

# The State of Taiwan: Unrecognized on the International Stage

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## I. Introduction

The Republic of China, more commonly referred to as Taiwan, operates as a completely sovereign state with a population of more than 23 million, a democratically elected government, a developed economy, and a reputation for its mouthwatering culinary culture.<sup>2</sup> It has sole authority over its territory, issues its own passports, and upholds an independent judiciary. However, Taiwan is in a legal limbo under international law, with its government functioning as a de facto state without official recognition. Taiwan is barred from almost all UN-affiliated institutions, including the World Health Organization (WHO), and the great majority of UN member states do not have formal diplomatic relations with the island.

In this article, the contested status of Taiwan under international law is discussed along with its practical, legal, and political implications. It emphasizes the ways that international organizations like the UN, WHO, and World Trade Organization (WTO) as well as strong state actors (most notably the PRC, the U.S., and Russia) act as both gatekeepers and enforcers of Taiwan's exclusion. In Christian Henderson's *Contested States and the Rights and Obligations of the Jus ad Bellum*, it contends that Taiwan is entitled to the protections of international law.<sup>3</sup>

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<sup>2</sup> "Taiwan - The World Factbook." Central Intelligence Agency, April 23, 2025. <https://www.cia.gov/the-world-factbook/countries/taiwan/>.

<sup>3</sup> Henderson, Christian (2013). *Contested states and the rights and obligations of the Jus ad Bellum*. University of Sussex. Journal contribution. <https://hdl.handle.net/10779/uos.23453414.v1>

As an entity, Taiwan fulfills the other requirements of statehood (e.g. a population, territory, and government) – even if it lacks legal recognition from the rest of the international community.<sup>4</sup>

## **II. Taiwan’s Legal Status: Recognition, Sovereignty, and the Montevideo Criteria**

The Convention on Rights and Duties of States, also referred to as the Montevideo Convention of 1933, specifies that a sovereign state must have a government, a permanent population, a specified territory, and the ability to interact with other nations.<sup>5</sup> By these measures, Taiwan meets all of the requirements. However, legal status in the global arena is essentially political and does not stem solely from objective qualifications. As articulated by the legal database Justia, the key determinant of a state's ability to fully engage in global governance is its recognition by other already recognized governments; especially those with sway over multilateral institutions.<sup>6</sup>

A pillar of the PRC's foreign policy is the declaration of the "One China Policy," which regards Taiwan as a province of China that is distinct from the rest of the country.<sup>7</sup> China prevents Taiwan from gaining formal recognition or joining international organizations by using its diplomatic clout as a permanent member of the UN Security Council. As a result, Taiwan does not have a seat at the UN or WHO, even as an observer, and is not acknowledged as a sovereign state by the majority of UN members, even after decades of independence.

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<sup>4</sup> Ediger, Mikaela L. "International Law and the Use of Force Against Contested States: The Case of Taiwan." *NYU Law Review*, 2018. <https://nyulawreview.org/wp-content/uploads/2018/12/NYULawReview-93-6-Ediger.pdf>.

<sup>5</sup> "Montevideo Convention on the Rights and Duties of States." *The Faculty of Law*. Accessed April 28, 2025. <https://www.jus.uio.no/english/services/library/treaties/01/1-02/rights-duties-states.html>.

<sup>6</sup> "Formation and Recognition of States Under International Law." *Justia*, June 10, 2024. <https://www.justia.com/international-law/formation-and-recognition-of-states-under-international-law/>.

<sup>7</sup> Goldstein, Steven M. "Understanding the One China Policy." *Brookings*, December 1, 2023. <https://www.brookings.edu/articles/understanding-the-one-china-policy/>.

### **III. The Role of International Organizations in Enforcing Exclusion**

International organizations serve as legal gatekeepers, deciding who is entitled to certain protections, who may be heard, and who can join. This has led to Taiwan's continued exclusion from important international forums.

#### **A. The United Nations (UN)**

Taiwan has been prohibited from taking part in UN operations since the PRC was acknowledged as the "only legitimate representative of China" in 1971 by UN General Assembly Resolution 2758.<sup>8</sup> Although Taiwan's position was not specifically addressed in this resolution, its execution has almost eliminated any possibility of Taiwanese representation as it sets the precedent where states like Taiwan remain in a gray area - where the state is expected to adhere to laws without any actualized representation in legislation writing.

#### **B. The World Health Organization (WHO)**

The substantial repercussions of non-recognition are demonstrated by Taiwan's exclusion from the WHO, even amid international health crises like the COVID-19 epidemic. "During the first year of the COVID-19 pandemic, only 56 locally-acquired cases...occurred in Taiwan, mostly in households and hospitals, and there were 253 consecutive days without locally-acquired cases detected until 22 December 2020."<sup>9</sup> Despite having one of the greatest early outbreak responses, Taiwan was unable to discuss best practices or take advantage of real-time information exchange since it was not allowed to attend the World Health Assembly (WHA).

#### **C. The World Trade Organization (WTO)**

Under the name "Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu (Chinese Taipei)," Taiwan is a member of the WTO, a

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<sup>8</sup> UN. General Assembly (26th sess. : 1971). "Restoration of the Lawful Rights of the People's Republic of China in the United Nations." United Nations, 1972. <https://digitallibrary.un.org/record/192054?ln=en&v=pdf>.

<sup>9</sup> "Statistics for Severe Pneumonia with Novel Pathogens." Taiwan National Infectious Disease Statistics System, 2023. <https://nidss.cdc.gov.tw/en/nndss/disease?id=19CoV>.

compromise that acknowledges its economic integration without granting legal recognition.<sup>10</sup> Given Taiwan's limited diplomatic relations and lack of international recognition it is difficult for Taiwan to fully utilize WTO institutions; including disputing resolutions and implementing trade rulings.

#### **IV. The Role of Powerful States in Taiwan's Legal Liminality**

Although Taiwan's exclusion is codified by international organizations, it is upheld and enforced by strong governments. Taiwan's geopolitical marginalization involves divergent strategies from China, the US, Russia, and EU members.

##### **A. The People's Republic of China**

The most ardent proponent of Taiwan's diplomatic isolation, China, regularly pressures international organizations (United Nations, World Trade Organization, etc) to reject any expression of Taiwanese sovereignty. Beijing has threatened or imposed trade restrictions on countries looking to fortify their formal connections with Taiwan, using its economic power as a powerful tool.

##### **B. The United States of America**

The United States does not formally recognize Taiwan as a sovereign state, despite maintaining informal connections with Taiwan through the Taiwan Connections Act (1979).<sup>11</sup> In order to avoid upsetting Beijing or upsetting cross-strait stability, the United States has sold Taiwan defensive weaponry and stressed its support for Taiwan's "meaningful participation" in international organizations, but it has refrained from calling for full UN membership.

##### **C. The Russian Federation and the European Union**

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<sup>10</sup> "Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu (Chinese Taipei) and the WTO." WTO, 2002.

[https://www.wto.org/english/thewto\\_e/countries\\_e/chinese\\_taipei\\_e.htm](https://www.wto.org/english/thewto_e/countries_e/chinese_taipei_e.htm).

<sup>11</sup> "H.R.2479 - Taiwan Relations Act." Library of Congress . Accessed April 28, 2025.

<https://www.congress.gov/bill/96th-congress/house-bill/2479/all-info>.

In general, Russia has supported China's stance on Taiwan, particularly in light of the developing strategic cooperation between the two countries. As Beijing and Moscow have strengthened their strategic alliance in recent years, especially in reaction to their common geopolitical conflicts with the West, this support is blatantly noticeable. Russia has regularly denounced U.S. arms sales to Taiwan and diplomatic visits by Western leaders to Taipei citing concerns of violations of Chinese sovereignty and endanger regional stability. Although Russia and China have historically had less direct involvement in East Asian issues, their shared foreign policy interests, particularly in opposing U.S. hegemony worldwide, have prompted Russia to support China's stance on Taiwan both politically and rhetorically.

The EU is internally divided and limited by its close economic links with China, “in 2024, China was the third largest partner for EU exports of goods (8.3%) and the largest partner for EU imports of goods (21.3%).”<sup>12</sup> Despite its rhetorical support for Taiwan's democracy. As a result, EU involvement with Taiwan is frequently framed in terms of "economic cooperation" as opposed to political solidarity or legal recognition.

### **V. Asymmetry in Obligations and Protections**

Taiwan is expected to maintain international commitments, such as those pertaining to trade, human rights, and maritime conduct, but is not granted the corresponding legal protections granted to recognized states because of its liminal status in the international system. This results in a legal asymmetry.

For instance, Taiwan abides by the terms of international agreements that it is not allowed to sign, such as the International Health Regulations and the

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<sup>12</sup> “China-EU - International Trade in Goods Statistics.” European Union, 2025. [https://ec.europa.eu/eurostat/statistics-explained/index.php?title=China-EU\\_-\\_international\\_trade\\_in\\_goods\\_statistics#:~:text=update%20March%202026-,Highlights,goods%20to%20China%20in%202024](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=China-EU_-_international_trade_in_goods_statistics#:~:text=update%20March%202026-,Highlights,goods%20to%20China%20in%202024).

Paris Agreement.<sup>13</sup> It does not have the ability to vote or influence the laws that govern it, but it does provide data to global illness and climate surveillance systems. Taiwan is unable to appeal to international courts such as the International Court of Justice (ICJ) or tribunals under UNCLOS in times of crisis, such as maritime conflicts or cyberattacks, because statehood is a prerequisite for standing in these forums.<sup>14</sup>

The integrity of international law is threatened by this legal disparity, which also undercuts the idea of sovereign equality. If governments recognized by a political majority are the only ones granted access to international legal safeguards, the system will favor power politics over the rule of law.

## **VI. Implications for Other De Facto States: A Comparative Analysis of Similarities, Differences, and Outcomes**

The situation of de facto states in international politics is frequently contradictory. Taiwan maintains strong informal relationships, a booming economy, and an active involvement in international trade and public health) despite not having formal diplomatic recognition from the majority of UN member nations. The experience of Taiwan provides insight into the larger class of de facto states, which are organizations that assert and exercise sovereignty over a region and its citizens but are not generally acknowledged as sovereign states under international law.<sup>15</sup>

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<sup>13</sup>“Taiwan Country Commercial Guide.” International Trade Administration, 2024. [https://www.trade.gov/country-commercial-guides/taiwan-trade-agreements#:~:text=As%20of%20June%202023%2C%20Taiwan,Foreign%20Trade's%20\(BOFI\)%20website.](https://www.trade.gov/country-commercial-guides/taiwan-trade-agreements#:~:text=As%20of%20June%202023%2C%20Taiwan,Foreign%20Trade's%20(BOFI)%20website.)

<sup>14</sup> Hsieh, Pasha L. “An Unrecognized State in Foreign and International Courts: The Case of the Republic of China on Taiwan.” SSRN, July 30, 2007. [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1003263.](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1003263)

<sup>15</sup> Fang, Yu (Sunny). “Taiwan’s Long (Impossible) Road from a De Facto to a De Jure Country: Is a New Constitution the Answer?” *Columbia Undergraduate Law Review*, May 30, 2024. <https://www.culawreview.org/journal/taiwans-long-impossible-road-from-a-de-facto-to-a-de-jure-country-is-a-new-constitution-the-answer.>

Taiwan and Kosovo have certain similarities: both are functioning democracies with capable institutions, strong public support for independence, and histories steeped in political conflict with a larger parent state - China and Serbia, respectively.<sup>16</sup> However, their courses diverge significantly due to the geopolitical circumstances underlying their attempts for recognition.

### **A. Taiwan and Kosovo: Functioning Democracies, Different Paths to Recognition**

Kosovo, which proclaimed independence from Serbia in 2008, has received recognition from over 100 UN member nations and is a member of international financial institutions such as the IMF and the World Bank. Its partial recognition has allowed it participation in international athletic events and court systems, notably the International Court of Justice (ICJ), which declared in 2010 that its proclamation of independence did not violate international law.<sup>17</sup> Despite not being a member of the UN yet, largely due to Russia and China's veto power in the Security Council, Kosovo has achieved notable diplomatic progress since secession from Serbia in 2008. On the grounds of territorial integrity and the precedent that such recognition may establish for separatist movements in their respective domains of influence, such as Chechnya, South Ossetia, or Taiwan, Moscow and Beijing are both against Kosovo becoming a state. In spite of this, more than 100 UN members have recognized Kosovo, including influential Western nations like the US, UK, France, and Germany. Its claim to de facto statehood has also been strengthened by its membership in a number of international institutions, such as the World Bank, the International Olympic Committee, and the International Monetary Fund (IMF). Additionally, Kosovo

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<sup>16</sup> Sopaj, Arbenita. "More Alike than Not: Kosovo and Taiwan." Global Taiwan Institute, February 15, 2024. <https://globaltaiwan.org/2022/06/more-alike-than-not-kosovo-and-taiwan/>.

<sup>17</sup> Wroughton, Lesley. "IMF Recognizes Kosovo, Begins to Weigh Membership." Reuters, 2008. <https://www.reuters.com/article/world/imf-recognizes-kosovo-begins-to-weigh-membership-idUSN15281755>.

has negotiated bilateral agreements and opened embassies in several nations, reaffirming its position as a relevant stakeholder in international diplomacy.

In contrast, Taiwan's worldwide recognition has slowly deteriorated since the 1970s, when the People's Republic of China (PRC) replaced the Republic of China (ROC) in the United Nations. Only a few nations officially recognize Taiwan today.<sup>18</sup> Unlike Kosovo, Taiwan maintains substantial informal diplomatic, cultural, and trade links with major nations such as the United States, Japan, and much of the European Union. Despite not having formal membership, Taiwan interacts with global institutions such as the World Trade Organization (WTO) under the name "Chinese Taipei."<sup>19</sup>

The contrasting histories of Taiwan and Kosovo have been significantly shaped by geopolitics. For Taiwan, the People's Republic of China's (PRC) strict stipulation that any government that recognizes the Republic of China (Taiwan) terminate formal diplomatic ties with Beijing. It has asserted that it is the only legitimate government of China, including Taiwan and the mainland, ever since the PRC replaced the ROC at the United Nations in 1971 with Resolution 2758. The PRC effectively bars Taipei from joining the majority of international organizations that require statehood for membership, including the United Nations and its affiliated agencies, by demanding that nations not recognize Taiwan as a separate sovereign state as the basis for diplomatic recognition. Subsequently, states are forced to choose between formal ties with Beijing or Taipei, but not both. As a result, there are now less than 15 nations who formally recognize the ROC as of 2025.

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<sup>18</sup> "Countries That Recognize Taiwan 2025." World Population Review, 2025. <https://worldpopulationreview.com/country-rankings/countries-that-recognize-taiwan>.

<sup>19</sup> Li, Chien-Pin. "Taiwan's Participation in Inter-Governmental Organizations: An Overview of Its Initiatives." JSTOR, 2006. <https://digitalcommons.kennesaw.edu/facpubs/34/>.

Serbia and its allies, particularly Russia, are the primary barrier to Kosovo's full recognition since they utilize their Security Council veto power to prevent Kosovo from joining the UN. Nonetheless, Western countries have given Kosovo significant political, economic, and security backing. Through foreign aid, capacity-building initiatives, and support for democratic institutions and the rule of law, Washington has made significant investments in Kosovo's state-building process. Similar to this, a number of EU nations, such as Germany, France, the UK, and Italy, have acknowledged Kosovo and actively backed its Euro-Atlantic goals, especially its aspirations to join the EU and NATO in the future. By providing financial support through the Instrument for Pre-Accession Assistance (IPA) and serving as the primary mediator in the continuing normalization talks between Kosovo and Serbia, the European Union has been indispensable in the post-independence development of Kosovo. The European Union Rule of Law Mission in Kosovo, or EULEX, was sent to assist in reforming the country's police, customs, and judiciary. Furthermore, the NATO-led KFOR peacekeeping force, which has contributed to regional stability since the end of the 1999 conflict, has given Western nations security guarantees to Kosovo. Despite not having fully actualized UN membership, Kosovo has been able to forge international alliances and maintain its statehood.

Although both states struggle with non-recognition, Taiwan's unclear and highly political status contrasts with Kosovo's gradual assimilation into international systems, despite some resistance. This discrepancy demonstrates how international politics—particularly those involving big powers—have a significant impact on how *de facto* states turn out.

### **B. Taiwan and Somaliland: Functioning States, Global Isolation**

Taiwan and Somaliland both have effective territorial control and are autonomous, self-governing states, but their diplomatic and economic environments are very different.

After the Somali state fell apart in 1991, Somaliland proclaimed its independence from Somalia. Since then, it has outperformed most of Somalia in terms of administration and rule of law, held many elections, and developed functional institutions while maintaining a semblance of internal peace.<sup>20</sup> Similar to Taiwan, it satisfies the Montevideo requirements for statehood, which include having a permanent population, a defined territory, a government, and the ability to interact with other states.

However, Somaliland lacks the international alliances and economic power required to overcome its isolation, in contrast to Taiwan. Its economy is still in its infancy and is largely dependent on cattle exports and remittances. In contrast, Taiwan is a global leader in semiconductor manufacturing, has trade offices in more than 90 countries, and has the 21st-largest economy in the world by nominal GDP (2023).<sup>21</sup>

It has been difficult for Somaliland to make headway diplomatically. Although it has informal relations with a number of nations, such as Ethiopia and the United Arab Emirates, it is not officially recognized by any UN member state. In a rare instance of two de facto nations working together diplomatically, Taiwan and Somaliland established mutual representative offices in 2020. In pursuing a common goal in negotiating the limitations of non-recognition, this agreement has led to a number of substantial collaborations during the years that have followed, such as capacity building activities, medical consultations, and educational exchanges between the two countries.

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<sup>20</sup> Ferragamo, Mariel, and Claire Klobucista. "Somaliland: The Horn of Africa's Breakaway State." Council on Foreign Relations, January 21, 2025.  
<https://www.cfr.org/background/somaliland-horn-africas-breakaway-state>.

<sup>21</sup> Crotty, Patrick. "Taiwan's Trade: An Overview of Taiwan's Major Exporting Sectors." U.S. International Trade Commission, May 2024.  
[https://www.usitc.gov/publications/332/working\\_papers/taiwan\\_trade\\_overview.pdf](https://www.usitc.gov/publications/332/working_papers/taiwan_trade_overview.pdf).

Taiwan's and Somaliland's different outcomes underscore the importance of international cooperation, economic progress, and state competency. While Somaliland's limited resources and geographic disadvantage limit its international influence, despite its domestic triumphs, Taiwan's economic success enables it to maintain a global footprint and de facto allies.

A different example of a de facto state recognized by only one state, Turkey, is the Turkish Republic of Northern Cyprus (TRNC), which was established in 1983 following Turkey's military involvement in reaction to a coup in Cyprus that was supported by Greece.<sup>22</sup>

Unlike Taiwan, which has broad autonomy in foreign policy and economic decision-making, Northern Cyprus relies largely on Turkey for economic assistance, security, and international representation. This has created a sense of limited sovereignty and lowered motivation for internal political diversification or economic transformation. Taiwan, on the other hand, has established its own identity and developed a diverse economic basis.

While the European Union considers Northern Cyprus to be part of the Republic of Cyprus, a recognized EU member, it is nonetheless barred from EU advantages and global financial systems. Peace talks between Greek and Turkish Cypriots have been deadlocked for decades, in part because international law considers the TRNC's declaration of independence a violation of Cyprus' territorial integrity.<sup>23</sup> Taiwan's de facto independence, on the other hand, stems from a distinct legal and historical trajectory: the ROC's withdrawal to Taiwan following the Chinese

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<sup>22</sup> Rudolph, Joseph R. "Cyprus Crisis Erupts." EBSCO Information Services, Inc., 2023. <https://www.ebsco.com/research-starters/history/cyprus-crisis-erupts>.

<sup>23</sup> "An Island Divided: Next Steps for Troubled Cyprus ." International Crisis Group , April 17, 2023. <https://www.crisisgroup.org/europe-central-asia/western-europemediterranean/cyprus/268-island-divided-next-steps-troubled-cyprus>.

Civil War, as well as the continuation of sovereignty claims distinct from those of the PRC.<sup>24</sup>

Northern Cyprus' recognition by a single patron state has not resulted in broader legitimacy, and its economic and diplomatic isolation remains severe.<sup>25</sup>

The cases of Taiwan, Kosovo, Somaliland, and Northern Cyprus demonstrate that recognition exists on a range. Still, Taiwan enjoys significant informal acceptance and influence. Kosovo falls somewhere in the middle, with only partial formal recognition and growing institutional access. Somaliland and Northern Cyprus are at the bottom of the continuum, with little or no formal recognition and severe diplomatic isolation.

These instances demonstrate how international law is unable to enforce uniform recognition requirements. The principle of territorial integrity frequently clashes with self-determination, and decisions to recognize potential member states are frequently influenced more by strategic considerations than legal standards. China's influence explains Taiwan's diplomatic isolation, whereas Russia's position impedes Kosovo's UN membership.

Economic development has a tremendous impact on the outcomes for de facto states. Taiwan has leverage and worldwide impact thanks to its commercial connections and technical superiority. In contrast, Somaliland and Northern Cyprus struggle to attain comparable results due to economic constraints and an overreliance on a single sponsor.

The viability of de facto states is also influenced by security arrangements. Taiwan has some degree of deterrence against PRC invasion thanks

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<sup>24</sup> Chiang, Frank. "Political Status of the ROC in Taiwan." *The One-China Policy: State, Sovereignty, and Taiwan's International Legal Status*, 2018. <https://pmc.ncbi.nlm.nih.gov/articles/PMC7152184/>.

<sup>25</sup> Akgün, Cansu. "The Case of TRNC in the Context of Recognition of States under International Law." *Uniset*, 2010. [http://uniset.ca/microstates2/trnc\\_akgun.pdf](http://uniset.ca/microstates2/trnc_akgun.pdf).

to its strategic location in the Indo-Pacific and its ties with the United States.<sup>26</sup> NATO peacekeeping forces are beneficial to Kosovo.<sup>27</sup> In contrast, Somaliland and Northern Cyprus are more dependent on internal stability or lone military partnerships.<sup>28</sup>

The complex interrelationship between legitimacy, international participation, and recognition is exemplified by Taiwan's history as a de facto state. It is evident that success is not just determined by recognition when compared to Kosovo, Somaliland, and Northern Cyprus. Important responsibilities are played by elements including internal governance, diplomatic inventiveness, economic capability, and geopolitical alignment.

Taiwan is both an example of tenacity and a warning to other prospective or current de facto nations. Its accomplishments in democratic governance, economic growth, and strategic diplomacy show that it is possible to operate effectively without receiving much praise. At the same time, the flexibility, and limitations, of the current international order are still being tested by how the international community handles Taiwan and other de facto states.

## **VII. Conclusion: Between Law and Power**

The serious tension that exists in international relations between political authority and legal norms is brought to light by the circumstances in Taiwan. The stagnated structure of international institutions and the geopolitical interests of large states are the reasons behind its absence from global governance, not a failure to meet the legal requirements for statehood. Such exclusions undermine

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<sup>26</sup> McKinney, Jared M., and Peter Harris. "Understanding the Deterrence Gap in the Taiwan Strait." *War on the Rocks*, February 9, 2024. <https://warontherocks.com/2024/02/understanding-the-deterrence-gap-in-the-taiwan-strait/>.

<sup>27</sup> "Promoting Security, Stability and Respect for Human Rights in Kosovo." United Nations, 1999. <https://peacekeeping.un.org/en/mission/unmik>.

<sup>28</sup> Melvin, Neil. "The Foreign Military Presence in the Horn of Africa Region." sipri, April 2019. [https://www.sipri.org/sites/default/files/2019-05/sipri1904\\_1.pdf](https://www.sipri.org/sites/default/files/2019-05/sipri1904_1.pdf).

the legitimacy of international law by demonstrating that its application is not always binding but rather is contingent upon the political will of powerful parties. In an increasingly multipolar world, the international legal order will continue to struggle with coherence, legitimacy, and fairness unless the status quo is altered.