



THE ATLANTIC COUNCIL
OF THE UNITED STATES
ASIA PROGRAMS

**Taiwan and International Organizations:
Assorted Obstacles**

By

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September 2002

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Introduction

Let us stipulate for purposes of discussion that, based on the principle of universality and on fundamental fairness, Taiwan deserves to participate in all international organizations, even perhaps as a member.

Let us stipulate that a good case can be made that the governing authorities do possess sovereignty and therefore have a presumptive right to participate in all international organizations.

Let us stipulate that the PRC's effort to block Taiwan's effort to participate or join international organizations is mean-spirited and also undermines its own goal of unification, because it alienates the Taiwan public.

Let us stipulate that there is no strategic interest of the United States that compels us to bow to Beijing's view on these issues and that the U.S. government should do more than it has to assist Taiwan participate in international organizations even if it should anger the PRC.

Let us stipulate all this – in essence that Taiwan has a strong moral case. Unfortunately, none of that gets Taiwan any closer to its goal. On one hand, the international system does not usually operate according to morality. On the other, Taiwan faces daunting conceptual, historical, and political obstacles to breaking the PRC's international blockade against it.

Conceptual Obstacles

The main conceptual obstacle is the long Westphalian legal tradition that states are the primary actors in the international system. Primary in the sense of major, and primary in the sense of first. Before there were international organizations, there were states. States created international organizations and in many cases restricted membership to states. New states came into being by and large through the actions of existing states or with their assent.

For example, there is a state called China. Even in the years of division after the 1911 Revolution, when first warlords contended to be the government of China and later Nationalists and Communists fought a bloody civil war, China existed. The ROC government was recognized as the legitimate government of China after 1928 and represented China in the League of Nations. The ROC was one of the founding members of the United Nations in 1945 and represented China until that right was transferred, by action

of the United Nations in October 1971. In all international organizations that come to mind, there is a member named China.

Thus the U.S. statement in the joint communiqué establishing diplomatic relations between the United States and the PRC that it “recognizes the Government of the People’s Republic of China as the sole legal government of China” had profound implications for how to handle representation issues in international organizations. The United States no longer recognized the ROC as the government of the state China, and it did not assert that the ROC or Taiwan was somehow a separate state. Other countries made similar undertakings when they established relations with the PRC. So how, the logic went, could the ROC possibly enter – at least as a member – those many organizations that had statehood as a prerequisite for membership? Bill Clinton’s third “no” – that the United States did not support Taiwan’s membership in such organizations – had its origin and basis in the U.S. declaration of December 15, 1978. He was only making explicit what had been implicit for twenty years.

There have been many efforts in international law, most prominently in the Montevideo Convention of 1933, to define the qualifications of a state “as a person in international law.” There are four criteria: (1) a reasonably large and stable population; (b) a reasonably well-defined, substantial contiguous territory; (3) a government that exercises reasonably effective authority over its people and territory and that does not answer to the government of a larger entity; and (4) the capacity of that government to enter into relations with other states. Taipei can make a fairly strong case that it possesses all of those characteristics. It can also point to the principle of popular sovereignty and the indisputable fact that the people of the island have constituted their government through elections. The problem with deductively deriving a claim of statehood from these abstract qualifications is that there exists no authoritatively binding mechanism for validating Taipei’s claim and dismissing the counter-claim of the PRC that Taiwan is not a state but simply a province of China. There is no membership committee for the club of states.

It should be noted that there are some ambiguities in Taipei’s position. Does it now regard the ROC the government of the state China? Does its sovereignty extend to all of China or just the territories under its jurisdiction (Taiwan, Penghu, Jinmen, Mazu)? Or is the ROC the government of a new state, Taiwan? And what is to be made of the gambit of some in Taiwan that there should be a plebiscite as an act of self-determination to establish Taiwan’s statehood?

We can, however, dismiss one common PRC basis for rejecting Taipei’s claim that it is a state; that is, that Taiwan is thereby rejecting unification and engaged in a plot to create an independent Taiwan. There are national unions that are composed of sovereign states. The United States started that way. Taipei’s assertion that it is a state is inconsistent with Beijing’s one country, two systems formula for unification. But that is a highly restrictive approach, one that manifests the PRC’s lack of creativity.

The main point is that the long-established rules of the international system, and the fact that existing, recognized states usually have the final say over who gets to join their club, works against Taiwan’s desire to secure a presence in international relations. Ironically, the PRC, which early on had a revolutionary agenda for the international agenda, is now, quite understandably, one of the strongest defenders of Westphalian norms. The only exception to this unhappy situation are organizations like APEC and the WTO, for which membership was not restricted to states but deliberately opened up to economic entities and special customs territories, so that Taiwan could join.

The Burden of History

The second obstacle to Taiwan's effort is history. This has been a long struggle, a contest that began not ten years ago when now-Vice President Annette Lu began a campaign for U.N. membership, nor five years ago when Taiwan first sought to become an observer to the World Health Organization. It began fifty-three years ago, when the Chinese Communist Party declared the establishment of the government of the PRC and sought diplomatic recognition from all countries, membership in international organizations, and an end to the special relationship that had existed between the United States and the ROC. The ROC was winning that struggle through the 1950s but the tide began to turn around 1960 as de-colonization spelled the emergence of a number of new countries that were more ideologically inclined to Beijing. There then ensued an annual battle for China's seat in the United Nations, in which the United States and the ROC worked together to build a coalition opposed to the PRC's entry and the ROC's expulsion. With the waning of the Cultural Revolution and the defections of countries like Canada, Taiwan suffered a series of losses through the 1970s. The PRC now has diplomatic relations with most of the countries of the world and membership in all state-based international organizations. Taipei has over twenty diplomatic partners, and the factors at play in keeping them are understood. It has substantive relations with far more countries, but the United States is the only one willing to maintain any kind of symmetry in its ties with Beijing and Taipei. Most others tilt toward the PRC.

There are several interesting features about the struggle. The first is that Taipei relied first and foremost on the United States in the time-consuming battle to preserve the ROC seat in the United Nations, and it could do so because of its political influence in the United States. On those occasions when the U.S. government believed that flat-out opposition to PRC admission was not the best strategy, Chiang and his officials usually urged that Washington exert itself and pressure those countries that might change sides. The ROC could manipulate its dependence on the United States because successive administrations knew that Chiang Kai-shek's supporters in the Congress and country would punish it for lack of effort. John Kennedy, for example, was afraid that former President Eisenhower, who had offered generally to be supportive on foreign policy, would come out of retirement if Kennedy reversed past policy on China. The key indicator of policy continuity was keeping Taiwan in the United Nations.¹

Washington did not get much help from its allies. Indeed, China policy was a source of division in the U.S.-UK relationship. Britain's preference from the beginning was that the PRC receive broad recognition, that it gain entry into the United Nations, and that it represent "China" at the San Francisco peace conference with Japan. It was only because of politically driven opposition from the United States that the ROC was able to hang on for so long. It was the decision of countries like France and Canada to recognize Beijing that finally tipped the scales in the latter's favor.

The United States tried to promote a number of ideas that might have kept the ROC in the U.N. and other international organizations. These attempts failed because of the rigidity of Chiang Kai-shek. With respect to the United Nations, Washington had been able to place a moratorium on the China representation question until 1959. It then realized that if the prevailing trend of more Third World members continued, Taipei was doomed. So it toyed with a number of formulae that would have preserved the ROC's membership but for the first time allowed the PRC in. At most, there would have been a two-China decision. At worst, the PRC would have rejected membership on those terms and the burden of exclusion would be on its shoulders, not those of the United States and the ROC.

¹ *Foreign Relations of the United States, 1961-1963*, Volume 22, *Northeast Asia* (Washington, D.C.: Government Printing Office, 1996; hereafter *FRUS, 1961-1963*), 42-46.

The most interesting of these ideas was the dual successor state formula. The logic here was that the single state (called the ROC) that in 1945 helped found the United Nations had been succeeded by two states. The ROC still existed and the PRC had emerged. These two states, it was argued, should both be members of the United Nations. This logical foundation has recently been resuscitated. Lee Teng-hui's advisers who developed the thesis that cross-strait relations was a "special state-to-state relationship" had a different analytical point of departure but the logic and the result were essentially the same.

What was Chiang's response to these American innovations? It was to reject them out of hand. In his view, there could be no coexistence or compromise between the legitimate government and rebel groups (in Chinese, *hanzui buliangli*). In Chiang's eyes, the ROC was the legitimate government and the Beijing regime was composed of traitorous rebels. To allow them into the United Nations on an equal basis was morally wrong and a big blow to his own legitimacy and his rationale for denying political freedom to the people of Taiwan. The practicalities of the situation did not matter to him. The United States would just have to try harder to preserve Taipei's seat. It was only in the summer of 1971, after Henry Kissinger's secret mission to China and after it was already too late, that Chiang agreed to a dual representation approach that was antithetical to the position to which he had adhered for years.

In the 1960s, ironically, the United States was flexible on the ROC's status in international relations when Taiwan was rigid. When Taipei began proposing flexible approaches in the 1990s, the United States was locked into its view that the PRC was the sole legal government of China. What has not changed over fifty years is Taipei's tendency to over-estimate U.S. capabilities and its allies' refusal to be supportive at all.

Political Obstacles

This history of five decades of diplomatic struggle has a very practical consequence. That is, Beijing is not easily going to give up the gains it has achieved. Many of the PRC's senior diplomats earned their stripes in the victorious campaign to get their government in and Taipei out of state-based organizations. They remember how hard it was to attack the well-fortified positions of their adversary, and the PRC Foreign Ministry probably gains political points domestically for vigilantly and aggressively opposing Taipei's efforts to somehow get into organizations like the United Nations and the World Health Organization.

But these are secondary factors. The PRC government has defined membership in state-based international organizations as its monopoly. It has further defined Taipei's effort to break that monopoly as "splittism", and therefore something to be opposed. Its definition of the one-China principle with respect to the international arena is quite explicit, and its occasional hints that Taipei might get to participate in some form after unification are not attractive to the ROC.

It is hard to deny that the PRC has the advantage in defending its position against Taipei's more recent attacks. One cannot over-estimate the value of the PRC's being in these organizations and having leverage over many of the important members. Indeed, the United States government's assessment as it has tried to help Taipei on this front is that once the PRC is in, it is almost impossible to overcome the barriers that Beijing is able to erect. The United States believes that its leverage, while not trivial, is limited, especially with regard to Europeans. Also, the United States occasionally has an agenda of its own in these organizations, for which, for better or worse, it is useful to have Beijing's support.

Again, the exception to the PRC's barring of Taiwan from organizations of which it is already a member are non-state-based organizations like APEC and WTO, where the United States can use its control over the PRC's terms of entry in order to leverage access for Taipei on reasonable terms.

This apparent reality applies both to membership and observership. Even if Taipei can make a case that observership is allowed in an organization like the WHO, that really does not change the political game. The PRC regards a status like observership as just a half-way house on the road to membership so it will oppose it just as strongly as it would membership. Far better from Beijing's point of view to keep Taipei out than to let it part way in.

Conclusion

Given the assumptions stated at the beginning, Taiwan deserves to participate in international organizations. At the same time, Beijing is undermining its stated goal of unification by opposing Taipei's international efforts at every turn. Right now the deck seems stacked against Taiwan. The ROC had a good hand forty-plus years ago and badly misplayed it. Chiang Kai-shek's rejection of American pragmatism on the United Nations has been his most lasting legacy to the people of Taiwan.

What to do? In the abstract, there are a couple of alternatives to the current, fairly high-profile approach. The first is for Taiwan to accept the idea that this issue can only be addressed in the context of cross-strait relations because it is part of the core issue in cross-strait relations. That is a fairly passive stance. The second is to engage in a long-term, incremental campaign to build support for Taipei's position – in effect, engaging in the kind of struggle that Beijing did, but under different and more difficult circumstances. The United States can play a useful and sympathetic role in that effort but cannot take the lead. Taipei must take the lead, and both the government and public must be prepared to be patient and realistic. Whether that is possible in Taiwan's domestic political environment is another story.

Richard Bush, formerly chairman of the American Institute in Taiwan, presented these comments at an Atlantic Council session on September 13, 2002. It draws on his experience at AIT and is part of a Brookings study he is now writing on the political obstacles in cross-strait relations.