



**Statement by H.E. Margaret Hughes-Ferrari**

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**On Taiwan's Application for Membership to the United Nations**

62<sup>nd</sup> Session of the General Assembly  
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The General Committee's erroneous and undemocratic decision to flout the rules of procedure of the General Assembly — in particular, rule 43 — and to curtail the rights of Member States to put forward their points of view on an important issue and, moreover, to severely restrict those whom the Committee, in its wisdom, permitted to speak, has forced me to make another statement today in support of Taiwan's application for membership of the United Nations.

For over 25 years, my Government has enjoyed a close and mutually rewarding relationship with the democratically elected Government of Taiwan. We are here today, as we have been so often in the past, to speak for our Taiwanese friends, who, as a result of intransigence by the States Members of the Organization, remain voiceless in this House. The request for the inclusion of a supplementary item in the agenda of the sixty-second session of the General Assembly entitled "Urging the Security Council to process Taiwan's membership application pursuant to rules 59 and 60 of the provisional rules of procedure of the Security Council and Article 4 of the Charter of the United Nations" was, as we expected, rejected once again by the General Committee.

On 19 July 2007, an application for membership of the United Nations signed by the President of Taiwan was delivered to the Secretary-General. In Article 4, paragraph 1, the Charter of the United Nations provides that

"Membership in the United Nations is open to all other peace-loving states which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations".

Article 4, paragraph 2, outlines the method by which the United Nations takes a decision on a membership application. Essentially, it states that the General Assembly will make a decision on the matter based upon the recommendation of the Security Council. Taiwan is a peace-loving State and unhesitatingly accepts the obligations contained in the Charter.

Instead of dealing with the application as he is mandated to do by the Charter, the Secretary-General, apparently upon the advice of the Office of Legal Affairs, returned the application as “unreceivable”. In an accompanying letter, the Under-Secretary-General for Legal Affairs referred to General Assembly resolution 2758 (XXVI) and stated, *inter alia*, that

“In accordance with that resolution the United Nations considers Taiwan for all intents and purposes to be an integral part of the People’s Republic of China”.

That response by the United Nations bureaucracy is a direct attack upon the Charter. My Government is extremely troubled at the notion that the United Nations Secretariat is now taking upon itself the role of arbiter of purely political decisions that are the purview of Member States. We believe that in this instance the Secretariat has crossed a fine dividing line, and that the Secretary-General has been poorly advised. It is our hope that, after listening to this and other statements in support of Taiwan’s rights, and after careful reflection on the matter, the Secretary-General will be persuaded to do the right thing.

There is no doubt in our minds that it is the States Members of the United Nations that have absolute authority to pronounce themselves on membership applications. Those of us who speak for Taiwan, who promote its right to be a Member of the United Nations and who stand up and defend that right are mostly small Member States. Nevertheless, we are determined, and we are sovereign countries with all the rights afforded to us by virtue of our membership of the Organization.

Allow me to spend just a little time discussing resolution 2758 (XXVI), its genesis, its provisions and its effects.

Year after year, when we have the opportunity to raise the issue of Taiwan in the United Nations, we hear statements in which Member States constantly regurgitate that resolution and base their positions on its provisions. The resolution has been said to, among other things, first, advance the principle of one China, and secondly, make Taiwan, for all intents and purposes, an integral part of the People’s Republic of China. I venture to submit that it does none of that. It is a truism in these halls that if you repeat something often enough and loudly enough it is taken to be the law. I often wonder whether those who hide behind the shield of that resolution and claim for it extraordinary powers have ever taken the time to read it.

The resolution is very short, and it has been argued cogently that it is not legitimate because it violates the Charter of the United Nations in several respects and is fatally flawed. But that

argument is for another time and another day. The resolution was passed in 1971, at the height of the cold war. It has only one operative paragraph, which reads as follows:

“Decides to restore all its rights to the People’s Republic of China and to recognize the representatives of its Government as the only legitimate representatives of China to the United Nations, and to expel forthwith the representatives of Chiang Kai-shek from the place which they unlawfully occupy at the United Nations and in all the organizations related to it.” (*resolution 2758 (XXVI)*)

The resolution fails to cite any Charter provision, for the simple reason that it was clearly not based on the Charter. In fact, it violated several provisions and achieved membership of the United Nations for the People’s Republic of China through the back door. The legitimate way, and the way in which Taiwan seeks to enter, is through the Security Council. But in 1971 that would have led to the exercise of the veto. The resolution purported to do three things: first, to expel a Member of the United Nations; secondly, to admit a new Member; and, thirdly, to replace a permanent member of the Security Council. Despite that, the membership at the time managed to convince itself that the resolution did not deal with an important question, and thus did not require a two-thirds majority, as required under Article 18 of the Charter. In fact, the resolution succeeded by a vote of 76 in favour to 35 against, with 17 abstentions.

The resolution does not declare that Taiwan is part of the People’s Republic of China, does not preclude Taiwan from future membership and certainly does not support the so-called one-China principle. Furthermore, the factual and political situation that exists today is entirely different from that which prevailed 36 years ago. Taiwan is not seeking to represent China as the Government of Chiang Kai-shek did in 1971. The democratically elected Government of Taiwan in this day and age seeks to represent only Taiwan and its 23 million people. It is the firm position of my Government that Taiwan’s application for membership is absolutely legitimate. Member States should examine the application fairly and dispassionately and decide upon its fate in the prescribed way. Any Member State with a conflict of interest in the debate should recuse itself from the deliberations.

Are we in the Organization guilty of the trait of fiddling while Rome burns? For too long, it seems to my Government, the States Members of the Organization have been content to ignore the plight of the 23 million Taiwanese people, who are denied their basic rights because of the intransigence of one permanent member of the Security Council. The well-known culture of inaction at the United Nations has given way, in this instance, to a culture of expediency in which it is the policy of the majority of Member States to do not what is right, but what is least likely to cause a severe reaction on the part of a powerful Member State. I repeat: Taiwan has every right to be a Member of this Organization.