



HAL
open science

Rethinking the Geopolitics of a Collective System for Armament Regulation

Binxin Zhang

► **To cite this version:**

Binxin Zhang. Rethinking the Geopolitics of a Collective System for Armament Regulation. Richard Falk; Augusto Lopez-Claros. Global Governance and International Cooperation, Routledge, pp.121-134, 2024, 9781032699028. 10.4324/9781032699028-9 . hal-04493630

HAL Id: hal-04493630

<https://sciencespo.hal.science/hal-04493630>

Submitted on 7 Mar 2024

HAL is a multi-disciplinary open access archive for the deposit and dissemination of scientific research documents, whether they are published or not. The documents may come from teaching and research institutions in France or abroad, or from public or private research centers.

L'archive ouverte pluridisciplinaire **HAL**, est destinée au dépôt et à la diffusion de documents scientifiques de niveau recherche, publiés ou non, émanant des établissements d'enseignement et de recherche français ou étrangers, des laboratoires publics ou privés.



Distributed under a Creative Commons Attribution - NonCommercial - NoDerivatives 4.0 International License

7 Rethinking the Geopolitics of a Collective System for Armament Regulation

Binxin Zhang

Article 26 of the UN Charter (1945) tasked the Security Council with formulating plans ‘for the establishment of a system for the regulation of armaments’. A comprehensive system has never been developed. What we have are piecemeal arms control regimes, bilateral or multilateral, on particular types of weapons, more often than not negotiated outside of UN auspices. These regimes do contribute to maintaining international security to varying degrees, but arms races, especially between great powers, have not ceased. Ironically, it is precisely these great powers, the strongest in the world, who feel constantly threatened, and who deem it ‘necessary’ to devote large resources to weapons acquisition to ‘defend’ themselves. The international environment is characterised by the ‘security dilemma’, based on a logic of mistrust and paranoia, according to which all parties have to prepare for worst-case scenarios, and a desire to be secure ends up leading to ‘a spiral of insecurity’ (Browning 2013: 20; Jervis 1978: 167–214).

This is, inevitably, a downward spiral, despite best efforts and various achievements in the disarmament field. Just when everyone was talking about the decline of full-scale interstate wars, Russia invaded Ukraine. When the war was still occupying the front pages, Nancy Pelosi’s visit to Taiwan provoked a tense response from the Chinese authorities and widespread calls to ‘fight’ on Chinese social media, rising tensions in the Taiwan Strait and between the United States and China. All these were happening amidst a global pandemic that had claimed over six million lives in the space of only two years. In the same year, summer heat again hit record levels in many parts of the world. Across the northern hemisphere, major forest fires were burning in the United States, in Europe and in China. The mistrust that leads to the security dilemma is at the same time blocking urgently needed efforts to deal with these threats of pandemic and climate change, which are global by nature and can only be dealt with globally.

This chapter does not intend to propose a comprehensive new system as envisaged by Art. 26 of the UN Charter. Instead of specific regimes of armaments regulation, the chapter focuses on the presumptions of antagonism and competition, and the resulting fear and insecurity which have so far been taken for granted when designing these regimes. It argues that these fundamental presumptions and beliefs need to be challenged, without which changes in specific regimes will not bring long-lasting results. The chapter starts with an analysis of these presumptions as reflected in binary thinking of world politics (Part I). It then moves on to examine the role of international law in reinforcing such binaries (Part II). Part III proposes some changes in narratives that might start to challenge and change these presumptions and beliefs.

Part I: Fundamental Problems with Current Systems: Distrust, Fear and Binaries

When we talk about ‘armament regulation’, we might be talking about many different things simultaneously: multilateral treaties, bilateral agreements, initiatives led by international organisations, notably the United Nations or regional organisations; or voluntary multilateral mechanisms, such as the Proliferation Security Initiative; or informal arms control structures. These mechanisms differ in nature (binding or non-binding), in scope (what kind of weapons are covered), in content (is it about research and development, proliferation, stockpiling, use, about limitation or total prohibition, etc.) and in specific measures to take. In a word, there is no one system of armament regulation as envisaged by Article 26 of the UN Charter.

Because of this lack of a general system, the current arms control regimes are fragmented and provide only piecemeal solutions. As such, each time new challenges emerge, new efforts have to be made to put in place a new regime of regulation. The process is often a replay of old problems, obstacles and power struggles. Such processes take years or even decades to yield some results or no results at all, wasting huge amounts of time and energy that could be devoted to other causes that directly benefit people, while at the same time, the weapons concerned continue to cost lives or threaten international stability.

Take, for example, the negotiations on the regulation of the Lethal Autonomous Weapons System (LAWS) under the framework of the Convention on Certain Conventional Weapons (CCW). The negotiations have been ongoing since 2014, but to this day, there is no concrete result. Among the great powers, the United States is adamant that it is not going to stop the development and potential use of LAWS and argues that LAWS, and military use of artificial intelligence (AI) generally, might be beneficial for better implementation of international humanitarian law (IHL) and for better protection of civilians.¹ Under the consensus mechanism of the CCW, this alone is enough to block any attempt to ban LAWS, although it seems that the majority of states support a ban.² The story seems just too similar to what led to the Ottawa Process, the Oslo Process and the Arms Trade Treaty.³ Similar stories will happen again and again if this piecemeal approach continues.

What is even more fundamental behind this repetitive pattern is a psychology of fear and distrust. Even the strongest nations are not immune from such fear. For example, the United States, although clearly surpassing any of its perceived adversaries in terms of technology and military capacities in cyber and outer space, ironically sees its advantages also as its vulnerabilities. It considers itself particularly vulnerable to cyber-attacks because of its high dependence on cyberspace and sees cyber warfare as asymmetrical and more advantageous to weaker parties than traditional warfare (see, e.g., Betz and Stevens 2011: 90; Lynn 2010: 97–108). Similarly, it considers itself particularly vulnerable to attacks on outer space facilities because it has a particularly high degree of dependence upon them.

A combination of such fear and the availability of material means thus only leads to a false belief that one could and should pursue absolute ‘security’. For that purpose, the United States seeks absolute domination, which is, in turn, perceived by others as a security threat, thus creating an international cycle of fear and distrust. The U.S. Department of Defence Cyber Strategy of 2015 states that ‘DoD should be able to use cyber operations to disrupt an adversary’s command and control networks, military-related critical infrastructure, and weapons capabilities’ (United States Department of Defense 2015).

In China, such statements have been interpreted as ‘clearly hegemonic’ and aggressive, thus prompting the latter to respond by developing their own equivalent cyber capacities (Li 2016: 148).

Existing armaments regulation efforts recognise this fear and distrust and see them as natural and inevitable. Meier and Daase (2012) argued that the end of the Cold War saw a paradigm shift in arms control, with the new paradigm of coercive arms control relying on ‘coercion rather than cooperation, on suspicion rather than trust, inequality rather than reciprocity’ (Meier and Daase 2012: 3). However, even what they called a ‘cooperative’ notion of arms control, reflected in the definition of arms control as the ‘cooperation between antagonistic pairs of states in military affairs’ (Bull 1976: 22), takes for granted the antagonism between states. Moreover, this antagonism, fear and distrust is believed to exist particularly between countries that hold different ‘values’, which might be due to different ‘civilisations’ or different types of political regimes. Thus, not only fear and distrust are naturalised, but differences between countries are essentialised. Such essentialisation goes hand in hand with a way of binary thinking characterised by a series of ‘world political binaries’, from the 19th-century civilised and barbarian divide to the present-day divide between liberal and illiberal, essentialised as the West versus the non-West (Austin 2017).

Employing a sociological approach to look into democracy and human rights projects, Guillhot (Guillhot 2005) remarked that ‘[d]emocracy and human rights, once weapons for the critique of power, have now become part of the arsenal of power itself’ (Guillhot 2005: 8). He argued that the United States promotion of democracy abroad had been

mostly thought and designed as a *cultural* if not as an *ideological* policy. ... The moral appeal of democracy and human rights, therefore, makes them perfect instruments for organising a broad national and international consensus regarding policies that are thus pursued and extend to the existing world order.

(Guillhot 2005: 15, emphasis in the original)

As such, democracy and human rights—or rather, the language of democracy and human rights—become the standard of an international ‘moral order’, which reminds us of the 19th-century categorisation of ‘civilised’, ‘semi-civilised’ and ‘uncivilised’ nations, and the ‘exporting’ of democracy, as termed by Guillhot, resembles a dangerous new version of the ‘mission of civilisation’.

The resort to cultural explanations essentialises these divides. China, for example, is often viewed through the lens of a vague conception of ‘Confucius culture/tradition’ or/and ‘communist/authoritarian regime’ that seem able to capture all and explain all. This essentialised divide and presumed differences in state behaviours are so entrenched that we often fail to look at the empirical evidence for such behaviours. Austin (2017) conducted precisely such an empirical inquiry when he compared the Argentine torture regime and ‘Death Flights’ programme and the post-9/11 U.S.-led ‘extraordinary rendition’ programme. The result, Austin suggested, was that ‘differences in the forms of violence enacted in these two cases... were *not* related to the democratic or ‘civilised’ status of the United States and the authoritarian or fascist-cum-barbarian status of Argentina’, thus calling into question the ‘great divide’ between the ‘authoritarian’ and the ‘democratic’ (Austin 2017: 49, 69, emphasis in the original). U.S. behaviour patterns in terms of disarmament as compared to authoritarian states like Russia and China would probably be quite similar, while the latter’s behaviour patterns might be drastically different from that of smaller authoritarian states such as Algeria or Laos, for example.

That said, these essentialised dichotomies are by no means just Western manoeuvres to maintain dominance and superiority in the existing world order. In China, such dichotomies are mobilised to forge and maintain a Chinese identity. Zhang (C. Zhang 2020) calls realist authoritarianism a Chinese ‘political identity’, as opposed to ethno-racial identity, which constructs the Chinese as pragmatic, realistic, focusing on economic growth and social stability. This identity is further linked to the historical narrative of China’s ‘five millennia of civilisation’, which portrays the ‘Chinese people’ as ‘a timeless and abstract category who ‘have seen everything’ and are most aware of the rules of power politics’ (C. Zhang 2020: 104). In fact, this linkage to the Chinese ‘civilisation’ and tradition already suggests that the line between the ‘political’ and ‘ethno-racial’ identities might not always be too clear. The latter, often resorting to culturalist claims, tend to merge with the former, particularly when political dichotomies are essentialised along cultural lines.

Another historical narrative that is essential in the construction of Chinese national identity is the ‘Century of Humiliation’, key to understanding Chinese behaviours in international affairs. The Century of Humiliation is the official and dominant narrative in China of Chinese modern history. It recounts a story of Chinese suffering and ‘humiliation’ at the hands of Western and Japanese invasions starting from the First Opium War in 1840, which is at the same time a story of heroic resistance of the Chinese people against foreign invaders. The climax of the story is the establishment of the People’s Republic of China (PRC) in 1949, marking the victory of China against foreign invaders and ending the Century of Humiliation.

The importance of this narrative in Chinese nationalism and in Chinese foreign policy has been thoroughly discussed (see, e.g., Callahan 2010; Gries 2004). The national past and the way it is remembered and narrated have a significant influence on how China and the Chinese public approach contemporary world affairs. Constantly reminding the story of Western invasion and Chinese resistance, this narrative often contributes to essentialised binary thinking of perceiving the West as ‘aggressive’ and China as ‘peace-loving’, the West as the malicious Other that constantly tries to contain China and China as an innocent victim that is nonetheless fearless of foreign encroachments even in a weaker position. As Callahan (2010) pointed out, Chinese foreign policy is not just about material interests but also, and very significantly, about a search for respect and status (*ibid.*), which could also be said of Chinese public sentiments. Thus, any perceptions of Western disrespect are likely to provoke strong reactions in China. Yang Jiechi’s speech at the China-United States Summit in March 2021 (The Paper 2021), unusual in formal diplomatic settings and shocking for a Western audience, yet enthusiastically acclaimed by a domestic one, is a vivid illustration of these dynamics.

There is no need to survey every country in the world to become aware that such depictions and beliefs of rivalries, of competition and antagonism, such entrenched binary thinking based on essentialisation of the differences between countries, cultures, political regimes, or ‘civilisations’, are the norm, rather than the exception. Once these divisions are essentialised, they are taken to explain everything, and thus they end up dictating everything. Our current regimes, international instruments or institutions to deal with arms control and other security issues are all based on these beliefs and such binary thinking. It is argued here that on a fundamental level, it is this sort of binary thinking that needs to be discarded if any meaningful mutual understanding and a collective system could be built.

Part II: World Political Binaries and International Law

International law, despite its claim of universality, often reflects such political binaries, as mentioned earlier, and through its functioning reinforces them, thus deepening the divides between states situated at different ends of these political dichotomies, countering its own claimed purpose of unifying. Faced with the crisis of the liberal international order, even potential outcome appears to be binary: either the triumph of liberal internationalism or succumbing to illiberalism. Yet in a recent call for the ‘disordering’ of international law, Kelsall (2022) points out the problem of characterising the world as governed by a ‘liberal international legal order’ to begin with. She asks, ‘Could it be that the legal order we inhabit is in fact best described as neither liberal nor illiberal but, rather, as something beyond these binary depictions?’ (Kelsall 2022: 757–58).

To go beyond binaries, Kelsall proposed to learn from ‘non-liberal understandings of law and the international’, and ‘to integrate non-liberal and largely non-Western norms, conventions and principles’, ‘without fear of becoming illiberal’ (Kelsall 2022: 732, 758). I argue that one of the first tasks in doing so is to take seriously critiques of double standards and hypocrisy in interpreting and applying international law.

Looking into the emergency special session of the Human Rights Council following the global movement under the banner of ‘Black Lives Matter’, Achiume (2021) notes how appeals to liberal democratic norms and institutions were mobilised to shield U.S. domestic racial subordination. She asserts that the ‘language and commitments of international human rights are quintessentially liberal, and within this frame liberalism is good (illiberalism and non-liberalism are bad), and liberal democracy is implicitly and explicitly the means through which this good is realised’ (Achiume 2021: 379). Such language establishes a sharp contrast between liberalism and illiberalism and puts them in hierarchical positions in a ‘moral order’. This ‘moral order’ has served as ‘the foundations of Western neo-interventionism’, justifying Western interventions into Third World and non-liberal contexts based on moralising languages (Dexter 2007: 1058).

It is this kind of experience that has led to the perceptions and claims of Western ‘double standard’ and ‘hypocrisy’. Commenting on Putin’s attempt to justify the invasion of Ukraine as a response to Western states’ record of prior violations of international law, Milanovic (2022) noted,

This type of critique DOES have some impact, for all its whataboutism and lack of moral substance. Prior violations of international law by Western allies DO make it more difficult for them to persuasively criticise Putin, and they corroded the Charter prohibition on the use of force. ... It is striking how prior violations of international law are rhetorically weaponized by Putin.

There is no doubt, legally or morally, that violations of international law by Western states do not justify violations by Russia. However, this type of ‘whataboutism’ critique cannot be dismissed lightly because the perceptions of ‘double standard’ and ‘hypocrisy’ have real consequences. In China, support for Putin’s logic is widespread on social media, which is arguably even more alarming than official ambivalence. In a recent critique of the U.S.-advocated concept of the ‘rule-based international order’, South African jurist John Dugard (2023) opines that double standards, exceptionalism and hypocrisy must be condemned. Citing U.S. exceptionalism with regard to Israel, Dugard asserts that the

amorphous ‘rules’ of the ‘rule-based international order’ ‘make it easier for a state to provide special treatment to another state and to condone its violations of international law’ (Dugard 2023: 6).

Furthermore, it should not be forgotten that these perceptions of double standards have historical roots. Critical approaches to international law have provided ample analysis of the imperial and colonial roots of international law (Anghie 2005; Eslava, Fakhri and Nesiah 2017). The historical role of international law in the colonial project is not just a matter of the past. As illustrated in Part I, historical narratives and collective memories of Chinese early modern history have a significant influence on Chinese foreign policy and popular nationalism today. Similarly, Chinese international law scholars have argued that China’s past experiences with international law, such as its failed attempt to use international law to protect its interests at the Paris Peace Conference and in the League of Nations, cast a long shadow and have shaped contemporary Chinese distrust of international law (He and Sun 2015: 88; Zhang 2016: 176). The ‘whataboutism’ is thus not just politically expedient finger-pointing, but has real social-psychological roots and effects. The underlying perceptions of double standards, if not addressed seriously, will only confirm and widen the ‘us-them’ divide and create substantial negative effects to efforts of dialogue, trust-building and cooperation between countries that are considered essentially different.

Apart from the binaries of liberal-illiberal and West-East, there are also those of the Global North and the Global South, the developed and the under-developed world. When examining different approaches of international law and questioning whether international law is truly ‘international’, Roberts (2017) powerfully demonstrated the disproportionate influence of Western, and especially Anglo-American, approaches in defining what counts as the ‘international’. Very often, this dominance is not directly imposed but taken for granted by practitioners, scholars and students of international law, and as such reinforced by their often unconscious reproduction of this inequality.

Efforts towards equality and inclusivity need to recognise the significance of practices of international law—its formation, interpretation and implementation—in the Global South. These different approaches to international law do exist and are manifest in international legal practices day in and day out, although they remain unrecognised in the mainstream storytelling about international law. One example is the right to development, first proposed by the Senegalese jurist Keba M’baye (1991: 211–22), first given legal recognition in the African Charter on Human and Peoples’ Rights, and also featured in various Asian soft-law instruments of human rights (ASEAN 2012: Arts. 35–37; SAARC 2004: Art. II(2)(xii)).

While the normative contents of the right to development are not entirely clear, its right holders might include not only individuals but also groups and even states, and it requires not only states acting individually but also collectively.⁴ Indeed, the difference between developing and developed countries concerning the duty to cooperate is one of the major debates concerning the right to development and one of the reasons why it remains largely a soft-law notion and why its normative contents remain vague (Uvin 2007: 598). Developing countries see the right to development as a legal basis for an equitable global economic system and advocate for the need for international cooperation to rectify global inequalities in development (Ibhawoh 2011: 83, 91). Developed countries, on the other hand, fear that the right to development would entail concrete obligations on their part towards other countries and peoples (Ibhawoh 2011: 97; Kerchmeier 2006: 12). In 1986, 146 states voted for United Nations General Assembly

Resolution 41/128, adopting the Declaration on the Right to Development, and the only opposing state was the United States, with eight other developed countries abstaining (Subedi 2021). A drafting process of a binding treaty on the right to development is now ongoing under UN auspices,⁵ and similar debates are likely to resurface in any future negotiation processes.

Not only are the voices of the Global South less reflected in international law-making, but they are also not the main addressees of the institution of international law. In analysing how the International Criminal Tribunal for Rwanda (ICTR) represented its legacy, Kendall and Nouwen (Kendall and Nouwen 2016) observed a shift of narrative and focus towards the end of the tribunal's lifespan. When the tribunal was created, it emphasised contributing to 'the process of national reconciliation and to the restoration and maintenance of peace' (UN Security Council 1994) in Rwanda; yet towards its closure, the emphasis shifted to a broader narrative of contributing to the international legal order. This shift, they argued, 'has been accompanied by a shift in focus on audience' (Kendall and Nouwen 2016: 230). In other words, instead of directing its legacy claims to Rwandans, the tribunal directed them to global policymakers and funders. After all, international law's sites of production and power centre are not in Rwanda, but in The Hague and other Western capitals. It is true that these tribunals have their inherent limitations, and 'national reconciliation and ... restoration and maintenance of peace' might be a goal far beyond what these tribunals could practically achieve, but to find ways to achieve those goals, the concerns and voices of local communities must be heard, and they must be the ultimate addressees of the work of these international institutions.

On the whole, it is argued here that international law needs to go beyond political binaries and become more inclusive and equal. Exceptionalism and hypocrisy need to be addressed, as they discredit the entire system and have been fuelling dangerous nationalisms in many parts of the world. International law needs to address the concerns of the Global South, of women, of indigenous peoples, of islanders, and, in large part, of East and Southeast Asian, Central and South American and African Peoples. This also entails exceeding the traditional state-centric approach and involving multi-stakeholders. In the field of disarmament, civil society has already been playing a significant role (see, for example, Whall and Pytlak 2014). Such trends should be encouraged, with conscious efforts to include more meaningful participation from the Global South and particularly underrepresented communities.

Part III: The Way Forward: Changing Mindsets and Narratives

The importance of narratives in shaping political reality has already been acknowledged by many scholars. Shepherd (2015) challenges the dichotomy of discourse and practice, focusing on the 'iterative practices through which 'things' become meaningful' (Shepherd 2015: 890). In fact, it has been argued that words and images not only shape reality and are not mere reflections of existing realities; rather, they constitute realities in global politics (Hasen 2006; Milliken 1999; Shepherd 2015: 890).

Indeed, all political and legal systems have their underlying narratives. The current armament regulation regimes are often accompanied by narratives of humanitarianism, of reducing human sufferings or managing risks to human lives, etc. These narratives have significantly contributed to the various achievements in disarmament, but they are still based on the fundamental presumption that wars and conflicts are inevitable, that countries are bound to act in a logic of fear and insecurity. To dismantle this fundamental

presumption, we need new narratives. Many such narratives already exist. For example, a narrative of urgency, emphasising global challenges such as climate change that all nations are facing together and that require global cooperation, might help reset global priorities. In this section I propose two narratives that tackle directly the presumption of the inevitability of war and a competitive mindset: (a) imagining a world without war and (b) dismantling the masculine culture of military competition and pride.

Dare to Imagine a World without War

This might seem an unbelievable statement in the middle of the war in Ukraine. However, continuing to view war as inevitable will only provide easier excuses, if not justifications, for waging wars. The implicit assumption that human beings are selfish and aggressive and that war is simply a manifestation of these attributes must be seriously challenged. At a time like this, it is even more important to remember that war is avoidable and that there is absolutely no sense in waging wars.

The mainstream narrative about the inevitability of war tends to link the history of war to the history of humankind itself. However, scholars and activists have already begun to challenge this idea that war is a ‘natural’ part of social life and argue for a paradigm shift from viewing killing as a natural human condition to ‘a problem to be solved’ (Paige 2009: 127). According to anthropologists who study peaceful societies, human history is actually not as violent as depicted in mainstream narratives; warfare is, in fact, a recent phenomenon in human evolution (Sponsel 2014: 35–36). They refute the assumption that violence is an inherent part of human nature but instead argue that human beings have the potential to be peaceful as well as violent, and how the society understands and portrays human nature would shape our social institutions (*ibid.*).

Narratives matter. How we see the world depends on what stories we choose to tell. So far, we have chosen to tell the darker story: that war is ancient, universal, natural, normal, and inevitable. Douglas P. Fry (2007: 6–7) ascribes this choice to a cultural bias that includes Western assumptions about human nature. Sponsel (2014: 39) argues that, particularly in the United States, there is a ‘persistent systemic bias privileging attention to ... violence and war’ over peace and nonviolence.

A ‘cultural bias’, however, might not be the culprit for this choice, as it is not limited to Western culture. Confucian culture has often been considered as putting an emphasis on peace and harmony. Chinese scholars sometimes resort to traditional Chinese notions and systems like *tianxia* (all under heaven) or a historical narrative of good neighbourliness in the ancient Sino-centric East Asian world to interpret contemporary Chinese approaches to international relations and international law as inherently peaceful and non-interventionist (Xue 2012; Zhao 2009). The Chinese official rhetoric of ‘a human community with a shared future’ is often imbued with a cultural undertone. At the 2021 Communist Party of China and World Political Parties Summit, President Xi invoked the concept as an antithesis to a competitive world view. He stated,

From the perspective of ‘my nation first’, the world is narrow and crowded and there are ‘fierce competitions’ everywhere. Yet from the perspective of a shared future, the world is wide and broad and there are opportunities for cooperation everywhere. We ought to ... promote coordination and cooperation between nations ... and walk towards the direction of building a human community with a shared future.

(Xi 2021)

Yet in its opening section on the ‘international security situation’, the 2019 Chinese White Paper on National Defence unmistakably announced that ‘global military competition is intensifying’ (The State Council Information Office of the PRC 2019). This echoes the previous discussion on the narrative of the Century of Humiliation. Wang (2020) argued that the most significant ‘lesson from past’ required to be learned from this narrative is the dictum ‘the backward will be beaten’, which attributes the nation’s humiliation experiences to economic, military and technological backwardness (ibid.). This dictum has entered into official discourse and institutionalised in memory politics since the end of the Cultural Revolution. It indicates a pessimistic and social-Darwinist view that sees the world as a battlefield: the weak will be suppressed, bullied or invaded militarily, just as happened to China in the past. It betrays the state’s anxiety over national security in what is perceived as an essentially competitive world with hierarchies based on material power. It should come as no surprise that this mentality justifies the need for self-strengthening, including military build-up (ibid.).

The presumption of the inevitability of war is based on a logic of distrust and competition; however, whether and whom we trust depends on the stories we choose to tell and believe. It is thus important to be reminded that behind this general presumption of distrust and competition, there are deeper ‘us-them’ divides, based on political regime, nation, culture, ‘civilisation’, value, or whatever imagined categories have become real and solidified through education. These divides are real because, and only because, people believe in them and act accordingly. They are created and maintained by human beliefs and practices and are not ‘natural’ and inherent.

To change this status quo, new stories have to be told, or old stories told in a different way. The potential in human nature to be peaceful should be emphasised over that of violence, and stories of cooperation should be stressed over those highlighting competition. More fundamentally, narratives and education should avoid essentialised ‘us-them’ divides but strive to cultivate a common, global identity. This will surely be a long journey before these new narratives can be accepted and believed by elites and publics, yet ours is a time that offers great opportunities as well as many challenges. Social media culture and the instantaneous circulation of information on a global scale allow the spread of misinformation and conflicting narratives, sometimes exacerbating existing cleavages. But these same tools also make it possible to connect people globally and create bottom-up storytelling, which might be crucial for efforts towards changing the narrative and building a global identity.

Changing the Masculine Culture: A Gender Perspective

Just as wars strengthen patriarchy, the dismantling of patriarchy might help create an environment conducive to peace and cooperation. War can play to the ‘masculine ego’ (Lopez-Claros, Dahl and Groff 2020: 1890). In our contemporary world, we are also witnessing the rise of ‘strongman’ politics in every corner of the world. In China, Xi’s aggressive and unyielding stance, exemplified by so-called warrior-wolf diplomacy, is winning public support. Images featuring Putin literally showing his muscles circulate widely on the Internet, and his muscular body evokes pride and awe. Accompanying this ‘masculine ego’ is a mindset of competition and of winning by force and power.

This is an appropriate moment to recount an interesting precedent, where femininity was presented as a signal of peace in a diplomatic forum. In 1954, when Zhou Enlai, then Prime Minister and Minister of Foreign Affairs of the newly established PRC,

travelled to Geneva to attend the conference intended to settle outstanding issues resulting from the Korean War and the First Indochina War, he brought with him something that seemed irrelevant to the conference agendas: the film *Romance of Liang Shanbo and Zhu Yingtai*. The film was a representation of an ancient Chinese tale, a love story between Liang and Zhu that ended tragically because of opposition from their families. It was presented in the form of *Yue* opera, a traditional art form in which all characters were played by women artists. Zhou tactfully used the screening of the film to establish ties with Southeast Asian countries. In his correspondence to the central leadership of the PRC, Zhou reported that the screening had promoted ‘obvious change’ in the attitudes of the Southeastern Asian representatives.⁶ Apart from private screenings, the film was also screened publicly in Geneva. It was presented as a signal of peace to show that the Chinese people were fond of a feminine, touching love story instead of ‘hydrogen bomb or atomic bomb ... or heroes of white men conquering black men’ (C. Zhao 1954). By comparing the film to such masculine images of weapons, heroes and conquerors, the message was that ‘the Chinese people love only peace. We have no taste for excitement’ (*ibid.*).

Certainly, this precedent was a tactful diplomatic choice rather than a consistent strategy of a feminist approach, but it shows how femininity is linked to love and peace, as opposed to the masculine image of ‘heroes and conquerors’, war and competition. And in this diplomatic setting, it was used as a means to convey intentions of peace and cooperation. Today, feminist foreign policy (FFP) exists as a diplomatic approach, and a growing list of countries have endorsed it.⁷ Although the FFP means quite different things in different countries, it generally prioritises peace over conflict in international interactions and calls for more meaningful participation of women in decision-making processes. According to one definition, FFP ‘takes a step outside’ the traditional foreign policy thinking’s ‘focus on military force, violence, and domination by offering an alternate and intersectional rethinking of security from the viewpoint of the most vulnerable’ (Centre for Feminist Foreign Policy 2023).

Women are significantly underrepresented in international peace and security arenas. From 1992 to 2011, only 9 per cent of peace negotiators were women, and 3 per cent of UN military peacekeepers were women (Howard 2018). Women are also underrepresented in executive government positions and in national parliaments.⁸ Many have realised that the participation of women is essential for the promotion of international peace and security. Security Council Resolution 1325 (2000) on women, peace and security recognised ‘the important role of women in the prevention and resolution of conflicts and in peace-building’ and urged ‘Member States to ensure increased representation of women at all decision-making levels in national, regional and international institutions and mechanisms for the prevention, management, and resolution of conflict’. One main goal of an FFP is to increase the representation of women in international peace and security processes and decision-making. This might change the male-dominated culture and mindset in the field of international security.

In the long run, however, changing the narrative and our current culture of masculine military competition is even more important than the involvement of women in international security decision-making because in the end, the ‘masculine’ or ‘feminine’ cultures referred to here are not about the gender of any individual, but about the mindset and values. What matters is to promote a narrative and a culture in which the values and approaches of cooperation, of nonviolence and of caring for the vulnerable are stressed over those of competition and military force.

Conclusion: Beyond Binaries and Antagonism

Instead of revisiting the specifics of armament regulation, this chapter focuses on the underlying presumptions of binary attitudes and antagonism that constitute the very basis of current armament regulation and, indeed, the very logic of international security arrangements. Changes at the material and institutional level towards a collective system, even if well-designed and agreed upon, cannot be efficient and sustainable if they are not accompanied by fundamental changes of mindset. For such a fundamental change, we need courage and imagination, and we need new narratives, new educational programmes. The world needs to work together. This chapter has stressed the constructed nature of world political binaries which have been taken for granted and often essentialised in cultural terms. International law, hailed as a symbol and instrument of universality, has instead often served to entrench such binaries, divides and hierarchies and to solidify existing unequal power relations. To go beyond these binaries and divides towards a future system based on inclusivity and non-dominance, the major powers—the antagonism between which often constitutes the basis for constructing these binaries—need to recognise the intersubjective nature of their respective presumptions and approaches and make an effort to truly listen to and understand each other; the voices of the Global South and of marginalised peoples and groups need to be heard and carry more weight.

Notes

- 1 For U.S. policy on LAWS, see Congressional Research Service 2022.
- 2 According to the Campaign to Stop Killer Robots (2019), as of 2019, 30 states have called for a prohibition on fully autonomous weapons. The Non-Aligned Movement and its 125 member states have been calling for a ban since 2018.
- 3 The Ottawa Process is one of treaty negotiations that led to the adoption of the Convention to Prohibit the Production, Use, Transfer, and Stockpiling of Antipersonnel Landmines, which took place outside of a UN forum, and after repeated attempts to negotiate a treaty on antipersonnel mines within the CCW framework failed. Similarly, the Oslo Process, which led to the adoption of the Convention on Cluster Munitions, also happened outside of a UN forum, after several years of failed attempts within the CCW framework. The process that led to the adoption of the Arms Trade Treaty did take place under UN auspices, but the two diplomatic conferences that operated on a consensus-based approach could not adopt the treaty due to the objection of a handful of states, including the United States. The text was finally adopted by vote in the United Nations General Assembly.
- 4 See United Nations General Assembly 1986: arts. 1 and 2, on the collective nature of the right; arts. 3, 4 and 6 on a duty of international cooperation; Human Rights Council 2020: art. 13.
- 5 For the progress of the process, see Working Group on the Right to Development 2023.
- 6 People's Republic of China (PRC), Ministry of Foreign Affairs Archives: Zhou Enlai's telegraph to Mao Zedong, Liu Shaoqi and the Central Committee on Inviting the Representatives of Laos and Cambodia and Pham Van Dong (June 24, 1954), File No. 206-Y0050; Zhou Enlai's Telegraph to Mao Zedong, Liu Shaoqi and the Central Committee on Interactions with Various Parties (July 23, 1954), File No. 206-Y051.
- 7 By July 2022, this list includes Sweden (2014), Canada (2017), France (2019), Mexico (2020), Spain (2021), Luxembourg (2021), Germany (2021) and Chile (2022); see UN Women 2022.
- 8 As of January 1, 2023, out of the 193 member states of the UN, there are only 31 countries where 34 women serve as Heads of State and/or Government, and only 26.5 per cent of parliamentarians in single or lower houses are women. For more information, see UN Women. Beyond international security, women are also underrepresented in the corporate world and lack equal opportunity in education, work and other fields, with proven negative implications for economic performance. For more data and discussions on this topic, see Lopez-Claros, Ellis and Halperin 2022.

Bibliography

- Achiume, E. Tendayi. 2021. 'Transnational Racial (In)Justice in Liberal Democratic Empire', *Harvard Law Review Forum*, 134(7): 378–397.
- Anghie, Antony. 2005. *Imperialism, Sovereignty and the Making of International Law*. Cambridge: Cambridge University Press.
- ASEAN (Association of Southeast Asian Nations). 2012. 'ASEAN Human Rights Declaration', <https://asean.org/asean-human-rights-declaration/> (accessed on 2 June 2023).
- Austin, Jonathan Luke. 2017. 'We Have Never Been Civilized: Torture and the Materiality of World Political Binaries', *European Journal of International Relations*, 23(1): 49–73.
- Betz, David J. and Tim Stevens. 2011. *Cyberspace and the State: Towards a Strategy for Cyber-Power*. Abingdon: Routledge.
- Browning, Christopher S. 2013. *International Security: A Very Short Introduction*. Oxford: Oxford University Press.
- Bull, Hedley. 1976. 'Arms Control and World Order', *International Security*, 1(1): 3–16.
- Callahan, William A. 2010. *China: The Pessoptimist Nation*. New York: Oxford University Press.
- Campaign to Stop Killer Robots. 2019. 'Country Views on Killer Robots', https://www.stopkillerrobots.org/wp-content/uploads/2019/10/KRC_CountryViews_25Oct2019rev.pdf (accessed on 4 April 2023).
- Centre for Feminist Foreign Policy. 2023. 'Feminist Foreign Policy', <https://centreforfeministforeignpolicy.org/feminist-foreign-policy> (accessed on 4 April 2023).
- Congressional Research Service. 2022. 'Defense Primer: U.S. Policy on Lethal Autonomous Weapon Systems', <https://crsreports.congress.gov/product/pdf/IF/IF11150> (accessed on 28 April 2023).
- Dexter, Helen. 2007. 'New War, Good War and the War on Terror: Explaining, Excusing and Creating Western Neo-interventionism', *Development and Change*, 38(6): 1055–1071.
- Dugard, John. 2023. 'The Choice before Us: International Law or a "Rule-Based International Order"?'', *Leiden Journal of International Law*, 36(2): 1–10.
- Eslava, Luis, Michael Fakhri and Vasuki Nesiah (eds). 2017. *Bandung, Global History and International Law: Critical Pasts and Pending Futures*. Cambridge: Cambridge University Press.
- Fry, Douglas P. 2007. *Beyond War: The Human Potential for Peace*, New York: Oxford University Press.
- Gries, Peter Hays. 2004. *China's New Nationalism: Pride, Politics, and Diplomacy*. Berkeley: University of California Press.
- Guilhot, Nicolas. 2005. *The Democracy Makers: Human Rights and International Order*. New York: Columbia University Press.
- Hasen, Lene. 2006. *Security as Practice: Discourse Analysis and the Bosnian War*. London: Routledge.
- He, Zhipeng and Sun Lu. 2015. 'The Notion of International Law of China: An Analysis Based on the History of International Relations', *Journal of International Relations and International Law*, 5: 42–94.
- Howard, Emmett. 2018. 'Feminist Foreign Policy and International Security', *Young Australians in International Affairs*, 15 October, <https://www.youngausint.org.au/post/2018/10/15/feminist-foreign-policy-and-international-security> (accessed on 30 May 2023).
- Human Rights Council. 2020. 'Draft Convention on the Right to Development', https://www.ohchr.org/sites/default/files/Documents/Issues/Development/Session21/3_A_HRC_WG.2_21_2_AdvanceEditedVersion.pdf (accessed 2 June 2023).
- Ibhawoh, Bonny. 2011. 'The Right to Development: The Politics and Polemics of Power and Resistance', *Human Rights Quarterly*, 33(1): 76–104.
- Jervis, Robert. 1978. 'Cooperation Under the Security Dilemma', *World Politics*, 30(2): 167–214.
- Kelsall, Michelle Staggs. 2022. 'Disordering International Law', *European Journal of International Law*, 33(3): 729–759.
- Kendall, Sara and Sarah M. H. Nouwen. 2016. 'Speaking of Legacy: Toward an Ethos of Modesty at the International Criminal Tribunal for Rwanda', *American Journal of International Law*, 110(2): 212–232.

- Kerchmeier, Felix. 2006. 'The Right to Development—Where Do We Stand: The State of the Debate on the Right to Development', *Dialogue on Globalization*, Occasional Paper No. 23, <https://library.fes.de/pdf-files/iez/global/50288.pdf> (accessed on 26 April 2023).
- Li, Zheng. 2016. 'China-U.S. Cyber Security Interaction: The Challenges and Opportunities', *Fudan Journal (Social Sciences)*, 2016(3): 147–156.
- Lopez-Claros, Augusto, Arthur L. Dahl and Maja Groff. 2020. *Global Governance and the Emergence of Global Institutions for the 21st Century*. Cambridge: Cambridge University Press. <https://globalgovernanceforum.org/wp-content/uploads/2020/10/Global-Governance-and-the-Emergence-of-Global-Institutions.pdf> (accessed on 15 November 2022).
- Lopez-Claros, Augusto, Amanda Ellis and Ruth Halperin. 2022. 'The Gender Equality and Governance Index: Linking Gender and Human Well-Being', <https://globalgovernanceforum.org/wp-content/uploads/2021/01/GENDER-EQUALITY-AND-GOVERNANCE-INDEX-2022.pdf> (accessed on 27 April 2023).
- Lynn, William F., III. 2010. 'Defending a New Domain: The Pentagon's Cyberstrategy', *Foreign Affairs*, 89(5): 97–108.
- M'Baye, Keba. 1991. 'Droits de l'homme et pays développement', in *Humanité et droit international: Mélanges René-Jean Dupuy*. Paris: A. Pedone.
- Meier, Oliver and Christopher Daase. 2012. *Arms Control in the 21st Century: Between Coercion and Cooperation*. London: Routledge.
- Milanovic, Marko. 2022. 'What is Russia's Legal Justification for Using Force against Ukraine?', *EJIL: Talk!* <https://www.ejiltalk.org/what-is-russias-legal-justification-for-using-force-against-ukraine/> (accessed on 21 April 2023).
- Milliken, Jennifer. 1999. 'The Study of Discourse in International Relations', *European Journal of International Relations*, 5(2): 225–254.
- Paige, Glenn D. 2009. *Nonkilling Global Political Science*. Honolulu, HI: Center for Global Nonkilling.
- People's Republic of China (PRC), Ministry of Foreign Affairs Archives. 2006. *Collections of PRC Diplomatic Archives (Vol. I): The Geneva Conference of 1954*. Beijing: World Knowledge.
- Roberts, Anthea. 2017. *Is International Law International?* Oxford: Oxford University Press.
- Shepherd, Laura J. 2015. 'Constructing Civil Society: Gender, Power and Legitimacy in United Nations Peacebuilding Discourse', *European Journal of International Relations*, 21(4): 887–910.
- South Asian Association for Regional Cooperation (SAARC). 2004. 'SAARC', <https://www.saarc-sec.org/index.php/about-saarc/saarc-charter> (accessed on 2 June 2023).
- Sponsel, Leslie E. 2014. 'The Anthropology of Peace and Nonviolence', *Diogenes*, 61(3–4): 30–45.
- Subedi, Surya P. 2021. 'Declaration on the Right to Development: Introductory Note', *UN Audiovisual Library of International Law*, <https://legal.un.org/avl/ha/drd/drd.html> (accessed on 26 April 2023).
- The Paper. 2021. 'Here is the Transcript of China-US Summit! And the Live Video!', https://www.thepaper.cn/newsDetail_forward_11811217 (accessed on 30 May 2023).
- The State Council Information Office of the PRC. 2019. 'China's National Defense in the New Era', <http://www.scio.gov.cn/ztk/dtzt/39912/41132/41140/Document/1660348/1660348.htm> (accessed on 27 April 2023).
- UN Women. 2022. 'Feminist Foreign Policies: An Introduction', https://www.unwomen.org/sites/default/files/2022-09/Brief-Feminist-foreign-policies-en_0.pdf (accessed on 28 November 2022).
- UN Women. n.d. 'Facts and Figures: Women's Leadership and Political Participation', https://www.unwomen.org/en/what-we-do/leadership-and-political-participation/facts-and-figures#_ednref3 (accessed on 27 April 2023).
- United Nations. 1945. *Charter of the United Nations*. <https://www.un.org/en/about-us/un-charter> (accessed on 2 June 2023).
- United Nations General Assembly. 1986. 'Declaration on the Right to Development', GA resolution 41/128, <http://un-documents.net/a41r128.htm> (accessed on 2 June 2023).
- United Nations Security Council. 1994. 'UNSCR Resolution 955: Establishment of an International Tribunal and Adoption of the Statute of the Tribunal', <http://unsct.com/en/resolutions/955> (accessed on 2 June 2023).

- United States Department of Defense. 2015. 'The Department of Defense Cyber Strategy', <https://nsarchive.gwu.edu/document/21384-document-25> (accessed on 30 May 2023).
- Uvin, Peter. 2007. 'From the Right to Development to the Rights-Based Approach: How "Human Rights" Entered Development', *Development in Practice*, 17(4/5): 597–606.
- Wang, Yi. 2020. "'The Backward Will Be Beaten': Historical Lesson, Security, and Nationalism in China', *Journal of Contemporary China*, 29(126): 887–900.
- Whall, Helena and Allison Pytlak. 2014. 'The Role of Civil Society in the International Negotiations on the Arms Trade Treaty', *Global Policy*, 5(4): 453–468.
- Working Group on the Right to Development, <https://www.ohchr.org/en/hrc-subsiidiaries/iwg-on-development> (accessed on 26 April 2023).
- Xi, Jinping. 2021. 'Keynote Speech at the Communist Party of China and World Political Parties Summit', http://ca.china-embassy.gov.cn/zt/zhongguogongchandang100/202107/t20210708_9029308.htm (accessed on 27 April 2023).
- Xue, Hanqin. 2012. *Chinese Contemporary Perspectives on International Law: History, Culture, and International Law*. Leiden, the Netherlands: Martinus Nijhoff.
- Zhang, Chenchen. 2020. 'Right-Wing Populism with Chinese Characteristics? Identity, Otherness and Global Imaginaries in Debating World Politics Online', *European Journal of International Relations*, 26(1): 88–115.
- Zhang, Yongle. 2016. 'From Said to China: A Reading of "Legal Orientalism"', *China Law Review*, 2016(4): 173–177.
- Zhao, Chaogou. 1954. 'Liang and Zhu in Geneva', *New Evening Newspaper*, 24 May.
- Zhao, Tingyang. 2009. 'A Political World Philosophy in Terms of All-Under Heaven (Tian-xia)', *Diogenes*, 56(1): 5–18.