

Memorandum for Cabinet by
the Hon. Minister of Commonwealth
and Foreign Affairs

Representation of China in the United Nations

The enclosed submission by the Secretary of the Ministry of Commonwealth and Foreign Affairs on the question of representative of China in the United Nations is circulated for consideration.

Ministers are invited to agree to the attitude to be adopted in the eventualities set out in the penultimate paragraph of the submission.

Submission by the Secretary on China's
representation in the United Nations

The question of Communist China's representation in the United Nations is one of the matters which will arise when the XIX Session of the General Assembly reconvenes later this year.

The question has now been raised by the Permanent Representative to the United Nations who has suggested certain arguments which might be used by Malta in favour of Nationalist China and against Communist China, on the assumption that the Malta Government would in fact wish to assume such a stand.

Briefly these arguments are:

- a) that a state of civil war exists in China and that until this is resolved the United Nations should continue to recognise the Government which signed the Charter;
- b) that Communist China is not the same state which signed the Charter; (It has a different area, it has changed its name, it has not undertaken to uphold international obligations of its predecessor);
- c) that Communist China is not a "peace loving State" as required by the Charter, and has been the subject of preventive action by the Security Council (in Korea).

Without going into these arguments, the first question to be decided is whether Malta should vigorously champion the cause of Nationalist China in the knowledge that this is a lost cause and that the question of Communist Chinese representation in the United Nations is not one of "if" but of "when".

Before considering this question it is also useful to survey other aspects of our relations with China. These may be considered under the following headings -

i) Recognition - Malta has given tacit recognition to Nationalist China but has been careful to refrain from any action which might be taken as according similar recognition to Communist China. (Attached is a copy of a submission by the Under Secretary for External Affairs on the subject written on 3rd November, 1964). Although it is stated in that minute that it is not possible to extend recognition to both Nationalist and Communist China (information given by the U.E. Government) it has since transpired that Nigeria has managed to do precisely this, without maintaining diplomatic relations with either. Malta has in fact been accorded recognition by both Chinas.

ii) Diplomatic Representations - The submission dated 3rd November, 1964 referred to above has dealt with this matter. The recommendation therein

made was to the effect that there was no question of establishing diplomatic relations with Communist China. As regards Nationalist China, it was recommended that the offer to have the Nationalist Chinese Ambassador to Madrid accredited as Ambassador to Malta should be countered by the suggestion that relations between Malta and Nationalist China might be conducted through the Ambassador in Madrid without formal accreditation. Subsequently it was decided not to send any reply for the present.

It will thus be seen that Malta is virtually free of any involvements towards either of the two Chinese Governments. In considering the question of U.N. representation of China it may also be useful to summarise briefly the present situation. The U.S.A. has hitherto successfully blocked every attempt to secure representation by Communist China, originally by the expedient of moving, at the beginning of each Session of the General Assembly, a postponement of consideration of the question of Chinese representation. This merely necessitated a simple majority which was always achieved comfortably. With the increase in the members of the United Nations however, the voting pattern changed considerably. From favouring the U.S.A. three to one, it had shrunk by 1960 to a majority of just eight votes. The U.S.A. then changed its tactics and in 1961 succeeded in passing a resolution through the Assembly which declared the question of Chinese representation to be an "important question" requiring a two-thirds majority. This resolution (1668 XVI) was carried by 61 to 34 with 7 abstentions. It ensured that Communist China would not be seated by means of a simple majority. Simultaneously, however, a Soviet resolution seeking the unseating of Nationalist China and its replacement by Communist China, though defeated by 48 to 37 (19 abstentions) found support among such Western countries as Denmark, Finland, Norway, Sweden and the U.S., together with Commonwealth countries such as Ceylon, Ghana, India, Pakistan and Sierra Leone.

As the Permanent Representative to the United Nations points out, the recognition of the Nationalist Government as the legitimate occupant of the Chinese seat in the United Nations is a lost cause. There is an even chance that Peking can be kept out of the United Nations this year, but by the XXI or XXII Sessions, if the present trend continues, the Peking Government will be voted in.

Considering the matter both from the aspects of our reluctance to accept direct diplomatic relations with Nationalist China and of the ultimate inevitability of Peking's admission, it will no doubt appear that Malta should not take any strong stand in favour of Nationalist China and to the exclusion of Peking. Such a stand, apart from being doomed to ultimate failure, would also portray Malta as being unduly "reactionary" in the international sphere. On the other hand, if Malta were simply to abstain when the question comes to be debated, the inevitable impression would be given that we were sitting on the fence - a position which is

neither dignified nor consonant with the views expressed by you before the United Nations General Assembly. One of the disadvantages of keeping silent on important issues is that very often, instead of not offending either party, sympathy may be lost with both.

It is therefore considered that despite the known opposition of both the Communist and Nationalist Chinese to the "Two Chinas Theory", there is merit in Malta's advocating such a solution. The "Two Chinas Theory" means of course that both Governments should be accepted in the United Nations as separate entities. Embracing this theory would imply a readiness to accept Communist China in the United Nations and on the Security Council but would reserve to Taiwan an independent seat in the Assembly and in the Specialised Agencies. Such an attitude has been advocated in the United Nations by, amongst others, Canada, Nigeria and Sierra Leone. It is an attitude which looks to the factual situation wherein there are two de facto sovereign separate entities, each of which exercises effective control over its own territory. There is no prospect, in the foreseeable future, of either entity ceasing to exist. As far as Communist China is concerned, this is obviously a truism. As for Nationalist China, she has formed an alliance with the U.S.A. which commits the latter to the defence of Taiwan. In the circumstances it is not conceivable that either Government can dislodge the other.

Furthermore, Nationalist China controls a territory of over 14,000 square miles, with over 11 million population - qualifications which are greater than those of two thirds of all U.N. Members. The "Two Chinas Theory" would also conform with the interpretation expounded by U Thant concerning the question of Chinese representation. Speaking at the beginning of the XIX (current) Assembly Session, he said that the question, in the opinion of the vast majority of the General Assembly, was not one of representation, but of admission. In other words, it concerns the admission of a new member (Communist China) and not the replacement of the existing representation of China.

The adoption by Malta of the "Two Chinas Theory" will mean a positive line of action. At the same time, given the present intransigence of both Chinas (particularly the Communists) against the Theory, it is not likely that any advance will be achieved which would demand any further positive action from Malta in favour of Communist China (such as would be involved in her being voted in to the United Nations).

While the attitude described above would not necessarily tie Malta to any particular position regarding any resolution which might yet be introduced on the subject of Chinese representation, it may be useful to examine what Malta's attitude should be in strict logic, to certain possible developments. So far as can be foreseen, such developments could take the form of -

/a) action

a) action seeking the expulsion of Nationalist China and her replacement by Communist China in the United Nations - Malta would obviously vote against such action.

b) action to prevent Communist China's admission to the United Nations - Malta would again vote against.

c) action calling for the admission of Communist China to the United Nations and the replacement of Nationalist China on the Security Council by Communist China - Malta would support such action, since this would imply a separate seat in the General Assembly for Nationalist China.

It will be noted that (a) and (b) above are the two extreme positions advocated respectively by the supporters of Communist China (U.S.S.R., U.K., France, etc.) and of Nationalist China (U.S.A.) Paragraph (c) on the other hand, which would logically call for support from any advocate of the Two Chinas theory, is a middle-of-the-road position.

25 MAR 1965

Submission by the Under Secretary for
External Affairs on the subject of the two Chinas

The Government of Malta has before it the questions of recognition of the Chinas and of the exchange of diplomatic relations with them.

No Government is obliged to recognise another Government. In the case of the two Chinas it is not possible to recognise both of them. There is no Commonwealth line about recognition of these two countries. The United Kingdom recommends that Malta should ignore both.

Against recognising Communist China is the embarrassment which such recognition would cause to the United States of America and the Holy See. It would not cause any embarrassment to the United Kingdom which already recognises Communist China, nor would NATO be embarrassed because among Nato countries besides the United Kingdom there is France which also recognises Peking. If Malta were to recognise Nationalist China, such recognition would gratify the U.S.A. which has supplied the main opposition to Communist China's membership in the United Nations. The United States of America feels that Communist China is the most aggressive element in the communist camp. The U.S. is engaged in meeting this threat on many fronts and values every indication from any nation of understanding of this problem.

Whilst there is a chance of obtaining technical and financial aid from Communist China any contact with this country may expose Malta to subversion. The amount of aid which the Nationalist China Government can give is limited and this Government, although highly respected in many quarters, has little influence in world affairs.

The question, however, of whether to recognise or not Nationalist China in the case of Malta does not arise because Malta has already recognised this Government by inviting it to send representatives to

the Independence Celebrations, by addressing letters to its ambassador in Madrid and by accepting an invitation to send a delegation to Formosa. What remains to be considered, therefore, is the establishment of diplomatic relations.

Once Malta has not recognised Communist China and is unable to do so having now recognised Nationalist China, no question of establishing formal diplomatic relations with Communist China exists unless Malta is prepared to repudiate its recognition of Nationalist China. The Government of Nationalist China is pressing for the establishment of diplomatic relations. There is no doubt that this Government is insisting on this step in order to consolidate its position in Malta and to ensure that Communist China does not obtain a foothold in this country.

It might be considered, on the other hand, that it is desirable not to allow Nationalist China (and others) to feel that all possibility of future relationships with Communist China has been excluded. It would accordingly be advisable to refuse to establish formal diplomatic relations on the plea that Malta has a very small diplomatic establishment and it was unlikely ever to be able to set up a mission in Formosa. In such circumstances a reply could be sent to the formal request already made by Nationalist China to the effect that diplomatic relations between the two countries could be conducted between the Government of Malta and the Ambassador of China in Madrid (who was the representative of that Country to the Independence Celebrations) without formal accreditation.

3.11.64