peace campaign" for Taiwan after US-PRC normalization of relations in 1979. As a part of its extensive peace strategy, the PRC no more opposed the ROC’s participation in NGOs as a region of China or an unofficial status. What the PRC’s concern is over Taiwan’s nominal subordination to it in NGOs under the one-China principle. Under this condition, it could tolerate Taiwan’s de facto participation as an ordinary full member. Consequently, two separate members from Peking and Taipei which coexist with each other in the NGOs was successful. Some significant cases, including the case of the International Olympic Committee, follow.

The prelude to the PRC’s new stand was first revealed at an international conference of high-energy physics in August 1978. At the conference held in Tokyo, for the first time since China’s split in 1949, the representatives from the mainland and Taiwan coexisted with each other in an international occasion without walking-out or trying to expel each other. Two months later, the Vice President of the Academy of Science of the PRC, P.Y. Chou interpreted Peking’s attitude that only scientific organisations of the PRC could represent China in international scientific organisations, however they "welcome scientists from Taiwan province participating as individuals in international conferences which we attend." 55

One year later, the PRC’s soft overtures towards Taipei also reacted in the case of the International Astronomy Union (IAU). In August 1979, two Chinese delegations participated the 17th General Assembly of the IAU in Montreal. After a
protracted dispute over the Chinese representation, although the two parties finally compromised to establish a principle of "one China, two adherent bodies," which meant that the astronomy organisation from the mainland and Taiwan have "equal footing" in terms of ordinary members' rights and obligations, both remained intransigent over what name each should employ. The PRC delegations made a proposal that the Taiwan body would use the name of the "Astronomical Society of Taipei, China," but the ROC delegation turned down. Later, the Executive Committee of the IAU decided the "equal footing" treatment might also apply to the name issue. So it arranged the juxtaposition of the "Chinese Astronomical Society (Taipei)" and the "Chinese Astronomical Society (Nanking)" [where its organisation is located] under the country title "China." As a result, the ROC opposed it and consequently did not join the IAU as a member at that time. The following case which involved the International Pure and Applied Chemistry Union (IPACU) was similar as that of the IAU. During the 30th General Assembly of the IPACU held in Switzerland in September 1979, the IPACU reaction to the PRC delegations' insistence that its own name would have to reflect its "sole" legitimacy, was to adopt a resolution which permitted the China seat to be divided into two parts: the "Chinese Chemical Society" representing mainland China and the "Chemical Society located in Taipei, China" representing Taiwan. As a result, the PRC was pleased to attend the IPACU to be seated with ROC again while the latter drank its bitter tincture.

Among all NGOs, the International Olympic Committee (IOC) was the lengthiest and hardest contest for the membership between the ROC and the PRC. Early in 1954, the IOC approved the PRC's All-China Sports Federation (ASCF) as a member of its national Olympic Committee. But after its failure to fight for the expulsion of the ROC's national Olympic Committee, the PRC withdrew its membership from the IOC in 1958. Not until April 1975, did the PRC apply again to the IOC for the restoration of its membership; it was still intractable in its insistence that the IOC would exclude the ROC and affirm its ACSF as a sole athletic association representing the whole China, including Taiwan. The IOC once again declined to preclude the ROC

(註五六) Ibid., pp.91-92.
(註五七) Ibid., p.92.
but accepted the application of the ACSF as a new member. Being unable to obtain concession from the IOC, the PRC was reluctant to join it but took further action on the Olympic Games instead.\textsuperscript{58} Before the opening of the Olympic Games in Montreal in May 1976, the PRC pressured the Canadian Government to refuse admission of athletes from Taiwan. Ottawa declined to go so far to accommodate Peking but notified the IOC that the Taiwan team would not be allowed to compete under the name “Republic of China”, to use its national flag, or to play its national anthem. The Canadian decision was severely denounced by the IOC and the United States Government. Canada later withdrew its ban on the use of the ROC’s national flag and anthem, but the Taiwan team, still being denied the right to use the name of the ROC, withdrew from the 1976 Olympic Games.\textsuperscript{59}

In the US-PRC post-normalization period the PRC, owing to its extensive peace overtures, was no longer opposed to Taiwan’s membership in the IOC. In February 1979, the PRC’s ACSF renewed its membership application to the IOC, demanding recognition as the only Chinese Olympic Committee. The 81st General Assembly of the IOC held in Montevideo, Uruguay, in April 1979 accepted the PRC’s renewal and decided that the resolution that two Chinese Committees should be recognised so as to have both of them, representing mainland China and Taiwan respectively. Shortly after, the PRC’s ACSF announced that the “only way to solve the question of China’s representation is to recognise our Olympic Committee as the national Olympic Committee of the whole of China.” But it went on to state that as “an interim arrangement, the sports organisation in Taiwan may remain in the IOC”, under the name of the ‘China Taiwan Olympic Committee’; but it must not use any of the emblems of the so-called ‘Republic of China;’ we shall only accept solutions compatible with the above-mentioned condition”. In June 1979, the Executive Board of the IOC held a meeting in Puerto Rico and proposed a new formula that actually amounted to the complete acceptance of the PRC’s conditions. The formula asked the ROC Olympic Committee to change its name to the “Chinese Taipei Olympic Committee”, while the PRC Olympic Committee would be regarded as the “Chinese Olympic Committee”. It also recommended that the ROC Olympic Committee change its flag and anthem in the Olympic Games. Four months later, the Executive

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\textsuperscript{58} Peking Review, 6 June, 1975, p.18.


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Board of the IOC approved the above formula in Nagoya, Japan in October 1979. The Nagoya resolution required Taipei to change its name to “Taipei, china,” and abandon its ROC flag and anthem, while Peking would be referred to simply as “China” and entitled to use the national flag and anthem of the PRC. This appeased the PRC but provoked strong opposition from the ROC. Therefore, the ROC Olympic Committee sued the IOC for violationg its own charter in the Laussane court of Switzerland (where the IOC headquarters is located) challenging the issue that Rule 24F provided that members should use their national flags and anthems on such occasions as the opening and closing ceremonies at the games. Nevertheless, the IOC immediately amended its charter that all provisions concerning “national flags” and “national anthems” were replaced with “flags and anthems of the Committee”. As a result, the ROC Olympic Committee withdrew its lawsuit and, instead, accepted the new name “Chinese Taipei Olympic Committee” as well as adopted a new flag on 23 March, 1981. The PRC’s ACSF subsequently stated its welcome to the action of the ROC Committee.60

Peking’s tolerance of Taiwan’s de facto presence in international NGOs as a nominal region of China has been the PRC policy towards Taiwan since 1980. The flexible foreign policy was welcome and workable from the world community. Thus the ROC was able to enlarge its membership in international NGOs up to 756 as of December 1990. However, even if the membership of the ROC these international NGOs are regarded as the sub-national level in accordance with the PRC position, they still remain independent and are full voting members no matter how the national name of the ROC changes. These international NGOs are listed in the following Table IV.

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TABLE IV

THE ROC MEMBERSHIP IN NGOs AS OF DECEMBER 1990

<table>
<thead>
<tr>
<th>Nature of Organisations</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Science &amp; Technology</td>
<td>71</td>
</tr>
<tr>
<td>Medicine &amp; Hygiene</td>
<td>108</td>
</tr>
<tr>
<td>Agriculture, Forestry, Fishery, Stock Raising &amp; Irrigation</td>
<td>45</td>
</tr>
<tr>
<td>Religion</td>
<td>61</td>
</tr>
<tr>
<td>Charity &amp; Social Welfare</td>
<td>12</td>
</tr>
<tr>
<td>Education</td>
<td>21</td>
</tr>
<tr>
<td>Journalism</td>
<td>16</td>
</tr>
<tr>
<td>Culture &amp; Arts</td>
<td>42</td>
</tr>
<tr>
<td>Politics &amp; Administration</td>
<td>32</td>
</tr>
<tr>
<td>Law &amp; Police Administration</td>
<td>19</td>
</tr>
<tr>
<td>Labor Organisation</td>
<td>12</td>
</tr>
<tr>
<td>Women, Family, Youth, etc.</td>
<td>13</td>
</tr>
<tr>
<td>Communication &amp; Travel</td>
<td>37</td>
</tr>
<tr>
<td>Recreation &amp; Refreshment</td>
<td>25</td>
</tr>
<tr>
<td>Trade, Finance &amp; Insurance</td>
<td>58</td>
</tr>
<tr>
<td>Mining</td>
<td>6</td>
</tr>
<tr>
<td>Engineering &amp; Telecommunications</td>
<td>36</td>
</tr>
<tr>
<td>Research, Development, Training, Productivity &amp; Management</td>
<td>45</td>
</tr>
<tr>
<td>Energy</td>
<td>8</td>
</tr>
<tr>
<td>Sports</td>
<td>89</td>
</tr>
<tr>
<td>Total</td>
<td>756</td>
</tr>
</tbody>
</table>


Summary and Conclusion:

Taiwan's international status could also be measured by the membership in the international agencies. Thus, international organisations, including Inter-Governmental Organisations (IGOs) and International Non-Governmental Organisations (NGOs) were the other arena wherein the Taiwan issue was also involved.

Among IGOs, the most important organisation is the U.N. The ROC was a charter member of the U.N. and one of the five permanent members of the Security Council. However, after a series of battles for the Chinese representation in the U.N., most members of the U.N. voted to expel to the ROC and its seat was taken by the
PRC in October 1971. Because of its expulsion from the U.N., the ROC subsequently lost its membership in 11 specialised agencies of IGOs related to the U.N. Other memberships of non UN-affiliated organisations were also lost. In December 1992, the ROC only retains membership in 10 IGOs. No other IGOs has succeeded in keeping both Chinas as members simultaneously under the one-China principle. Nevertheless, the coexistence precedent in the Asian Development Bank (ADB) under the Hong Kong formula is the first one to accommodate both the ROC and the PRC in IGOs.

During the 1970s, the PRC applied the rule of sole legitimacy for its challenge to the membership of NGOs. It had taken its isolationist policy that if any NGOs, whose members admitted the ROC, the PRC would decline to join unless and until the ROC was completely precluded. However, its overtures did not go through in all NGOs such as the International Amateur Athletic Federation case [IAAF]. Since 1979, the PRC has no longer opposed the ROC’s participation in NGOs as a region of China or on an unofficial basis. It could tolerate Taiwan’s de facto participation as an ordinary full member. Hence, the ROC was able to enlarge its membership in NGOs to 756 as of 1990.

In the international politics, the PRC’s major concern in the diplomatic relations and international institutions with regard to the Taiwan issue is the Chinese national legitimacy or supremacy. In the international practice, the PRC could endure the ROC’s de facto participation in NGOs in the US-PRC post-normalization under a regional or subordinate name, while it never discloses its similar concession for membership of the ROC in IGOs and the ROC’s diplomatic relations with the other world states. As far as the PRC is concerned, it is as requisite to oppose “One China, One Taiwan” as it is to oppose “Two Chinas” under the one-China principle.