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sembly and to the President of the Security Council, the Minister for Foreign Affairs of the Central People's Government of the People's Republic of China charged that, on 22 September, military aircraft of the United States forces had flown over Chinese territory and dropped bombs on the city of Antung, causing damage to property and wounding a number of people. He noted that, although the majority in the Security Council had agreed to include the accusation of the People's Republic of China in the agenda, they had refused to have his Government's representative present in the Council to state his case and participate in the discussion of the complaints concerning violations of Chinese air space by United States aircraft which had been submitted to the Council in communications dated 28 and 30 August.⁷¹ The Central People's Government of the People's Republic of China demanded that the General Assembly should:

(1) include in its agenda the complaint of the People's Republic of China against the flights of United States military aircraft over Chinese territory and the strafing and bombing which had caused casualties and property damage;

(2) invite the representatives of the People's Republic of China to state their case and participate in the discussion;

(3) recommend that the Security Council should take effective measures to condemn the aggressive crimes of the United States and bring about promptly the withdrawal of the United States forces in Korea, so that peace in the Far East and the world might be restored.

In a letter (S/1813) dated 26 September, the United States informed the Security Council that a report from the United States Air Force indicated that one of its planes in the service of the United Nations might inadvertently have violated Chinese territory and dropped bombs in the vicinity of Antung on 22 September. The United States deeply regretted any violations of Chinese territory and any damage which might have occurred. It remained willing to assume responsibility and pay compensation through the United Nations for any damages which an impartial investigation on the spot might show to have been caused by United States planes.

By a letter (A/1416) dated 29 September, addressed to the President of the General Assembly, the USSR expressed its support for the request of the Central People's Government of the People's Republic of China, contained in the telegram of 24 September. The USSR requested that a meeting of the General Committee of the General Assembly be convened to consider the question of the inclusion in the agenda of the fifth regular session of the Assembly of the above-

mentioned proposal of the Central People's Government of the People's Republic of China. An explanatory note (A/1419), submitted by the USSR, followed this request.

In a cablegram (A/1410) dated 27 September, the Minister for Foreign Affairs of the Central People's Government of the People's Republic of China charged that, on 21 September, a Chinese merchant ship on the high seas had been fired at by a United States destroyer, obliged to stop and forcibly inspected. He requested that this complaint should be included in the agenda of the General Assembly, together with the charges contained in the cablegram (A/1415), dated 24 September.

At the 71st meeting of the General Committee on 5 October, the USSR agreed itself to propose the inclusion of an item based on the requests contained in the telegrams referred to (A/1415 & A/1410). It was decided at that meeting to recommend the inclusion of an item in the agenda under the heading: "Complaint by the USSR regarding the violation of Chinese air space by the air force of the United States and the machine-gunning and bombing of Chinese territory by that air force and against the bombardment and illegal inspection of a merchant ship of the People's Republic of China by a military vessel of the United States".

The General Assembly, by 43 votes to 1, with 2 abstentions, approved this recommendation at its 294th plenary meeting on 7 October, and referred the item to the *Ad Hoc* Political Committee. At its 313th plenary meeting on 1 December, the General Assembly decided to transfer the item from the *Ad Hoc* Political Committee to the First Committee.

No further action was taken on this item during 1950.⁷²

8. Complaint of Armed Invasion of Taiwan (Formosa)

a. CONSIDERATION BY THE SECURITY COUNCIL

In a cablegram dated 24 August 1950 (S/1715), addressed to the President of the Security Council, the Minister for Foreign Affairs of the Central People's Government of the People's Republic of China stated that, on 27 June, President Truman had announced the deci-

⁷¹ See p. 283.

⁷² The First Committee of the General Assembly discussed this item in Feb. 1951.

sion of the United States Government to prevent by armed force the liberation of Taiwan by the Chinese People's Liberation Army. The United States Seventh Fleet had moved toward the Strait of Taiwan and contingents of the United States Air Force had arrived in Taiwan. This action was a direct armed aggression on the territory of China and a total violation of the Charter. The fact that Taiwan was an integral part of China was based on history and confirmed by the situation existing since the surrender of Japan. It was also stipulated in the Cairo Declaration of 1943 and the Potsdam communiqué of 1945 which the United States had pledged itself to observe. The Central People's Government of the People's Republic of China considered that, to maintain international peace and security and to uphold the dignity of the Charter, it was the duty of the Security Council to condemn the United States Government for its armed invasion of the territory of China and to take immediate measures to bring about the complete withdrawal of all the United States invading forces from Taiwan and from other territories belonging to China.

In a letter dated 25 August (S/1716), the representative of the United States replied that President Truman's statements of 27 June and 19 July, and the facts to which they related, made it clear that the United States had not encroached on the territory of China nor taken aggressive action against that country. The United States action in regard to Formosa had been taken at a time when the island was the scene of conflict with the mainland and more serious conflict was threatened by the public declaration of the Chinese communist authorities. Such conflict would have threatened the security of the United Nations forces operating in Korea under the mandate of the Security Council to repel the aggression on the Republic of Korea. The United States action was an impartial, neutralizing action, addressed both to the forces on Formosa and to those on the mainland. It was designed to keep the peace and was not inspired by any desire to acquire a special position. It had been expressly stated to be without prejudice to the future political settlement of the status of Formosa. Like other territory taken from Japan by the victory of the Allied Forces, its legal status could not be fixed until there was international action to determine its future. The Chinese Government had been asked by the Allies to take the surrender of the Japanese forces on the island, and that was the reason the Chinese were there. The United States would welcome United Nations consideration of the case of Formosa,

and would approve full United Nations investigation at Headquarters or on the spot.

The item was included in the provisional agenda of the 492nd meeting of the Security Council on 29 August, under the title "Statement of the Central People's Government of the People's Republic of China, concerning armed invasion of the territory of China by the Government of the United States of America and concerning violation of the Charter of the United Nations".

The representative of the United States said that he would vote for the inclusion of the item in the agenda if it were amended to read "Complaint regarding Formosa". The representative of China considered that when a question was placed on the agenda of the Security Council, there must be at least some *prima facie* case. His Government, he asserted, was in effective control of Taiwan, but it knew of no aggression by the United States and had no complaint to make. The United States, it was stated, had made no territorial demand or demands for economic concessions or for political privileges on Taiwan.

He felt that the question had been raised to divert attention of the world from the real aggressors. He quoted from official statements of the Central People's Government of the People's Republic of China and analysed post-war developments to indicate its character. He maintained that it had resulted from a rebellion against the legal central Government of China and had reached its present status through the interference of the USSR. The representative of China objected to the inclusion of the item in the agenda and submitted that the Council should study the preliminary question of the real origin and character of the Peking régime, and whether its complaint was worthy of consideration.

The representative of the United Kingdom stated that the complaint had been made by a Government which was in physical control of by far the greater part of China. Further, the United States Government had stated that it would welcome United Nations consideration of the case of Formosa. Accordingly, he would agree to the inclusion of the item in the agenda, as rephrased by the United States representative.

Analysing the reply (S/1716) of the United States, the representative of the USSR stated that the Council was not faced with the question of Formosa. The fate of that island, he said, had been decided in accordance with the Cairo Declaration, the Potsdam decisions and the act of surrender of Japan, which had returned the island to China as an integral and inalienable part of its territory.

The question before the Council was of a different nature. As could be seen from the cablegram (S/1715) from the Foreign Minister of the Central People's Republic of China, the United States Government had violated one of the basic provisions of the Charter and had committed a direct act of armed aggression against China, by virtually occupying the island of Taiwan with its naval and air forces. Disregarding the fact that, in accordance with international instruments, that territory belonged to China, the United States Government had decided to invade the island and to declare that the armed forces and authorities of the lawful Government of China, namely that of the People's Republic of China, should be denied access to the island. Thus, he maintained, the Council was concerned not with the question of Formosa, but with an act of aggression committed by the United States Government against an integral part of China. If that item were worded differently on the Council's agenda, it would lose its meaning.

The representative of India supported the inclusion of the item in the agenda and suggested that it be redrafted to read "Complaint of armed invasion of Taiwan (Formosa)".

The Council decided to include in its agenda the item as rephrased by the representative of India by 7 votes to 2 (China, Cuba), with 1 abstention (Egypt) and one member (Yugoslavia) not participating.

One vote (USSR) was cast in favour of including the item in the form in which it had appeared in the provisional agenda.

Subsequently, at the 493rd meeting on 31 August, the representative of Cuba stated that he had voted against the inclusion of the item in the agenda since there was no dispute or controversy involved which might lead to international friction, or still less to an act of aggression. The Cuban delegation, he stated, was aware that the complaint was simply a propaganda manoeuvre to bring the representative of communist China into the Security Council.

At the 492nd meeting of the Council on 29 August, the representative of the USSR proposed the following draft resolution (S/1732):

The Security Council,

In connexion with the statement of the Central People's Government of the People's Republic of China regarding armed invasion of the Island of Taiwan (Formosa),

Decides:

To invite a representative of the Central People's Government of the People's Republic of China to attend meetings of the Security Council.

The representative of the United Kingdom proposed that the USSR draft resolution be amended by adding the following words at the end: "when the abovementioned matter is under discussion". The USSR draft resolution, as amended by the representative of the United Kingdom, was rejected by 4 votes in favour, 4 against (China, Cuba, Ecuador, United States) and 3 abstentions (Egypt, France, United Kingdom).

On 2 September, the representative of the USSR submitted a draft resolution (S/1757), proposing that the Security Council, considering the statement of the Central People's Republic of China on the item, should (i) condemn the action of the United States as an act of aggression and as intervention in the internal affairs of China; (ii) propose to the Government of the United States that it immediately withdraw all its air, sea and land forces from the island of Taiwan and from other territories belonging to China.

In a cablegram dated 17 September (S/1795), the Minister for Foreign Affairs of the Central People's Government of the People's Republic of China stated that, as the sole legal government representing the Chinese people, and being the accuser in the case, his Government had the right and necessity to send its delegation to attend and participate in the proceedings of the Security Council. He stated that, if the Council should proceed with this agenda item without the attendance and participation of the representative of his Government, its resolutions would be illegal, null and void.

At its 503rd to 506th meetings, from 26 to 29 September, the Council further discussed the question of inviting a representative of the People's Republic of China during the discussion of the item relating to Taiwan. The following views were expressed:

The representative of China noted that, at the request of the USSR, the General Assembly had included in its agenda an item entitled "Complaint by the Union of Soviet Socialist Republics regarding aggression against China by the United States" (see below). A study of the explanatory memorandum (A/1382), submitted in support of the item, showed that it included the so-called invasion of Taiwan by the United States. In view of the provisions of Articles 10 and 12 of the Charter, relating to simultaneous proceedings in the Assembly and the Council, he moved that the Council should cease consideration of this item during its consideration by the Assembly.

The representative of Ecuador submitted an amendment (S/1817/Rev.1) to the Chinese motion. The amendment noted, *inter alia*:

(i) that without prejudice to the question of the representation of China the Council might invite representatives of the Central People's Government of the People's Republic of China, under rule 39 of the Council's rules of procedure;

(ii) that a USSR complaint regarding United States aggression against the territory of China had been placed on the agenda of the General Assembly.

The operative part of the amendment provided that the Council should

(a) defer consideration of the question until its first meeting held after 1 December 1950;

(b) invite a representative of the Central People's Government of the People's Republic of China to attend the meetings of the Council held after 1 December during the discussion of that Government's declaration (S/1715) regarding an armed invasion of the Island of Taiwan.

After discussion the representative of Ecuador accepted a suggestion of the representative of the United Kingdom that the date in the operative part of the proposal should be changed to 15 November.

The representative of the USSR maintained that in accordance with Article 32 of the Charter, the Council should invite both of the parties to an international conflict which might develop into a threat to international peace and security. He also referred to the Council's established practice to invite representatives of both sides as in the consideration of the Indonesian, Palestine and Kashmir questions.

The representative of Ecuador stated that the Council should give a broad and favourable interpretation to the Charter and the rules of procedure, so that it might consider complaints on the subject relating to international peace and security, even if the complainants are only *de facto* Governments. He believed, however, that there was no need for the Council to discuss the question while it was before the General Assembly. He assumed that by 1 December, the Committee which was considering the item would be able to submit its views. At the same time, he said, he could not agree that the matter should be withdrawn from the Council's agenda, or that it would be fair for the Council when it came to consider the question of Formosa, to refuse to hear representatives of the Central People's Government of China.

The representative of the United Kingdom considered that Article 32 of the Charter was inapplicable, but felt that the invitation should be issued under rule 39 of the Council's rules of procedure. The representative of China considered

that rule 39 was not applicable either, since his own Government was in effective control of Taiwan, and he claimed that it was the only authority in a position to supply the Council with information it might desire about Taiwan. His Government, he stated, knew of no aggression by the United States and had no complaint to make. The United States Seventh Fleet was present with his Government's consent and, apart from the Seventh Fleet, there were no United States military forces in Taiwan.

The representative of the United States referred to the possibility of the establishment of a representative Commission, which would have broad powers of investigation and would hear all interested parties. He considered that this would be an effective method of evaluating the charges. After the facts had been established, the question of an invitation under rule 39 could be considered by the Council before action is taken. The United States delegation, he said, opposed an invitation at an earlier stage because a debate on the merits of the question, with a representative of the Peking régime seated, would lead to the use of the Council as a propaganda forum.

He suggested that the Ecuadorean proposal deferring the Council's consideration of the item should have priority in voting over the USSR draft resolution.

On 28 September, at its 505th meeting, the Council rejected a motion that the Ecuadorean proposal should have priority over the USSR draft resolution inviting the representative of the People's Republic of China.

At the same meeting, the Council rejected by 6 votes to 2 (China, Cuba), with 3 abstentions (Ecuador, France, United States), the Chinese motion that it should cease consideration of the item relating to Taiwan during its consideration by the Assembly.

The USSR draft resolution (S/1732), as amended by the representative of the United Kingdom, was rejected by 6 votes to 5 (Cuba, China, United States), with 2 abstentions (Ecuador, Egypt).

The Council then voted on the Ecuadorean amendment (S/1817/Rev.1). The operative part of the amendment deferring consideration of the question and inviting a representative of the Central People's Government of China after 1 December received 6 votes in favour, 4 against (China, Cuba, Egypt, United States), with 1 abstention (Yugoslavia). The representative of Yugoslavia stated that he had abstained from voting on the operative part because he was not convinced that

the invitation should be delayed for one month and a half. However, in view of the result of the voting and since he did not see a better way of expressing his desire that the Government of the People's Republic of China should be invited, he wished to change his vote and to vote in favour of the operative part.

The Council took no decision on the question as to whether a change of vote by the representative of Yugoslavia was in order.

On 29 September, at the 506th meeting, the representative of Ecuador reintroduced his proposal as a new draft resolution (S/1823/Corr.1).

The first four paragraphs of the preamble were adopted and the fifth paragraph⁷³ was rejected: 7 votes were cast in favour of the operative part, and 4 against (China, Cuba, Egypt, United States). Finally the Council voted on the new Ecuadorean draft resolution as a whole (with the omission of the fifth paragraph of the preamble). There were 7 votes in favour and 3 against (China, Cuba, United States), with 1 abstention (Egypt).

The President stated that, in his opinion, the resolution had been adopted. The text of the resolution follows:

The Security Council,

Considering that it is its duty to investigate any situation likely to lead to international friction or to give rise to a dispute in order to determine whether the continuance of such dispute or situation may endanger international peace and security, and likewise to determine the existence of any threat to peace;

That, in the event of a complaint regarding situations or facts similar to those mentioned above, the Council may hear the complainants;

That, in view of the divergence of opinion in the Council regarding the representation of China and without prejudice to this question, it may in accordance with rule 39 of the rules of procedure, invite representatives of the Central People's Government of the People's Republic of China to provide it with information or assist it in the consideration of these matters;

Having noted the declaration of the People's Republic of China regarding the armed invasion of the Island of Taiwan (Formosa); and

Decides

(a) To defer consideration of this question until the first meeting of the Council held after 15 November 1950;

(b) To invite a representative of the said Government to attend the meetings of the Security Council held after 15 November 1950 during the discussion of that Government's declaration regarding an armed invasion of the Island of Taiwan (Formosa).

(1) Discussion of the Legal Effect of the Vote on the Ecuadorian Draft Resolution

The representative of China considered that paragraph (b) of the operative part of the Ecuadorian draft resolution was a question of sub-

stance and that his vote against the draft resolution should be considered as a veto. He said that it was for the very contingency of a difference of opinion on this question that the statement made by the delegations of the four sponsoring Powers of the San Francisco Conference on 7 June 1945 had provided for a preliminary vote on the issue whether a question was one of substance or of procedure. This preliminary vote must have the concurring votes of the five permanent members.

After the issues raised by this statement had been discussed at two meetings both held on 29 September, the President asked the Council to vote on the question that the Ecuadorian draft resolution which had been voted upon should be regarded as procedural. Nine votes were cast in the affirmative, one in the negative (China), and there was one abstention (Cuba). The President stated that the proposal that the Ecuadorian draft resolution should be regarded as procedural had been adopted.

The representative of China argued that the vote was regulated by the following provision in the San Francisco Four-Power Declaration: "The decision regarding the preliminary question as to whether or not such a matter is procedural must be taken by a vote of seven members of the Security Council, including the concurring votes of the permanent members". Since the vote just taken had not had the concurring vote of his delegation, the proposal that the matter was procedural had not been adopted. The President replied that a vote which was regarded as procedural by nine members of the Security Council had been pronounced as substantive by one of the permanent members. He considered that, if this situation were allowed to stand, a very grave precedent would have been created, which might impede the whole functioning of the United Nations in the future. Consequently, he ruled that, notwithstanding the objection of the representative of China, the Council's vote on the Ecuadorian draft resolution was procedural.

The representative of China considered that the President's ruling was arbitrary and *ultra vires*. He suggested that the International Court of Justice should be asked for an advisory opinion on the following question: "In view of the statement of

⁷³ The fifth paragraph of the draft resolution stated: "Considering further that a complaint submitted by the Union of Soviet Socialist Republics regarding aggression against the territory of China by the United States of America has been placed on the agenda of the fifth session of the General Assembly and has been referred for consideration to the First Committee of the Assembly."

7 June 1945 by the delegations of four sponsoring Governments on voting procedure in the Security Council, and in view of the precedents of the Council, is the claim of the representative of China to veto paragraph (b) of the operative part of the proposal of Ecuador of 29 September 1950 justified?"

The President said that, since his ruling had been challenged, he would put it to the vote. The representative of China replied that it was well known that a matter of this kind was not subject to a presidential ruling. The President then put the challenge to his ruling to the vote. No votes were cast in favour of the challenge and none against, and there were no abstentions. The President said that, since there was no vote in favour of overruling his decision, it stood. The representative of China stated that he had not chosen to participate in a vote which was in itself illegal. He wished to have it recorded that the President's action was arbitrary and that the decisions he had arrived at were illegal and therefore invalid.

By a cablegram dated 2 October, the Secretary-General informed the Minister for Foreign Affairs of the Central People's Government of the People's Republic of China that, on 29 September, the Security Council had decided to invite a representative of that Government to attend meetings of the Security Council held after 15 November during discussion of the complaint of armed invasion of Taiwan (Formosa).

The Central People's Government of the People's Republic of China, in a cablegram dated 23 October, accepted the invitation decided upon by the Council on 29 September. On 27 November the Council decided to consider together the two items "Complaint of armed invasion of Taiwan (Formosa)" and "Complaint of aggression on the Republic of Korea".⁷⁴ On the same day, a representative of the People's Republic of China took his seat at the Council table.

(2) *Statements by Representatives*

At the 526th meeting on 28 November, a USSR proposal that the floor be given first to the representative of the People's Republic of China was rejected by 7 votes to 1 (USSR), with 2 abstentions (India, Yugoslavia). After the representative of the United States had made a statement,⁷⁵ the representative of the Central People's Government of the People's Republic of China stressed that he was present at the Council table in the name of the 475,000,000 people of China to charge the Government of the United States with the unlawful and criminal act of armed aggression

against the territory of China, Taiwan, including the Penghu Islands. The charge of aggression against Taiwan should have been lodged by a representative on the Security Council of the Central People's Government of the People's Republic of China, as a permanent member of the Council. In this connexion, he protested against the United Nations not having seated such a representative. So long as the Organization persisted in denying admittance to a permanent member representing 475,000,000 people, it could not make lawful decisions on any major issues or solve any major problems, particularly those which concerned Asia. Accordingly, he demanded the expulsion of the delegates of the Kuomintang reactionary clique from the United Nations and the admission of the lawful delegates of the People's Republic of China.

The Central People's Government of the People's Republic of China, in a statement issued on 28 June 1950, had pointed out that the statement by President Truman on 27 June, together with the actions of the United States armed forces, constituted armed aggression against Chinese territory and a gross violation of the Charter.

Taiwan was an integral part of China, as was clearly reflected in the Cairo Declaration and in the Potsdam Declaration signed jointly by China, the United States of America and the United Kingdom, and subsequently adhered to by the USSR. On 2 September 1945, Japan had signed the Instrument of Surrender, the first article of which explicitly provided that Japan accepted the provisions set forth in the Potsdam Declaration. When the Chinese Government had accepted the surrender of the Japanese armed forces in Taiwan and exercised sovereignty over the island, Taiwan had become, not only *de jure* but also *de facto*, an inalienable part of Chinese territory. For this reason, during the five post-war years until 27 June 1950, no one had ever questioned the fact that Taiwan was an inseparable part of Chinese territory, *de jure* and *de facto*. President Truman himself had, on 5 January 1950, admitted that Taiwan was Chinese territory. Yet, the United States Government had had the audacity to declare its decision to use armed force to prevent the liberation of Taiwan by the People's Republic of China, and to dispatch its armed forces in a large-scale open invasion of Taiwan.

Later, President Truman had sent General MacArthur, Commander-in-Chief of the United States Armed Forces in the Far East, to Taiwan to confer

⁷⁴ See p. 241.

⁷⁵ For the statement, see pp. 241-42.

with Chiang Kai-shek on concrete measures for using Taiwan as a base from which to wage war against the Chinese people.

The attempt of the United States Government to justify its invasion and occupation of Taiwan by pretending that the status of the island was not yet determined was groundless. History itself and the situation during the last five years following Japan's surrender, had long determined the status of Taiwan as an integral part of China. Moreover, under Article 107 of the Charter, the United Nations had no right whatsoever to alter that status, the less so since the question did not exist.

The armed invasion of Taiwan was the inevitable consequence of the United States Government's policy of intervention in China's internal affairs. During the period following Japan's surrender, the United States Government and the Chiang Kai-shek Kuomintang régime had signed all kinds of unequal treaties and agreements which reduced China to the status of a colony and military base of the United States. After Japan's surrender and following the victory of the Chinese People's Liberation Army on the mainland, the United States Government had intensified its activities with regard to Taiwan with the aim of putting it under American control and converting it into a military base. That Government had also intensified its support for the Chiang Kai-shek régime and had continued through that régime to try to prevent the island's liberation so that it might remain under American domination. This was not an isolated affair, but part of the over-all plan of the United States Government to intensify its aggression, and its control and enslavement of Asian countries, which had been going on for the last five years.

In conclusion the representative of the People's Republic of China submitted a draft resolution (S/1921) calling upon the Council:

(1) to recognize that the invasion and occupation of Taiwan by the armed forces of the United States constituted open and direct aggression against Chinese territory, and that the armed aggression against Chinese territory and the armed intervention in Korea by the armed forces of the United States had shattered peace and security in Asia and violated the United Nations Charter and international agreement;

(2) to condemn the Government of the United States for those acts;

(3) to demand the complete withdrawal by the Government of the United States of its forces of armed aggression from Taiwan, in order that peace and security in the Pacific and in Asia might be ensured;

(4) to demand the withdrawal from Korea of the armed forces of the United States and all other countries and leave the people of North and South Korea to settle

the domestic affairs of Korea themselves, so that a peaceful solution of the Korean question might be achieved.

The representative of China rejected all assertions of American imperialist activities in China and emphasized that the United States Government had not requested any base or privilege in Taiwan. The United States Seventh Fleet had been sent to the Strait of Taiwan with the consent of his Government which, he stated, was the only legitimate Government of China. The statement of the representative of the People's Republic of China, he said, gave a completely distorted account of American activities with regard to China and of the actions of the United Nations with regard to Korea. The resolutions of the Security Council, he said, showed that any idea of using Korea as a base of aggression against China was totally foreign to the thought of the United Nations.

The representative of the USSR stated that the cablegram of the Minister of Foreign Affairs of the People's Republic of China, dated 24 August, and the statement of the representative of that Republic showed quite clearly that the United States Government had committed an act of aggression against China by invading Taiwan, which was its territory.

With regard to the status of Taiwan, the representative of the USSR associated himself with the arguments submitted by the representative of the People's Republic of China to the effect that this question could not again be made a subject of discussion since it had been decided upon by international agreements during the war, and in particular by the Declarations of Cairo and Potsdam and the Japanese Instrument of Surrender. The attempts of the United States, he said, to bring the question before the United Nations were clearly aimed at changing the legal status of the island through the agency of the United Nations and thereby to conceal United States aggression against China. The question, he emphasized, was not that of the status of Taiwan, but of armed aggression against China and the invasion of the Chinese island of Taiwan by the United States. He said that the Security Council and the United Nations were in honour bound to protect the victim of aggression and to take appropriate action against the aggressor.

The representative of the United Kingdom stated that the representative of the People's Republic of China had completely failed to substantiate any accusation that the island was being converted into a United States base, or that the United States was in control of it. The disposal of the island like that of other territories formerly be-

longing to Japan, still remained, he said, a matter of international concern. Any attempt to settle the question by armed force and in the absence of any generally recognized legal decision, must have international repercussions and was, therefore, not acceptable.

The draft resolution submitted by the USSR on 2 September (S/1757) was rejected by 9 votes to 1 (USSR), with 1 member (India) not participating.

The draft resolution submitted by the representative of the People's Republic of China, and sponsored by the USSR (S/1921) was rejected by 9 votes to 1 (USSR), with 1 member (India) not participating.

b. CONSIDERATION BY THE GENERAL ASSEMBLY

By a letter (A/1375) dated 20 September 1950, the USSR proposed that the question of American aggression against China should be included in the agenda of the fifth session of the General Assembly. In an explanatory note (A/1382), dated 21 September, the USSR recalled that, on 27 June 1950, the President of the United States had officially stated that he had issued orders to the United States armed forces concerning operations in connexion with Taiwan (Formosa).⁷⁶ This order had been followed immediately by the blockade of Taiwan by the United States Navy and the invasion of Taiwan by United States armed forces. These actions, the note stated, represented gross interference in the internal affairs of China, a direct encroachment on its territorial integrity and political independence, and a direct act of aggression against the People's Republic of China. They had been followed by the bombing and machine-gunning of Chinese territory in the area of the Manchurian-Korean frontier by the United States Air Force, causing loss of life and damage to buildings and installations. These acts constituted a serious threat to international peace and security and called for immediate action by the United Nations.

Upon the recommendation of its General Committee, the General Assembly, at its 285th plenary meeting on 26 September, included the item in its agenda under the title "Complaint by the USSR regarding aggression against China by the United States" and referred it to the First Committee, which considered it during 1950 at its 405th to 409th meetings, on 24 and 27 November and 7 December.

In a cablegram (A/C.1/590) dated 17 October 1950, the Minister for Foreign Affairs of the Central People's Government of the People's Republic of China claimed that, as the sole legal government representing the Chinese people, his Government had the right and necessity to send a delegation to attend and participate in the proceedings of the fifth session of the General Assembly. If the General Assembly should proceed with this particular agenda item without the attendance and participation of the representative of the People's Republic of China, its resolutions would be illegal, null and void.

At the 399th meeting of the First Committee on 15 November, during a discussion on the priority to be assigned to the consideration of items that yet remained on its agenda, the USSR introduced a draft resolution (A/C.1/630), proposing that the First Committee invite the representative of the Central People's Government of the People's Republic of China to participate in the discussion of this item.

The representative of Chile, at the Committee's 405th meeting on 24 November, pointed out that the Minister for Foreign Affairs of the People's Republic of China had based his application on his claim to speak for the only legitimate Government of China, and the USSR draft resolution had, in turn, been based on the request of the People's Republic of China. In order to clarify the point, he submitted an amendment (A/C.1/635) to replace the operative part of the USSR draft resolution. The Chilean amendment proposed that the representative of the People's Republic of China should be invited to present his views and provide such information as the Committee might request during its discussion of the item, and stated that the invitation in no way prejudged the merits of the question under discussion or affected the present status of Chinese representation in the United Nations. Upon further clarification by the representative of the USSR, the representative of Chile agreed to withdraw the amendment if the USSR were agreeable to the addition to its proposal of a provision in the sense of the Chilean amendment. The proposed addition was not accepted by the USSR and the Chilean amendment was therefore put to the vote at the 406th meeting on 24 November. It was rejected by 17 votes to 9, with 33 abstentions. The USSR draft resolution (A/C.1/630) was then put to the vote by roll call and was adopted by 30 votes to 8, with 22 abstentions.

⁷⁶ See p. 223.

Further discussion of the item was postponed for two days to enable the Secretary-General to communicate the text of the Committee's resolution to the Government of the People's Republic of China. The Minister for Foreign Affairs of that Government replied by cablegram (A/C.1/636) on 26 November, appointing a representative to participate in the discussion of the item in the First Committee. At the Committee's 407th meeting on 27 November, the Chairman invited the representative of the Central People's Government of the People's Republic of China to the Committee table.

The representative of the USSR, at that meeting, listed the illegal acts which he stated the United States had committed against the Chinese people and their Government. In execution of President Truman's orders announced on 27 June, the United States naval forces, he said, had blockaded Taiwan and patrolled the Strait so that Taiwan's ports could be used as United States naval bases. It had subsequently been reported in the Press that some detachments of the United States Air Force had been moved to Taiwan and a group of General MacArthur's staff officers had been established as military observers. By these actions, the United States had violated the Cairo and Potsdam Declarations, under which Taiwan would be restored to China. It had also violated the principles of international law and the United Nations Charter, in particular Article 2, paragraph 4, choosing to replace the principle of the territorial integrity of States by the use of armed force in international relations. In August 1950, General MacArthur had gone to Taiwan and had announced that he had reached an agreement with Generalissimo Chiang Kai-shek on the defence of the island. The speeches of various political leaders and other evidence showed that United States aggression had the far-reaching objectives of preventing the ejection of the Kuomintang from its last refuge and of keeping Taiwan as a United States base in the Far East. Furthermore, these American plans relating to Taiwan had been made long before the events in Korea.

The representative of the USSR then gave examples of the complete economic control of the island by United States monopolies. He stated that it was clear from the documents and evidence available that the United States had decided upon aggression against China in accordance with its policy of supporting the Kuomintang, in order to secure Taiwan as a strategic base and take possession of its resources. He referred also to the re-

peated United States violations of Chinese air space near the Manchurian border and, after a review of the history of relations between the United States and China, concluded that United States policy in the nineteenth and twentieth centuries had, in fact, been designed to ensure the domination of China by American monopolies, with the help of reactionary Chinese elements.

He maintained, first, that the United States had invaded Taiwan with armed forces, although that island was an integral part of Chinese territory; secondly, that the United States had blockaded the shores of Taiwan with its navy so as to deny access to that island to the armed forces and authorities of the legitimate Government of the People's Republic of China, thereby jeopardizing the territorial integrity of China; and thirdly, that United States armed intervention in the internal affairs of China had been accompanied by the threat of the use of armed force against the only legitimate Chinese Government, in gross violation of the sovereignty and political independence of China.

The representative of the USSR then submitted a draft resolution (A/C.1/637):

(1) noting, *inter alia*, the facts of the infringement of Chinese territorial integrity and the inviolability of its frontiers by naval and air units of the United States, as witnessed by (a) the invasion by United States armed forces of the Island of Taiwan and the consequent intervention by the United States in the domestic affairs of China, and (b) the blockade of the coast of Taiwan by the United States Seventh Fleet for the hostile purpose of barring the island to the armed forces and authorities of the People's Republic of China;

(2) asking the General Assembly to request the Security Council to take the necessary steps to ensure the immediate cessation of aggression against China by the United States.

The representative of the United States said that he would answer the USSR statement more fully at a later date, after he had occasion to study more carefully that statement and the allegations it contained. Making a preliminary answer, he declared that the USSR was trying to kill the historic friendship between the peoples of China and of the United States, and was using every means to try to bring the Chinese people to hate and even to fight the United States. Throughout history, the United States, he remarked, had acted as a friend of China and had sought to preserve its political and territorial integrity.

In anticipation of the first allegation that the United States had invaded Formosa with its armed forces, the representative of the United States declared that he had requested by cable the precise figures of the United States military personnel on that island. The United States authorities on For-

mosa had replied that there was a total of 44 persons, nineteen of whom were military attachés at the United States diplomatic missions, one was a warrant officer and 24 were enlisted men. Thus, the total invasion force on Formosa of 44 persons was a figure which corresponded closely to the total number of the Soviet Union's military attachés and aides in Washington.

The second allegation that the United States had blockaded Formosa, he said, was totally incorrect. The precise instructions given on 29 June by the United States Joint Chiefs of Staff to the Commander-in-Chief of the Far East Command had only instructed the latter to defend Formosa against invasion by Chinese communists and to prevent Formosa from being used as a base against the Chinese mainland. That was not a blockade, since commercial traffic was moving without any interference from the United States naval units.

On 27 June 1950, President Truman had stated that the occupation of Formosa by communist forces would constitute a direct threat to the security of the Pacific area, thus explaining the reason for the instructions given to the Commander-in-Chief in the Far East to prevent the outflanking of the United Nations forces in Korea. Moreover, it should be borne in mind, he explained, that Formosa was still of international interest as a former Japanese colony the status of which was still undecided. Considering the tremendous military efforts and the great sacrifices made by the United States in that area, it was only natural that the United States should have some voice in the determination of the future of Formosa.

The third point in the USSR indictment of the United States was that its aircraft had violated the Manchurian air in the prosecution of United Nations activities in Korea.⁷⁷ Possibly, the United States representative noted, those complaints should be directed against the United Nations rather than the United States, whose forces made up only a part of the allied air force in Korea. The United States, he indicated, was not in a position to verify alleged violations of the Manchurian air zone, since its pilots were unaware that they had committed them. The alleged bombings on Chinese territory were supposed to have occurred at points of bridge-crossings of the Yalu River bridges, through which the communist troops had poured across into North Korea in recent days.

The representative of the United States then cited historic acts of friendship on the part of the

United States for the people of China such as the "open door" policy, the remission of the Boxer indemnity to China, the nine-Power Treaty of Washington concerning China and the Kellogg doctrine of non-interference. He also recalled that the United States, in 1941, had risked a terrible war rather than recognize the Japanese puppet régime of Wang Ching-wei, which had been exercising *de facto* authority over most of the Chinese people. He cited names and figures of educational, religious and health institutions in China and called attention to the spontaneous friendly expression of individual Americans in contributing millions of dollars to China, to help the victims of such disasters as the North China famine of 1920, the great drought of 1928 and the Yangtse floods of 1927 and 1931.

History, the representative of the United States submitted, would never accuse the United States of having been motivated by anything other than a desire to serve what it honestly believed to be the welfare of the Chinese people. All decent and peace-loving people would condemn those who sought to replace that friendship, confidence and peace with hatred, fear and fighting.

At the Committee's 408th meeting on 7 December, the representative of France orally proposed that the Committee include in its agenda the item "Intervention of the Central People's Government of the People's Republic of China in Korea",⁷⁸ and begin immediately with its consideration. He recalled that the General Assembly, at its 319th plenary meeting on 6 December, had decided to place the item on its agenda and had instructed the First Committee to consider it.

The representative of France considered that the item related to an immense and immediate threat to the peace of the world. All the Members of the United Nations, he said, were directly affected by that item of the agenda, because they were jointly the guarantors of the Charter and because the intervention of Peking's forces in Korea was contrary to the Charter. The responsibility of the United Nations was involved because United Nations forces, which morally belonged to all the Member States, were in danger. He called upon the First Committee to consider that item as a matter of priority, in order to fulfil United Nations responsibilities with respect to the Charter, to Korea and to the men who had responded to the appeal of the Organization and who each day were dying in Korea.

⁷⁷ See pp. 286-87.

⁷⁸ See pp. 244-51.

The French proposal was opposed by the USSR representative, who insisted that the Committee continue the consideration of the Soviet complaint of United States aggression against China, the discussion of which had begun on 27 November. The problem on which it was proposed to postpone discussion, he said, was of no less urgency than any other. Any delay in the discussion of that problem, he argued, would constitute a flagrant and intolerable violation of the practice of the United Nations.

The French proposal was supported by the representatives of Australia, Bolivia, Brazil, Chile, Egypt, Greece, Lebanon, Nicaragua, Syria, Turkey, the United Kingdom and Uruguay, among others.

The representatives of the Byelorussian SSR, Czechoslovakia, Poland and the Ukrainian SSR associated themselves with the opposition to the French proposal expressed by the USSR representative.

The French proposal was adopted by the First Committee, at its 409th meeting on 7 December, by 42 votes to 5, with 4 abstentions. No further action during 1950 was taken on the USSR complaint regarding aggression against China by the United States.⁷⁹

c. ITEM PROPOSED BY THE UNITED STATES IN THE GENERAL ASSEMBLY

By a letter (A/1373) dated 20 September 1950, the United States requested that the question of Formosa should be included in the agenda of the fifth session of the General Assembly. In an explanatory note (A/1381), dated 21 September, the United States recalled the provisions of the Cairo Declaration of December 1943 and the Potsdam Declaration of July 1945. In the Cairo Declaration, the President of the United States, the British Prime Minister and the President of China stated that it was their purpose that Manchuria, Formosa and the Pescadores should be restored to the Republic of China, and that, in due course, Korea should become free and independent. In the Potsdam Declaration, defining the terms for Japanese surrender, the three Allied leaders declared that the terms of the Cairo Declaration should be carried out. The provisions of the Potsdam Declaration, the letter stated, were accepted by Japan at the time of its surrender, and the General Order of the Japanese Imperial Headquarters, issued pursuant to the terms of surrender, provided for the surrender of the Japanese forces in Formosa to Generalissimo Chiang Kai-shek.

The United States also recalled that, on 27 June 1950, President Truman had stated that the North Korean forces had defied the orders of the Security Council and that, in those circumstances, the occupation of Formosa by communist forces would be a direct threat to the security of the Pacific area and to United States forces. Accordingly, President Truman had ordered the United States Seventh Fleet to prevent any attack on Formosa and had called upon the Chinese Government on Formosa to cease all air and sea operations against the mainland. The President also stated that the determination of the future status of Formosa must await the restoration of security in the Pacific, a peace settlement with Japan or consideration by the United Nations. The letter added that the United States Government had made it abundantly clear that the measures it had taken with respect to Formosa were without prejudice to its long-term political status and that the United States had no territorial ambitions and sought no special position or privilege with Formosa. The United States further believed that the future of Formosa should be settled by peaceful means, in accordance with the Charter. Finally, it was suggested that the General Assembly should study the general situation with respect to Formosa, with a view to formulating appropriate recommendations.

The question of whether or not this item should be included in the agenda of the fifth session of the General Assembly was considered by the General Committee at its 69th–71st meetings, held on 21 and 22 September and 5 October, and by the General Assembly, at its 249th plenary meeting on 7 October.

Representatives of China and the USSR in the General Committee and of China, Czechoslovakia and the USSR in the General Assembly opposed the inclusion of the item.

The representative of China stated that it was unprecedented in the United Nations for the Government of one Member State to question the right of another State to its territorial possessions. In so doing, the United States delegation had taken a very grave step. In accordance with the principles laid down by the Charter, the Cairo Declaration and the Potsdam Declaration, the Chinese delegation, he asserted, felt that it was beyond the competence of the General Assembly to consider the proposed item. He went on to state that so long as Formosa stood, the communist conquest of the mainland of China could not be

⁷⁹ The First Committee resumed consideration of this item at its 439th meeting, on 2 Feb. 1951.

completed or consolidated. The island was therefore the bastion of freedom in the whole Far East. It would be dangerous if the General Assembly or any delegation should do anything to undermine this bastion of freedom. Discussion of the question of Formosa in the General Assembly would create uncertainty and spread confusion. Such discussion, he added, would call into question the status of the island, and that was not in harmony with the principles of the Charter; for the basic and primary aim of the United Nations was to have regard for the political independence and territorial integrity of its Member States.

The representative of the USSR, supported by Czechoslovakia, opposed the inclusion of the item in the agenda on the ground that the Cairo Declaration had unreservedly recognized that Taiwan (Formosa) and the Pescadores belonged to China. The Potsdam Declaration had confirmed those provisions, and the order for the surrender of the Japanese forces had provided that the Chinese Command should accept the surrender of Japanese troops on Taiwan on the legal ground that Taiwan was an inalienable part of Chinese territory. A peace treaty with Japan would merely endorse an international act, which had already been completed and could not be reviewed, by which Taiwan had been handed over to China. Discussion by the United Nations of the question of Formosa, they said, would be contrary to Article 107 of the Charter and would also constitute an intervention in the internal affairs of China, in violation of Article 2, paragraph 7. The principal reason why the United States delegation had raised the question of Formosa, they argued, was that there had been a change of political régime in China and the United States intended to transform Formosa into a strategic base.

Representatives of Australia and the United States, in the General Committee, and of El Salvador and the United States, in the General Assembly, spoke in favour of including the item in the Assembly's agenda. It was argued that the very fact that the item was clearly a cause of dispute warranted its inclusion in the agenda as a matter of international concern. It was considered that the settlement of the question of Formosa had become necessary in the interests of the maintenance of international peace and security in general, and the settlement of the Korean question in particular. It was also argued that the wishes of the inhabitants of Formosa should be taken into consideration when any future decision was made. The representative of Australia pointed out that

it had not been a party to the Cairo Declaration and did not recognize the competence of the great Powers to decide the future of any part of the world without consulting their wartime allies. The argument that it was unprecedented for one Member State to question the territorial possessions of another, he said, would be valid only if all countries recognized the Cairo Declaration as legally binding. Those supporting the inclusion of the item in the Assembly's agenda also pointed out that an appeal to Article 2, paragraph 7, of the Charter was invalid, because Article 14 placed within the competence of the General Assembly measures for the peaceful adjustment of any situation, regardless of origin. Article 107 was irrelevant, since it came merely under the heading of "Transitional Security Arrangements".

The General Committee, at its 71st meeting on 5 October, decided by 10 votes to 3 to recommend that this item be included in the agenda. It unanimously decided to recommend that the item be allocated to the First Committee. The recommendations of the General Committee were adopted by 42 votes to 7, with 8 abstentions, by the General Assembly at its 294th meeting on 7 October. The First Committee considered the item during 1950 at its 399th meeting on 15 November.

In a cablegram (A/C.1/590) dated 17 October, the Minister for Foreign Affairs of the Central People's Government of the People's Republic of China maintained that Taiwan was an inseparable part of the territory of China. This fact, he said, was based on history, confirmed by the situation since the surrender of Japan, and corroborated by the Cairo and Potsdam Declarations. He protested against the decision to include the item in the agenda and demanded that the General Assembly should cancel this illegal decision.

At its 399th meeting, the First Committee,⁸⁰ after discussing an oral proposal by the representative of the United States that consideration of the item should be deferred, decided, by 53 votes to none, with 5 abstentions, to postpone the discussion until after consideration of the items "Threats to the political independence and territorial integrity of China and the peace of the Far East, resulting from Soviet violations of the Sino-Soviet Treaty of violations of the Charter of the United Nations"⁸¹ and "Complaint by the USSR regarding aggression against China by the United States".⁸²

⁸⁰ The First Committee continued discussion of this question in Feb. 1951.

⁸¹ See pp. 381-85.

⁸² See pp. 294-97.