The Construction of Global Hierarchies through Disarmament Law

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Abstract

This article explores how the Great Powers have employed different forms of disarmament law as tools of governance for constructing and reinforcing global hierarchies since the end of the nineteenth century. I argue that some of the laws have affected entities’ statehood, some have impacted states’ sovereignty, some have worked to symbolically lower the status of states in the eyes of the international community, and some have been infused with civilisational rhetoric that has portrayed the Great Powers as civilised entities while casting others as uncivilised. The article then turns to consider what impact the handful of disarmament law initiatives that have not been spearheaded by the Great Powers have had on global hierarchies. I contend that these treaties have done little to challenge the hierarchies entrenched by the Great Powers’ disarmament practices but that a few of them can, in limited ways, be understood as attempting to create alternative hierarchies in the international system.

Keywords

disarmament law – great power – global hierarchies – international legal history
Introduction

Across the last 130 years, the most prominent rationale advanced for disarmament law has been that it is a path for enhancing international peace and security. From the grand corridors and carefully manicured gardens of the Hague Peace Palace and Palace of Versailles to the less ornate but still imposing United Nations meeting rooms in New York and Geneva, leaders and diplomats have proclaimed that efforts to reduce the quantity of weapons in the world, outlaw particular types of weapons and remove the weapons of certain states have been in aid of international peace and security. The dominance of this hopeful, progressive narrative has, to a significant degree, obscured other agendas within the disarmament law field. In this article, I am interested in examining disarmament law from outside the lens of international peace and security and considering its role as a tool of governance for constructing both juridical and political global hierarchies.

It is important to acknowledge at the outset that there has been a rich body of work that has emerged over the last quarter century that has challenged the notion we live in a world of sovereign equals and revealed how many aspects of international law have been central to constructing a hierarchical world order. Amidst this body of work, there have been some pieces that have explored how aspects of disarmament law have contributed to consolidating and bolstering the power of some states while casting out others. For example, a handful of historians, international relations scholars and political scientists have considered the ways in which colonial powers enhanced their power through disarmament law in the late nineteenth and early twentieth centuries, and academics from a number of disciplinary backgrounds have highlighted the hegemonic nature of some of the central nuclear weapon instruments as

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3 See, eg, Gusterson, Hugh. ‘Nuclear Weapons and the Other in the Western Imagination’. Cultural Anthropology 14(1) (1999), 111–143; Hood, Anna. ‘The Under-Explored and Evolving
well as the United Nations (UN) Security Council’s actions in the disarmament space. Additionally, some critical scholars have drawn attention to the existence of civilising narratives that run through a range of disarmament practices.

However, while this work has been insightful and important, there are some forms of disarmament law that it has left unexamined and there are a number of particular techniques by which disarmament law constructs juridical and political global hierarchies with which it has not engaged. The result of this is that the extent and scale of disarmament law as a tool of governance, as well as the way that certain ordering practices have been replicated across different bodies of disarmament law and time periods, is not as well understood as it might be. In this piece, I build on the existing work in this area to provide a more holistic picture of the ways in which disarmament law has been involved in the construction and reinforcement of juridical and political global hierarchies since the end of the nineteenth century.

The vast majority of disarmament laws that have emerged over the last 130 years, as well as the disarmament laws that are most likely to contribute to a hierarchical international system, have been those primarily developed and championed by the Great Powers. Consequently, I begin in part 2 by examining how the Great Powers have employed the key forms of disarmament laws.

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4 See, eg, Hood, ‘Coercive Disarmament Law’ 2020 (n. 3); Hood, ‘International Nuclear Law’ 2020 (n. 3).


6 Great Powers are an elite group of states that occupy positions of authority within international legal regimes: Simpson, Great Powers 2004 (n. 1), 5. I have chosen to focus on the period of the late nineteenth century through to today as it accords with common understandings of when modern disarmament law began.

7 More broadly there is acknowledgement that there is a significant dearth of critical and postcolonial scholarship around disarmament matters. As Ritu Mathur wrote in 2018, there is ‘scant existing postcolonial literature on arms control and disarmament’, Mathur, Ritu.
law – the denial of armaments, coercive disarmament, general and complete disarmament, and partial disarmament8 – to consolidate their power whilst jettisoning most other states to subservient positions on the international stage and casting some entities out of the international order completely. In this enquiry, I pay particular attention to the ways that the Great Powers’ disarmament initiatives have been able to juridically and politically structure the global order. I argue that some of the laws have affected entities’ statehood, some have impacted states’ sovereignty and the doctrine of sovereign equality, some have worked to symbolically lower the status of states in the eyes of the international community, and some have been infused with civilisational rhetoric that has portrayed the Great Powers as civilised, legitimate entities while framing others as untrustworthy, uncivilised barbarians who have no right to fully participate in the international system.9 Of course, it is often the case that two or more of these ordering techniques have been present simultaneously in particular disarmament initiatives and there are times when it would be artificial to draw stark distinctions between them as they are interconnected and interdependent.10 The discussion in part 2 acknowledges the ways that the ordering techniques work both separately and in relation with one another in disarmament law.

While most disarmament laws have been generated by the Great Powers, there are a small number that have been driven by Middle Power and/or Third World states. In light of this, I turn in part 3 to consider what impact disarmament initiatives primarily devised by non-Great Powers – namely, nuclear weapon free zone treaties,11 the Convention on the Prohibition of the

8 These terms are defined and expanded on in part 2 below.
9 I am not suggesting that this list of techniques by which disarmament initiatives have structured the international community is exhaustive. It is very possible that there are other ways of understanding disarmament law’s contribution to constructing global hierarchies. These techniques, however, demonstrate some of the key ways that disarmament law has been employed as a tool of governance to structure the international system.
10 For example, the presence of civilisational rhetoric is often deployed to justify disarmament measures that infringe on entities’ statehood or states’ sovereignty.
Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (Anti-Personnel Landmines Convention),\(^\text{12}\) the Convention on Cluster Munitions (CCM)\(^\text{13}\) and the Treaty on the Prohibition of Nuclear Weapons\(^\text{14}\) (TPNW) – have had on global hierarchies. I contend that these treaties have done little to challenge the juridical and political hierarchies entrenched by the Great Powers’ disarmament practices: they have not affected the Great Powers’ statehood, sovereignty or status in any significant way, and the states and non-governmental organisations that crafted them refrained from employing divisive, civilisational rhetoric to secure their passage. I then consider the idea that the treaties can, in certain ways, be understood as attempts to elevate the states that have championed them in alternative political hierarchies. However, I suggest that the extent to which the non-Great Powers have been successful in cementing these alternative hierarchies is limited. I conclude the article in part 4 with some overall reflections about the role of disarmament as a tool of governance that orders the international system.

2 The Construction of Global Hierarchies through Disarmament Law

The history of civilisation is largely the history of weapons\(^\text{15}\)

George Orwell

Precisely what falls within the bounds of disarmament law is disputed, but most definitions coalesce around the idea that the discipline involves legal initiatives that seek to reduce or abolish weapons\(^\text{16}\) and some extend to initiatives

\(^{11}\) Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, 27 January 1967, 610 UNTS 205. The treaties cover more than half of the world’s landmass and protect areas that are home to 39 per cent of the world’s population.


\(^{14}\) Treaty on the Prohibition of Nuclear Weapons, 20 September 2017 (TPNW).


that prevent certain actors from acquiring weapons. If we take a broad definition of disarmament law that encompasses both of these ideas, it becomes possible to identify at least four distinct forms of disarmament law: first is the denial of armaments where efforts such as arms embargoes prevent certain actors from acquiring weapons; second is coercive disarmament which involves a state, group of states or international organisation requiring a state or non-state actor to give up their weapons; third is the concept of general and complete disarmament which entails all states reducing their weapon stocks as much as possible without forgoing the ability to defend their borders or maintain peace amongst their populations; and fourth is partial disarmament which entails efforts to abolish particular classes of weapon.

As noted above, since the end of the nineteenth century, the vast majority of disarmament law initiatives in all four categories have been authored and championed by one or more of the Great Powers. In this Part, I seek to show that these Great Power-led disarmament law measures have operated as tools of governance that have structured the international community into juridical and political hierarchies with the Great Powers at the top and others in more lowly positions. I suggest that they have achieved this by affecting one or more of entities’ statehood, sovereignty or international status and/or by employing civilisational rhetoric to justify different disarmament law measures. The part begins in part 2(1) by exploring how the denial of armaments and coercive disarmament have been used by the Great Powers to structure global hierarchies before considering the role that general and complete disarmament and Great Power-led partial disarmament law measures have played in these hierarchies in parts 2(2) and 2(3) respectively.

2.1 The Construction of Global Hierarchies through the Denial of Armaments and Coercive Disarmament

In the late nineteenth century and early twentieth century, the Great Powers devised a series of laws that prevented the flow of arms to parts of the world over which they wished to exercise control: namely, Africa, the Middle East

and Asia. In 1890, the General Act of the Brussels Conference Relative to the African Slave Trade (Brussels Conference Act) was signed by the US and all European colonial powers.\textsuperscript{18} It sought to prevent the importation of firearms into most of Africa.\textsuperscript{19} Nearly three decades later, at the conclusion of World War I, the Allied Powers and those that supported them decided to update and extend the provisions of the 1890 treaty through the creation of the Convention for the Control of the Trade in Arms and Ammunition in 1919 (St Germain Convention).\textsuperscript{20} This treaty prohibited the importation of arms and ammunition into most of Africa, the Arabian Peninsula, Persia, Transcaucasia and the Asian parts of the Turkish Empire as well as the Sea of Oman, the Red Sea, the Gulf of Aden and the Persian Gulf.\textsuperscript{21} There were provisions for special licenses to be granted to circumvent this prohibition but they were subject to strict regulations.\textsuperscript{22} The provisions in the St Germain Convention were then effectively extended by the League of Nations to mandate territories. Mandate agreements provided that mandatory powers were to ‘see that the traffic in arms and ammunition is controlled in accordance with principles analogous to those laid down in [the 1919 Convention].’\textsuperscript{23}

The practice of denying armaments to particular entities and regions of the globe did not end with the death of the League. The UN Trusteeship Council inserted terms into the post-World War II Trusteeship Agreements that allowed trust powers to regulate the importation of arms and ammunition into their

\begin{thebibliography}{9}
\bibitem{18} General Act of the Brussels Conference Relative to the African Slave Trade, 2 July 1890 (Brussels Conference Act).
\bibitem{19} Article viii of the Brussels Conference Act provides that the importation of firearms into territories within the ‘20th parallel of North latitude and the 22nd parallel of South latitude, and extending westward to the Atlantic Ocean and eastward to the Indian Ocean and its dependencies, including the islands adjacent to the coast’.
\bibitem{20} Convention for the Control of the Trade in Arms and Ammunition, 10 September 1919, Great Britain Treaty Series No. 12 (St Germain Convention). The St Germain Convention was signed by the US, Belgium, Bolivia, the British Empire, China, Cuba, Ecuador, France, Greece, Guatemala, Haiti, the Hedjaz, Italy, Japan, Nicaragua, Panama, Peru, Poland, Portugal, Romania, the Serb-Croat Slovene State, Siam and Czecho-Slovakia.
\bibitem{21} Ibid., art. 6.
\bibitem{22} Ibid., arts. 1, 4, 6–8.
\bibitem{23} See, eg, League of Nations – Mandate for German Samoa, 17 December 1920, art. 3, which provides that ‘The Mandatory shall also see that the traffic in arms and ammunition is controlled in accordance with principles analogous to those laid down in the Convention relating to the control of the arms traffic, signed on September 10th, 1919.’ The full text may be accessed at New Zealand History. ‘League of Nations Mandate for German Samoa.’ (28 July 2014), available at: https://nzhistory.govt.nz/media/photo/league-nations-mandate-german-samo (last accessed on 12 October 2023).
\end{thebibliography}
trust territories.\textsuperscript{24} In more recent times, the Security Council has taken up the mantle of denying particular states and non-state actors’ armaments. For example, it has passed Chapter VII resolutions which have placed arms embargoes on certain states\textsuperscript{25} as well as a Chapter VII resolution which has sought to prevent the transfer of weapons of mass destruction to non-state actors.\textsuperscript{26}

Across the same time period, the Great Powers have spearheaded a suite of coercive disarmament measures. For example, in the wake of both World Wars, they used peace treaties to force vanquished nations (as well as a handful of central and eastern European nations who had fought alongside them in World War I)\textsuperscript{27} to relinquish many of their weapons.\textsuperscript{28} Over the last three decades, the Security Council has required Iraq,\textsuperscript{29} Iran,\textsuperscript{30} North Korea,\textsuperscript{31} and Syria\textsuperscript{32} to give up their weapons of mass destruction programmes (or, in the case of Iran, alleged weapons of mass destruction programmes). We have also seen coercive disarmament take the form of the threat or use of force with one of the most prominent examples of the latter being the 2003 US–UK led invasion of Iraq that was billed as seeking to rid the country of the weapons of mass destruction it supposedly still possessed.\textsuperscript{33}

These denial of armament and coercive disarmament practices have enabled the Great Powers to structure the international community so that they are at the top and many actors from the Third World are at the bottom,
or in some instances cast out entirely via all four mechanisms set out in the introduction to this Part. The first way that these two forms of disarmament can be understood as dividing the world into juridical hierarchies is that weapons are intimately connected with statehood. Prima facie there is nothing in the Montevideo Convention on the Rights and Duties of States\textsuperscript{34} that suggests entities must have weapons to exercise statehood. However, the need for weapons is implicit in at least two of the Convention’s four criteria for statehood: the need to be able to maintain control over a set territory; and the need to exercise effective government.\textsuperscript{35} While theoretically, a state could command a territory without weapons and conduct the affairs of government without ever needing to resort to the threat or use of weapons, it has been repeatedly assumed throughout international legal history that in reality, states need weapons to meet these criteria.\textsuperscript{36} The significance of this is that denying parts of the globe, colonial territories, mandates and trust territories access to weapons was a way of preventing them from assuming full membership in the international community.

In instances where the denial of armaments or coercive disarmament have resulted in states having their weapon stocks reduced or limited but not removed completely, states’ statehood may not have been prevented or eroded but it is possible to see that the disarmament measures have juridically structured the international community in other ways by infringing on the disarmed states’ sovereignty and the doctrine of sovereign equality. This is because they have impinged on those states’ right to exercise authority over their own affairs and their ability to participate equally with other states in the development of international law.\textsuperscript{37} It is perhaps possible to argue that there was no

\begin{footnotesize}
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\item Convention on Rights and Duties of States adopted by the Seventh International Conference of American States, 26 December 1933, 165 LNTS 19 (Montevideo Convention).
\item Ibid., art. 1.
\item This is apparent from the fact that whenever states have contemplated the most comprehensive form of disarmament – general and complete disarmament – they have always insisted that they should only disarm to a point that is consistent with maintaining internal order and ensuring the nation protect its borders through exercising the right to self-defence. See, eg, Covenant of the League of Nations, 28 June 1919, art. viii; McCloy-Zorin Accords, 23 September 1961, available at: http://www.nuclearfiles.org/menu/key-issues/nuclear-weapons/issues/arms-control-disarmament/mccloy-zorin-accords_1961-09-20.htm (last accessed on 12 October 2023); Rydell, Randy, ‘Creating Disarmament Synergies: The General and Complete Disarmament Multiplier’. UNODA Occasional Papers No.28: Rethinking General and Complete Disarmament in the Twenty-First Century, October 2016, United Nations Office of Disarmament Affairs (2016), 35–45, available at: https://www.un-ilibrary.org/content/books/9789210545555(last accessed on 12 October 2023), 35–37.
\item Gerry Simpson identifies the right of states to have an equal role in the formation of international law (what he terms ‘legislative equality’) as a central tenet of sovereign equality. Cf. Simpson, Great Powers 2004 (n. 1), 48–53.
\end{enumerate}
\end{footnotesize}
diminution of states’ sovereignty in instances where the Great Powers coercively disarmed states via treaties (for example, at the end of World Wars I and II) as the disarmed states had the ability to decide to consent to the treaties giving up their weapons. However, given these states were in very weak, subservient positions and under considerable pressure to sign, it is difficult to maintain that they were acting autonomously and playing an equal role in the creation of the treaties.38 This point was made clearly at the Paris Peace Conference after World War I when the Serbo-Croat-Slovene representative responded to the proposition that his state would be coercively disarmed to a significant extent by saying it showed a ‘tendency to diminish and even to annihilate the sovereignty of smaller states’.39

A way that these forms of disarmament have worked to politically stratify the international community becomes apparent if regard is had to the symbolic value weapons carry in the international arena, and in particular their impact on the status of states. It is widely acknowledged that states vie for international status and recognition to enhance their prestige, dignity and perceived power, and that one of the key means that states employ to increase their status is the acquisition of weapons.40 In the colonial era the possession of weapons was a litmus test for determining which states were ‘civilised’, with those that had sufficient weapons with which to defend themselves and wage war being granted the status of civilised and superior to others.41 Today, the moniker of ‘civilised states’ is no longer formally employed but the idea that a

38 In many ways the peace treaties can be understood as examples of unequal treaties given the circumstances in which they were concluded and the fact that they created different very different obligations for the states parties and cemented hierarchical relationships. Papers Relating to the Foreign Relations of the United States: The Paris Peace Conference, 1919, vol. vi, (Washington: United States Government Printing Office, 1946), 293, available at: https://history.state.gov/historicaldocuments/frus1919parisv06 (last accessed on 12 October 2023). The notion that the coercive disarmament measures at the end of World War I ‘annihilated’ states’ sovereignty seems an overinflated description of that situation but the idea that they diminished states’ sovereignty is a fair criticism. Indeed, concerns were raised by academics at the time that the peace treaties at the end of World War I undermined sovereign equality. See, eg, Armstrong, S. W. ‘The Doctrine of the Equality of Nations in International Law and the Relation of the Doctrine to the Treaty of Versailles’ American Journal of International Law 14 (1920), 540–564.


state can enhance its international position through the acquisition of weapons is alive and well. To give just one example, as Larson, Paul and Wohlforth have explained, ‘[t]here is considerable evidence that leaders of the UK, France and India sought nuclear weapons to maintain or acquire great-power status, apart from security calculations’. The value of weapons for a state’s status flows in part from the technological know-how and expense required to produce them and in part from the perceived power and control they provide those who wield them. It follows that just as acquiring weapons can elevate a state in global hierarchies, preventing a state or non-state actor from acquiring weapons or stripping them of a significant number of weapons can result in that state or non-state actor being dramatically lowered in the estimation of the international community. Further, the more sophisticated or costly the weapons being blocked or removed are, the more dramatically the entity’s status is likely to plummet.

A final way that the practices of denial of armaments and coercive disarmament have worked to stratify the international community has been via the civilisational rhetoric that has infused the practices. Civilisational rhetoric is discourse that divides the world into those entities that are deemed civilised and unproblematic, and those that are deemed objectionable and in need of exclusion. Given the possession of weapons was a determinative factor in whether a state was deemed ‘civilised’ in colonial times, it is unsurprising that at that time the rhetoric and debates surrounding the denial of armaments and coercive disarmament used civilisational terms to cast those being denied arms or forcibly disarmed as uncivilised, barbarous and dangerous. An example of this practice can be seen in the 1921 records of one of the League of Nations’ disarmament bodies where it was noted that ‘the main purpose of the [St Germain] Convention was not to promote disarmament as among civilised States, but to prevent arms from getting into the hands of private persons or organisations, or of certain barbarous and semi-civilised peoples’. A further example is the fact that when the peace treaties were being negotiated at the conclusion of World War I, the Allied and Associated states explained the need to disarm the Axis states not by demonising the weapons they possessed but

42 Larson, Paul and Wohlforth, ‘Status and World Order’ 2014 (n. 40), 12.
instead by referring to them as ‘monster[s],’ 46 ‘pariah[s],’ 47 ‘pugnacious,’ 48 ‘war-like people’ 49 and entities that had ‘aggressive spirits.’ 50

The use of civilisational rhetoric when entities are denied armaments or have them forcibly removed has continued well beyond the formal colonial period. Indeed, in more recent times, the whole focus of the rhetoric surrounding these forms of disarmament has tended not to be on any dangers that might be posed by the weapons themselves but instead on the threat posed by those being disarmed. 51 For example, when the Security Council sought to prevent non-state actors from acquiring biological, chemical and nuclear weapons in Resolution 1540, the UK declared that the possibility of terrorists acquiring weapons of mass destruction posed a ‘real, urgent and horrific threat’ but did not raise the idea that the weapons themselves might be problematic. 52 Similarly, when the Council has issued resolutions seeking to halt the development of Iran and North Korea’s nuclear programmes, its members have discussed the fact that the states’ actions were deplorable without noting particular issues or concerns with nuclear weapons themselves. 53 For example, in 2006, Russia labelled North Korea’s nuclear actions ‘irresponsible and destabilising’ 54 and Japan called out North Korea’s ‘record of reckless and irresponsible acts and behaviour’. 55 The effect of this civilisational discourse has been to ostracise and exclude those being disarmed while implicitly sanctifying and legitimising those directing the disarmament initiatives.

2.2 The Construction of Global Hierarchies through General and Complete Disarmament

There is no single understanding of the term ‘general and complete disarmament’ but since the late nineteenth century, most definitions have encompassed

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49 Ibid., 633.
50 Ibid., 632.
51 The material in the rest of this paragraph is drawn and paraphrased from Hood, ‘Questioning International Nuclear Law’ 2020 (n. 3), 18–19.
54 Ibid., 19; and United Nations, Security Council, Non-Proliferation/Democratic People’s Republic of Korea, S/PV.5551, 14 October 2006, 5.
the idea that all states should have to significantly reduce their level of armaments to a point that allows only for self-defence and the control of states' internal affairs.\textsuperscript{56} Discussions around general and complete disarmament have also often involved devising formulae and timelines for the realisation of the concept, and a number have canvassed blueprints for international dispute processes, international police forces and even an international legislature to buttress the disarmament schemes.

In many respects, the concept of general and complete disarmament appears anachronistic. Today, this form of disarmament is rarely discussed and sits a long way down the agendas of the world's disarmament fora. However, from the late nineteenth century until the 1960s, it occupied a central – and at times dominant – place in global disarmament discussions. The 1899 Hague Peace Conference was originally designed as a forum that would focus on reducing the world's armaments.\textsuperscript{57} However, in the face of widespread resistance, the 1899 Conference (and its successor in 1907) failed to make any significant progress on this front.\textsuperscript{58} The situation shifted dramatically in the aftermath of World War I when the devastation wreaked by the war generated a strong conviction that the only way to secure peace was via universal disarmament.\textsuperscript{59} President Woodrow Wilson articulated this idea in his famous Fourteen Points speech in 1918 declaring that world peace required, inter alia, ‘adequate guarantees given and taken that national armaments will be reduced to the lowest points consistent with national safety’.\textsuperscript{60} The belief was picked up and endorsed by the founders of the League of Nations who inserted a disarmament provision into article 8 of the League's Covenant which read: ‘The Members of the League recognise that the maintenance of peace requires the reduction of national armaments to the lowest point consistent with national safety and the enforcement by common action of international obligations’.\textsuperscript{61} Just how states' armaments might be reduced to the lowest point consistent with national safety and the enforcement by common action of international obligations plagued

\textsuperscript{56} The one exception to this was in 1927 when the Russian government official, Maxim Litvinov, argued for states to completely destroy all of their weapons' stocks within 12 months.


\textsuperscript{58} Ibid., 1, 2; Bettez, David. ‘Unfulfilled Initiative: Disarmament Negotiations and the Hague Peace Conferences of 1899 and 1907’. The RUSI Journal 133(3) (1988), 57–62, 57, 60.

\textsuperscript{59} Bettez, ‘Unfulfilled Initiative’ 1988 (n. 58), 61.

\textsuperscript{60} Wilson, Woodrow. ‘President Woodrow Wilson's Fourteen Points’. 8 January 1918, available at: https://avalon.law.yale.edu/20th_century/wilson14.asp (last accessed on 12 October 2023), point iv.

\textsuperscript{61} Covenant of the League of Nations, 1919 (n. 36), art. VIII.
the League throughout the 1920s and 1930s and, despite extensive discussions, no multilateral system for disarmament emerged.

The next major push for general disarmament arose not in the immediate aftermath of World War II as might have been expected, but a decade or so later when the international community was in the depths of the Cold War. The desire for general disarmament at this time was propelled by fears that the Western and Soviet blocs were caught in an arms race that was hurling humanity towards a third world war. Early efforts included the passage of the General Assembly First Committee Resolution 808(IX)A in 1954 which called for a draft disarmament convention that would include a ‘major reduction of all armed forces and conventional armaments’ and ‘the total prohibition of the use or manufacture of nuclear weapons and weapons of mass destruction’.62 By the end of the decade, support for general disarmament had grown and, after both the UK and Soviet Union put forward proposals for achieving it, the General Assembly unanimously passed Resolution 1378 which ‘express[ed] the hope that measures leading towards the goal of general and complete disarmament under effective international control [would] be worked out in detail and agreed upon in the shortest possible time’.64

Momentum for general and complete disarmament continued into the early 1960s. The Final Document of the First Summit Conference of Heads of State or Government of the Non-Aligned Movement in Belgrade in 1961 concluded that ‘disarmament is an imperative need and the most urgent task of mankind’.65 A few weeks later the US and Soviet Union released a Joint Statement of Agreed Principles for Disarmament Negotiations which endorsed the goal of general and complete disarmament.66 Despite universal support for general and complete disarmament, numerous proposals, and endless rounds of discussions in different UN bodies, negotiations repeatedly stumbled and stalled. States could not agree on what formulae and timetables should govern general and complete disarmament, what forms of inspection and control should be put in place and at what stages of the disarmament process, or whether general and complete disarmament needed to be accompanied by an international police force, compulsory dispute resolution mechanisms

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63 Ibid., para. 1(b).
66 McCloy-Zorin Accords, 1961 (n. 36).
and/or an international legislature. However, the one tangible outcome that was eventually achieved was the insertion of a requirement into article VI of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) for all states parties to undertake negotiations in good faith on a treaty on general and complete disarmament.67

At first glance it is difficult to see how general and complete disarmament might perpetuate the elevation of the Great Powers and the ostracisation of other entities on the international stage juridically or politically given the concept envisages all states taking steps to dramatically reduce their number of armaments. However, while this form of disarmament is likely to have little impact on states’ statehood and civilisational rhetoric has largely been absent from debates about it, there is potential for it to preserve and protect the elevated status of the Great Powers and many of the mid-century debates also had implications for state sovereignty.

Turning first to the issue of status, most of the models for general disarmament that have been mooted over the years have contained statements that have provided that any overall reduction in armaments should not disrupt the existing power balance amongst states.68 They have sought to achieve this by deploying formulae for lowering weapons’ stocks that ensure that the distribution of weapons amongst states remains proportionate to exiting armament distributions and therefore deeply uneven. Instances of this sentiment were particularly evident across the debates about general and complete disarmament that dominated UN sessions at the end of the 1950s. For example, France declared that it was ‘essential to avoid upsetting any existing military parities’,69 Spain asserted that ‘a reduction in armaments should not upset the balance of forces’ in the world,70 and Venezuela argued that general and complete disarmament should not undermine the existing balance of power.71 The upshot of all of this is that had the general and complete disarmament models that have been contemplated been successful, they would have resulted in the Great Powers maintaining far more weapons than other states and consequently more status on the international stage.

67 Treaty on the Non-Proliferation of Nuclear Weapons, 1 July 1968, 729 UNTS 161, art. VI (NPT).
68 Maxim Litvinov’s proposal mentioned above in (n. 53) is of course an exception to this.
70 Ibid., 77.
71 United Nations, General Assembly First Committee, Summary Record of the 1040th Meeting, A/C.1/SR.1040, 30 October 1959, 71.
Where sovereignty enters the fray is that throughout the general and complete disarmament debates of the mid-twentieth century, the Great Powers and non-Great Powers alike consistently held that although the non-Great Powers could express their views on how to achieve this form of disarmament, the actual decisions on the topic should be the domain of the Great Powers alone as they were the ones that possessed the most weapons. For example, Peru declared in 1959 that while disarmament was an issue of concern to the entire international community, decisions to implement it were ‘a matter for the great Powers alone’\(^72\) and Afghanistan stated the ‘solution of the disarmament problem depended primarily on agreement between the great Powers, but that did not prevent it from being vitally interested in a solution’.\(^73\) Further, steps were taken to restrict negotiations on this topic to small groups of states dominated by the Great Powers and their allies.\(^74\) While there is no question that the Great Powers had a disproportionate number of the world’s weapons at this time, all states were in possession of at least some armaments and regardless of this fact had both current and future interests in how armaments would be distributed globally. It is thus possible to see that restricting non-Great Powers from participating in negotiations about the shape and scope of provisions on general and complete disarmament was an infringement on their ability to exercise their sovereign rights to participate in law making in a manner equal to that of the Great Powers.

### 2.3 The Construction of Global Hierarchies through Partial Disarmament

As noted above, partial disarmament law measures are initiatives that seek to ban particular classes of weapons. Across the last 130 years, the Great Powers have led and/or dominated a number of partial disarmament law initiatives\(^75\) including banning ‘the use of projectiles, the sole object of which is the

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\(^72\) United Nations, General Assembly First Committee, Summary Record of the 1033rd Meeting, A/C.1/SR.1033, 27 October 1959, 37.

\(^73\) United Nations, General Assembly First Committee, Summary Record of the 1034th Meeting, A/C.1/SR.1034, 27 October 1959, 43.

\(^74\) For example, in 1960 the Ten Nation Committee on Disarmament was set up to develop rules on general and complete disarmament. It was dominated by the Great Powers of the day (the US and the Soviet Union) and their allies. The Committee was comprised of Canada, France, US, UK, Italy, Bulgaria, Czechoslovakia, Poland, Romania and the Soviet Union.

\(^75\) While each of these partial disarmament law measures resulted from multilateral negotiations, the Great Powers played an out-sized role in the various multilateral negotiations that took place. The role that was played by the Great Powers is briefly outlined in the footnotes after each partial disarmament law measure mentioned.
diffusion of asphyxiating or deleterious gasses’ and ‘the use of bullets which expand or flatten easily in the human body’ at the Hague Peace Conference in 1899,76 and developing the NPT in 1968 which is designed to rid the world of nuclear weapons,77 the Biological Weapons Convention78 in 1972 which is set up to ban biological weapons,79 and the Chemical Weapons Convention80 in 1993 whose purpose is to prohibit chemical weapons.81 While each of these partial disarmament law measures has contributed in various ways to constructing juridical and political hierarchies in the international system, there is not room in this piece to explore the ordering techniques employed in every instance. Instead, I will explore two case studies to illustrate some of the ways that Great Power-driven partial disarmament law measures have worked to structure the world in favour of the Great Powers. The first will be the NPT and the second the Chemical Weapons Convention.

As is well-known in disarmament law, the NPT is structured to prevent the vast majority of its states parties from possessing nuclear weapons but implicitly allows the US, UK, Russia, China and France to possess nuclear weapons providing they, along with other states parties, comply with the obligation in article vi to ‘pursue negotiations in good faith on effective measures relating ... to nuclear disarmament’.82 Many pages have been devoted to the inherent inequality of this arrangement and the idea that it favours the Great Powers

76 The Hague Peace Conference in 1899 was attended by the powerful European states and empires of the day as well as China, Russia, Persia and the US. States from other parts of the world, many of whom were deemed ‘uncivilised’, were not invited.
77 The NPT emerged from multilateral negotiations that were dominated by the US, UK and Soviet Union. See Krause, Joachim. ‘Enlightenment and the Nuclear Order’. International Affairs 83(3) (2007), 483–499, 483, 486–93; Hood, ‘Questioning International Nuclear Law’ 2020 (n. 3), 26.
78 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, 10 April 1972, 1015 UNTS 163.
79 The Biological Weapons Convention was negotiated in the Committee on Disarmament which had eighteen members but the treaty was shaped most significantly by the UK, US and Soviet Union. See Casey-Maslen, Stuart. Arms Control and Disarmament Law (Oxford: Oxford University Press, 2021), 44–45.
82 NPT, 1968 (n. 67), art. vi.
is news to no one in the field. It is, however, worth probing slightly beyond the stark surface level inequality to explore how the ordering techniques at the heart of this article emerge in different ways in the NPT context. The idea that nuclear weapons bestow status on those that possess them has already been touched on in part 2(1) above so I will focus here on the ways the other ordering techniques appear in and around the NPT.

Turning first to the impact of the NPT on state sovereignty, Kjølv Egeland has provided one of the most interesting expositions of the NPT’s impact on states’ sovereignty. In his doctoral thesis, Egeland suggests that state sovereignty is affected in nuanced ways by the NPT. On its face the NPT violates the sovereign equality of states because it creates two categories of states: the nuclear-haves (nuclear weapon states) and the nuclear-have-nots (non-nuclear weapon states). However, article VI was designed to ensure that this situation would only ever be temporary and that one day the category of nuclear weapon states would disappear thus restoring the sovereign equality of states. This meant that while the non-nuclear weapon states may not be equal to their nuclear weapon state counterparts under the treaty, they were at least ‘equal in waiting’. What is more, Egeland argues that the fact that article VI envisages all states parties to the NPT pursuing negotiations towards nuclear disarmament means that it empowers the nuclear-have-nots and gives them the chance to exercise their sovereign law making rights in nuclear disarmament negotiations.

Egeland’s assessment has a lot to recommend it and could perhaps be used to show that the NPT at its conception had a negligible impact on the

83 Egeland writes ‘It may be argued on a legalistic basis that a treaty cannot undermine the principle of sovereign equality as long as it has been consented to freely, but in practice the NPT-centred regime is clearly prone to a critique that portrays it as an instrument of hegemonic power, dividing the world into nuclear “haves” and “have-nots” and thus violating the “sovereign equality” of States’, Egeland, Road to Prohibition 2017 (n. 39), 20.
84 Ibid., 33–34.
85 Ibid., 59. Shirley Scott has made a comparable point about the NPT. Scott views the NPT as an unequal treaty (given it provides states parties with very different rights and responsibilities) where the apparent starkness of the inequality between the nuclear haves and the nuclear have-nots was somewhat reduced by the nuclear weapon states’ agreement to pursue disarmament measures. However, Scott notes the fact that the disarmament provisions in the NPT are weaker than other provisions and the fact that the nuclear weapon states have failed to fulfil their nuclear disarmament obligations: Scott, Shirley. ‘The Problem of Unequal Treaties in Contemporary International Law: How the Powerful have Reneged on the Political Compacts within which Five Cornerstone Treaties of Global Governance are Situated’, Journal of International Law and International Relations 4(2) (2008), 101–126.
86 Ibid., 60.
sovereignty of non-nuclear weapon states. However, the repeated failures of the NPT’s states parties to make meaningful progress on disarmament over the last five decades has undermined the idea that non-nuclear weapon states are equal in waiting.\textsuperscript{87} We appear to be stuck in a world where there is little hope of the promise in article VI being realised and instead entrenched inequality amongst the states parties solidifies a hierarchical international order.\textsuperscript{88}

Civilisational rhetoric enters the picture most starkly in the way it is deployed to reinforce and naturalise the possession of nuclear weapons by the five NPT nuclear weapon states and undermine the legitimacy of Third World states such as India, Pakistan and North Korea possessing nuclear weapons (as well as the legitimacy of states such as Iraq and Iran who have at times harboured nuclear weapon desires). Across a variety of international fora, the five nuclear weapon states have repeatedly asserted that it is legitimate for them to have nuclear weapons because they are responsible and technically mature while the likes of India, Pakistan and North Korea are irresponsible and incapable of handling such weapons. Some examples of this rhetoric have been referenced above in part 2(1). Others are captured by Hugh Gusterson who argues that the NPT is ‘the legal anchor for a global nuclear regime that is increasingly legitimized in Western public discourse in racialized terms’\textsuperscript{89} and that the discourse used can be understood as a form of nuclear orientalism that supports a system of nuclear apartheid.\textsuperscript{90}

Finally, in contrast to the prominence of the other ordering techniques, prima facie statehood does not appear to be affected by the NPT as states can exist regardless of whether they possess nuclear weapons. However, even here there is reason to pause as the ICJ has envisaged situations when nuclear weapons may in fact be critical to an entity’s statehood. In is its Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons, the Court spoke of how one instance when the use of nuclear weapons may be legal was ‘in an extreme circumstance of self-defence, in which [the state’s] very survival would be at

\textsuperscript{87} On the futility of hoping art. VI will deliver on nuclear disarmament see Hood, ‘Questioning International Nuclear Law’ 2020 (n. 3), 17–18.

\textsuperscript{88} In his thesis, Egeland explores at length the idea that periodically, in despair at the lack of progress under art. VI, the non-nuclear weapons states have extended the web of nuclear weapons laws that exist and in so doing exercised forms of agency and sovereignty. I do not dispute this but I do not think this overcomes the fact that at this point in history, there is little hope of the promise within art. VI being fulfilled and thus it is no longer possible to see the non-nuclear weapon states as equal in waiting.

\textsuperscript{89} Gusterson, ‘Nuclear Weapons and the Other in the Western Imagination’ 1999 (n. 3), 113.

\textsuperscript{90} Ibid., 114. See also Mathur, ‘The West and the Rest’ 2014 (n. 5), 345–346.
The second partial disarmament treaty, I want to briefly consider in this section is the Chemical Weapons Convention. The ordering techniques were not as prominent or stark in the Chemical Weapons Convention as they were in the NPT. This is because the treaty was set up to apply equally to all states parties and thus on its face did not invite the disparity inherent in the NPT. However, if we dig below the treaty’s exterior, it becomes possible to see that at least one ordering technique – civilisational rhetoric – surrounded the development of the treaty. Indeed, across the course of the negotiations for the convention in the 1980s and 1990s, chemical weapons were repeatedly cast as ‘the poor man’s bomb’ and a ‘weapon of the weak’.\(^92\) The effect of this was to create the impression that chemical weapons were only needed and relied upon by poor, pariah states, not responsible states such as the Great Powers. In so doing the discourse reinforced and further entrenched ideas of hierarchy in the international system.

It is thus apparent that both the NPT and Chemical Weapons Convention provide evidence of the ways in which partial disarmament law measures driven by the Great Powers have worked to structure the global order.

3 Resistance to the Great Powers’ Global Hierarchies and the Potential for Alternative Global Hierarchies through Disarmament Law

It is evident from the discussion above that the field of disarmament law has been dominated by Great Power initiatives that have cemented and enhanced the supremacy of those powers while simultaneously blocking the path of certain entities to full membership of the international community and ostracising and subjugating an array of Third World states. Nestled amongst these initiatives, however, have been a handful of disarmament projects that have been spearheaded by Middle Power and/or Third World states, namely,
the development of nuclear weapon free zone treaties, the Anti-Personnel Landmines Convention, the CCM and the TPNW. In this Part, I turn to consider what impact, if any, these projects have had on global hierarchies. I am keen to understand the extent to which these projects have challenged, supported or had no effect whatsoever on the position of states in the international system.

Before turning to consider the impact of these initiatives on the global order, it is well to provide some brief information about their development and scope. Nuclear weapon free zone treaties first appeared on the international stage in the 1960s and today cover countries in Latin America, the South Pacific, South East Asia, Central Asia and Africa.93 The precise details in each of these treaties have varied but broadly speaking they have outlawed the production, manufacturing, stationing, transiting, testing, use or threat of use of nuclear weapons in the regions they cover. The treaties have been conceived and drafted by the states in each region although a number of the treaties have protocols that the nuclear weapon states can choose to sign to indicate their acceptance of the terms of the treaty.94

The other three treaties – the Anti-Personnel Landmines Convention, the CCM and the TPNW – place comprehensive prohibitions on the use, development, production, acquisition, retention, stockpiling and transfer of landmines, cluster munitions and nuclear weapons respectively. Together they have become known as the humanitarian disarmament treaties as they were developed under the auspices of campaigns that sought to highlight, not what impact the weapons had on traditional concepts of state security but rather the humanitarian consequences the weapons had for both individuals and the environment. All three treaties were championed by Middle Power and/or Third World states and had significant support from civil society organisations.

In many respects, these disarmament initiatives have done little to either support or disrupt the global hierarchies established by the Great Power’s disarmament law initiatives. To start, the civilisational discourse that has infused so much of the Great Powers’ disarmament work, is largely absent from the rhetoric surrounding the nuclear weapon free zone treaties and humanitarian disarmament treaties. While many of the Great Powers’ disarmament initiatives have focussed on demonising particular actors and cast them as

93 For a list of the treaties see above (n. 10).
94 For example, the Treaty on a Nuclear-Weapon-Free Zone in Central Asia has a protocol that nuclear weapons states can sign that commits them to not use or threaten to use nuclear weapons or nuclear explosive devices in Central Asia, and the South Pacific Nuclear Free Zone Treaty has protocols that the nuclear weapons states that have territories within the protected region can sign to bind themselves to the commitments in the treaty.
uncivilised, barbarous and rogues, the disarmament projects led by other actors have focussed on the problems inherent in the weapons being outlawed. This is particularly apparent in the movements that gave rise to the humanitarian disarmament treaties where the primary strategy was to emphasise the catastrophic humanitarian consequences that flow from the use of landmines, cluster munitions and nuclear weapons in the hope that this would generate sufficient concern for states to take action. It is conceivable that casting certain weapons as inhumane could lead to the idea that those who use them are themselves inhumane, uncivilised and barbaric. However, to date, advocates of the humanitarian disarmament treaties have refrained from making this connection and the discourse has remained squarely homed on fears about the weapons themselves.

The treaties also have little significance for the statehood of the state parties. With respect to the Anti-Personnel Landmines Convention and CCM, the decision to forgo the weapons covered by these treaties does not inhibit a state from governing their populations or protecting their territory. With respect to the nuclear weapon free zone treaties and the TPNW, the most that could be said of these treaties is that there is a latent possibility that they could impair a state party’s statehood in the future. This would only occur in the event that a state party were under attack and the only way it could defend itself was via a nuclear weapon which, courtesy of these treaties, it was prohibited from possessing. As noted above, however, this is a very remote risk that is unlikely to come to fruition for the vast majority of states.

It is also difficult to conclude that the treaties have had any great consequence for state sovereignty. The most that could be said is that in the nuclear realm, where the Great Power-led initiatives have diminished the sovereign equality of states, initiatives such as nuclear weapon free zones and the TPNW have given the states that have championed them an opportunity to exercise sovereignty by playing an active role in the field.\(^\text{95}\) However, this ability to exert some level of sovereign agency is of little overall significance given it has not been sufficient to redress the sovereign inequality entrenched by the NPT.

This brings us to the final ordering technique: status. To a significant extent, the treaties have done little to dent or challenge the political status that the Great Powers get from possessing weapons. Although some of the Great Powers have altered their behaviour around landmines and cluster munitions – either

\(^\text{95}\) This argument is made by Egeland in relation to the TPNW, Egeland, The Road to Prohibition 2017 (n. 39), 17.
by signing up to the prohibition treaties\(^\text{96}\) or, short of that, agreeing to limit their use of them\(^\text{97}\) – these weapons possess relatively little significance for a state’s status. Neither are expensive to manufacture nor involve great technological know-how and the extent to which they are important to a state’s national security is contested.\(^\text{98}\) Indeed, if anything, the landmine and cluster munition treaties may have in fact enhanced the status that Great Powers derive from weapons. This is because, as Neil Cooper has argued, by demonising and outlawing a few particularly inhumane weapons, a host of other more discriminate, supposedly humane weapons have been legitimised and the global arms trade has flourished with particular benefit to powers in the Global North.\(^\text{99}\) While nuclear weapons possess far more significance for a state’s status, given the nuclear weapon free zone treaties and TPNW have not resulted in any nuclear weapons states giving up any of their nuclear weapons, it is difficult to conclude that they have had a notable impact on the Great Powers’ status.

However, while the nuclear weapon free zone and humanitarian disarmament treaties have failed to chip away at the Great Powers’ status, it is possible

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\(^{96}\) The UK and France have ratified the Anti-Personnel Landmines Convention, 1997 (n. 12) and the CCM, 2008 (n. 13).

\(^{97}\) For example, while the US has not signed or ratified the Anti-Personnel Landmines Convention, it has undertaken not to develop, produce or acquire landmines, or use them outside of the Korean Peninsula. Cf. The White House. ‘Fact Sheet: Changes to U.S. Anti-Personnel Landmine Policy’. (21 June 2022), available at: https://www.whitehouse.gov/briefing-room/statements-releases/2022/06/21/fact-sheet-changes-to-u-s-anti-personnel-landmine-policy/ (last accessed on 12 October 2023). Similarly, although China has not signed or ratified the Convention, it has expressed support for its objects and purposes and limited its production and exports of landmines, cf. Landmine and Cluster Munition Monitor. ‘China: Mine Ban Policy’ (15 October 2020), available at: http://www.the-monitor.org/en-gb/reports/2020/china/view-all.aspx#:~:text=Mine%20Ban%20Policy&text=Policy%3a+The%20People%27s+Republic%20of%20China%20has,20%20the%20Mine%20Ban%20Treaty.&text=China%20did%20not%20participate%20in%20the+Ottawa%20Process%20that%20created,treaty%27s%20meetings%20of%20States%20Parties (last accessed on 12 October 2023).

\(^{98}\) Interestingly, prior to the passage of the landmine and cluster munitions treaties there were some arguments that the weapons played a crucial role in nations’ security but the campaigns to prohibit the weapons worked to desecuritise them from a national security perspective and thus by the time the treaties were opened to signature, they were not regarded as important on this front. Cf. Petrova, Margarita. ‘Weapons Prohibitions through Immanent Critique: NGOs As Emancipatory and (De)Securitising Actors in Security Governance’. Review of International Studies 44(4) (2018), 619–653, 619 and 636.

to see these treaties as mechanisms that may have built alternative forms of political status for the states that spearheaded them. Drawing on social identity theory, Deborah Welch Larson and Alexei Shevchenko have identified ways in which states that are not at the top of global hierarchies, seek to enhance their status by developing ‘a positively distinctive identity’.100 One such way is termed ‘social creativity’ and involves states reframing ‘a negative attribute as a positive or stress[ing] achievement in a different domain’.101 In many respects, the efforts of the states behind the nuclear weapon free zone and humanitarian disarmament treaties fit within this idea well: the states pushing for the treaties gain value and status from taking a stance to forgo certain weapons rather than hold onto them, and they attract praise for their moral, humanitarian in working to create new international norms.

However, Larson and Shevchenko stress that lower ranked states attempting to exercise social creativity by proposing new ideas, norms and values will only be successful in their endeavours if their ideas, norms and values are accepted by the higher ranked, dominant group.102 In the disarmament context, the extent to which the Great Powers have accepted the nuclear weapon free zone and humanitarian disarmament treaties is questionable. The treaty that has the most acceptance is the Anti-Personnel Landmines Convention. The UK and France are both party to it and, while the other Great Powers have not joined it, the US and China have tacitly accepted its central ideas and altered their behaviour surrounding the use of landmines.103 The situation with the other treaties is more mixed. Similarly to the Anti-Personnel Landmines Convention, the UK and France have joined the ccm. However, not only have the US, Russia and China failed to sign or ratify it but they have also not adjusted their activities (as they did with the Anti-Personnel Landmines Convention) to rule out the use of cluster munitions (and in fact, Russia continues to vocally denounce the treaty).104 With the nuclear weapon free zone treaties, some of

101 Ibid., 67.
102 Ibid., 74.
103 See the discussion above (n. 92).
the Great Powers have signed (and in certain cases ratified) a few of the additional protocols to the treaties that seek to bind the nuclear weapon states to the treaties’ provisions but significant gaps in accession remain.\footnote{For example, the US has signed but not ratified any of the Protocols to the South Pacific Nuclear Free Zone Treaty.}

The treaty with the least amount of Great Power acceptance is the TPNW. From the outset, the Great Powers have objected to this treaty and consistently vowed never to join it.\footnote{See, e.g., United States Mission to the United Nations. ‘Joint Press Statement from the Permanent Representatives to the United Nations of the United States, United Kingdom, and France Following the Adoption’ (7 July 2017), available at: https://usun.usmission.gov/joint-press-statement-from-the-permanent-representatives-to-the-united-nations-of-the-united-states-united-kingdom-and-france-following-the-adoption/ (last accessed on 12 October 2023).} Further still, at the tenth NPT Review Conference in 2022, France refused to even acknowledge the existence of the TPNW and fought to keep a factual reference to it out of any Review Conference agreement.\footnote{For example, in Main Committee I of the NPT Review Conference, France stated that it ‘reiterates its opposition to the Treaty for the Prohibition of Nuclear Weapons’ and said that it was ‘likely to weaken the NPT as the cornerstone of the international non-proliferation regime by creating an alternative, incompatible and incomplete norm,’ Ambassador Yann Hwang, ‘Statement on Disarmament: 10th NPT Review Conference’ (4 August 2022). On the final day of the conference, it appeared that France was very reluctantly prepared to allow a factual reference into the Review Conference agreement. However, the Review Conference ended without an agreement being accepted as Russia was not able to agree to other provisions in the draft text.} It is thus perhaps possible to view some of the non-Great Power led treaties as beginning to contribute to an alternative form of status for their architects. However, the overall impact of this alternative form of status on global hierarchies remains limited given the reluctance of the Great Powers to fully accept and acknowledge the ideas and values in all of the treaties.

In concluding this part then it is apparent that the impact that the non-Great Power-led disarmament initiatives have had on global hierarchies has been minimal. The initiatives have done little to dent the juridical and political dominance of the Great Powers and while they can in some respects be understood as attempts to create alternative political hierarchies or forms of status in the international sphere, these hierarchies and status-claims have not yet been fully accepted by the Great Powers.
4 Conclusion

The above discussion has revealed that many of the Great Power-led disarmament initiatives of the last 130 years have consistently worked to construct and reinforce the hegemony of the Great Powers. They have achieved this through affecting entities’ ability to form states, infringing on states’ sovereignty and the doctrine of sovereign equality, affecting the status different states have in the international system and structuring relations amongst states through the use of civilising rhetoric. Interestingly, the handful of disarmament initiatives that have been spearheaded by Middle Power and/or Third World states have had much less of an impact on global power relations.

These findings are important for better understanding the work that disarmament law does, and has done, in the world, beyond the peace and security ends with which it is frequently associated. It allows us to see the extent to which it has operated as a tool of governance structuring the international community since at least the end of the nineteenth century. It also opens up new lines of enquiry in the field. Future studies may like to consider whether there are other ordering techniques within disarmament law at play, what lies behind the differences between the ordering tendencies of the Great Power-led disarmament initiatives and the lack of ordering within the non-Great Power-led initiatives, as well as what insights about the structuring tendencies of the field hold for future disarmament law endeavours.

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