

# #GIDSstatement 9 / 2023

Christian Richter

## **Unacceptable Under Public International Law**

An Public International Law Analysis of China's Position  
in the Taiwan Conflict

#GIDSstatement | No. 9/2023 | September 2023 | ISSN 2699-4372

The German National Library lists this publication in the German National Bibliography; detailed bibliographic information is available online at <http://dnb.dnb.de>

ISSN 2699-4372

This contribution is available under Creative Commons License CC BY-NC-ND 4.0 International (Attribution-NonCommercial-NoDerivatives). For further information on the license, please refer to: <https://creativecommons.org/licenses/by-nc-nd/4.0/deed.en>



#GIDSstatement is published by the German Institute for Defence and Strategic Studies (GIDS).

Contributions are available free of charge from the GIDS website: [www.gids-hamburg.de](http://www.gids-hamburg.de)

#GIDSstatement reflects the personal opinions of the authors and does not necessarily represent the point of view of the GIDS.

Translation by: Federal Office of Languages.

Proposed citation:

Christian Richter, Unacceptable Under Public International Law. An Public International Law Analysis of China's Position in the Taiwan Conflict, #GIDSstatement 9/2023, GIDS: Hamburg.

GIDS

German Institute for Defence and Strategic Studies  
Bundeswehr Command and Staff College  
Manteuffelstraße 20 · 22587 Hamburg, Germany  
Tel.: +49 (0)40 8667 6801  
[buero@gids-hamburg.de](mailto:buero@gids-hamburg.de) · [www.gids-hamburg.de](http://www.gids-hamburg.de)

---

Lieutenant Colonel (Res.) Dr. Christian Richter | German Institute for Defence and Strategic Studies

# Unacceptable Under Public International Law

## An Public International Law Analysis of China's Position in the Taiwan Conflict

### Introduction

On the flight back from his visit to China in early April 2023, French President Emmanuel Macron declared that the greatest risk Europe faced was getting caught up in crises that were not ours, which prevented it from building its strategic autonomy.<sup>1</sup> Macron also explained that the worst thing would be to think that we Europeans were followers on the Taiwan topic<sup>2</sup> and that we had to take our cue from the U.S. agenda and a Chinese overreaction.<sup>3</sup>

Following these statements, a trip to China only a few days later by the German Foreign Minister Annalena Baerbock attracted special attention when she used very different words to describe Taiwan's case. A violent change to the status quo in the Taiwan conflict "would be unacceptable to us Europeans".<sup>4</sup>

Macron and Baerbock made these statements in response to the current sharp rise in tensions between the People's Republic of China (known as China and abbreviated as PRC) and the Republic of China (Taiwan or ROC for short). In this respect, it is striking that there seems to be a fundamental disagreement between China and various Western states about what the 'One China' policy ultimately means. Beijing uses the political topos of the One China policy as its argument to declare the Taiwan issue an entirely internal matter of China – including the right to use military force to bring Taiwan under its control – and to denounce any comments from other states as unacceptable interference.

Although the EU, the US and Germany fully accept the One China policy<sup>5</sup> recognising the PRC as the sole legal government of China<sup>6</sup> – in fact, Minister Baerbock added a declaration to that effect to her comments of April – this does not mean that a violent solution to the Taiwan issue would be accepted. In fact, US President Joe Biden has stated on several occasions that US forces would defend Taiwan in the event of a

---

1 Cf. Anderlini/Caulcutt 2023a.

2 The German press did not translate the "suivistes" uttered by Macron as "followers" ("Mitläufer" in German) but, perhaps somewhat too pointedly, with "vassals" ("Vasallen" in German). As a key source, cf.: Sturm 2023.

3 Anderlini/Caulcutt 2023b.

4 Translated from the German original: FAZ 2023: 1.

5 Further references: Wissenschaftliche Dienste des Deutschen Bundestages [Research Services of the German Bundestag] 2022: 4.

6 Ibid.

Chinese invasion.<sup>7</sup> The current understanding on the One China policy concept existing between China and various Western states should, therefore, probably be seen as more of a gentlemen's agreement to disagree about this issue.

Against this background, the question arises whether a Chinese military occupation of Taiwan would be contrary to public international law and thus unacceptable as stated by the German Foreign Minister. Having said that, even Beijing's rising threats could be considered problematic under public international law and, last but not least, the Taiwan conflict also poses special economic problems.

## Taiwan's Status Under Public International Law and the One China Policy

### Historical Developments Reflected by Public International Law

Taiwan's current status under public international law is the result of events in China's recent past, but even before that the history of the island of Taiwan had always been a volatile one. Since the 3rd century, the island had seen several advances from the Chinese mainland, but was never actually occupied by China.<sup>8</sup> It was only after several colonial powers – first the Portuguese, then the Dutch and later the Spanish – had occupied the island that the Manchu dynasty succeeded in placing Taiwan under Chinese rule for the first time in the late 17th century.<sup>9</sup> Its rule ended with China's defeat in the First Sino-Japanese War in 1895, however, and Taiwan became a Japanese colony.<sup>10</sup>

It was not until the defeat of Japan in World War II that the island was returned to China. However, China did not officially acquire title to Taiwan under the two relevant treaties of 1951 and 1952.<sup>11</sup> The reason for this may have been that, by that time, two Chinese governments existed – on the one hand, the Communist government of the PRC under Mao Zedong on the mainland, and the National government of Chiang Kai-shek in Taiwan on the other. Following the victory of Mao's communist forces in the Chinese Civil War, the defeated Kuomintang – under the leadership of Chiang Kai-shek – had fled to the then-called Formosa island in 1949, where, in 1950, he was proclaimed President of the ROC.<sup>12</sup> And with the parties to the conflict thus being divided by territory, the Chinese Civil War was frozen.

Since Chiang Kai-shek had supported the Allies during World War II, it was initially the ROC located on Taiwan that represented China as a permanent member of the United Nations Security Council. In 1971, however, things changed when the UN General Assembly adopted Resolution 2758<sup>13</sup> with 76 votes in favour, 35 opposed and 17 abstentions, recognising the PRC as the only legitimate representative of China to the United Nations – thus depriving the ROC of its right to represent China in the UN.<sup>14</sup>

---

<sup>7</sup> Most recently, he did so following the conclusion of the G7 summit in Japan: ntv 2023.

<sup>8</sup> Palaskas 2018: 15.

<sup>9</sup> Ibid.: 17.

<sup>10</sup> Ibid.: 26.

<sup>11</sup> Stahn 2001: 75.

<sup>12</sup> Ibid.: 76.

<sup>13</sup> UN General Assembly 1971.

<sup>14</sup> Cf. Fischer 2007; Stahn 2001: 77 f.

And so, even though Resolution 2758 did not specify this, Taiwan *en passant* lost its UN membership,<sup>15</sup> a decision that was prompted by the Cold War and an increasingly powerful PRC.

### Taiwan: A State or *de Facto* Regime?

At the same time, Taiwan is not a nullity under public international law. If insurgents permanently and effectively exercise power over the territory they occupy, this entity may become a subject of public international law.<sup>16</sup> Effective control over a territory in itself is sufficient for qualifying as a so-called stabilised *de facto* regime.<sup>17</sup> It is beyond doubt that the ROC has effectively been in control of Taiwan for more than seven decades. What is more, at no time has the PRC effectively exercised power over the island of Taiwan. The status of a stabilised *de facto* regime thus results in Taiwan being considered a partial subject of public international law, with the respective entities bearing international responsibility and having the capacity to conclude international agreements. In other words, Taiwan is a stabilised *de facto* regime *par excellence*.<sup>18</sup> Though not recognised as a state, it operates independently in the international community, maintains quasi-diplomatic relations with various states through permanent representations and is even a member of the World Trade Organization.<sup>19</sup>

The view that Taiwan qualifies as a state, however, has few supporters.<sup>20</sup> It is undisputed that Taiwan exhibits many, if not all, of the characteristics of statehood as defined by Georg Jellinek's three elements theory (*Drei-Elemente-Lehre* in German).<sup>21</sup> However, Taiwan is said to be lacking the publicly declared self-image of being a state independent of the PRC.<sup>22</sup> Following this reasoning, it would not be right to impose the status of statehood on Taiwan, which does not consider itself a state.<sup>23</sup>

For obvious reasons, Taipei has not made a declaration of independence so far. If Taiwan declared its independence, a military invasion by the People's Liberation Army – as regularly threatened by Beijing – would have to be expected immediately. Against this background, it would be reasonable to qualify Taiwan as a state since it seems that the only reason as to why Taipei does not communicate its self-image of being a state to the outside world is, in essence, the military threat from Beijing.

As a matter of fact, however, the prevailing opinion is that the recognition of a state by other subjects of public international law is merely of declaratory value.<sup>24</sup> Nevertheless, collective recognition as well as collective non-recognition may at least give some indication of the status of Taiwan's statehood.<sup>25</sup> This is probably one of the reasons why over the past decades Beijing has consistently worked on reducing the number of states

<sup>15</sup> Ting-Lun Huang 2003: 55 ff.

<sup>16</sup> Epping 2018: 446; Kau 2019: 180.

<sup>17</sup> Basic reference on this topic: Frowein 1968.

<sup>18</sup> This seems to be the prevailing opinion, cf. e.g.: Heuser 1980: 67; Verdross/Simma 1984: § 387; Stahn 2001: 87; Epping 2018: 446; von Arnould 2023: marginal 69; Crawford 2006: 219.

<sup>19</sup> Epping 2018: 446.

<sup>20</sup> Cf. Fischer 2007; Zemanek 1955: 308 ff.

<sup>21</sup> Stahn 2001: 89.

<sup>22</sup> Cf. Neukirchen 2005: 50 f.

<sup>23</sup> Verdross/Simma 1984: § 387; similarly Crawford 2006: 219.

<sup>24</sup> As a key source, cf.: von Arnould 2023: marginal 97.

<sup>25</sup> Ibid.

that maintain diplomatic relations with Taiwan rather than with China. The last state to break off diplomatic ties with Taiwan was Honduras in March 2023, which then opened an embassy in Beijing in June 2023.<sup>26</sup> Subsequently, at a meeting with the President of Honduras, Xiomara Castro, Xi Jinping immediately declared that China would expand its cooperation with Honduras and “firmly support Honduras’ economic and social development.”<sup>27</sup> This leaves twelve states and the Holy See still maintaining<sup>28</sup> diplomatic relations with Taiwan.<sup>29</sup>

“In between” is the most precise description of Taiwan’s international status so far because, on the one hand, Taiwan still belongs to China, but on the other hand, Taiwan is a *de facto* state.<sup>30</sup> Nevertheless, by abandoning its claim to represent China as a whole, including the right to recapture mainland China, Taiwan has probably taken a significant step towards establishing its status as a state.

### Protected by the Prohibition of the Use of Force as per Article 2 (4) of the UN Charter

A decisive factor in the Taiwan issue is that stabilised *de facto* regimes are also protected by the prohibition of the use of force as per Article 2 (4) of the UN Charter.<sup>31</sup> The prohibition of the use of force has become part of customary public international law. Moreover, it is clearly one of the few regulations of public international law which – as *ius cogens* – is a peremptory norm of public international law and thus largely outside the control of states.<sup>32</sup> A Chinese military attack on Taiwan would, therefore, undoubtedly be a violation of public international law.<sup>33</sup> The forced integration of Taiwan into the PRC – which, so far, China has only threatened – would be classified as a war of conquest, similar to that in Ukraine. It would be an aggression, a serious breach of the prohibition of the use of force. Consequently, the German Foreign Minister’s position that a violent solution to the Taiwan issue would be unacceptable is in line with public international law.

### Prohibition of the Use of Force and Unlawful Threats of Violence

Although this matter has not yet received much attention by acknowledged scholars of public international law, the fact remains that Article 2 (4) of the UN Charter does not only prohibit the use of military force but even the mere threat of it: “All members shall

<sup>26</sup> Tagesspiegel 2023a.

<sup>27</sup> Translated from the German original: Tagesspiegel 2023b.

<sup>28</sup> The Holy See as a subject of public international law must be distinguished from the Vatican State; it is the Holy See, not the Vatican State, which maintains diplomatic relations with states, see Verdross/Simma 1984: § 412.

<sup>29</sup> Liboreiro 2023.

<sup>30</sup> Stahn 2001: 67.

<sup>31</sup> Detailed information: Frowein 1968: 35 ff.; Simma/Verdross 1984: § 406; von Arnould 2023: marginals 69, 1053 and 1134; Bothe 2019: 772.

<sup>32</sup> Simma/Verdross 1984: § 96; von Arnould 2023: marginal 290 f.; Vitzthum 2019: 10, footnote 28.

<sup>33</sup> This has been explicitly discussed by Verdross/Simma 1984: § 406; similarly: von Arnould 2023: marginal 69.

refrain in their international relations from the threat or use of force”. Against this backdrop, the literature on public international law has dubbed the prohibition of the threat of unlawful military force a “blind spot”.<sup>34</sup> Furthermore, there have been only very few and rather inconsistent rulings by the International Court of Justice in this respect.<sup>35</sup> According to the majority of scholars, Article 2 (4) of the UN Charter only prohibits direct threats aimed at eliciting a specific reaction from the state concerned<sup>36</sup> and requires an intention to impose coercion in order to impel that state to behave in a certain way.<sup>37</sup> The unlawful nature of such threats results from the fact that the threatened use of force is itself unlawful.<sup>38</sup> Against this background, China’s recent behaviour is likely to have violated the prohibition of the threat to use force.

A striking example is the anti-secession law passed by the National People’s Congress of China in 2005. According to Article 8, “non-peaceful means” – i.e. military force – are to be employed if secessionist forces cause the fact of Taiwan’s secession from China, if major incidents entailing Taiwan’s secession from China occur or if possibilities for a “peaceful re-unification” are completely exhausted.<sup>39</sup> Despite the complex language used and the fact that no explicit reference to military force is made, it seems relatively clear that this regulation constitutes an unlawful threat to use military force in the event of a declaration of independence from Taipei.<sup>40</sup> The threat is specifically aimed at compelling Taipei to refrain from any independence efforts that would help Taiwan achieve full status as a state. This is why, when the anti-secession law was passed, it was strongly criticised by several states. Australia, Japan, Belgium, Italy, Sweden, the United Kingdom and the United States all emphasised that the conflict had to be resolved peacefully and underlined their opposition to any use of military force in this matter.<sup>41</sup>

Since 2019, there have been quite specific threats from Beijing towards Taipei again. In January 2019, China’s head of state and party leader Xi Jinping declared with a view to Taiwan that China made no promise to renounce the use of force and that it reserved the option of taking all necessary means. He added that China was willing to create broad space for peaceful “reunification”, but would leave no room for any form of separatist activities.<sup>42</sup> These threats are also specifically aimed at preventing Taipei from declaring its independence. Beijing’s intent to exercise coercion as a necessary element is evident. Chinese threats are regularly supplemented and reinforced by military manoeuvres. After the Chinese Air Force had started to fly regular sorties through

---

<sup>34</sup> Cf. Stürchler 2007: 1; see also Grimal: 2013. Recently, this has been similarly put by: Kleczkowska 2023.

<sup>35</sup> Stürchler 2007: 90.

<sup>36</sup> Randelzhofer/Dörr 2012: marginal 43.

<sup>37</sup> Ibid.

<sup>38</sup> Cf. I.C.J. 1996: 246, No. 47.

<sup>39</sup> For the English translation of the text, see Henderson 2013: 385.

<sup>40</sup> Neukirchen 2005: 54; Richter: 2019; a slightly more reserved stance is taken by Henderson 2013: 385.

<sup>41</sup> Roscini 2007: 247.

<sup>42</sup> Kuo 2019.

Taiwan's air defence identification zone (ADIZ)<sup>43</sup> in March 2019<sup>44</sup>, extensive manoeuvres took place once again around Taiwan in April of the same year<sup>45</sup>. These combinations of threats and military manoeuvres are also likely to violate the prohibition of the threat of force under public international law. Recently, these combinations of manoeuvres and threats of force have been carried out repeatedly – especially in response to solidarity visits by Western politicians to Taipei.

Most recently, in his speech at the Shangri-La Dialogue in Singapore in 2023, China's former defence minister General Li Shangfu made one thing unmistakably clear: "If anyone dares to separate Taiwan from China, the Chinese military will not hesitate for a second."<sup>46</sup> Right before the beginning of the conference, he had stated just as clearly: "We make no promise to renounce the use of force."<sup>47</sup>

## Economic Aspects

In the event of a Chinese invasion of Taiwan, it is likely that the US will encourage allied states such as Germany to consider sanctions similar to those imposed on Moscow after the invasion of Ukraine.<sup>48</sup> This alone requires preparing for this scenario from an economic point of view. Germany and China have very close economic ties because of extensive exports and imports on both sides. A trade war with China would lead to a significant loss in added value for Germany's key industries of mechanical and automotive engineering.<sup>49</sup> Moreover, the urgency to take economic policy measures is already evident because of Germany's dependence on China for generic antibiotics and antihypertensive medicine.<sup>50</sup> Almost 80 percent of the active ingredients of antibiotics sold in the EU come from China.<sup>51</sup> In addition, about 70 percent of all medicines produced in Europe contain active ingredients from China.<sup>52</sup>

It is obvious how susceptible to blackmail Germany would be in case of an armed conflict between China and Taiwan. This does not mean, however, that we should "decouple" from China, i.e. that a nearly complete decoupling from the Chinese economy should take place, as some have demanded. It is unclear how this could be achieved in the foreseeable future without causing massive economic damage. What is required is "de-risking", i.e. minimising the risk of strategic dependencies.

Apart from that, with almost half of all container ships worldwide passing through the Taiwan Strait,<sup>53</sup> a Chinese military attack on Taiwan would have a direct and

---

<sup>43</sup> This ADIZ is an airspace zone designated by Taiwan in which pilots are supposed to identify their aircraft to Taiwanese authorities. Other states in the region, including China, have also declared an ADIZ. The Taiwanese ADIZ partly extends across the mainland of China. Having an ADIZ, however, does not justify any claims under public international law.

<sup>44</sup> Hilpert et al. 2022: 5.

<sup>45</sup> DER STANDARD 2019.

<sup>46</sup> Translated from the German original: Müller 2023.

<sup>47</sup> Translated from the German original: DER SPIEGEL 2023.

<sup>48</sup> Barros 2022: 43.

<sup>49</sup> Cf. Fuest et al. 2022.

<sup>50</sup> Osterloh 2022.

<sup>51</sup> Mader/Nabben 2023.

<sup>52</sup> Kühl 2023.

<sup>53</sup> Görlach 2023.



significant impact on the global economy as a whole. An attempt to invade Taiwan would block this transport route. However, a military conflict would have a far more serious impact on the global dependence on microchips since almost 60 percent of the microchips used worldwide are produced in Taiwan.<sup>54</sup> As for logic chips below ten nanometers, the Taiwan Semiconductor Manufacturing Company (TSMC) accounts for about 92 percent of the world’s production, the majority of which is manufactured in Taiwan itself.<sup>55</sup>

## Conclusion and Outlook

Taiwan is not considered a state under public international law. However, as a stabilised *de facto* regime it is protected under public international law by the prohibition of the use of force, which includes any Chinese aggression. The compromise found with the West regarding the One China policy allows Beijing to represent Taiwan in the world, but not to “reunify” China and Taiwan by use of force. Accordingly, the position that a violent solution to the Taiwan issue would be unacceptable is in line with public international law. A Chinese aggression against Taiwan would be just as contrary to public international law as Russia’s current aggression in Ukraine. The view that the Taiwan issue is not a matter of strategic importance for the EU thus contradicts the EU’s declared objective to ensure the primacy of public international law, even in the Indo-Pacific region.<sup>56</sup> Not to mention the economic implications of a Chinese invasion of Taiwan, which would also directly and severely affect Europe. In view of the above, it is surprising that in Germany’s recently published National Security Strategy, China is described not only as a “competitor” and “systemic rival”, but also as a “partner”.<sup>57</sup> Apart from the semantic inconsistency, the framing of China as a partner is particularly questionable, given that China seems to have already violated the prohibition of the use of force with its threats towards Taiwan.

## List of References

- Anderlini, Jamil/Caulcutt, Clea (2023a): Europe must resist pressure to become ‘America’s followers,’ says Macron, in: POLITICO dated 09 April 2023, <https://www.politico.eu/article/emmanuel-macron-china-america-pressure-interview/>, last accessed on 21 June 2023.
- Anderlini, Jamil/Caulcutt, Clea (2023b): Macron incite les Européens à ne pas se penser en « suiveurs » des Etats-Unis, in: POLITICO dated 09 April 2023, <https://www.politico.eu/article/emmanuel-macron-incite-europeens-etats-unis-chine/>, last accessed on 21 June 2023.
- von Arnould, Andreas (2023): Völkerrecht, 5th edition, C.F. Müller: Heidelberg.
- Barros, Bryce C. (2022): Die gefährlichste Region der Welt – Die Beziehungen zwischen Washington und Taiwan gehen weit über ökonomische Interessen hinaus:

<sup>54</sup> The Economist 2023.

<sup>55</sup> zur Nedden 2023.

<sup>56</sup> Rat der Europäischen Union [Council of the European Union] 2022: 10.

<sup>57</sup> Cf. Die Bundesregierung [The Federal Government] 2023a: 12 and 23; the later published Federal Government Strategy on China also calls China a “partner, competitor and systemic rival” (cf. Die Bundesregierung 2023b: 10).

- Die USA würden den Inselstaat auch verteidigen, in: *IP – Internationale Politik* 5 September/Oktober, pp. 39–43.
- Bothe, Michael (2019): *Friedenssicherungsrecht und Kriegsrecht*, in: Vitzthum, Wolfgang Graf/Proelß, Alexander (eds.), *Völkerrecht*, 8th edition, De Gruyter: Berlin/Boston, pp. 755–873.
- Die Bundesregierung [The Federal Government] (2023a): *Robust. Resilient. Sustainable. Integrated Security for Germany*, National Security Strategy, Berlin, 14 June 2023, <https://www.nationalesicherheitsstrategie.de/en.html>, last accessed on 09 August 2023.
- Die Bundesregierung [The Federal Government] (2023b): *Strategy on China of the Government of the Federal Republic of Germany*, Berlin, 13 July 2023, <https://www.auswaertiges-amt.de/blob/2608580/49d50fecc479304c3da2e2079c55e106/china-strategie-en-data.pdf>, last accessed on 09 August 2023.
- Crawford, James (2006): *The Creation of States in International Law*, Oxford University Press: Oxford.
- The Economist (2023): *Taiwan’s dominance of the chip industry makes it more important*, 06 March 2023, <https://www.economist.com/special-report/2023/03/06/taiwans-dominance-of-the-chip-industry-makes-it-more-important>, last accessed on 21 June 2023.
- Epping, Volker (2018): *Völkerrechtssubjekte*, in: Ipsen, Knut (ed.), *Völkerrecht*, 7th edition, C.H.Beck: Munich, pp. 73–231.
- FAZ (2023): *Baerbock mahnt Verantwortung Chinas im Ukrainekrieg an*, 15 April 2023, No. 88, p. 1.
- Fischer, Peter (2007): *UN-Rechtsbüro im Unrecht*, in: *Die Presse* dated 02 October 2007, <https://www.diepresse.com/333853/un-rechtsbuero-im-unrecht>, last accessed on 21 June 2023.
- Frowein, Jochen Abr. (1968): *Das de facto-Regime im Völkerrecht. Eine Untersuchung zur Rechtsstellung „nichtanerkannter Staaten“ und ähnlicher Gebilde*, Carl Heymanns Verlag KG: Cologne/Berlin.
- Fuest, Clemens/Flach, Lisandra/Dom, Florian/Scheckenhofer, Lisa (2022): *Geopolitische Herausforderungen und ihre Folgen für das deutsche Wirtschaftsmodell (vbw Studie)*, ifo Institut: Munich.
- Görlach, Alexander (2023): *Unsere Welt wird sich vollkommen verändern, wenn dieser Mann Taiwan regiert*, in: *FOCUS online* dated 19 May 2023, [https://www.focus.de/politik/der-china-versteher/analyse-vom-china-versteher-warum-dieser-siebenfacher-milliardaer-bald-taiwan-regieren-koennte\\_id\\_194041228.html](https://www.focus.de/politik/der-china-versteher/analyse-vom-china-versteher-warum-dieser-siebenfacher-milliardaer-bald-taiwan-regieren-koennte_id_194041228.html), last accessed on 21 June 2023.
- Grimal, Francis (2013): *Threats of Force – International Law and Strategy*, Routledge: London.
- Henderson, Christian (2013): *Contested states and the rights and obligations of the Jus ad Bellum*, in: *Cardozo Journal of International and Comparative Law* 21, pp. 367–408.
- Heuser, Robert (1980): *Taiwan und Selbstbestimmungsrecht*, in: *ZaöRV – Zeitschrift für ausländisches öffentliches Recht und Völkerrecht* 40 (1), pp. 31–75.
- Hilpert, Hanns Günther/Sakaki, Alexandra/Wacker, Gudrun (2022): *Introduction: Taiwan’s Predicament*, in: Hilpert, Hanns Günther/Sakaki, Alexandra/Wacker, Gudrun (eds.), *Dealing with Taiwan (SWP Research Paper 2022/RP 09)*, 09 September 2022, <https://www.swp-berlin.org/publikation/dealing-with-taiwan>, last accessed on 21 June 2023.
- International Court of Justice (I.C.J.) (1996): *Legality of the Threat or Use of Nuclear Weapons, Advisory Opinion (I.C.J. Reports 1996)*, <https://www.icj-cij.org/files/case-related/95/095-19960708-ADV-01-00-EN.pdf>, last accessed

- on 21 June 2023.
- Kau, Marcel (2019): Der Staat und der Einzelne als Völkerrechtssubjekte, in: Vitzthum, Wolfgang Graf/Proelß, Alexander (eds.), *Völkerrecht*, 8th edition, De Gruyter: Berlin/Boston, pp. 159–317.
- Kleczkowska, Agata (2023): Prohibition of Threats of Force: A Silently Contested Norm?, in: *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht* 1, pp.155–175.
- Kühl, Christiane (2023): So abhängig sind wir: 70 Prozent unserer Medikamente enthalten Wirkstoffe aus China, in: *Frankfurter Rundschau* dated 05 May 2023, <https://www.fr.de/politik/china-medikamente-knapp-arzt-apotheke-medizin-versorgung-antibiotikum-zr-91966022.html>, last accessed on 21 June 2023.
- Kuo, Lily (2019): ‘All necessary means’: Xi Jinping reserves right to use force against Taiwan, in: *The Guardian* dated 02 January 2019, <https://www.theguardian.com/world/2019/jan/02/all-necessary-means-xi-jinping-reserves-right-to-use-force-against-taiwan>, last accessed on 21 June 2023.
- Liboreiro, Jorge (2023): Warum erkennt die EU Taiwan nicht als Staat an?, in: *Euronews* dated 13 April 2023, <https://de.euronews.com/my-europe/2023/04/13/warum-erkennt-die-eu-taiwan-nicht-als-staat-an>, last accessed on 31 August 2023.
- Mader, Fabian/Nabben, Benedikt (2023): Wirtschaftsbeziehungen zu China – Gefährlich gute Geschäfte, in: *Tagesschau* dated 10 January 2023, <https://www.tagesschau.de/wirtschaft/weltwirtschaft/webartikel-china-101.html>, last accessed on 21 June 2023.
- Müller, Matthias (2023): «Sie kommen allein, um uns zu provozieren» – Amerika und China reden beim Shangri-La-Dialog übereinander statt miteinander, in: *NZZ* dated 04 June 2023, <https://www.nzz.ch/international/shangri-la-usa-und-china-reden-uebereinander-statt-miteinander-ld.1740916>, last accessed on 21 June 2023.
- Neukirchen, Mathias (2005): Taiwan: eigenständig, aber nicht souverän – Zur Frage der Aufnahme der Republik China in die Vereinten Nationen, in: *VN – Vereinte Nationen* 2, pp. 50–55.
- N-TV (2023): Warnung an Peking – Biden kündigt „Antwort“ an, sollte China Taiwan angreifen, 21 May 2023, <https://www.n-tv.de/politik/Biden-kuendigt-Antwort-an-sollte-China-Taiwan-angreifen-article24136972.html>, last accessed on 21 June 2023.
- Osterloh, Falk (2022): Antibiotika: Abhängigkeit von China reduzieren, in: *Arzteblatt* dated 02 December 2022, <https://www.aerzteblatt.de/archiv/228671/Antibiotika-Abhaengigkeit-von-China-reduzieren>, last accessed on 21 June 2023.
- Palaskas, Nektarios (2018): *Die Taiwan-Frage im Kontext des Wiederaufstiegs Chinas (2022-2035)*, vdf Hochschulverlag AG an der ETH Zürich: Zurich.
- Randelzhofer, Albrecht/Dörr, Oliver (2012): Art. 2 (4), in: Simma, Bruno/Khan, Daniel-Erasmus/Nolte, Georg/Paulus, Andreas (eds.), *The Charter of the United Nations*, 3rd edition 2012, vol. 1, Oxford University Press: Oxford.
- Rat der Europäischen Union [Council of the European Union] (2022): *A Strategic Compass for Security and Defence - For a European Union that protects its citizens, values and interests and contributes to international peace and security*, 21 March 2022, <https://data.consilium.europa.eu/doc/document/ST-7371-2022-INIT/en/pdf>, last accessed on 09 August 2023.
- Richter, Christian (2019): Kriegerische Rhetorik, in: *Frankfurter Allgemeine Zeitung*, EINSPRUCH, 12 September 2019, <https://www.faz.net/einspruch/china-und-das-voel-kerrecht-kriegerische-rhetorik-16380992.html#void>, last accessed on 21 June 2023.

- Roscini, Marco (2007): Threats of Armed Force and Contemporary International Law, in: *Netherlands International Law Review*, Vol. 54, pp. 229–277.
- DER SPIEGEL (2023): Chinas neuer Verteidigungsminister droht mit Eroberung Taiwans, 02 June 2023, <https://www.spiegel.de/ausland/china-neuer-verteidigungs-minister-li-shangfu-droht-mit-eroberung-taiwans-a-7e69440c-2334-42e3-a3aa-d68694a545cd>, last accessed on 21 June 2023.
- Stahn, Carsten (2001): Die Volksrepublik China und Taiwan: Zwei Staaten, eine Nation?, in: *Der Staat* 40, pp. 73–95.
- DER STANDARD (2019): China kündigt Manöver vor Taiwans Küste an, 29 July 2019, <https://www.derstandard.de/story/2000106808904/china-kuendigt-ma-noever-vor-taiwans-kueste-an>, last accessed on 21 June 2023.
- Stürchler, Nikolas (2007): *The Threat of Force in International Law*, Cambridge University Press: Cambridge.
- Sturm, Peter (2023): Im Taiwan-Konflikt auf Distanz zu Washington, in: FAZ.net dated 10 April 2023, <https://www.faz.net/aktuell/politik/ausland/fuer-china-sind-macrons-aussagen-zum-taiwan-konflikt-optimal-18811345.html>, last accessed on 21 June 2023.
- Tagesspiegel (2023a): Bruch mit Taiwan: Honduras eröffnet Botschaft in China, 11 June 2023, <https://www.tagesspiegel.de/internationales/bruch-mit-taiwan-honduras-eroffnet-botschaft-in-china-9963564.html>, last accessed on 21 June 2023.
- Tagesspiegel (2023b): Nach Bruch mit Taiwan: Chinas Präsident Xi will Kooperation mit Honduras fördern, 12 June 2023, <https://www.tagesspiegel.de/internationales/nach-bruch-mit-taiwan-chinas-prasident-xi-will-kooperation-mit-honduras-fordern-9970608.html#:~:text=Nach%20Bruch%20mit%20Taiwan%20Chinas,werden%2C%20erkl%C3%A4rte%20der%20chinesische%20Staatschef>, last accessed on 21 June 2023.
- Ting-Lun Huang, Eric (2003): Taiwan’s Status in a Changing World: United Nations Representation and Membership for Taiwan, in: *Annual Survey of International & Comparative Law*, Vol. 9, pp. 55–99, [https://digitalcommons.law.ggu.edu/annlsurvey/vol9/iss1/4/?utm\\_source=digitalcommons.law.ggu.edu%2Fannlsurvey%2Fvol9%2Fiss1%2F4&utm\\_medium=PDF&utm\\_campaign=PDFCoverPages](https://digitalcommons.law.ggu.edu/annlsurvey/vol9/iss1/4/?utm_source=digitalcommons.law.ggu.edu%2Fannlsurvey%2Fvol9%2Fiss1%2F4&utm_medium=PDF&utm_campaign=PDFCoverPages), last accessed on 11 September 2023.
- UN General Assembly (1971): Restoration of the lawful rights of the People’s Republic of China in the United Nations (A/RES/2758[XXVI]), <https://digitallibrary.un.org/record/192054>, last accessed on 11 September 2023.
- Verdross, Alfred/Simma, Bruno (1984): *Universelles Völkerrecht – Theorie und Praxis*, unchanged reprint of the 3rd edition 2010, Duncker & Humblot: Berlin.
- Vitzthum, Wolfgang Graf (2019): Begriff, Geschichte und Rechtsquellen des Völkerrechts, in: Vitzthum, Wolfgang Graf/Proelß, Alexander (eds.), *Völkerrecht*, 8th edition, De Gruyter: Berlin/Boston, pp. 1–71.
- Wissenschaftliche Dienste des Deutschen Bundestages [Research Services of the German Bundestag] (2022): Zum Umgang Deutschlands mit Taiwan (WD 2 - 3000 - 061/22), <https://www.bundestag.de/resource/blob/913190/8449db9e0d5ebbf74be6fa360ba96d8/WD-2-061-22-pdf-data.pdf>, last accessed on 21 June 2023.
- Zemanek, Karl (1955): Die völkerrechtliche Stellung Formosas, in: *AVR – Archiv des Völkerrechts*, Vol. 5., pp. 308–319.
- zur Nedden, Christina (2023): Chip-Supermacht Taiwan, in: Deutsche Welle dated 20 January 2023, <https://www.dw.com/de/chip-supermacht-taiwan/a-64468545>, last accessed on 21 June 2023.