§ 7 The challenge of the rules-based international legal order by the rise of hegemonic global "bullies" and the cowardness of the international community

- The rules-based international order of the globalised world (as described in §§ 3, 4, 6) appeared firmly established and stable in the early 21st century, but has come recently under severe pressure from serious attacks by Russia, the USA, China and, due to special circumstances, Iran.
- Much of the international conduct of Russia, the USA and, at times, China seems to be less shaped by rational strategy than by the *arbitrary behaviour of* their *authoritarian leaders*.
- This behaviour shows *striking parallels to* that of *a classroom bully* at school, who
  - dominates the classroom without a legitimate reason
  - is convinced that rules do not apply to him
  - tyrannises all weaker members of the community by confronting them individually
  - but could never stand up against the group if it was determined and united.
- The attacks *destabilise the rules-based international order* because
  - they demonstrate a profound disregard of influential states for the rule of law in international relations
  - the right of veto of these states in the UN Security Council prevents UN sanctions.

I. The attempts of the Russian President VLADIMIR PUTIN to restore the Soviet empire in breach of public international law

- an ambitious but unrealistic, *neo-imperialistic plan* that was never concealed
  - actually, Putin does not want to restore the Soviet empire but the old Russian empire on the territory of the Soviet Union
  - the plan can only be implemented by *systematic severe breach of the prohibition to threat or use force* against a state (art. 2 No. 4 UN Charter) and the *principle of non-intervention* in the domestic affairs of a state
- the *Russian occupation of Crimea* and the hybrid invasion in the Ukrainian Donbas (2014)
- the *Russian war of aggression against the whole of Ukraine* (since 2022)
  - including a massacre against civilians in the town of Bucha in 2022
- *Russian hybrid warfare, interventions and threats* against other former Soviet republics
  - military intervention in Georgia to support separatists in South Ossetia and Abkhazia (2008)
  - interference to destabilise democracy in the Republic of Moldova (since 2022)
  - interference with elections in the Republic of Moldova (2024)
  - interference to destabilise democracy in Georgia (2025)
  - violations of the Estonian, Latvian and Lithuanian airspace by combat aircraft and drones (since 2025)
  - violations of the Estonain and Latvian territorial borders (since 2025)
  - threats against Armenia and Azerbaijan (since 2025)
- Russian hybrid warfare against other European states
  - violations of the Polish and Romanian airspace by drones (since 2025)
  - failed and successful acts of sabotage in Poland (since 2024)
  - *failed drone attack on a cargo airplane at Leipzig airport in Germany* (2026)
  - *drone attacks on cargo ships in the Black Sea* off the coast of Romania (October 2026)

II. The assaults of the American President DONALD TRUMP on public international law

- in addition to the numerous breaches of domestic law (mainly constitutional law)
- imposition of tariffs in violation of international agreements (since 2025)
  - violation of GATT, USMCA, free trade and investment protection agreements
- pressure on Canada to give up independent statehood and join the USA (2025)
  - threats to use force violate art. 2 No. 4 UN Charter and the right of peoples to self-determination
- pressure on Denmark to cede its territory Greenland to the USA (2025)
  - threats to use force violate art. 2 No. 4 UN Charter and the right of peoples to self-determination

- abduction of the Venezuelan President Nicolás Maduro (2026)
  - serious violation of art. 2 No. 4 UN Charter, the principle of non-intervention and Maduro's immunity as a head of state
- war of aggression against Iran (2026)
- threat to claim the Strait of Hormuz as American territory (2026)
  - an attack on the territorial integrity of Iran and Oman
- sanctions and attempts to sabotage the International Criminal Court (2025/26)
  - an attack on the very idea of holding officials from all states, including the superpowers, accountable for crimes under international law

III. Threats and encroachments of the People's Republic of China under President XI JINPING in violation of public international law

- threats and preparations for an invasion of independent Taiwan
  - which never was part of the People's Republic of China
  - in violation of art. 2 No. 4 UN Charter and the right of peoples to self-determination (controversial)
  - even threats of death penalty against Taiwanese "separatists"
  - also threats against states recognising Taiwan's independence
- claim & occupation of a Philippine island in the South China Sea
  - in disregard of a decision of the Permanent Court of Arbitration of 2016 that China has rejected
- unilateral occupation of islands in the South China Sea that are disputed among several states

IV. Iran's attack on the freedom of the seas in the Strait of Hormuz

- an insignificant regional "bully", but with a global impact
- imposition of transit fees and temporary total closure of the Strait of Hormuz (2026)
  - impedes passage through a narrow maritime strait between Iran and Oman
  - triggered by the attack of the USA and Israel on Iran
  - enforced by means of sea mines, speedboats and military fire
- with *disastrous effect on the world's oil supply*
  - since a large part of the world's oil supply is shipped through these waters
  - an unlawful blockade would mean that Iran is taking the entire world hostage
- Iran's right to collect transit fees or close the Strait is disputed; the prevailing opinion denies it
  - art. 37, 38 UNCLOS guarantees the *right of transit passage* in straits used for intern. navigation, and art. 26 UNCLOS prohibits to levy charges for the passage, but Iran has not ratified UNCLOS
  - the prevailing opinion affirms a right of transit passage also *under customary international law*
  - customary international law also recognises a *right of innocent passage*; this right can be more easily restricted but does not allow a total closure of the Strait

V. The failure of the international community to take decisive action to uphold public international law against the global "bullies"

1) The weak response of the West, especially the European Union and its member states

- weak response to the Russian unlawful occupation of Crimea
  - criticism and a few mild sanctions but no robust action against Russia
  - Germany even intensified its economic relations with Russia by building the new gas pipeline Nord Stream 2
- weak response to the Russian war of aggression against the whole of Ukraine
  - escalating economic and political sanctions but *no direct military support* for Ukraine
  - only *late and hesitant supply of heavy weapons* to Ukraine for its defense
- in particular: continuing large-scale import of fossil fuels from Russia during the war
  - Europe unwilling to suffer significant economic disadvantages to stop the Russian war of aggression
  - *Germany* even temporarily became *one of the biggest de facto sponsors* of the Russian war
  - after four years of ongoing war, the European Union still buys LNG (liquified natural gas) from Russia

- appeasement in the face of Donald Trump's assaults on international law
  - occasionally cautious criticism, but usually utmost restraint, even to the point of self-sacrifice
  - only a few exceptions (→ Canada, Spain)
  - in the tariff dispute, the European Commission quickly cave to Donald Trump and accepted a highly unfavourable trade agreement
  - following the abduction of the Venezuelan President, the German Chancellor and Foreign Minister described the legal assessment of this action as "complex" resp. "exceptionally complex"
  - Europeans refused to join the war of aggression against Iran but were reluctant to classify it for what it is
  - only Donald Trump's plans to annex Greenland met broad resistance
- cautious criticism but no sanctions after China's threats and encroachments against Taiwan and its Southeast Asian neighbours
  - close relations but no formal recognition of Taiwan as a state, so as not to jeopardise business relations with China
  - diplomatic support of the decision of the Permanent Court of Arbitration of 2016 but no sanctions against China's bullying in the South Chhina Sea

2) The failure to react of the Global South, especially ASEAN and its member states

- no coordinated preparation of ASEAN for an escalating Taiwan conflict
  - although about one million ASEAN citizens live in Taiwan
- no decisive action of ASEAN against China's bullying in the South Cina Sea but 24 years of unsuccessful attempts to negotiate a *South China Sea Code of Conduct (CoC)*
- weak response of ASEAN to Donald Trump's tariff attacks
  - *Divided we fall*: no coordinated ASEAN response, which would have created a stronger negotiating position
  - Malaysia, Cambodia, Thailand, Vietnam & Indonesia soon accepted trade agreements that were even more defavourable than that of the European Union
- only a few states in the Global South, such as Brazil and South Africa, are resolutely resisting the geopolitical pressure from the Trump administration

3) The encouragement of the perpetrators by these failures to continue and escalate

- Authoritarian regimes led by narcissistic or out-of-touch leaders, such as Donald Trump and Vladimir Putin, tend to view *any concession* as *a sign of weakness* and feel encouraged to continue or even escalate their attacks on the rules-based international order.
  - There is no evidence from recent times to suggest that giving in to them may prompt them to cease their attacks.
  - Appeasement does not work - not in 1938 (to stop Adolf Hitler) and not today.
- Therefore, any restraint or cowardice in the face of their attacks will not calm them down but rather amount to a surrender, if not an incitement to further, even more serious attacks. *Appeasement does not secure but abandon the rule of law in international relations*.

4) The risk of encouraging other states to also breach international law

- the failure of the international community to take decisive action against the hegemonic global "bullies" risks to inspire other states to follow their example
  - especially *middle powers* may be tempted to follow their way
  - this would further destabilise the rules-based international order
- the risk of encouraging other states to use illegal force against their neighbours, in particular to encourage
  - China to invade Taiwan
  - Serbia to invade Kosovo
  - Ethopia to occupy parts of Eritrea to gain access to the sea
  - Venezuela to occupy the resource-rich Essequibo region in Guyana
  - the Iranian-backed Yemeni Houthi militia to intensify its international attacks
  - North Korea to attack South Korea
  - various parties in the Caucasus to reignite their conflicts

- the risk of encouraging other states to exploit economic dependencies like a weapon in breach of WTO agreements and trade agreements, in particular to encourage them
  - to threaten to impose tariffs or import restrictions to excert political pressure
  - to impede foreign industrial production by withholding urgently needed natural resources, esp. rare earths
  - to sabotage foreign production by cutting off small but crucial parts of complex international supply chains
  - to abusively withhold products that are only produced in a few countries (specialised machines, medicines etc.)
- the risk of demotivating other states from living up to their environmental and climate protection obligations
  - an important field of international cooperation, in which mutual trust in each other's reliability is crucial

VI. The consequences of the recent developments: from multilateral, institutionalised cooperation among equals to hegemonic bilateral relations?

- Are the three global "bullies" planning to replace the present rules-based international order, with its regulated and institutionalised multilateral cooperation between states that are equal, by a *tripolar hegemonic world order* in which three hegemonic powers, ruled by authoritarian leaders, control the rest of the world, each controlling a sphere of influence around itself, through bilateral vassal relationships?
  - Claims of Russia to "build an open Eurasia, from Lisbon to Vladivostok" point in this direction.
  - A recent indicator: plans in October 2026 to arrange for an end of Russia's war against Ukraine in a meeting between Vladimir Putin, Donald Trump and Xi Jinping without involvement of a representative of Ukraine.
  - It would be a *hegemonic tripolar world order*, *not* the often advocated *non-hegemonic multipolar world order*.
- Are we heading towards a *new era of imperialism*, where the role of most states will be de facto reduced to a role similar to that of a colony?
- PERSONAL OPINION: The threat appears to be real, yet even together, the three "superpowers" are not powerful enough to carry it out - as long as the international community fiercely resists.