International Journal of Management and Business Intelligence (IJBMI)
Vol. 3 No. 5 2025: 443-460

Power and Principle: Superpower Strategic Policies in the Framework of International Law

Munaza Khalid
Southwest University of Political Science and Law
Corresponding Author: Munaza Khalid munazzahkhalidedu@gmail.com

A R T I C L E I N F O
Keywords: Superpower Strategy, International Law

Received : 28, August
Revised : 27, September
Accepted: 31, October

A B S T R A C T
This article examines how modern superpowers balance strategic interests against the constraints of international law. Specifically, it examines the United States, China, and Russia and how legal rules are used, reinterpreted, or circumvented to legitimize behaviour in military intervention, nuclear policy, and territorial conflict. The study focuses on the continued tension between power and principle and whether or not international law really constrains superpowers or is a mainly legitimizing instrument.

DOI: https://doi.org/10.59890/ijmbi.v3i5.194
ISSN-E: 3025-5589
https://dmimultitechpublisher.my.id/index.php/ijmbi

INTRODUCTION

During an era of revived great power rivalry, competition between raw state power and international law's normative architecture has become discernible. Great powers such as the United States, China, and Russia yield their strategic influence while also navigating and, often, distorting the norms designed to check unilateral action. This topic investigates how states use legal justifications to legitimate controversial policies, reconstruct norms for attaining national interests, and challenge the legitimacy of the international legal order as a whole. Through this power-and-principal dance, the study sheds light on the path of world governance in an increasingly pluralizing multipolar world.

LITERATURE REVIEW

The terms "great power" and "superpower" are unquestionably political creations rather than terms that are explicitly used by international law. Since the end of World War II, scholars in international affairs have used the term "superpower" to describe the most potent international entities on the planet, such as particular States (Fox; DePorte 59–61). That conflict led to the creation of the first real superpowers. Its original title bearers, the United States of America (the "US") and the Union of Soviet Socialist Republics (the "USSR"), were notorious for their post-war rivalry and inability to be considered superpowers outside of the war (DePorte 59). The United States briefly emerged as the "sole surviving superpower" following the conclusion of the Cold War (1947–1991) (Murphy 2004). Although there are several contenders for (future) superpower status, this remains the case, at least in terms of raw military force. If the European Union (the "EU") could match its economic power to its foreign political potential (Guttman;2001, European Union, Actor in International Relations) or whether Russia could balance its remaining military might with its economic potential (Buzan, 2004, 110–11; Hooper), they may be regarded as superpowers. But at the moment, no other state holds superpower status, and the United States itself faces the possibility of losing it for a variety of reasons. The only country with a pretty clear path to becoming a superpower in the medium term is China, which has been called a "premature superpower" (Wolf, 2021; Kennedy, 1989, 447, 534; Subramanian).

Although there isn't a set procedure for becoming a superpower, the term has been defined in several ways in international relations literature, and some traits of superpower Dom, can be identified. First and foremost, "might, actual together with potential, has always been the essential criterion for superpowerhood" (Holbraad, 1979). A historical concentration of political power is the primary characteristic of superpowers. Second, military strength—particularly nuclear power—is a crucial component (nuclear weapons and Warfare). A key component of the US and USSR's standing as superpowers was their capacity to use nuclear weapons, particularly the vital second-strike capability, to wipe out a significant chunk of civilized life. (Dukes 155, 2000). Accordingly, until recently, a large nuclear arsenal with global delivery capabilities, most notably ICBMs may have been considered a requirement per quam. Thirdly, in order to sustain long-term power projection, superpowers must either have a large economy with sufficient output or be

geographically extensive (the two (past) holders of this title are continental nations). The US economy's successful mid-term transformation and instrumentation during World War II, in contrast to the less successful war economies of the UK and the German Reich, is a prime example of the US's ability to overcome Germany's and Great Britain's post-war status as middle powers (Mittelmacht).

What distinguishes a superpower from a great power (Abendroth; Kennedy) Great power is an earlier idea in diplomatic history that is usually connected to European politics, dating back to the Vienna Congress in 1815 (Giesder, 13, 1968). The conventional definition and concept of a great power is a power à intérêts généraux, or a state that ought to be consulted on all important matters regardless of its own interests. Other powers are consulted only when a decision has a direct impact on them. The superpower category is much more constrained. On issues of major significance, powerful countries like as France, Germany, and the UK will continue to be consulted. For example, their involvement in the E3+3 agreement, which involved the United States, China, and Russia, concerning Iran's nuclear program, culminated in the Joint Comprehensive Plan of Action in 2015. Apart from their influence as EU members, France and Germany are medium powers and won't be considered superpowers in and of themselves.

METHODOLOGY

Superpowers, Great Powers, and International Law

There are many challenges with using the political notions of "superpower" and "great power" within the context of international law. Even if powerful nations, or a fortiori superpowers, may be able to do things that other governments cannot, the primary legal question is whether or not they have different legal standing from other states. Why do reality and the law have such a tense relationship? Can the equality of states be changed to take into consideration the disparity in power between superpowers and smaller states?

The contradiction between reality and law is a well-known topic in legal studies (H Kelsen Reine Rechtslehre [2nd edn Deuticke Wien 1960] 17–18). On the one hand, the existence of important actors in international relations provides a factual basis for some unique phenomena, such as the influence a superpower actually has on legislation. But according to normativist legal positivism, law would cease to be a separate category if value could be altered only by facts. Power is one example of a reality that is categorically different from values or norms, which are somewhat counter-factual (H Kelsen General Theory of Law and State [Harvard University Press, Cambridge, MA 1945] 435–37). The argument from the "normative force of the factual" (G Jellinek Allgemeine Staatslehre [2nd edn Häring Berlin 1905] 330; author's translation) that a superpower's actions cannot be illegal by definition because "might makes right" must be avoided.

However, from a legal-theoretic standpoint, several positive international law regulations that appear to contradict the idea of state equality are acceptable. For example, the regulations governing permanent members of the UN Security Council (United Nations, Security Council) (States, Sovereign

Equality). When a standard is applied uniformly to all legal subjects, sovereign equality is the inevitable outcome. Therefore, until the law establishes injustice, all subjects are treated equally under the law. However, from a legal-theoretic standpoint, several positive international law regulations that appear to contradict the idea of state equality are acceptable. For example, the regulations governing permanent members of the UN Security Council (United Nations, Security Council) (States, Sovereign Equality). When a standard is applied uniformly to all legal subjects, sovereign equality is the inevitable outcome. Therefore, until the law establishes injustice, all subjects are treated equally under the law. This is an expression of legality rather than an exception, though, because the differentiation is based on the law (Kelsen General Theory of Law and State 252–54). From a legal standpoint, it makes no difference if distinct facts are obtained by applying different rules to different subjects. Here are some examples of how a state's legal position as a great power or superpower may affect a situation.

Institutional Preference

The United Nations Security Council, where powerful Member States are given specific voting rights or seats (formally: UN Security Council; informally: International Court of Justice [ICJ]), and the International Monetary Fund (IMF), where weighted voting is based on factors likely to favor superpowers, are two of the most well-known examples of prerogatives for superpowers or great powers in international law. (Decision-Making Process of International Organizations or Institutions; Voting Rules and Procedures of International Organizations or Institutions).

The names of the five permanent members of the UN Security Council are listed in Article 23 (1) UN Charter. This "static element" (Goodrich and Hambro-117, 1946) reflects their special status (Geiger 753 para. 8,2012), and they are the post-war major powers. (2) In San Francisco, it was believed that a state's inclusion in the executive of the new organization should be commensurate with the factual power it could muster. The same logic holds for the veto power granted by Article 27 (3) Of the UN Charter regarding non-procedural issues before the UN Security Council. Each permanent member has a great deal of control over the decisions made by an organ with as broad authority as the UN Security Council since they can veto them (cf. Delbrück 28–29,2003).

Although it is more informal, it is traditional to always include residents of powerful states in organs where members are elected as people rather than as representatives of states. The most famous example is the makeup of the ICJ. Article 9 of the International Court of Justice's statute states that its members must reflect "the main forms of civilization and of the principal legal systems of the world." Up to 2017, each of the five permanent members of the UN Security Council "had always been represented … by a judge of their nationality". C. Tams and A. Zimmermann [eds.] The International Court of Justice's Statute: An Analysis [3rd edn OUP Oxford 2019] paragraph 20 of paragraph 365 of B. Fassbender's (1998,2009) "Article 9." Although it is more likely to be because of the unique circumstances surrounding the 2017 elections and the people

involved, the UK's lack of a judge since 2018 may suggest that its influence in international affairs is waning. The institutional preference in this form is not covered by the law. It is not legally necessary for the electorate to implicitly agree to include members of a specific country. Legal decision-making is factually influenced by tradition and the influence of certain UN members. However, in institutional structures, it is impossible to pinpoint a predilection that is exclusive to superpowers.

RESULT AND DISCUSSION

Influence on Law-Making

Strong states may have a major impact on the evolution of customary international law. Strong actors may participate in state practice more frequently and in larger quantities due to their diverse interests; in other words, their practice may be more intensive overall.

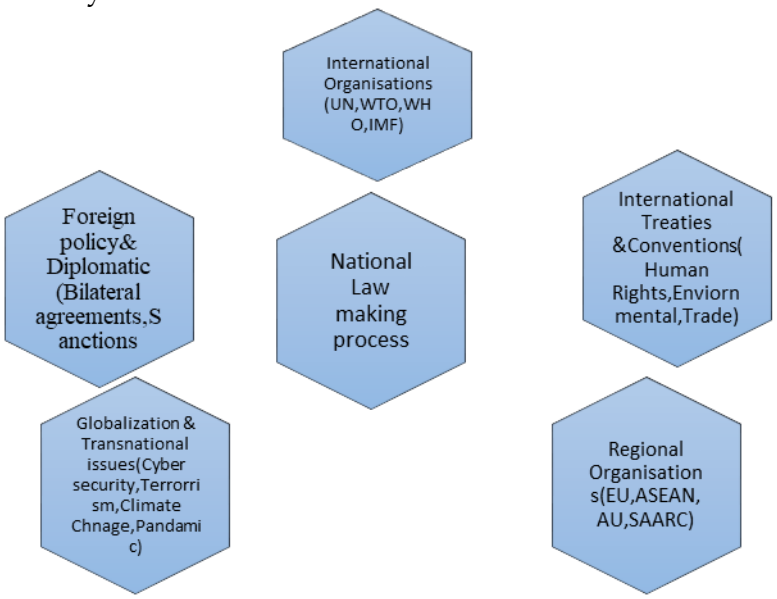

Figure 1: International Influence on Law-Making, with the Central Law-Making Process and Five Key International Influences
Source: Adapted from UN, WTO, and International Law Reports

As only the opportunities give non-action its legal substance, opinion leadership is particularly important in the development of a customary international law norm of abstention (North Sea Continental Shelf Cases). No, really, international customary rules can evolve without the consent of a global authority, according to the argument of factual preponderance. The factual influence of powerful states on treaty-making is also influenced by moral leadership and opinion. They might employ a sizable workforce and successfully utilize their influence to prove their moral superiority at codification conferences. They typically have a better bargaining position than the State they are negotiating with in bilateral discussions, and the resulting treaty instrument will reflect this. But these are political factors. Before laws are made, power plays a role. Since international lawmaking is founded on norms, a difference in the real influence of powerful vs weaker states is only legally significant if the laws governing it are different. For instance, more powerful

states' practices or opportunities are not ranked higher than those of weaker states under the norms governing the creation of customary international law. The US will gain more experience in more areas, even though Luxembourg's state practice is just as valuable as the US's (see paragraph 10 above; see KJ Heller's (2018) "Specially-Affected States and the Formation of Custom" [2018] 112 AJIL 191–243) for the applicability of the specially-affected-state doctrine). The superpowers are not the only ones affected by this factual effect. In this regard, other states are also more powerful.

Different Substantive Rules Applying or Being Claimed

Factual differences between states can occasionally be explained by positive international law, which holds the powerful to different standards than the weaker ones. The best example is the group of nuclear-weapon states specified in the 1968 Non-Proliferation Treaty (the "NPT," which was ratified on July 1, 1968, and came into force on March 5, 1970) (729 UNTS 161). Under Article I of the NPT, governments that were already able to produce nuclear weapons in 1968 are referred to as "nuclear-weapon States"; under Article II of the NPT, these states have different legal obligations than non-nuclear-weapon states. Nuclear-weapon states are prohibited from acquiring nuclear weapons, even though they are allowed to keep their nuclear capability and acquire additional weapons. The permanent members of the UN Security Council are listed alongside the list of nuclear-weapon states. The NPT codifies the relationship between nuclear capability and superpower status, or at least great power status.

The question of whether superpowers and great powers should be subject to separate regulations or are actually held to a different standard in this area of international law has come up in light of the public discussion surrounding the use of force after 2001. The question of whether weaker powers can infiltrate the judicial system by refusing to use force in self-defense or by refusing to declare self-defense in a broad sense, including by asserting preventative or preemptive self-defense, is one example. In this instance, it may be argued that minor and medium-sized abilities, in contrast to superpowers, cannot use force extensively without facing repercussions or getting away with it (Use of Force, Prohibition of) Can certain governments (referred to as "rogues") have their sovereignty relativized to the point where other states, especially superpowers, are allowed to interfere whenever they choose under the existing international order (Simpson)? A hegemon would undoubtedly not have to worry about dire repercussions from its illegal actions.

The period roughly from 1990 to 2014, which can be characterized as a unipolar world (cf. Huntington, 1996) and later as a uni-/multipolar world, was characterized by claims that no global issue could be resolved without the US or by the US alone. In recent years, even weaker states have begun to behave more like the US, particularly in terms of the use of force, as a result of developing multipolarity and the US's decline as a superpower. In any case, the question is how much power can change positive law on its own. The law is sluggish to adjust to changes in power and, in part, is not made to do so. Law and power are two completely different concepts.

Law Enforcement

It is very difficult to take legal action against law-breaking superpowers, and even against the majority of great powers, due to their enormous strength. The UN's obligation to uphold global peace and security is essentially excluded from any action taken in accordance with Chapter VII of the UN Charter. Article 39 of the UN Charter states that no permanent member will accept criticism of its own or its allies' conduct, including acts of aggression, threats to peace, or violations of peace, as well as coercive or non-forcible measures as described by Articles 41 and 42 of the UN Charter. Two examples of self-enforcement of international law that are deemed unlawful are retribution and forceful self-help.

Since no one can enforce the law if no organs have the authority to do so, the notion that all members of a legal community can still do so in the absence of organs (Kelsen [1952] 13–15) is faulty. In theory, this is also true. "Figure 2, presents an approximate count of UN police officers deployed globally, reflecting the organization's operational scale in peacekeeping and law enforcement missions."

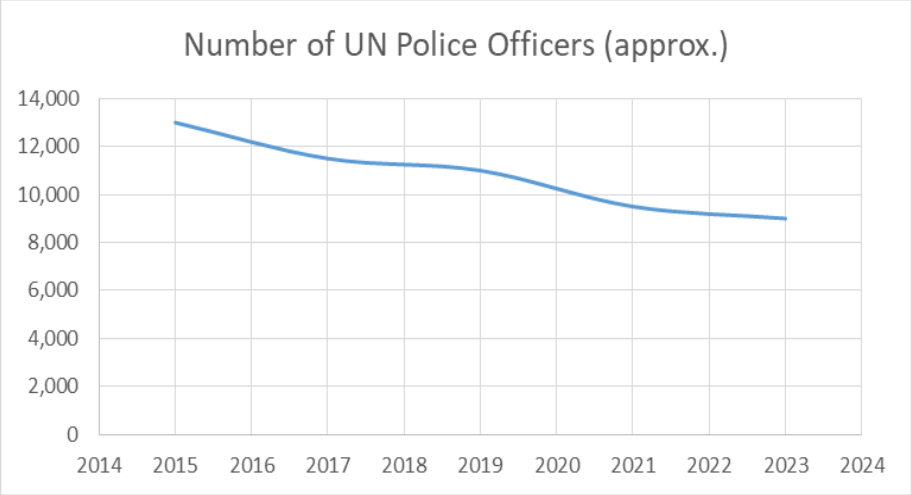

Figure 2. UN Police Deployment over Time
Source: United Nations Peacekeeping, UN Police Facts & Figures (peacekeeping.un.org)

However, any State will be extremely cautious when taking such action against a powerful State because of the huge possible implications of acting, even if it is legitimate. Due to the high level of global economic interconnectivity, this is especially true in trade disputes if an economic superpower, such as the EU, but not a political one, wishes to challenge the US. Figure 3 illustrates the distribution of the UN's law enforcement efforts across key policy focus areas, highlighting the organization's strategic priorities in maintaining global order."

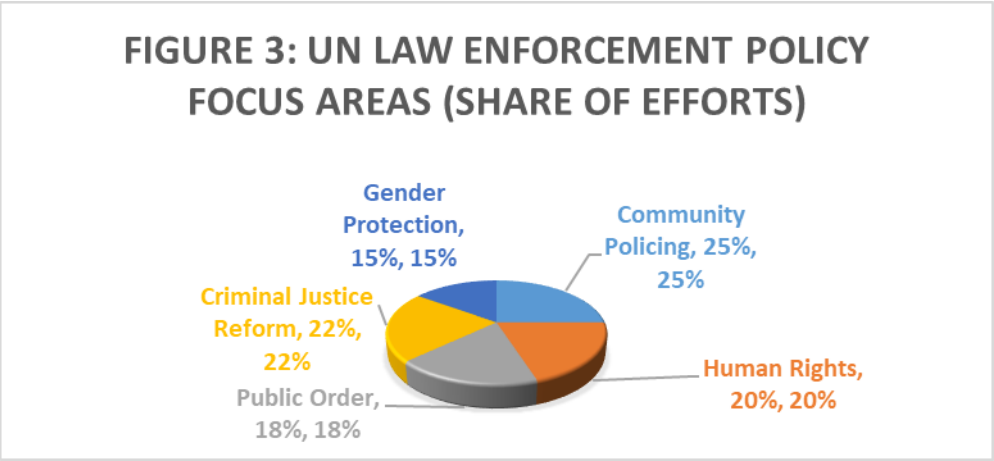

Figure 3. UN Law Enforcement Policy Focus Areas (Share of Efforts)
Source. United Nations Peacekeeping & UNPOL Mandates (peacekeeping.un.org) and UN Policy Documents.

But remember that none of these strategies change the law; if a law is applied to a State, it may also be applied to a superpower or great power, and if a law is not applied, it cannot be applied to a superpower or great power either.

Superpowers and their supporters have always been tempted to engage in quasi-vigilante "enforcement" when the positive law offers no means of doing so due to the politically advantageous position of powerful states (Delbrück 30–37,2003). The superpower in question is enforcing either substantive international law, contentious legal interpretations, or moral principles. Examples include the 1999 Kosovo conflict, in which ten members of the North Atlantic Treaty Organization (NATO) attacked the former Yugoslavia, and the 2003 allied invasion of Iraq (Iraq, Invasion of [2003]). There were limited options for enforcement action, even though a State might have broken substantive law in these circumstances. The Allies either directly or indirectly superseded the authority of a UN Security Council that had deadlocked (see Lord PH Goldsmith, "Iraq: Legality of Armed Force" [2003] 646 Parliamentary Debates [Hansard] WA 2–3). Third states have nothing to lose, thus they are unlikely to protest such acts, even if they are illegal, according to Realpolitik.

A particular understanding of global morality could serve as the foundation for an argument in favor of these actions. Third states' unwillingness to defend positive law against a moral philosophy may also be the reason for their inaction. Even in clear-cut situations, extremely strong states opposed to a superpower's action have not invoked Chapter VII of the UN Charter to initiate UN Security Council proceedings against the superpower or its allies. The quasi-immunity of "superpower vigilantes" is a factual rather than a legal phenomenon. The act retains its legal or illegal character, whether it is censured or not, and illegal enforcement is not automatically legal just because it is not opposed.

Assessment

This can lead to two main conclusions. First, it is still unclear what advantages the superpowers have over great powers in terms of international law, even though powerful states may have some factual advantages over large powers. In fact, if one wants to reduce international law to power dynamics, one might as well reject it completely. The difference between "is" and "ought" to be important because, without it, the law would no longer be considered normative.

It would become impossible to categorize behavior as "allowed" or "prohibited," and prescription would be impossible. However, without power, we cannot understand state behavior and international relations, which is why power is so important in the international arena. In this context, Kelsen's statement, "He who draws back the veil and is courageous enough not to close his eyes will find the Gorgon head of power staring at him" (Kelsen [1927] 55;) translated by the author, is accurate. For both powerful nations and weaker states, superpowers are superpowers in practice, not in law.

The Role of International Law in Sino-American Competition Dynamics

Nowadays, law is used in many areas of international relations, most notably as a control mechanism for interstate action or as a tool for legitimization. Despite the general purpose of international law, states rarely adopt a consistent or systematic approach to it. As a result, the main powers have shown time and time again that attaining political goals is enough to restrict or even disregard some international legal standards.

Paradoxically, states often use the law when they think it could assist them in accomplishing their strategic objectives. Politics and law are ultimately shown to be inseparable; this is further demonstrated at the level of the international system, where it is usually the same people who, in their capacity as lawmakers, interpret and implement it. As a result, as the legal system has grown, so too have the opportunities for applying international law to achieve political objectives. Finally, the Sino-American rivalry has nothing to do with this propensity.

The purpose of this policy brief is to assess how international law contributes to the competition between Washington and Beijing. It begins with an analysis of the two state governments' respective approaches to international law. The semantic controversy is then covered regarding the conceptualization of "lawfare," which is seen as an instrumentalization that is present in the current dynamic. Furthermore, the legal consequences of cleavages are analyzed, including the licensing of autonomous lethal weapons, China's revisionism of the international law of the sea, and, lastly, the gray area of cyberspace. Finally, the brief ends with suggestions for the government of Canada.

The Respective Relationship of the United States and China towards International Law

The United States is recognized as the founder of the international system. With the recent "Trump" exception, U.S. presidencies have generally had a positive effect on the expansion and maintenance of international organizations in addition to acting as leaders within them. However, it has been

demonstrated that the primary motivation for adhering to the rules derived from these institutions is respect for them.

Although the different ways the US interprets international law all somewhat agree on the concept of exceptionalism, theoretical dualism maintains that Washington has a unique position and, hence, a single margin of autonomy in the international arena. "Figure 4 compares the treaty participation of the United States and China from 1945 to 2025, highlighting the contrasting levels of engagement with international legal frameworks."

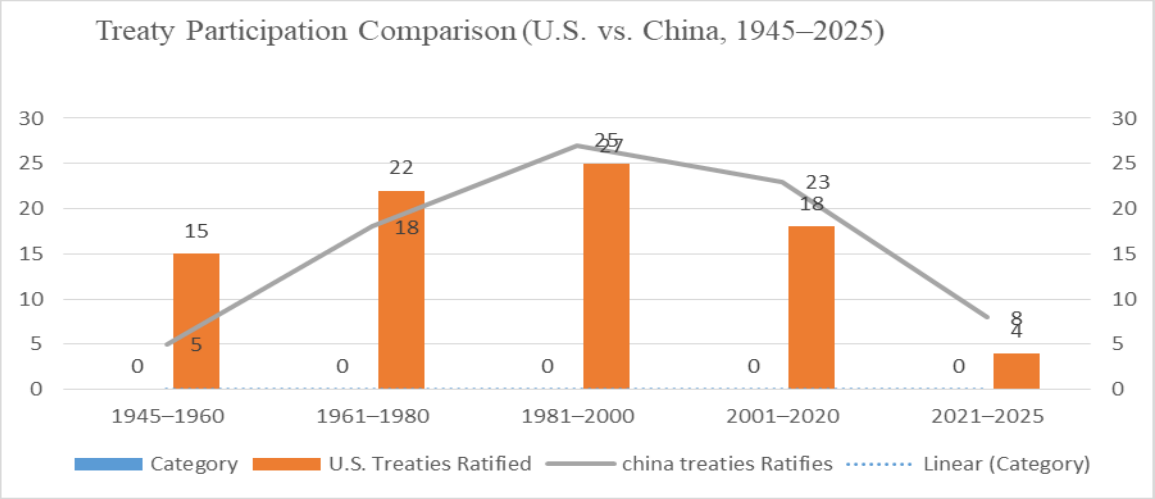

Figure 4. Illustrates The Number of International Treaties Ratified by Each Country Across Different Policy Domains
Source. World Bank Global Legal Agreements Database

The United States, nevertheless, highlights the significance of the rule of law in international relations despite this viewpoint and its history of employing international law as a means to weaken the coherence of American rhetoric. Several events serve as examples of this discourse, such as President Barack Obama's (2009–2017) 2011 trip to Australia and, more recently, President Joe Biden's remarks regarding the role of the United States on the globe.

Washington aims to maintain the liberal international order it has purposefully created and, as a result, the rule of law that governs it, even though this exceptionalist worldview is legally dubious. Figure: 5 illustrates the number of cases involving each country in international courts between 1990 and 2025, reflecting their varying degrees of legal engagement and dispute resolution through international mechanisms."

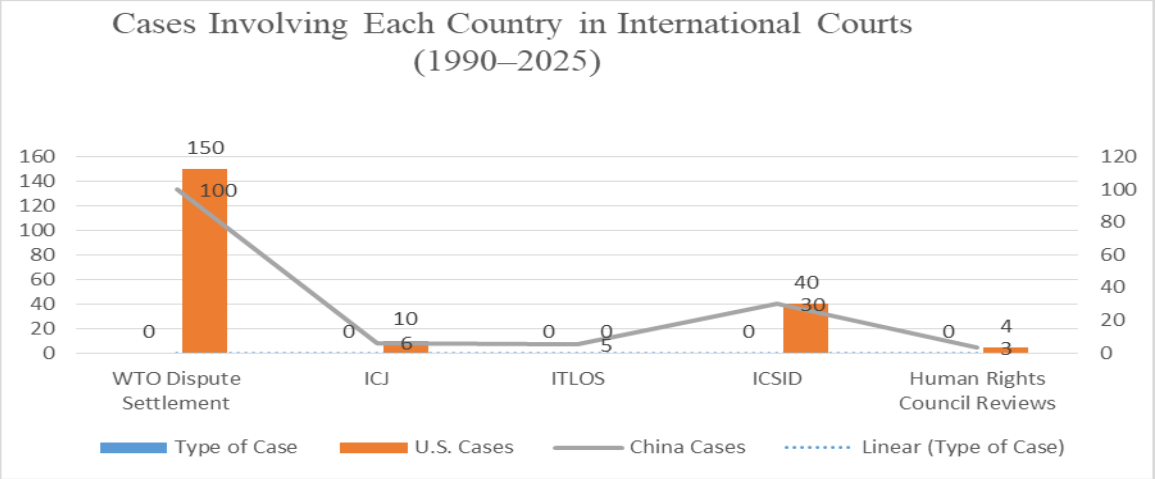

Figure 5. Shows Both Nations' Involvement in International Legal Disputes. Source. International Court of Justice (ICJ) Case List

This history does not address China's interaction with international law. In fact, it is acknowledged that the legislation serves a particular purpose in Chinese culture. Many senior Chinese leaders believe that unfair competition and war are caused by the free international order. The basis for this story is the so-called "century of humiliation". Chinese leaders claim that during this period, Western countries controlled their country's skills. In essence, China was coerced into signing several "unfair treaties," which affected its geographical integrity and sovereignty. Because of this history, China harbors resentment toward the West and international law, which it views as a means of achieving its goals. Figure,6 depicts the comparative trends of compliance and defiance with international law from 2000 to 2025, showcasing the shifting adherence of states to global legal norms."

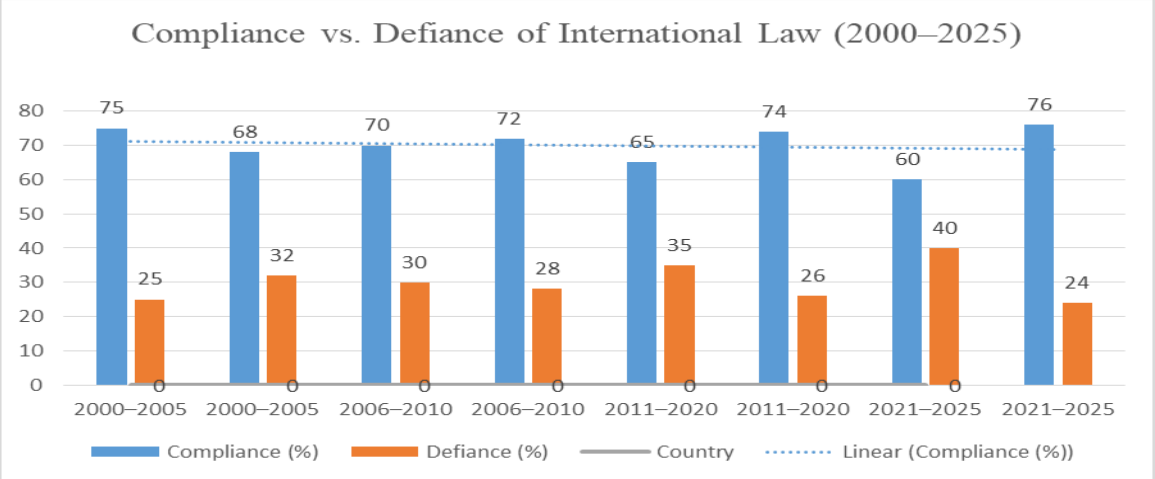

Figure 6. Compares trends in international law compliance between both states. Source: Council on Foreign Relations: U.S and China International Law Behavior Dataset

Chinese leadership has therefore always had little impact on international institutions. The liberal international order, as well as the norms and values set forth and disseminated by Asian states, no longer find it compelling. Even though China has progressed alongside this methodical progression, the Chinese leadership nevertheless views international law as a strategic tool and a means of obtaining international legitimacy. The Chinese government is now making an effort to get more involved in the legal system after years of staying out of it. Figure,7 illustrates global perceptions of the U.S. and China in 2025, comparing how each is viewed in terms of respect for international law and global governance principles."

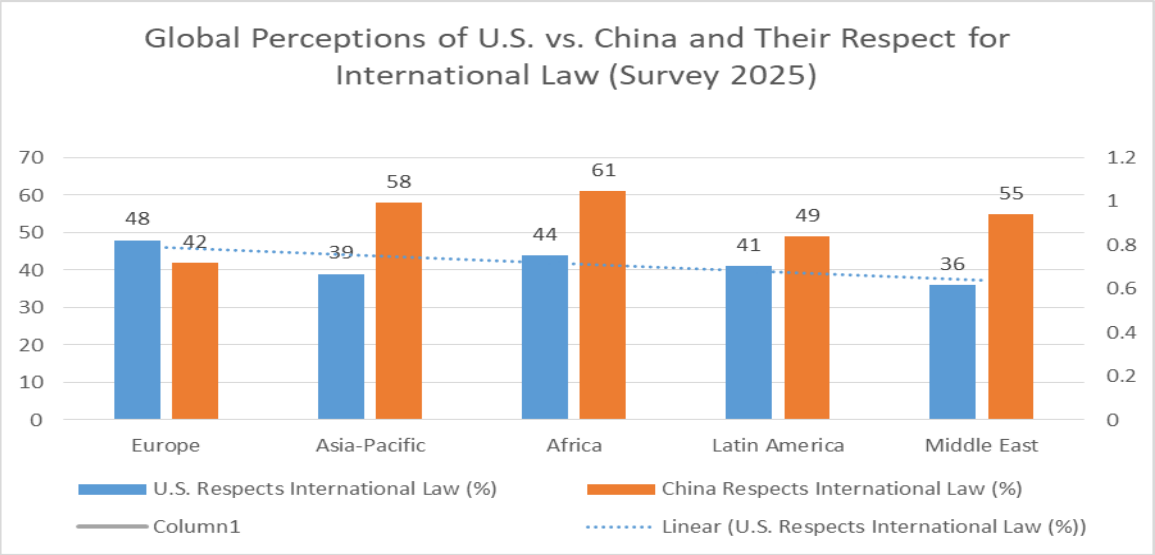

Figure 7. Captures International Opinion on Each Nation's Adherence to International Law
Source: Pew Research Center Global Attitudes Survey (2025)

Beijing's normative legitimacy is still limited, nevertheless, because of the ideological gap between its paradigmatic orientation and that of the liberal international order. Beijing is now witnessing its rise as a "rejuvenation," which, when interrupted by the West, tends to restore it to its former glory. The resurgence of the old Chinese idea of Tianxia contributes to this image. Since it replaces the equality of the member states of the UN model with a Sinocentric hierarchical structure, the latter is wholly incompatible with the liberal international order.

Both countries consider international law to be strategically vital, apart from their rivalry to advance a narrative framework and guide the dissemination of standards. They have different ideas, though. Washington has not yet taken into account the possibility of using.

Complexity of Semantics

The definition of law in relation to politics can be defined as an objective, a tool, or a barrier; the practices of instrumentalization and "lawfare" are consistent with this idea; and the idea of a legal operation as a war operation gained significance once more during the War on Terror in 2001. Politics and law are inextricably linked and interact on many levels. U.S. Major General

Charles J. Dunlap Jr. popularized the term "lawfare," which initially referred to "a method of warfare where law is used as a means of realizing a military objective." Although some individuals have a negative opinion of the term, Dunlap sees it as neutral and acknowledges it as a crucial element of modern conflict. While retaining the notion of application in the achievement of strategic goals, the term has gradually expanded to include areas of activity outside of the traditional battlefield. Still, there are limitations, whether related to the term's applicability to non-military activities or the sometimes-complex distinction between "lawfare" and modern legal processes. Furthermore, it is important to remember that this type of instrumentalization of international law has developed nearly simultaneously with the concept of hybrid warfare, leading to a mutual reinforcement of the two ideas. This ambiguity supports the idea that the concept will continue to evolve and that not all of its ideals will reach consensus.

Despite the conceptual ambiguity of the concept of "lawfare," there is every reason to believe that the prospects for instrumentalizing international law and "lawfare" will only increase. Because of the definition's vagueness, this brief shall use "lawfare" in its fullest sense, as the usage use the law to accomplish strategic objectives, not just in a military setting.

Chinese Revision of the International Law of the Sea in the South China Sea

Since the turn of the 20th century, the South China Sea has been the subject of multiple claims. These accusations are most famously related to Beijing's original 1947 mapping of the "nine-dash line." The legal debate over this controversial issue heated up in 2009 following a

Beijing's claim of "unquestionable" sovereignty over the islands and other waterways in the region. After being the subject of arbitration proceedings by a Permanent Court of Arbitration tribunal in response to an attempt by the Philippines in 2013, the delineation was judged to have no legal basis under international law.

Even though the ruling favored the Philippines, China objected, saying it would not impact "territorial sovereignty and marine rights" in the area. It also continues to act as if it were de facto. Therefore, rather than relying on direct conflict, Beijing uses economic, political, and military methods to bolster its expansive territorial claim in the region. The law is therefore mentioned as a crucial component of the CCP's strategy to achieve this objective.

For instance, in flagrant violation of multiple clauses of the United Nations Convention on the Law of the Sea (UNCLOS), the Chinese government recently passed the China Coast Guard (CCG) Law, which gives Chinese authorities coercive power in the South China Sea. All "waters under the jurisdiction of China" are covered by this rule, which aims to control the activities of the Chinese Coast Guard.

Beijing is trying to sway customary international law by continuing maritime operations based on a blatantly erroneous interpretation of UNCLOS provisions. Through reiteration and implicit consent, or in this instance, China wants to change the law to increase its authority over the South China Sea, claiming that there is an implied deterrent to protest.

This area is especially significant to Washington. Its friends in the South China Sea region have a long history of adherence to the liberal international order set up by the United States, in addition to having many common interests. However, even if the former U.S. administration's language is still constrained, despite the administration's unequivocal assertion that China's conduct breached international law and its declaration of support for the arbitration tribunal's 2016 decision. In essence, the United States' refusal to ratify UNCLOS seriously undercuts its demand to uphold the international law of the sea.

In this sense, Washington's conflicted views on the application of the rule of law in its handling of international affairs are best illustrated by the history of U.S. policies regarding the applicability of the international law of the sea. China's claim is further strengthened by the United States' refusal to ratify the pact, in addition to extending the scope of what it can do. Additionally, it is anticipated that Secretary of State Anthony Blinken's earlier this year reaffirmation of US support for the 2016 ruling will have a minor effect.

Beijing may readily emphasize this diplomatic stance in support of its position, given that the U.S. handling of several international courts is obviously equivocal. Future moves in the South China Sea are crucial for the United States, which counterbalances Chinese dominance and shares economic and security objectives of strategic significance for Washington.

Lethal Weapons with Autonomy and International Law

There are serious legal issues surrounding the development of new military technologies, such as lethal autonomous weapons systems (LAWS). In this sense, Beijing has a window of opportunity because of the United States' hesitancy about potential LAWS legislation. Even though China and the United States 2014 and 2019, the two adversaries engaged in expert group discussions on the subject under the UN Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons. They are taking a nuanced but antagonistic stance.

Beijing argued in favor of a ban in 2019, but Washington believed that it was premature to develop a legally binding document on the topic and that it was vital to prevent stigmatizing the deployment of such military hardware. Yes, China has made it clear how important it is to enact laws about these new technologies to behave in accordance with current international humanitarian law.

However, its diplomatic team's word is intentionally inaccurate. It is also noteworthy that they have not provided any additional clarification on their vision for future regulation. According to the findings, this stance is an instrumentalization of the legal discussion about the subject in an attempt to call into question the validity of the US stance. China is exploiting American hesitancy by presenting itself as the entity pushing for the passage of a legally binding agreement and carrying out necessary research and development.

The necessity to prevent giving an enemy a strategic edge justifies the US position by If individuals continue to deny it to themselves, the CCP will maintain its strategic advantage. Americans' preference for a code of conduct

above legally required regulations has only recently been proven by advancements in this area. Washington needs to conduct a strategic assessment as a result of Beijing's persistent doublespeak. To strengthen its stance on the issue, the US must immediately cease uttering statements meant to lower the dangers connected to the deployment of this kind of military hardware, creation of principles that are not legally binding. Without these tenets, Washington's rhetoric serves China's strategic objectives more detrimentally than beneficially since it allows Beijing to continue using doublespeak without actually worrying about the consequences. Figure 8 compares the GDP and defense spending of major superpowers, revealing the proportion of economic output allocated to military expenditures."

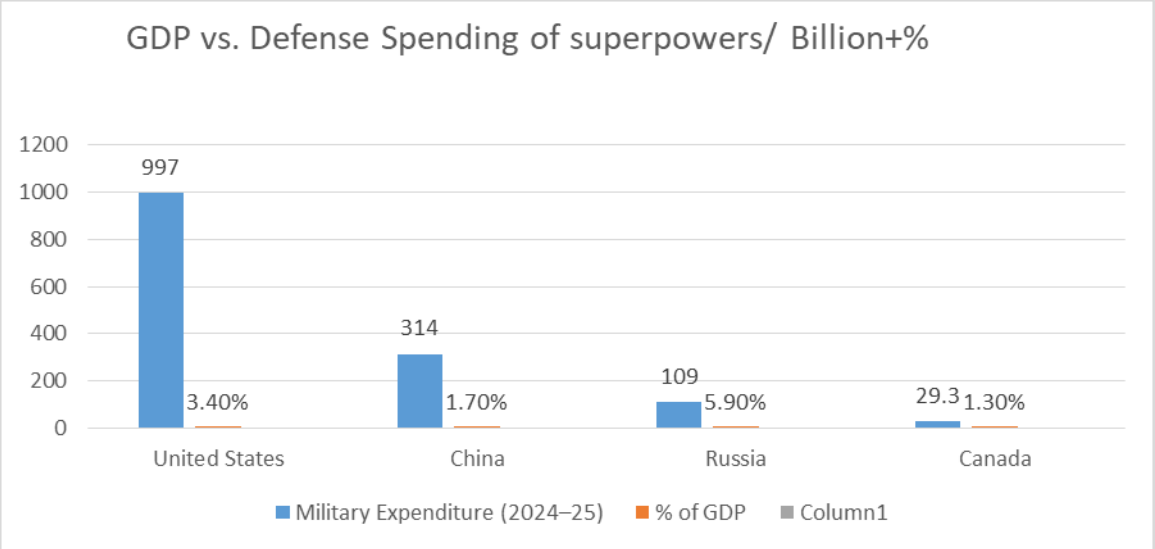

Figure 8. GDP and Defense Spending of Major Superpowers
Source: www.sipri.org

Cyberspace: A Grey Zone

In the Sino-American competition, cyberspace is very significant. States' excitement for normative growth is impacted by the fact that they are not positioned similarly in cyberspace. In a study published by the panel of government specialists charged with analyzing information and telecommunications in the framework of global security in 2013, participating nations, including the US and China, had reached a consensus over the UN Charter's applicability in cyberspace.

However, the latter is frequently criticized for focusing on deterrence, which has proven to be less and less effective. Despite the United States' commitment to applying international humanitarian law consistently throughout its military operations, China's commitment to doing so is actually more symbolic than real, not tell the truth. It is unknown how China feels about the application of international law, especially international humanitarian law in cyberspace, even though it has shown support for the rule of law on matters of global security. China's intention to publicly commit to this support through the establishment of a legally binding convention or customary law is therefore questionable. Additionally, this suspicion is strengthened by the

stigmatization of Chinese online behavior, which Washington and its allies have openly described as malevolent.

Lastly, a difficulty still exists even though governments appear to agree on the applicability of international law in cyberspace. The environment in which they have developed has a significant influence on the principles outlined in the UN Charter and those derived from customary international law. Consequently, these Principles were developed under a logic that allowed states to change global stability by using force or coercion; this reasoning is more complex in cyberspace. Comparing the positions of different governments on maintaining the status quo is helpful before passing legislation that has legal force behind it.

According to the CCP, upholding the regime's legitimacy and national security are the three fundamental issues that converge in cyberspace and depend on the economy and technology. They contend that since current norms are not meant to control online behavior, China is trying to encourage the development of new standards. Therefore, China can continue its offensive cyber measures, even if it has taken part in negotiations on the topic, since they are structured according to the qualitative standards of an "armed conflict." As for Washington, its ineffective deterrence strategy has left it vulnerable to the status quo due to its persistently inactive posture.

Despite recently backing France's initiative to promote discussion on cyberspace norms, the US is not spearheading the attempt to transcend declarative concepts. Ironically, history has demonstrated that one of the most effective strategies to reestablish communication and lower tensions is the development of legally enforceable international agreements governing activity in a region vulnerable to an arms race. There is still more work to be done, even if President Biden has emphasized the significance of institutions and standards in his cyber strategy.

What Is Canada Able to Do?

The phenomenon of international law being instrumentalized is not wholly new to Canada. It has used this tactic in the past, while not being renowned for doing so consistently. Canada must, however, reevaluate the strategic application of international law in light of the dynamics of great power competition in the global system. There is no longer any doubt that a state can use international law to further its strategic objectives or cause harm to another state. Even though this is nothing new, Canada has to reevaluate this threat. These days, hybrid conflicts are entwined with the "lawfare" type of action. In this way, a state that respects the rule of law, like Canada, might employ the same tactics as an authoritarian state that views international law almost solely as a strategic weapon. Ottawa will continue to have a significant influence over how the US responds to Beijing's actions. Despite its unquestionably selective behavior, the United States' efforts could be severely hampered if its approach to international law were to become standard.

The Canadian government must encourage the US Congress to adopt a different stance on UNCLOS

Canada should make an effort to persuade the U.S. Congress to become a member of UNCLOS, despite their uncertainty about the extent of ratification. As previously said, Washington is a major player in the development of new standards; therefore, Canada should attempt to reorient the U.S. discussion away from the immediate strategic application of ratification and toward its symbolic value. Canada should urge the U.S. government to support other states in the region that choose to take legal action against China in the South China Sea, in addition to reaffirming its own support for such action. The United States would strengthen the legitimacy of its call for respect for the rule of law by showcasing its unwavering support for international law. Figure 9 outlines the U.S. UNCLOS ratification scenario, highlighting the legal and strategic implications of the United States continued non-ratification of the convention."

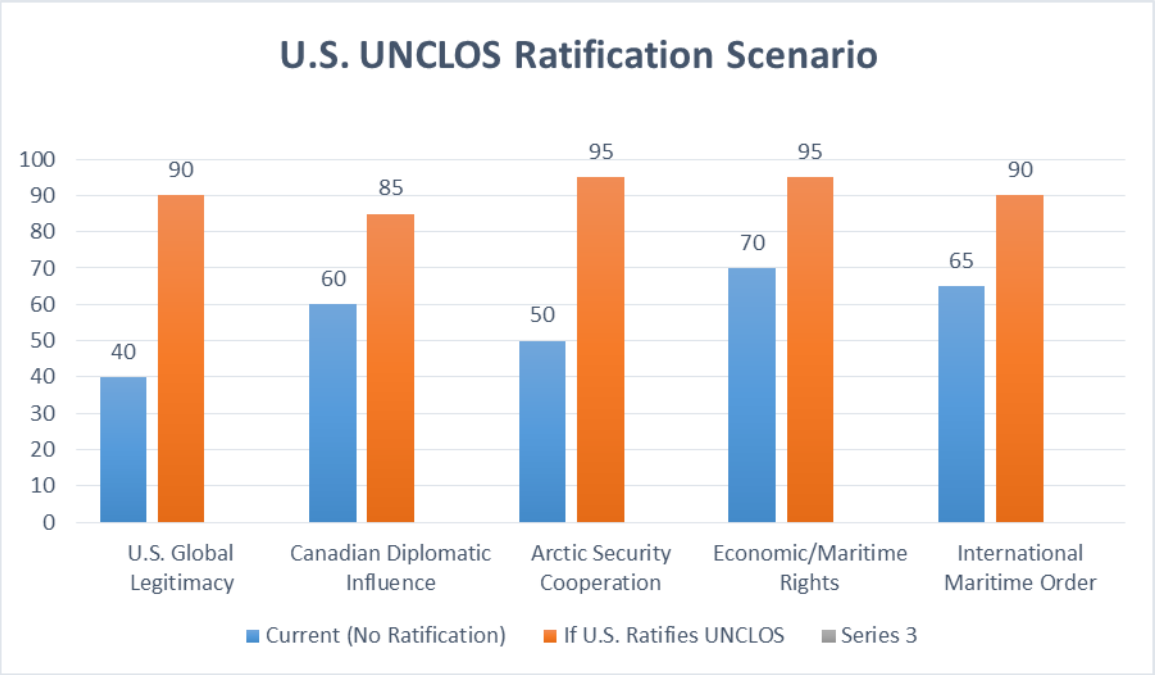

Figure 9. U.S UNCLOS Ratification
Source: www.unclosdebate.org

CONCLUSION AND RECOMMEDATIONS

The dialectic of principle versus power remains one of the most prevalent paradoxes of international law. Great powers continue to influence the world order not only in military and economic terms but also in shaping and imposing legal norms to their own strategic benefit. International law may seek to promote equality, justice, and collective security, yet reproduce asymmetries of global power. The task, therefore, is to reconcile the power of great powers and the constitutive principles of legality and fairness. A more balanced structure—where power is exercised with moderation and under law—must still exist to ensure legitimacy and stability in the international system.

FURTHER STUDY

This study still has limitations, so further research on this topic is needed "Power and Principle: Superpower Strategic Policies in the Framework of International Law"

REFERENCES

Abendroth, W. (1960). 'Großmächte.' In H. J. Schlochauer (Ed.), Wörterbuch des Völkerrechts (2nd ed., Vol. 1, pp. 713–717). Berlin: de Gruyter.

Buzan, B. (2004). The United States and the Great Powers: World Politics in the Twenty-First Century. Cambridge: Polity Press.

DePorte, A. W. Europe between the Superpowers: The Enduring Balance. New Haven: Yale University Press, 1979. - DePorte, A. W. Europe Between the Superpowers: The Enduring Balance (2nd ed.). New Haven: Yale University Press, 1986 Murphy, J. F. (2004). The United States and the Rule of Law in International Affairs. Cambridge: Cambridge University Press.

Delbrück, J. (2003). Right versus Might: Great Power Leadership in the Organized International Community of States and the Rule of Law. In J. A. Frowein, et al. (Eds.), Verhandeln für den Frieden: Negotiating for Peace – Liber Amicorum Tono Eitel (pp. 23–39). Berlin: Springer.

Dukes, P. (2000). The Superpowers: A Short History. London: Routledge.

Dukes, P. (2000). The Superpowers: A Short History. London: Routledge.

Edele, M. (2006). Soviet veterans as an entitlement group, 1945–1955. Slavic Review, 65(1), 111–137.

Geiger, R. (2012). Article 23. In B. Simma, D.-E. Khan, G. Nolte, & A. Paulus (Eds.), The Charter of the United Nations: A Commentary (3rd ed., pp. 751–760). Oxford: Oxford University Press.

Giesder, M. (1961). Die Rolle der führenden Mächte in der Staatengemeinschaft. Bonn: Fuchs.

Giesder, M. (1961). Die Rolle der führenden Mächte in der Staatengemeinschaft. Bonn: Fuchs Verlag.M Giesder Die Rolle der führenden Mächte in der Staatengemeinschaft (Fuchs Bonn 1961).

Goodrich, L. M., & Hambro, E. (1946). Charter of the United Nations: Commentary and Documents. Boston: World Peace Foundation.

Guttman, R. J. (Ed.). (2001). Europe in the New Century: Visions of an Emerging Superpower. Boulder, CO: Lynne Rienner Publishers.

Holbraad, C. (1979). Superpowers and International Conflict. London: Macmillan.

Kennedy, P. (1989). The Rise and Fall of the Great Powers. London: Routledge.

Kammerhofer, J. (2009). Superpowers and Great Powers. In R. Wolfrum (Ed.), Max Planck Encyclopedia of Public International Law. Oxford: Oxford University Press.

Kelsen, H. (1952). Principles of International Law. New York: Rinehart.

Terry, M. P., Robinson, P., Hamilton, M. A., & Jercinovic, M. J. (2000). Monazite geochronology of UHP and HP metamorphism, deformation, and exhumation, Nordøyane, Western Gneiss Region, Norway. American Mineralogist, 85(11–12), 1651–1664.

WTR Fox The Super-Powers: The United States, Britain, and the Soviet Union: Their Responsibility for Peace (Harcourt New York 1944).

Zimmermann, A., Tams, C. J., Oellers-Frahm, K., & Tomuschat, C. (Eds.). (2019). The Statute of the International Court of Justice: A Commentary. Oxford: Oxford University Press.