DOCUMENT OF INTERNATIONAL MONETARY FUND AND NOT FOR PUBLIC USE

SM/73/252

November 9, 1973

To: Members of the Executive Board

From: The Secretary

Subject: Representation of China Within the United Nations System

The attached memorandum prepared by the Fund staff provides background information for Executive Directors on the participation of the People's Republic of China in other international organizations within the United Nations framework.

Att: (1)

Other Distribution:
Department Heads

INTERNATIONAL MONETARY FUND

Representation of China within the United Nations System

Prepared by the Legal Department

(In consultation with the Special Representative
to the United Nations)

Approved by Joseph Gold

November 8, 1973

At EBM/73/99 on October 29, 1973, a number of executive directors requested additional information on the status of participation of China in other agencies in the United Nations system, with particular emphasis on the financial aspects of participation.

Attachment I contains a report prepared in 1972 by the United Nations Secretariat on the representation of China within the United Nations system. 1/ The present memorandum summarizes developments since that report, with special reference to the decisions that have been taken by various organizations, the responses of the Government of the People's Republic of China to decisions on representation, and the status of contributions by China to those organizations.

1. United Nations (UN) -- Following the General Assembly's decision of October 25, 1971, the Government of the People's Republic appointed a Permanent Representative to the Security Council as well as other delegates to various organs of the United Nations, such as ECAFE and UNCTAD. The Government of the People's Republic has not accepted, however, the invitation to send an observer to the meetings of GATT. The Government of the People's Republic has contributed to the budget of the United Nations for the period beginning ctober 25, 1971 and to the Working Capital Fund. The Government has refused, however, to make contributions in respect of any previous period and has communicated its refusal to pay assessments attributable to "items which constitute a violation of the purposes and principles of the UN Charter or are hostile to the Chinese people", such as the servicing of peacekeeping bonds, the maintenance of UNEF in the Middle East, or the expenditures on the UN cemetery in Korea.

1/ Reproduced with permission from the May 1972 issue of International Legal Materials.

In Resolution No.3049 C(XXVII), the General Assembly decided on December 19, 1972 to "retain as unpaid assessed contributions ... only a pro rata share ... based on the period ..." following its October 25, 1971 resolution. The 1972 resolution also transferred all arrears of China for previous periods to a special account, from which the balance arising from regular budget assessments would be added to the short-term deficit of the UN.

On December 5, 1972, the Secretary-General was notified by the Government of the People's Republic that it "does not recognize the statement made by the defunct Chinese Government on October 26, 1946 ... concerning the acceptance of the compulsory jurisdiction of the [International] Court [of Justice]". The letter reproduced in Attachment X to SM/73/238 (10/15/73) states the policy of the Government of the People's Republic in relation to the multilateral treaties of which the UN is the depository.

2. International Labor Organization (ILO) -- Following the decision of the Governing Body on November 16, 1971, to "recognize the Government of the People's Republic of China as the representative of the Government of China", that Government expressed interest in the organization but indicated that staffing difficulties would prevent any immediate participation. The ILO has not received either contributions or indications of interest in participation from the Government of the People's Republic to date. In June 1973, the ILO Council adopted a decision that created a special account for pre-November 16, 1971 arrears, but no part of the arrears was added to the current deficit.

3. Food and Agriculture Organization (FAO) -- Following the decision of the Conference on November 25, 1971, to permit the People's Republic of China to resume its place in the organization as a founding member twenty years after the Government on Taiwan withdrew, the Director-General announced in March 1973 that the Government of the People's Republic of China had informed him that it would resume membership as of April 1, 1973. The Director-General agreed to place before the Conference the views of the Government that it "cannot agree to undertake any obligations incurred by the Chiang Kai-Shek regime when it illegally occupied China's seat", such as arrears in contributions. A draft resolution now before the Conference would cancel the arrears attributable to China's membership before 1952 (net of the contribution of the Government of the Republic of China to FAO's Working Capital Fund), and write off the net loss against FAO's Reserve Surplus Account.

4. United Nations Educational, Scientific and Cultural Organization (UNESCO) -- Following the Executive Board's decision on October 29, 1971, that "from today onwards, the Government of the People's Republic of China is the only legitimate representative of China in UNESCO ...", that Government sent representatives to the 1972 UNESCO Conference in November 1972, and one of the representatives of that Government was elected to UNESCO's Executive Board, which was enlarged to accommodate that representative among others. At that Conference a decision was taken not to claim from the Government of the People's Republic of China the net budget arrears attributable to periods before October 29, 1971, but the Government has made contributions for subsequent periods. It is believed that the Government has also been credited with China's contribution to the Working Capital Fund.

5. World Health Organization (WHO) -- On May 10, 1972 the World Health Assembly adopted the decision reproduced in Attachment [illegible]. Representatives of the People's Republic attended the twenty-sixth World Health Assembly in May 1973 and meetings of the Executive Committee in 1972 and 1973. The 1973 World Health Assembly took a decision similar to that of the UN General Assembly with respect to arrears attributable to 1949-1952.

6. International Civil Aviation Organization (ICAO) -- Following the decision on November 19, 1971, of the ICAO Council "to recognize the representatives of the Government of the People's Republic of China", the Government indicated that it would give further consideration to participation in ICAO. China continues to be regarded by ICAO as a contracting party, and arrears in contributions have accumulated for 1972 and 1973. The amount of these contributions was determined in 1970 on the basis of data relating only to the Republic of China.

7. Universal Postal Union (UPU) -- The present constitution of the UPU came into force on April 1, 1969, although the organization had existed with China as a member for many years previously. Following the decision of the Member States of the UPU that took effect on April 12, 1972, that Resolution No.2758 (XXVI) of the UN General Assembly should apply to the UPU, the Government of the People's Republic acceded to the Universal Postal Convention on February 7, 1973. Delegations appointed by the People's Republic have represented China at technical meetings of the UPU since November 1972. The arrears in contributions for the period January 1 - April 11, 1972 have been placed in a suspense account.

8. International Telecommunication Union (ITU) -- The Administrative Council adopted on May 29, 1972 the decision that appears in Attachment III. On November 16, 1972 the Government of the People's Republic formally acceded to the International Telecommunication Convention of 1965, and became a new member of the ITU. The Government subsequently appointed delegates to the Plenipotentiary Conference. A "small credit" was left with the ITU by the Government of the Republic of China.

9. World Meteorological Organization (WMO) -- China became a member of WMO on April 1, 1951. Following the decision of the Member States of the WMO that took effect on February 25, 1972, that Resolution No. 2758 (XXVI) of the General Assembly should apply within the WMO, an elected representative of the Government of the People's Republic to the Executive Committee took his seat in September 1972. The Government formally acceded to the Convention of the WMO on February 9, 1973. The Executive Committee has cancelled the unpaid arrears of China attributable to the period January 1 - February 24, 1972.

10. Inter-governmental Maritime Consultative Organization (IMCO) -- The IMCO Convention came into force on March 17, 1958. On May 23, 1972 the IMCO Council adopted the decision that appears in Attachment IV. The Government of the People's Republic accepted the IMCO Convention on March 1, 1973. Subsequently a representative of the Government has attended Council meetings as an observer, and a delegation is participating in the meeting of the Assembly in November 1973. IMCO has cancelled China's arrears for 1972, and has accepted the position of the Government of the People's Republic that China became a member of IMCO on March 1, 1973 for the purposes of IMCO's budget.

11. International Atomic Energy Agency (IAEA) -- China became a founding member of IAEA in 1957. Following the Board of Governors resolution of December 9, 1971 that recognized the right of the Government of the People's Republic to represent China, the reply to invitations to send representatives to IAEA meetings was that no representatives from the Government of the People's Republic of China would be able to attend. Arrears for the 1970-1972 period were carried as accounts receivable until the beginning of 1973, at which time they were placed in a suspense account. China is now listed as a member of IAEA, but its name does not appear on the 1973 contributions list. It is possible that the Government of the People's Republic does not regard China as a member of IAEA.

12. Summary

All organizations in the United Nations system except the Fund and the World Bank Group have terminated their relations with the Government of the Republic of China 2/ and have recognized the right of the Government of the People's Republic to represent China in their organizations. In each of the organizations that has made this decision, the chief executive has communicated it to the Government of the People's Republic and has invited it to participate in the activities of the organization. The chief executives of the UN, FAO, UNESCO and WMO have subsequently visited China at the invitation of the Government of the People's Republic in order to establish working relations. Participation has followed shortly thereafter in the UN and in 7 of the 10 Agencies related to the UN under Article 57 of its Charter. The Government has taken no definitive action on the decisions of the ILO, the ICAO, the IAEA, and GATT. 3/ Representatives have participated fully in the other organizations. The Government has taken the position in those organizations in which China became a member after October 1, 1949, that China was not a member but would have to accept afresh the obligations of membership if it wished to participate.

The Government has refused, as a matter of principle, to pay any amounts owing to the organizations that invited its participation in respect of any period antedating the invitation. A number of these organizations (e.g., UN and UNESCO) have cancelled these arrears as obligations of China, whereas others (e.g., ILO) have set aside these arrears in special accounts. Some organizations (e.g., FAO, WHO) have not yet determined the disposition of the arrears. In some cases, if the organization owed money to China, the Government of the People's Republic has claimed it as an "asset of the Chinese people." The Government has contributed or expressed a willingness to contribute to the current budgets of the organizations in which it participates, but not to those programs of the UN that the Government has asserted

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2/ The IAEA continues to maintain a nuclear safeguards agreement for three nuclear power plants on Taiwan. The Delegate of the People's Republic in the UN General Assembly has insisted that the IAEA sever all links with Taiwan.

3/ Although, by virtue of Article 92 of the UN Charter, China is a party to the Statute of the International Court of Justice, the Government of the People's Republic has denounced China's acceptance in 1946 of the compulsory jurisdiction of the Court.

are illegal or hostile to the Chinese people. The Government has taken no action regarding contributions to the organizations in which it has not yet decided to participate, even though the organizations treat China as a member and continue to assess contributions against it.

Table 1 shows the dates on which the various organizations took action to terminate relations with the Government of the Republic, as well as the dates, when known, on which the participation of the Government of the People's Republic began. Table 2 summarizes the amounts of contributions and arrears in the various organizations, and the attitudes of the respective organizations to the arrears.

Attachments

TABLE 1

Dates of Recognition of the Government of the People's Republic and Commencement of Participation

	Dates after 1949 of Acceptance of Present Constitution 1/	Dates on which General Assembly Resolution No.2758 (XXVI) was followed	Dates on which Government of the People's Republic began to participate or accepted membership
UN		October 25, 1971	1971
ILO		November 16, 1971	Not yet
FAO		November 25, 1971	April 1, 1973
UNESCO		October 29, 1971	1972
IMCO	March 17, 1958	May 23, 1972	March 1, 1973 1/
WHO		May 10, 1972	1972
ICAO		November 19, 1971	Not yet
UPU	April 1, 1959	April 13, 1972	February 7, 1973 1/
ITU	January 1, 1967	May 29, 1972	November 16, 1972 1/
WMO	April 1, 1951	February 25, 1972	February 9, 1973 1/
IAEA	July 29, 1957	December 9, 1971	Not yet

1/ As China had accepted the constitutions of these organizations after 1949, the People's Republic deposited new instruments of acceptance on the dates shown. The organizations, however, appear to have deemed that there was no interruption in China's membership. Representatives from Peking attended meetings of some of these organizations in the period prior to the deposit of instruments of acceptance.

TABLE 2

China: Status of Contributions and Arrears

	Amount of assessed contributions paid in 1972	Amount of arrears up to the time the Government of the Republic ceased to represent China	Disposition of arrears
UN	$8,166,330	$30,169,295	Placed in special account; regular budget portion written off
ILO	1/	$ 1,624,059	Pre-decision arrears transferred to special account
FAO	None payable 2/	$ 1,077,198	Recommendation that they be placed in special account and written off.
UNESCO	$2,017,919	$ 2,644,877	Cancelled
IMCO	3/	$ 12,000	Cancelled
WHO	"Paid in full"	$26,700,000	Recommendation that they be placed in special account and written off
ICAO	$ 523 4/	None	--
UPU	$ 50,632	5/	Placed in Suspense Account
ITU	$ 270,279	"A small credit"	Carried forward
WMO	"Paid in full"	"Negligible" 5/	Cancelled
IAEA	None	$ 1,365,000 through 1972, or $ 791,671.23 through 12/9/71 6/	Placed in Suspense Account

1/ Arrears accumulated since November 16, 1971 equal $2,392,277.
2/ In April 1973 the Council assessed dues of $1,487,250 for the eight months of 1973 during which China was a member.
3/ A contribution of $9,000 for the nine months of 1973 during which China was regarded as a member of IMCO has been paid but is subject to adjustment in the light of China's shipping volume.
4/ Crediting of staff assessment. US$57,140.20 remains outstanding for 1972 and $67,194.30 is outstanding for 1973. The contribution for all of 1971 was paid before ICAO's decision on November 19, 1971.
5/ Contributions were paid in full through 1971. Contributions for the period of 1972 preceding the decision to recognize the Government of the People's Republic were not paid.
6/ A three-year budget was adopted in 1970.

REPRESENTATION OF CHINA WITHIN THE UNITED NATIONS SYSTEM*

■ *Text of Resolution* 2758 (XXVI)

THE GENERAL ASSEMBLY,

Recalling the principles of the Charter of the United Nations,

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

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

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

In favour: Afghanistan, Albania, Algeria, Austria, Belgium, Bhutan, Botswana, Bulgaria, Burma, Burundi, Byelorussian SSR, Cameroon, Canada, Ceylon, Chile, Cuba, Czechoslovakia, Denmark, Ecuador, Egypt, Equatorial Guinea, Ethiopia, Finland, France, Ghana, Guinea, Guyana, Hungary, Iceland, India, Iran, Iraq, Ireland, Israel, Italy, Kenya, Kuwait, Laos, Libyan Arab Republic, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Netherlands, Nigeria, Norway, Pakistan, People's Democratic Republic of Yemen, People's Republic of the Congo, Peru, Poland, Portugal, Romania, Rwanda, Senegal, Sierra Leone, Singapore, Somalia, Sudan, Sweden, Syria, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian SSR, USSR, United Kingdom, United Republic of Tanzania, Yemen, Yugoslavia, Zambia.

Against: Australia, Bolivia, Brazil, Central African Republic, Chad, Congo, (Democratic Republic of), Costa Rica, Dahomey, Dominican Republic, El Salvador, Gabon, Gambia, Guatemala, Haiti, Honduras, Ivory Coast, Japan, Khmer Republic, Lesotho, Liberia, Madagascar, Malawi, Malta, New Zealand, Nicaragua, Niger, Paraguay, Philippines, Saudi Arabia, South Africa, Swaziland, United States, Upper Volta, Uruguay, Venezuela.

Abstentions: Argentina, Bahrain, Barbados, Colombia, Cyprus, Fiji, Greece, Indonesia, Jamaica, Jordan, Lebanon, Luxembourg, Mauritius, Panama, Qatar, Spain, Thailand.

Developments Within the Organizations of the UN System Concerning Chinese Representation

International Labor Organization

Under the terms of Article 9, paragraph 3, of the Standing Orders of the Governing Body, the Chairman of the Governing Body, with the consent of the Vice-chairman, added to the agenda of the 184th session, as an additional item, the question of "Representation of China in the International Labour Organization: Communication and Request from the Secretary-General of the United Nations". This decision was taken in accordance with Article IV, paragraph 1, of the Agreement between the United Nations and the ILO, which provides that

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*[United Nations General Assembly Resolution 2758 (XXVI) was adopted on October 25, 1971, by a vote of 76 to 35, with 17 abstentions. The text of the resolution and the recorded vote are reproduced from the UN Monthly Chronicle, Vol. VIII, No. 10 (November 1971).

[On October 26, 1971, the Secretary-General transmitted by cable the text of General Assembly Resolution 2758 (XXVI) to the executive heads of all the organizations of the system and requested them to keep him informed of any relevant action taken within their respective organizations. In the same cable, the Secretary-General drew the attention of the organizations of the system to General Assembly Resolution 396 (V) on recognition by the United Nations of the representation of a Member State, in which the Assembly reaffirmed its role in the consideration of issues involving representation and recommended "that the attitude adopted by the General Assembly ... concerning any such question should be taken into account in other organs of the United Nations and in the Specialized Agencies".

[The organizations of the UN system are the specialized agencies (ILO, FAO, UNESCO, WHO, IBRD, IMF, ICAO, UPU, ITU, WMO, IMCO) and the International Atomic Energy Agency. GATT is considered to be part of the system for purposes of internal coordination, as it is the only remnant of the International Trade Organization which was established at Havana but never came into being. The action taken by these organizations, as of April 25, 1971, with regard to the representation of China is summarized at I.L.M. pages 561-570. Other UN bodies - such as UNCTAD, UNICEF, and UNDP - which are integral parts of the Organization, but function as semi-autonomous entities, automatically applied General Assembly Resolution 2758 (XXVI) from the date on which it was adopted.]

the ILO shall "arrange for the submission as soon as possible, to the Governing Body, the Conference or such other organs of the [ILO] as may be appropriate of all formal recommendations which the General Assembly ... may make to it".

The Governing Body had before it a document submitted by the Director-General[1] containing the complete text of the communication from the Secretary-General of the United Nations. The document also contained information on the historical background of the question and on a number of constitutional and legal matters. It pointed out that China became an original Member of the League of Nations and of the ILO from the beginning of the work of the Organization in virtue of its signature and subsequent ratification of the Treaty of St. Germain of September 10, 1919. Its membership in the ILO had been uninterrupted since that time, but, on several occasions, questions had arisen concerning the representation of China in the Organization. The ILO had regarded such questions as political matters in respect of which it should be guided by the central political organ of the international community, namely the League of Nations prior to the Second World War and the United Nations since. The document contained a review of all the instances in which the question of representation had been raised.

On November 16, 1971, at the second sitting of the session, the Governing Body, by 35 votes to 10, with 2 abstentions, rejected the operative paragraph of a draft resolution moved by the United States Government requesting the Director-General to refer General Assembly Resolution 2758 (XXVI) to the next session of the General Conference of the ILO.[2] By 35 votes to 10 with 3 abstentions, the Governing Body decided, upon a proposal by the Workers Group, to take a decision on the matter before it immediately.[3] The Director-General made a statement in reply to questions from the Employers Group.[4] The Governing Body then adopted, by 36 votes to 3 with 8 abstentions, a decision as proposed by the Workers Group "to recognize the Government of the People's Republic of China as the representative Government of China".[5]

Food and Agriculture Organization of the United Nations

At its fifty-seventh session, the Council of FAO was informed of the resolution of the General Assembly of the United Nations concerning the representation of China.

The relevant extract from the report of the Council is as follows:[6]

"1. The Director-General drew the attention of the Council to resolution 2758 (XXVI) of the General Assembly of the United Nations on the restoration of the lawful rights of the People's Republic of China in the United Nations, and informed the Council that in view of the fact that the Government of the Republic of China had withdrawn from the Organization in 1951, the question presented itself in FAO in a different way than in the other Agencies in which China was at present a member. Recalling similar approaches to other Governments recommended by the Council in the past [See Report of the Forty-ninth Session of the Council (1967), paragraph 163], the Director-General sought the Council's guidance as to the question whether an approach should be made to ascertain whether the Government of the People's Republic of China would wish to seek membership in FAO. At the same time, he informed the Council of the measures that had been taken in the light of the above-mentioned General Assembly resolution, pending receipt of an application by the Government of the People's Republic of China.

1/ ILO Document GB.184/A/11.
2/ ILO Document GB.184/A/11/D.2.
3/ ILO Document GB.184/A/11/D.1, paragraph 1.
4/ ILO Document GB.184/A/11/D.4.
5/ ILO Document GB.184/A/11/D.1, paragraph 2. See also ILO Record of Decisions: GB.184/205.
6/ FAO Document C 71/PV-19; for the relevant records of proceedings, see CL 57/PV-2 and CL 57/PV-7.

[The full text of the Director-General's statement was distributed as document CL 57/LIM/4.]

"2. The Council authorized the Director-General to invite the People's Republic of China to seek formal membership in the Organization and, if it so requests, to attend the Sixteenth Session of the Conference. The Council noted the Director-General's statement that precedents existed for a suspension of the provision of Rule XIX.2 of the General Rules of the Organization (GRO) which requires that an application for admission to membership should be received by the Director-General thirty days before the opening of the session at which the Conference is called upon to decide on such application.

"3. The Council approved the measures taken by the Director-General with regard to communications, distribution of publications, invitations to meetings and eligibility for adherence to Conventions as far as China is concerned."

The Council adopted this decision unanimously on November 2, 1971. On the same date, the Director-General sent a cable to the Prime Minister of the Government of the People's Republic of China conveying an invitation for the People's Republic of China to seek formal membership in the Organization, and also, if it so requested, to attend the Sixteenth Session of the Conference. At the same time, the Director-General expressed his readiness to supply any further information that might be desired by the Government of the People's Republic of China, and to consult, through any channel that might be designated by the Government, on the procedures and implications connected with membership of the Organization.

At the Sixteenth Session of the Conference, the Director-General informed the Conference that he had received a reply from the Acting Foreign Minister of the People's Republic of China. He noted that while "no reference was made in this cable to formal membership in FAO, there is reason to believe that China will be interested in resuming its place in the Organization and it may well be that a positive move will be made after the close of the Conference session". The Director-General added that he had been advised that it would be legally possible for the People's Republic of China to resume, without being formally readmitted, the seat of China if it wished, since the notice of withdrawal given in 1951 by the Government of the Republic of China emanated from a government whose right to represent the State of China had already at that time been formally contested. This notice of withdrawal would not be held against the Government of the People's Republic of China which had no part in it and which had now been recognized as being the legitimate representative of China. This Government had indeed not been in a position to exercise, since the time of its establishment in 1949, its membership rights in FAO and had been prevented from making its contribution to the achievement of the aims of the Organization. Even if the People's Republic had wished in the past to take its place in FAO, it may be assumed that it would not have been recognized as the legitimate representative of China in view of the position taken by the General Assembly of the United Nations. The Director-General added that under the present circumstances the Government of the People's Republic of China should not, in his personal view, be deprived of the possibility of availing itself of the rights deriving from the original membership in the Organization. As a consequence, it would be permissible for the People's Republic to resume its place in FAO without any special formality.[7] The General Committee of the Conference then submitted a report[8] containing a draft resolution for action by the Conference which had been "formulated after discussion within the General Committee and [represented] the consensus of views of the members of the General Committee". The report of

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[7] The statement of the Director-General is reproduced in FAO Document C 71/LIM/62, dated November 23, 1971.

[8] FAO Document C 71/LIM/65.

the General Committee and the draft resolution contained therein were discussed by the Conference and a number of amendments to the draft resolution were moved and voted upon.9/ The Conference then adopted on November 25, 1971, and by 68 votes in favor, none against, and 3 abstentions, Resolution 33/71 entitled "People's Republic of China", which reads as follows:

"THE CONFERENCE

"Recalling that China, after having participated in the Hot Springs Conference in 1943, became a founding Member of FAO in 1945 by accepting the Constitution of the Organization,

"Recalling further that, after its establishment in 1949, the Government of the People's Republic of China in a telegram to the Director-General of FAO dated 12 May 1950 affirmed that it was the only legal Government representing the Chinese people,

"Considering Resolution 2758 (XXVI) of 25 October 1971, by which the General Assembly of the United Nations decided to restore all its rights to the People's Republic of China and to recognize the representatives of its Government as the only legitimate representatives of China in the United Nations and 'in all the Organizations related to it'.

"Considering further that the General Assembly of the United Nations, in its Resolution 396 (V) of 15 December 1950, recommended that the attitude adopted by the General Assembly concerning the representation of a Member State should be taken into account by the Specialized Agencies,

"Noting the exchange of telegrams between the Director-General of FAO and the Government of the People's Republic of China dated respectively 2 November and 23 November 1971,

"Pursuant to Resolution 2758 (XXVI) of the General Assembly of the United Nations,

"1. Authorizes the Director-General, when the People's Republic of China manifests the wish to resume its place in the Organization, to take all appropriate measures to bring into effect the resumption by China of its place in the Organization;

"2. Authorizes further the Director-General to take all necessary measures concerning financial questions, taking into account any action that may be taken by the United Nations in this respect and after consultation with the competent organs of FAO;

"3. Requests the Director-General to transmit the text of this Resolution to the Government of the People's Republic of China."

United Nations Educational, Scientific and Cultural Organization

The Director-General drew the attention of the Executive Board to General Assembly resolutions 2758 (XXVI) and 396 (V).10/ The Executive Board decided, at the request of the Director-General, and by 30 votes to none and one abstention, to add a new point to its agenda: "Participation of China in the Execution of the Programme". The Permanent Delegate of the Republic of China requested the Director-General to transmit to the Executive Board a statement in which he pointed out that in 1970 "the question of representation was

9/ FAO Document C 71/PV.22 and PV.23.
10/ UNESCO Document 88 EX/48 and Add.1.

already resolved by a vote of 59 to 39 in favour of my country".11/ The member of the Executive Board from Algeria submitted a draft resolution which, in its operative part, would authorize the Director-General to address to the Government of the People's Republic of China all documents relating to the execution of the Programme.12/ The members from Mexico, Spain and Peru submitted a draft resolution according to which, in its operative part, the Executive Board would decide, on the basis of Article IV D.9 of UNESCO's Constitution, to convene an extraordinary session of the General Conference to consider exclusively the question of "The representation of China in UNESCO".13/ A combined draft resolution--providing for an extraordinary session of the General Conference and authorizing the Director-General, in the meantime, to address documents to the Government of the People's Republic of China--was subsequently circulated to the Executive Board.14/ The member from Mexico then moved an amendment to the combined draft resolution according to which the operative part would authorize the Director-General to consider the Government of the People's Republic of China as the only legitimate representative of China in UNESCO.15/ The member from the United Kingdom proposed oral modifications to the amendment submitted by the member from Mexico, which was approved, as modified, by 21 votes in favor, 3 against and 7 abstentions. The draft resolution as a whole was then adopted on October 29, 1971 by 25 votes in favor, 2 against and 5 abstentions.16/ The text of the resolution is as follows:

"The Executive Board

"1. Taking into account the resolution adopted by the United Nations General Assembly on 25 October 1971, whereby the representatives of the People's Republic of China were recognized as the only lawful representatives of China to the United Nations,

"2. Recalling resolution 396 adopted by the United Nations General Assembly at its fifth regular session on 14 December 1950 recommending that 'the attitude adopted by the General Assembly' on the question of the representation of a Member State 'should be taken into account in other organs of the United Nations and in the Specialized Agencies',

"3. Decides that from today onwards, the Government of the People's Republic of China is the only legitimate representative of China in UNESCO and invites the Director-General to act accordingly."

World Health Organization

In a letter dated November 11, 1971, the Director-General transmitted to all the members of WHO the communication from the Secretary-General of the United Nations. He also stated in that letter that "as a consequence of the decision taken by the General Assembly at its twenty-sixth session, the question of the representation of China in the [WHO] will be proposed for inclusion in the provisional agenda of the twenty-fifth World Health Assembly, as well as included in the agenda of the forty-ninth session of the Executive Board".

The Director-General then placed before the Executive Board, at its forty-ninth session, a document containing background information on the membership

11/ UNESCO Document 88 EX/48/Add.2.
12/ UNESCO Document 88 EX/DR.8.
13/ UNESCO Document 88 EX/DR.9.
14/ UNESCO Document 88 EX/DR.12.
15/ UNESCO Document 88 EX/DR.13.
16/ UNESCO Document 88 EX/Decision 9. For the records of the relevant proceedings see 88 EX/SR.16, 17 and 18.

of China in WHO and indicating the issues requiring consideration by the Executive Board.17/ In that document, the Director-General noted that China became a member of WHO under Article 4 of the Constitution by the signature of the Constitution on July 22, 1946, and reviewed the discussions held within the Organization on the question of representation.

The Executive Board, at its fifteenth meeting, on January 26, 1972, adopted, by 13 votes in favor, 4 against and 4 abstentions, the following resolution:

"The Executive Board,

"Considering Resolution 2758 (XXVI) adopted by the General Assembly of the United Nations at its twenty-sixth session on 25 October 1971 and in which the General Assembly recognized the representatives of the Government of the People's Republic of China as the only legitimate representatives of China to the United Nations;

"Recalling Resolution 396 (V) adopted by the General Assembly at its fifth session on 14 December 1950 in which the General Assembly recommended that the attitude adopted by the General Assembly on the question of the representation of a Member State should be taken into account in other organs of the United Nations and in the Specialized Agencies;

"Recalling the provisions of Article IV of the Agreement between the United Nations and the World Health Organization under which all formal recommendations made to the World Health Organization by the United Nations shall be submitted as soon as possible to the World Health Assembly, the Executive Board or such other organ of the World Health Organization as may be appropriate;

"Considering that under the provisions of Article 28 (e) of the Constitution, it is a function of the Executive Board to submit advice or proposals to the World Health Assembly on its own initiative;

"1. DECIDES to include in the provisional agenda of the Twenty-fifth World Health Assembly the question of the representation of China in the World Health Organization;

"2. AUTHORIZES the Director-General to address to the Government of the People's Republic of China the notice of convocation, the provisional agenda and the documents for the Twenty-fifth World Health Assembly in accordance with Rule 3 of the Rules of Procedure of the World Health Assembly;

"3. RECOMMENDS to the World Health Assembly that it recognize the Government of the People's Republic of China as the only Government having the right to represent China in the World Health Organization."

World Bank Group

On October 26, 1971, the President of the Bank acknowledged receipt of the Secretary-General's cable and informed him that the cable had been brought to the attention of the Executive Directors of the Bank.

International Monetary Fund

On October 26, 1971, the Managing Director of the Fund acknowledged receipt of the Secretary-General's cable and informed him that the cable had

17/ WHO Document EB 49/23.

been brought to the attention of the Executive Directors of the Fund.

International Civil Aviation Organization

The President of the Council and the Secretary-General of ICAO brought to the attention of the Council the texts of General Assembly resolutions 2758 (XXVI) and 396 (V) together with relevant constitutional and historical background information.18/ It was noted that China participated in the International Civil Aviation Conference at Chicago, from November 1 to December 7, 1944, at which the Convention on International Civil Aviation was drawn up. The Conference also adopted an Interim Agreement on International Civil Aviation Organization by which PICAO was established. This Interim Agreement was signed by China which became a member of PICAO. China was a member of the Interim Council of PICAO from 1944 to 1947. China signed the Convention on International Civil Aviation, and ratified it on February 20, 1946. ICAO having been established by that Convention, China became a member of ICAO when the Convention entered into force on April 4, 1947. China was a member of the Council of ICAO from 1947 to 1950. On May 31, 1950, the Government of the Republic of China gave notice of denunciation of the Convention on International Civil Aviation, the denunciation to take effect one year from that date. On December 2, 1953, a second instrument of ratification by China of the Convention on International Civil Aviation was deposited by the Government of China, to be effective on January 1, 1954. Objections were made in the Assembly to the acceptance as valid of the notification of denunciation, and some States notified the depository Government that they did not regard as valid either the instrument of denunciation or the second instrument of ratification.

The Council of ICAO, at its seventy-fourth session, on November 19, 1971, adopted the following decision:

"The Council

"Taking into account Resolution 2758 (XXVI) adopted by the United Nations General Assembly on 25 October 1971, 'Restoration of the lawful right of the People's Republic of China in the United Nations', whereby the representatives of the People's Republic of China were recognized as the only legitimate representatives of China in the United Nations;

"Recalling Resolution 396 (V) adopted by the United Nations General Assembly on 14 December 1950 recommending that 'the attitude adopted by the General Assembly' on the question of the representation of a Member State, 'should be taken into account in other organs of the United Nations and in the Specialized Agencies',

"1. Decides, for the matters within its competence, to recognize the representatives of the Government of the People's Republic of China to the International Civil Aviation Organization; and

"2. Requests the Secretary-General to immediately communicate these decisions to all contracting States".

Universal Postal Union

China has been a member of the UPU since March 1, 1914. After the establishment of the People's Republic of China, China was represented by the Government of the Republic of China in all organs of the Union, except at the session of the Executive and Liaison Commission held at Montreux in 1950 and at the Joint Conference IATA/UPU held in Cairo in 1951. Consequently, the Government of the Republic of China signed the Acts of the Union which were subsequently revised in Brussels 1952, Ottawa 1957, Vienna 1964 and Tokyo 1969.

18/ ICAO Document C-PW/5469.

During the session of the Executive and Liaison Commission in 1950, the Governments of the Republic of China and of the People's Republic of China sent delegations to represent China, which was then a member of the Executive Commission. By a secret vote, the Commission decided to accept the delegation of the People's Republic of China and agreed to request all the Member States of the Union to decide (by way of referendum) on which of the two governments should represent China at the Union. In the meantime, the People's Republic of China attended the meeting of a subsidiary organ of the Executive Commission held in January 1951. The result of the referendum was in favor of the Republic of China and the Executive Commission, at its meeting in May 1951, accepted its delegation.

In as much as the Constitution of the Union (Article 17) provides that when the Congress is not in session the Executive Council ensures continuity of work, the President of the Council consulted the members of the Council regarding the procedure that should be followed to settle the question of the representation of China in UPU. Members were requested to indicate whether the matter should be referred to all the States Members of the Union or whether it should be decided upon by the Executive Council. The result of the consultation was as follows: In favor of referring the matter to all the Members of the Union, 16 votes; in favor of considering the matter within the Executive Council, 11 votes. Two countries did not send a reply and there were two invalid ballots.

In accordance with this decision, the Director-General of the Union, on February 28, 1972, sent a communication to all Member States of the UPU requesting them to express their views as to whether General Assembly Resolution 2758 (XXVI) should apply to UPU. A majority of Member States voting for or against was required for the adoption of a decision. In case of an equal division, the proposal would be considered as rejected. The deadline for the receipt of ballot slips was April 12, 1972.

The result of the vote was as follows: 66 members answered "yes"; 11 members answered "no"; 5 members stated that they wished to abstain. Sixty-four members were considered as abstaining, as they had not replied by April 12, 1972. Accordingly, the proposal was considered as accepted and the decision took effect immediately.

International Telecommunication Union

China is an original member of the Union by virtue of its accession, on September 1, 1920, to the Radio Telegraph Convention, London 1912.

On October 29, 1971, the Secretary-General of the ITU formally transmitted the communication from the Secretary-General of the United Nations to the Chairman of the Administrative Council. Copies of that communication were sent to all the other members of the Council.

World Meteorological Organization

China was represented at the Conference of Directors of the International Meteorological Organization convened at Washington, D.C., on September 22, 1947, at which the Convention of the World Meteorological Organization was drawn up. China signed the text of the Convention at the conclusion of the Conference and the Government of China signified its ratification on March 2, 1951.

On November 26, 1971, the Secretary-General of WMO addressed a letter to all Member States drawing their attention to General Assembly Resolutions 2758 (XXVI) and 396 (V). The Secretary-General also stated that he had consulted the President and the members of the Executive Committee of WMO and that, as a result of such consultations "it has been decided that the matter shall be referred to the Members of the Organization which are states and that a vote by correspondence shall be conducted in order to decide upon the application of

the United Nations' decision within [WMO]."

The vote by correspondence having terminated on February 24, 1972, the WMO formally decided that the decision of the General Assembly of the United Nations as contained in Resolution 2758 (XXVI) shall apply within the Organization. Therefore, from February 25, 1972, WMO has recognized the representatives of the People's Republic of China as the only legitimate representatives of China.

Inter-Governmental Maritime Consultative Organization

The Government of the Republic of China accepted the IMCO Convention on July 1, 1958.

The question of representation is likely to be raised at the next regular session of the Council, to be held in the latter part of May 1972.

International Atomic Energy Agency

The Board of Governors, at its 444th meeting, on December 9, 1971, considered a draft resolution entitled "Representation of China in the Agency" which was introduced by the Governor from Romania and supported by several delegations. The Governor from the Republic of China made a statement opposing the adoption of the draft resolution. The draft resolution was then adopted by 13 votes in favor and 6 against, with 5 abstentions. The text of the resolution is as follows:

"The Board of Governors

"(a) Taking into consideration the provisions of resolution 2758 (XXVI) adopted by the General Assembly of the United Nations on 25 October 1971, entitled 'Restoration of the Lawful Rights of the People's Republic of China in the United Nations',

"(b) Bearing in mind the provisions of Article III.B.1 of the Statute, pursuant to which the Agency shall 'conduct its activities in accordance with the purposes and principles of the United Nations to promote peace and international co-operation',

"(c) Having in mind Article V of the Agreement Governing the Relationship Between the United Nations and the International Atomic Energy Agency, and Article XVI.B.2 of the Statute providing that the Agency shall consider any resolution relating to it adopted by the General Assembly or any of the Councils of the United Nations,

"1. Recognizes that the Government of the People's Republic of China is the only Government which has the right to represent China in the International Atomic Energy Agency;

"2. Decides that Chiang Kai-shek's representatives be expelled immediately from the place they unlawfully occupy in the International Atomic Energy Agency; and

"3. Requests the Chairman and the Director General to take all the actions resulting from this resolution."

General Agreement on Tariffs and Trade

At the opening of the twenty-seventh session of the Contracting Parties, on November 16, 1971, the Chairman drew attention to General Assembly Resolution 2758 (XXVI) and recalled that in 1965, in reaching their decision to accede to the request from the Republic of China that it be represented by observers at sessions of the Contracting Parties, the Contracting Parties had

agreed to follow decisions of the United Nations on essentially political matters. The Chairman added that it would be logical for the Contracting Parties "to rely in this case likewise on the decision taken by the United Nations" and decide accordingly "that the Republic of China should no longer have observer status at sessions of the Contracting Parties". After a short debate, the Chairman noted that no request for a vote had been made and declared that there was a consensus for the adoption of the views expressed by him.19/

19/ GATT Document SR.27/1, dated November 19, 1971.

U.S. DEPARTMENT OF STATE REPORT ON DIPLOMATIC RELATIONS OF THE REPUBLIC OF CHINA AND THE PEOPLE'S REPUBLIC OF CHINA*

ABSTRACT

As of May 23, 1972, fifty countries have diplomatic relations with the Republic of China and seventy-one have established or have announced establishment of diplomatic relations with the People's Republic of China. A list of the countries which recognize and/or have diplomatic or consular ties with the two governments is appended.

1. REPUBLIC OF CHINA

   A. Countries Having Diplomatic Relations with the Republic or China (ROC) (50)

Argentina*	Honduras	Philippines
Australia	Ivory Coast	Portugal
Barbados	Jamaica	Saudi Arabia
Bolivia	Japan	Spain
Botswana	Jordan	Swaziland
Brazil	Republic of Korea	Thailand
Central African Republic	Lesotho	Togo**
Chad	Liberia	Tonga
Colombia	Libya**	United States
Costa Rica	Luxembourg**	Upper Volta
Dahomey	Malawi	Uruguay
Dominican Republic	Malagasy Republic	Venezuela
El Salvador	New Zealand	Republic of Vietnam
Gabon	Nicaragua	Zaire
Gambia	Niger	
Greece	Panama	
Guatemala	Paraguay	
Haiti		
Holy See		

*Argentina has announced establishment of diplomatic relations with the PRC, but has not broken relations with the ROC.
**Libya, Luxembourg, and Togo have unilaterally announced recognition of the PRC but retain relations with the ROC.

   B. Countries Having Consular Relations Only With the Republic of China (2)

      Malaysia
      South Africa

2. PEOPLE'S REPUBLIC OF CHINA

   A. Countries Having Diplomatic Relations with the People's Republic of China (PRC) (71), with date of the establishment of relations

*[Reprinted from the list prepared by the Bureau of Intelligence and Research of the U.S. Department of State.

[A report on the representation of China within the organizations of the United Nations system appears at I.L.M. page 561.]

Afghanistan (Jan. 1955)
Albania (Nov. 1949)
Algeria (Sept. 1958, with Provisional Gov't.)
Argentina (Feb. 1972)*
Austria (May 1971)
Belgium (Oct. 1971)
Bulgaria (Oct. 1949)
Burma (June 1950)
Burundi (resumed Oct. 1971)
Cameroon (March 1971)
Canada (Oct. 1970)
Chile (Dec. 1970)
Congo (Brazzaville)(Feb. 1964)
Cuba (Sept. 1960)
Cyprus (Jan. 1972)
Czechoslovakia (Oct. 1949)
Denmark (May 1950)
East Germany (Oct. 1949)
Egypt (May 1956)
Equatorial Guinea (Oct. 1970)
Ethiopia (Dec. 1970)
France (Jan. 1964)
Finland (Oct. 1950)
Ghana (resumed Feb. 1972)
Guinea (Oct. 1959)
Hungary (Oct. 1949)
Iceland (Dec. 1971)
India (April 1950)
Iran (Aug. 1971)
Iraq (Aug. 1958)
Italy (Nov. 1970)
Kenya (Dec. 1963)
Kuwait (March 1971)
Laos (Sept. 1962)
Lebanon (Nov. 1971)
Mali (Oct. 1960)
Malta (Jan. 1972)
Mauritania (July 1965)
Mauritius (April 1972)
Mexico (Feb. 1972)
Mongolia (Oct. 1949)
Morocco (Nov. 1958)
Nepal (Aug. 1955)
Netherlands (Nov. 1954)
Nigeria (Feb. 1971)
North Korea (Oct. 1949)
North Vietnam (Jan. 1950)
Norway (Oct. 1954)
Pakistan (May 1951)
Peru (Nov. 1971)
Poland (Oct. 1949)
Romania (Oct. 1949)
Rwanda (Nov. 1971)
Senegal (Dec. 1971)
Sierra Leone (July 1971)
Somalia (Dec. 1960)
Southern Yemen (Feb. 1968)
Sri Lanka (Ceylon) (Feb. 1957)
Sudan (Dec. 1958)
Sweden (May 1950)
Switzerland (Sept. 1950)
Syria (Aug. 1956)
Tanzania (Oct. 1964)
Tunisia (resumed Oct. 1971)
Turkey (Aug. 1971)
Uganda (Oct. 1962)
United Kingdom (June 1954)
U.S.S.R. (Oct. 1949)
Yemen (Aug. 1956)
Yugoslavia (Jan. 1955)
Zambia (Oct. 1964)

B. Countries Having Consular Relations Only with the People's Republic of China (1), with date of establishment of relations

San Marino (May 1971)

C. Countries Which Recognize, But Have No Relations with, the People's Republic of China (7), with date of recognition

Bhutan (Oct. 1971)*
Cambodia (July 1958)**
Indonesia (April 1950)**
Israel (Jan. 1950)***
Libya (June 1971)****
Luxembourg (Oct. 1971)****
Togo (Sept. 1971)****

*Recognition based on vote in UN to admit PRC and expel ROC.
**PRC missions were expelled or withdrawn.
***Israel has not been recognized by the PRC.
****See Note 1A.

3. Countries Which Neither Recognize Nor Have Relations with the Republic of China or the People's Republic of China (15)

Bahrein
Bangla Desh
Ecuador*
Federal Republic of Germany
Fiji**
Guyana***
Ireland
Maldive Islands
Nauru
Oman
Qatar
Singapore****
Trinidad and Tobago
United Arab Emirates*****
Western Samoa

*Ecuador has broken relations with the ROC but has not formally recognized the PRC.
**ROC has established a trade mission in Fiji.
***Guyana and PRC have announced establishment of trade missions.
****Singapore has permitted the ROC to establish a trade mission which also handles consular matters. Singapore does not consider this as recognition and has no mission on Taiwan.
*****Carried in this report for the first time.

Attachment II

Decision adopted by WHO

The Twenty-fifth World Health Assembly,

Recalling the United Nations General Assembly resolution 2758 (XXVI) of 25 October 1971 by which it decided to restore all its rights to the People's Republic of China and to recognize the representatives of its Government as the only legitimate representatives of China to the United Nations and to expel forthwith the representatives of Chiang Kai-Shek from the place which they unlawfully occupied at the United Nations and in all organizations related to it;

Noting that the Executive Board, in its resolution EB48.R37 has recommended to the World Health Assembly that it recognize the Government of the People's Republic of China as the only Government having the right to represent China in the World Health Organization,

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 World Health Organization, and to expel forthwith the representatives of Chiang Kai-Shek from the place which they unlawfully occupy at the World Health Organization.

Attachment III

Decision adopted by ITU

"The 27th session of the Administrative Council of the I.T.U.

"Taking into account the United Nations General Assembly resolution 2758 (XXVI) of 25 October 1971,

"Decides to restore all its rights to the People's Republic of China in the I.T.U., and recognizes the representatives of its Government as the only legitimate representatives of China at the I.T.U."

Attachment IV

Decision adopted by IMCO

"The Council,

"Considering resolution 2758 (XXVI) adopted by the General Assembly of the United Nations at its twenty-sixth session on 25 October 1971 and in which the General Assembly recognized the representatives of the Government of the People's Republic of China as the only legitimate representatives of China to the United Nations;

"Recalling resolution 396(V) adopted by the General Assembly at its fifth session on 14 December 1950 in which the General Assembly recommended that the attitude adopted by the General Assembly on the question of the representation of a member state should be taken into account in other organs of the United Nations and in the specialized agencies;

"Decides that it recognizes the Government of the People's Republic of China as the only Government having the right to represent China in IMCO.

"Records its belief that participation of the Government of the People's Republic of China is essential for the future successful conduct of the Organization's affairs.

"Expresses its hope that the People's Republic of China will be able to accept the convention on the Inter-Governmental Maritime Consultative Organization and thus to begin its participation in the work of the Organization at the earliest possible date;

"Requests the Secretary-General to bring the foregoing decisions to the attention of the People's Republic of China and to enter into appropriate consultations with its authorities."