

# Global Security Initiative and the Development of Contemporary International Law

Kun Xu <sup>\*</sup>, Zhiping Lv <sup>a</sup>, Jiayi Li <sup>b</sup>

School of Chongqing University, Chongqing 404100, China

<sup>\*</sup> Corresponding Author: Kun Xu (Email: xukun0824@163.com), <sup>a</sup> 2251178357@qq.com,

<sup>b</sup> 1262605624@qq.com

Kun Xu, Zhiping Lv, Jiayi Li are co-first authors

**Abstract.** President Xi put forward the Global Security Initiative for the first time in his speech at the opening ceremony of the Boao Forum for Asia Annual Conference in 2022. Echoing the Global Development Initiative, the Global Security Initiative coordinates the maintenance of traditional and non-traditional security, which is committed to building a new system of global security governance characterized by the nature of “soft law” in international law. Meanwhile, the Global Security Initiative has had a vital impact on the value behavior orientation and the development of basic principles of contemporary international law. In addition, international law plays a role in guaranteeing the Global Security Initiative, which is reflected in its help to resolve various risks in security governance, prevent and tackle disputes in global security governance, provide institutional guarantees to maintain national interests in the promotion of Global Security Initiative and improve international harmony.

**Keywords:** Global Security Initiative; International Law; Security Concept; Security Governance.

## 1. Introduction

The world is undergoing major changes unseen in a century with two overall situations intertwined, facing a critical moment of development. President Xi delivered a keynote speech entitled *Rising to Challenges and Building a Bright Future Through Cooperation* at the opening ceremony of the Boao Forum for Asia Annual Conference 2022. In this speech, the Global Security Initiative was proposed for the first time, which answers “what kind of security concept the world needs and how all countries can achieve common security”. Besides, Global Security Initiatives have distinctive Chinese characteristics. Nowadays, when various traditional and non-traditional security issues are constantly emerging, the significance of security is even more apparent. China advocates the spirit of solidarity to adapt to the profoundly adjusted international pattern, so as to deal with complex challenges with win-win thinking and promote the international community to jointly inject more stable factors into the turbulent and changing era.

## 2. Nature of Global Security Initiative in Contemporary International Law

### 2.1. Nature of “Soft Law” in International Law

International law is largely a consensual system consisting of norms accepted by nations with sovereign equality that govern themselves and other subjects of law. In the current international world, solving international problems is just through written international law with global efforts to maintain security. Conflicts can be resolved by laws, statements, resolutions and action plans. In recent years, national practice has increasingly incorporated normative declarations into some non-binding political work and made it clear that they should be respected. Its role is also crucial in tackling international conflicts. Soft law is a social norm and its common forms include normative resolutions of international organizations, concluding texts of summits or international conferences, recommendations of treaty bodies monitoring compliance with treaty obligations, bilateral or



multilateral memorandums of understanding, administrative political agreements, and guidelines or codes of conduct adopted in various situations. On this basis, the Global Security Initiative proposed by President Xi features soft law. Meanwhile, non-binding normative instruments are increasingly used in the international community to resolve conflicts. Since President Xi first put forward the new security concept at the Conference on Interaction and Confidence-Building Measures in Asia (CICA), it has won widespread recognition and support from the international community, which has become the silver bullet to solve security problems.

## **2.2. New Forms of International Cooperation**

Aiming to promote global common security, sustainable development and common prosperity of mankind, the Global Security Initiative can be regarded as a new form of international cooperation and development. To achieve lasting peace in the world and enable every country to enjoy a safe and stable external environment, China will conduct bilateral and multilateral security cooperation with countries worldwide and international and regional organizations under the framework of the Global Security Initiative, so as to actively promote the integration of security concepts and interests. Guided by the Global Security Initiative, the countries concerned are encouraged to resolve conflicts and differences through candid dialogue and communication, and support the constructive resolution of political issues by promoting peace talks as the main method without interfering in internal affairs. China has always insisted on improving the international community to uphold fairness and justice. As the only country that has enshrined “adhering to the peaceful development” in its constitution, China showcases its firm will to implement the concept of international security.

## **3. Impact of Global Security Initiative on International Law**

### **3.1. Direction of Developing International Law Proposed by Global Security Initiative**

Since the Middle Ages, ancient Egypt, ancient Greece, ancient India, and ancient China have had sporadic records of treaties, wars, and envoys between countries, and international law has begun to sprout. Later then, with the rising free capital in the West in modern times, the opening of new air routes triggered a wave of colonization and the Western Christian world split, with international law officially becoming an independent discipline. In modern times, after the baptism of World War I and World War II, the world pattern has changed dramatically, the United Nations has been established, and the connotation of international law has been constantly updated and developed with the times.

Although the value of international law is rarely mentioned in legal documents, as a law reflecting the political views of all aspects of the international community, it should shoulder the mission of the times with its own value. The Global Security Initiative is undoubtedly based on the present and puts forward a new orientation for the value of contemporary international law from the perspective of all mankind in the world. Generally speaking, it is the value of justice, harmony, humanism, order, development and innovation.

The value of justice refers to adhering to the basic principles of sovereign equality and non-interference in internal affairs, and respecting the sovereignty and territorial integrity of all countries. Sovereign equality and non-interference in internal affairs are fundamental principles of international law, which have been preserved and inherited by the Global Security Initiative. The value of harmony is reflected in insisting on peacefully resolving differences and disputes among countries through dialogue and consultation, which insists on paying attention to the legitimate security concerns of all countries. This is a requirement for the overall environment of the international community. Putting people and their interests as the first priority has always been the concept that China adheres to and practices. As for the Global Security Initiative, the development or dispute settlement initiatives in various regions and fields worldwide are all based on people’s common interests, which is a people-oriented value. The value of order is more about the orientation of the legal system and the international order system. The security concept that China adheres to is to integrate its security into the general security of international common security and ensure the

implementation of the principle of indivisible security. In addition, the zero-sum game that emphasizes that winner taking all is not the way to human development.

In addition to the value orientation, the Global Security Initiative provides forward-looking guidance on the specific behavior patterns of developing the international community. In recent years, there have been undercurrents in the international community, the most prominent of which is the game between major powers represented by China and the United States. The entire international community has shown an intensified political and security game. Global economic and financial issues have further highlighted the illegality of unilateral sanctions and national camps as well as the trend of group differentiation. Under such grim circumstances, China has proposed the Global Security Initiative, put forward key cooperation directions and conducted bilateral and multilateral security cooperation with countries worldwide as well as international and regional organizations under the framework of the Global Security Initiative, so as to promote the integrity of security concepts and interests.

### **3.2. Fundamental Principles of International Law Enriched by Global Security Initiative**

#### **3.2.1. Global Security Initiative Adds New Content to Fundamental Principles of International Law**

International law is developing, and so are the basic principles of international law. The Global Security Initiative requires insisting on heeding the legitimate security concerns of all countries, which emphasizes that mankind is an indivisible security community and the security of one country should not be at the expense of other countries' security. This is the basic connotation of the principle of indivisible security, which embodies people's security awareness, collective awareness and the overall awareness of mankind, making it possible for global politics and promoting the construction of a community with a shared future. Implementing the principle of indivisible security is conducive to improving world governance. It can be predicted that in the future international community, more international subjects will recognize and practice the principle of indivisible security, which is a useful supplement to the basic principles of international law.

#### **3.2.2. Global Security Initiative Enriches the Connotation of Basic Principles of International Law**

Throughout the development history and specific content of international law, the connotation of the basic principles of international law is mainly manifested in mutual respect, fairness and justice, and win-win cooperation.

Mutual respect means that a country, big or small, strong or weak, rich or poor, is an equal member of the international community, which requires non-interference in its internal affairs and inviolability of its sovereignty and integrity. Fairness and justice mean that all countries are sovereign, independent and equal with equal rights, equal rules and equal opportunities. They should abide by the international order and legal system centered on the purposes and principles of the *UN Charter*, paying attention to other countries' reasonable concerns while safeguarding national rights and interests. Win-win cooperation means that in current common globalization, in the face of increasingly prominent transnational issues and global risks and challenges in the wave of interdependent globalization, all countries in the world have become a community of destiny, and international cooperation has become more and more indispensable. Hence, countries should benefit and cooperate with each other in international exchanges to jointly respond to the challenges and opportunities shared by human society. As a responsible major country, China firmly advocates a comprehensive, cooperative and sustainable security concept in global security initiatives. In addition, China always adheres to respect for the sovereignty and territorial integrity of all countries, abides by the purposes and principles of the *UN Charter*, and attaches great importance to responding to the legitimate security concerns of all countries. These principles are not only the adherence and inheritance of the basic principles of international law, but also the enrichment and deepening of their

connotations, providing Chinese wisdom for global security governance and the development of international law.

### **3.2.3. Global Security Initiative Provides a Concrete Platform for Realizing the Principles of International Cooperation**

In the Global Security Initiative, President Xi emphasized “cooperation platforms and mechanisms”, among which China proposed high-level activities including the UN, Shanghai Cooperation Organization, BRICS cooperation, CICA, “China+Central Asia (C+C5)”, Global Security Initiative, East Asia Cooperation- Related Mechanisms, China-Africa Peace and Security Forum, Middle East Security Forum, Beijing Xiangshan Forum, International Exchange and Cooperation Platforms of Global Public Security Cooperation Forum (Lianyungang), etc. It mentioned that we should focus on dealing with security challenges in counter-terrorism, cyber, biology, emerging technologies, etc., build more platforms and mechanisms for international exchanges and cooperation, and jointly enhance non-traditional security governance capabilities. These platforms undoubtedly play a major role in promoting the realization of the principle of international cooperation.

### **3.3. Global Security Initiative Helps to Play the Role of International Law in Many Fields**

In the Global Security Initiative, China has put forward 20 cooperation directions, which involve multi-level and multi-field security and cooperation issues.

#### **3.3.1. International and Regional Security**

In the initiative, China proposed to adhere to the purposes and principles of the *UN Charter*, abide by the *Joint Statement of the Leaders of the Five Nuclear-Weapon States on Preventing Nuclear War and Avoiding Arms Races* to reduce the risk of nuclear war, and fully implement the resolution of “promoting the peaceful use of international cooperation in the international security” adopted by the 76th session of the UN General Assembly. The above-mentioned initiatives are all constructive requirements for the overall pattern of the world based on the security and stability of the entire international community.

In addition, the initiative pays special attention to peace and stability in all regions of the world. Such as the ASEAN-centered regional security cooperation mechanism and structure, security and stability in the Middle East, the concept of peaceful development in the Horn of Africa, and regional hotspot issues in Latin American and Caribbean countries. The concept and direction have been proposed, and the means of cooperation are where international law can be widely applied.

#### **3.3.2. Counter-Terrorism and Transnational Crime**

The fight against terrorism and transnational crime is key issues that concern the Global Security Initiative. The governance of transnational crimes involves security issues from multiple aspects such as military, politics, economics, ecology and social environments. This is a vital way to promote positive interaction among countries in security governance and improve the concept of a security community.

In recent years, China has participated in the global governance of transnational crimes through multilateral and bilateral channels. However, the existing channels still have institutional and capacity deficiencies in implementing substantive cooperation, which cannot give full play to governance efficiency. Thus, the initiative not only supports the efforts made by African countries, the African Union and sub-regional organizations to resolve regional conflicts, but also combat terrorism, safeguard maritime security and calls on the international community to provide funds and technology to African-led anti-terrorism operations, so as to support African countries to enhance their ability to maintain peace independently. China emphasized the need to strengthen maritime dialogue, exchanges and practical cooperation, properly handle maritime differences, work together to combat maritime transnational crimes such as piracy and armed robbery, and jointly maintain maritime peace, tranquility and waterway safety.

Undoubtedly, international law is indispensable to solving the anti-terrorism and combating transnational crimes. These problems have put forward new requirements for the renewal and application of international law. At the same time, they have great significance in promoting international law to keep pace with the times.

### **3.3.3. Food and Energy Security**

Food security is the prerequisite for human survival, and energy security is the basic condition for the normal operation of modern society. If both are threatened, global development prospects will be seriously threatened. In this regard, the initiative pointed out that it is necessary to maintain the smooth operation of international agricultural trade, ensure the smooth flow of food production and supply chains, and avoid the politicization and weaponization of food security issues. Besides, international energy policy coordination should be strengthened to create a safe and stable energy transportation environment and jointly maintain the stability of the world energy market and energy prices.

### **3.3.4. Information, Science and Technology, Outer Space and Other Emerging Areas**

At present, China has issued a position paper on the military application and ethical governance of artificial intelligence. The country is willing to strengthen communication and exchanges with the international community on the security governance of artificial intelligence, promote the establishment of an international mechanism with universal participation, and form a governance framework and standards with broad consensus. It is an innovative attempt to conduct international cooperation in emerging fields such as artificial intelligence. In addition, promoting international cooperation in information security is an indispensable step for global security governance. China has proposed the *Global Initiative on Data Security* and continues to promote the implementation of the *China-League of Arab States Cooperation Initiative on Data Security* and the *Data Security Cooperation Initiative of China+Central Asia (C+C5)*. As for outer space, China emphasizes the need to strengthen international cooperation, maintain the international order in outer space based on international law, and conduct outer space activities according to international law.

## **3.4. Global Security Initiative Provides New Ideas for Settling International Disputes**

Since World War II, there has been no global war in the world, but the world has not calmed down. After the Cold War between the United States and the Soviet Union, the United States established its position as the top power worldwide, with trade wars and unilateral sanctions emerging one after another. Armed conflicts are also common. From the Palestine-Israel conflict, the Syrian crisis, the Iraq war to the recent Ukraine crisis, the international situation always has undercurrents under superficial calmness. Besides, the solutions to these international disputes are not always satisfactory, and the countries in conflict will inevitably embark on contradiction and confrontation in the end. According to dialectical materialism, contradictions are not only eternal opposition, but both fighting and identity. The two sides of contradictions can transform each other under certain conditions. Adhering to this concept, China has provided a new way of resolving international disputes in the Global Security Initiative, that is, to resolve differences and disputes between countries peacefully through dialogue and consultation.

Taking the Russia-Ukraine conflict as an example, Russia and Ukraine hold different views on national security. Russia's maintenance of national security reflects the high sensitivity of "national security is overriding", which emphasizes "big security" and "absolute security", firmly defending the geopolitical "buffer zone". The way the current Ukrainian government maintains security is reflected in relying on other countries for national security and trying to safeguard its security interests with the help of a "great power balance". Such confrontation and even conflict between different national security paths worsens contradictions and eventually detonates military conflicts. On February 24, 2023, the Chinese Ministry of Foreign Affairs issued the document *China's Position on the Political Settlement of the Ukraine Crisis*, which emphasized that international law should be applied equally and uniformly, double standards should not be adopted, and the security of one

country should not be at the expense of the security of other countries. China has always insisted on adhering to the concept of common, comprehensive, cooperative and sustainable security, and resolving conflicts through peaceful consultation, rather than escalating into a military conflict.

#### **4. Role of Contemporary International Law in Safeguarding Global Security Initiatives**

##### **4.1. Contribute to the Prevention and Settlement of Disputes in Global Security Governance**

The peaceful settlement of international disputes is not only the basic principle of modern international law, but also the international *jus cogens*. Therefore, the prevention and settlement of various disputes in global security governance should follow the peaceful settlement of international disputes. Secondly, the United Nations has the status of the main platform in global security governance. Only by firmly safeguarding the basic norms of international relations based on the purposes and principles of the *UN Charter* and the international order based on international law can we avoid various disputes in global security governance.

The various confrontations and injustices in the current world are not because the purposes and principles of the *UN Charter* are outdated, but because they have not been effectively maintained and implemented. Although the existing international order has been impacted to varying degrees, it has not disintegrated and its foundation has not been destroyed. Moreover, the trend of world multipolarization and the times of peace and development has not changed. The direction of reforming the international system is solid, and the purposes and principles of the *UN Charter* have not become outdated. Advocating a “new cold war” and forcing “decoupling” is a dead end. Only by respecting the purposes and principles of the *UN Charter* and safeguarding the authority of the UN can we prevent and resolve various disputes in global security governance.

##### **4.2. Modern International Law Provides Institutional Guarantee for Safeguarding National Interests When Promoting Global Security Initiative**

###### **4.2.1. United Nations Legal Framework**

The United Nations has developed a series of legal frameworks to maintain global security. Foremost among them is the UN Charter, which establishes the purposes, principles and institutions of the United Nations and defines its responsibilities and powers with regard to global security issues. In addition, it includes a series of multilateral treaties such as the *United Nations Convention on the Law of the Sea*, the *Comprehensive Nuclear-Test-Ban Treaty*, the *United Nations Convention on Contracts for the International Carriage of Goods Wholly or Partly by Sea*, and the *Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (ICESCR)*. By joining the United Nations, international interests can be safeguarded globally.

###### **4.2.2. International Tribunals and Arbitration Institutions**

International tribunals and arbitral institutions provide a place for the settlement of national disputes. Although the International Court of Justice is not a supranational judicial institution, it plays an important role in promoting the international rule of law in theory. At the same time, some specific rules of evidence applied by the International Court of Justice in territorial disputes have provided a reference for most countries in territorial disputes and have been put into relevant practice. By hearing cases, these bodies uphold the authority and impartiality of international law.

###### **4.2.3. Trade Treaties**

Many economic and trade agreements have been signed between countries, which can promote international trade and investment, and protect the interests of countries in cooperative trade to a certain extent. China has signed economic and trade agreements with many countries, through which China can safeguard its interests and promote international cooperation and development.

## 5. Conclusion and Prospects

### 5.1. Global Security Initiative Conforms to the New Trend of International Cooperation

The Global Security Initiative adopts a diversified cooperation process, clarifies key cooperation directions and platform mechanisms, and demonstrates China's responsibility and responsibility for maintaining world peace and its determination to maintain global security. Meanwhile, the Global Security Initiative not only adheres to the central role of the United Nations in security governance and strives to promote a new global security order, but also promotes mutual coordination and positive interaction among major powers, opposes hegemony and bullying, and jointly builds a framework of major powers with peaceful coexistence and balanced development. The vast majority of countries represented by China oppose bloc politics, advocate genuine multilateralism, and insist on resolving differences through consultation and dialogue. The pursuit of absolute security will not bring about real security, but will fall into a security dilemma. Only by adhering to the principle of indivisible security and advocating global security initiatives, that is, one country cannot improve its security at the expense of reducing the security of another country, the established collective security can be reasonable and sustainable to achieve "diverse, independent, balanced and sustainable development".

### 5.2. Global Security Initiative Enhances China's International Voice

The Global Security Initiative is rooted in the excellent traditional Chinese culture of harmony and peace, which comes from China's independent foreign policy and practice of peace. This initiative fully demonstrates China's sense of responsibility in maintaining world peace and its firm determination to safeguard global security, and further embodies the essence of building a community with a shared future for mankind.

First of all, the Global Security Initiative has played an important role in promoting international security cooperation, which is in line with China's proposition in maintaining international peace and stability. China has actively participated in implementing global security initiatives and occupies an important position in a number of international security cooperation mechanisms, which provides support for its broader influence and voice.

Secondly, the Global Security Initiative reflects China's respect for and promotion of diversity and inclusiveness in the world. In the current world, countries with different civilizations, systems and stages of development have the right to exist and develop, and should respect, learn from and promote each other. China has put forward open and inclusive platforms such as the Belt and Road Initiative and the special summit of "China-Africa Solidarity Against the Epidemic", which are not only conducive to promoting the common economic and social development of all countries, but also help promote political mutual trust and cultural exchanges among all parties.

Finally, the Global Security Initiative provides China with more opportunities and responsibilities. As China continues to develop and rise in global affairs, its responsibilities in international affairs are also increasing. By actively participating in global security initiatives, China can better fulfill its responsibilities and further enhance its voice in international affairs.

## References

- [1] Dinah, L. & Shelton. (2008). *Soft Law in Handbook of International Law*. Routledge Press.
- [2] He, Z. P. (2023). The development of China's international law theory in the new era. *China Legal Science*, (01): 283-304. Retrieved from <https://doi.org/10.14111/j.cnki.zgfx.2023.01.015>.
- [3] Concept Paper of Global Security Initiative. (2023). *People's Daily*. DOI: 10.28655/n.cnki.nrmrb.2023.001857.
- [4] Huang, J. (2023). International law and the international rule of law under the century of great changes. *SJTU Law Review*, 45(01): 6-19. DOI: 10.19375/j.cnki.31-2075/d.2023.01.008.
- [5] Wang, T. Y. (1995). *International Law*. Law Press, 41.

- [6] Yun, X. L. & Song, L. M. (2019). The new type of international relations and fundamental principles of international law: A study in the context of a community of shared future for mankind. *Country and Area Studies*, 3(02): 47-62+155-156.
- [7] Huang, Y. Q. (2022). China's participation in transitional crime governance under the framework of global security governance. *Journal of Criminal Investigation Police University of China*, 168(04): 56-64. DOI:10. 14060/ j. issn.2095-7939.2022.04.006.
- [8] Han, Y. D. & Guan, X. P. (2022). How supply chains affect food and energy security. *China Discipline Inspection and Supervision News*. Accessed on November 26, 2022(004). DOI: 10.28423/n.cnki.njjjc.2022.004802.
- [9] Huang, T. Z. & Ji, R. Y. (2022). Strategic thinking on the Russia-Ukraine conflict from the perspective of a holistic approach to national security. *China Security Studies*, (02): 5-19+179.
- [10] Yang, Z. W. (2019). The Belt and Road Initiative and the development of contemporary international law. *Wuhan University International Law Review*, 3(06): 1-17.
- [11] Concept Paper of Global Security Initiative. (2023). *People's Daily*. DOI: 10.28655/n.cnki.nrmrb.2023.001857.
- [12] Huang, H. K. (2022). The foundations of the collective security system of the United Nations cannot be touched. *Yangcheng Evening News*. Accessed on May 13, 2022. Retrieved from <http://views.ce.cn/view/ent/202206/13/t2022061337748200.shtml>.
- [13] Zhang, W. B. (2011). *Study on the evidence in the international court of justice settling territorial disputes*. Shanghai: Doctoral Dissertation of East China University of Political Science and Law.