DEVELOPING ORDER THROUGH SOCIALIZATION
China's Ideological Persuasion to Build a Rules-Based Order for Cyberspace

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How do governments develop international order? Cyberspace – an emerging domain of warfare -- invites consideration of how governments develop a rules-based order to govern emerging technologies. Governments are currently working to construct common understandings to reinforce international peace and security in periods of rapid technological disruption where attacks through code rather than kinetic weaponry are growing more pervasive and threatening.[1] The security of information and technology systems are, in the eyes of many countries, where international energy and attention should be dedicated to creating clear rules of the games that prevent misunderstanding and allow governments to develop common solutions to threats.[2] The demand for creating a rules-based order is reinforced by the COVID-19 pandemic and the integration of almost every fabric of societal interactions into digital mediums, exposing domestic industries and defense to the possibility of severe disruption from malicious code.

When governments consider the development of a rules-based order, one possibility is that governments simply agree to apply existing rules to frontiers of world politics by developing norms and consensus on international law's applicability. The United States led efforts to establish such norms for cyberspace.[3] Seeking to provide an umbrella over all forms of kinetic and cyber activity, the US advocated for developing norms that previously negotiated rules and principles should extend to emerging technologies, allowing for consistency and stability in the wake of the threats and disruptions from the internet's diffusion and the growing spate of cyber-attacks. In 2013, it seemed that the US achieved goals for formulating desired norms when UN efforts produced a statement that, "international law, and in particular the Charter of the United Nations, is applicable and is essential to maintaining peace and stability and promoting an open, secure, peaceful and accessible ICT."[4]

Norms about the applicability of international law to cyberspace should not be hard to diffuse. In fact, existing theories predict that it would be rational for governments to simply apply international law to govern new technological domains rather than invest the large levels of resources necessary to develop binding rules and engage in extended periods of negotiations and deliberations to create new institutions. Governments gain efficiency when applying existing international law and drawing from previous understandings. Institutional context is an important component of developing new agreements that allows governments to learn from previous patterns of behavior, achieving joint gains from the more tailored and highly precise forms of interactions. Governments learn when partners are reliable and use this to inform future agreements.[5] Other forms of learning include drawing from highly efficacious styles of international law by simply lifting existing agreements into new settings, as is the case in many preferential trade agreements that are often copied from other bilateral pairings rather than developed from scratch.[6] In other words, legal

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[1] https://www.aspistrategist.org.au/why-the-fifth-domain-is-different/
[2] OEWG Third Substantive Session, First Meeting, CARICOM at 34:58
[3] Hollis 2017, 9.
[4] See "Group of Governmental Experts on Developments in the Field of Information and Telecommunications in the Context of International Security," June 24, 2013, ¶19, UN Doc. A/68/98.
[5] Copelovitch and Putnam 2014.
[6] Allee and Elsig 2019.

borrowing is highly rational way of ordering affairs and would be an ideal way for governments to manage uncertainty around emerging technologies.

Yet rather than easily achieving consensus, governments are highly divided about the application of existing rules to cyberspace. Despite agreeing in the United Nations Group of Governmental Experts meeting that international law applies, governments fail to agree which rules apply and dispute whether binding international treaties for the internet should be developed. Many governments expressed dismay over consensus unraveling, arguing that the international community is "going in circles" rather than achieving progress.[7] Some delegates explicitly mention that there is a fundamental divide on visions of order in cyberspace where some governments advocate for a legally binding structure whereas other advocate for voluntary non-binding norms of responsible state behavior complemented by confidence building measures.[8] Under what conditions do countries desire to develop a more legalized order in cyberspace based on the creation of binding rules? When do countries prefer new versus existing international law?

China emerges as a surprising norm entrepreneur advocating for officials to develop new rules tailored to the unique complexities of cyberspace, rather than apply all bodies of existing international law. My theory expects that China's use of ideological socialization influences how governments develop preferences for international law. Socialization involves a process of rhetorical interactions that leads actors to internalize and adopt behavior as appropriate -- a practice that is especially relevant in emerging issue areas and technologies. Socialization is achieved through a variety of normative tools including persuasion, mimicry, and social influence[9], but I find that China attempts to persuade other governments to develop new understandings in cyberspace. Persuasion is a cognitive process and if successful, governments should update statements to conform with that prescribed by China due to the attractiveness of China's approach. In other words, the gap between actors' understandings should close as a result of successful persuasion, causing delegations to express support for binding law and movements away from the status quo.

I develop a novel theory of ideological persuasion to demonstrate how China's use of ideology pulls governments to support positions on international law that would previously have been rejected. I argue that ideological persuasion attracts an ideological coalition of states to support China's preferences for developing order. Only persuasion explains the findings that governments of a similar ideology support China as it demonstrates how governments with preferences that are traditionally against the creation of hard laws and rules began to support the development of a more formal order. Scholars have long described how democracies have preferences for working through international law.[10] Emerging democracies, for instance, are especially likely to forge international commitments to lock in liberalization at home.[11] Authoritarian states are expected to prefer soft law with low levels of delegation to limit sovereignty costs.[12] Yet, in the OEWG, the opposite outcome occurs. China persuades governments with a statist ideology to support the creation of hard law whereas those the status quo position prefers softer, more decentralized arrangements. China also persuades governments to reject bodies of existing law, including international humanitarian law. I explain this surprising outcome through China's efforts to set the agenda and attract a coalition through the persuasive use of ideology.

My theory contributes to our understanding of the development of order due to the influence of a rising power. Hegemonic socialization is a process that scholars have long thought great powers pursue after major wars.[13] The theory, however, is based on the power of the hegemon to unilaterally create a set of institutions.

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[7] OEWG First Substantive Session, Fifth Meeting, Estonia
[8] OEWG Second Substantive Session, Fourth Meeting, Bangladesh
[9] Johnston 2014, 25.
[10] Slaughter 1995.
[11] Moravcsik 2000.
[12] Ginsburg 2020.
[13] Ikenberry and Kupchan 1990.

In cyberspace, the opposite outcome occurs where governments work through existing institutions and the development of order is grounded in deliberations and consensus. In other words, order must be *earned* rather than *imposed*. My theory explains how China uses ideology persuasively to mobilize a coalition to support China's proposals for the way that international order should develop around emerging technologies. My findings offer original insights into how a rising power unexpectedly works within existing institutions to create new forms of order, rather than toppling the institutional structures developed by the current hegemon or accepting the status quo. China is decidedly attempting to attract coalitions through the power of persuasion.

My research also contributes to the literature on international law and legalization. Although scholars traditionally conceptualize variation in legalization as differences between levels of obligation, precision, and delegation, I argue there are many other important decisions and calculations that divide governments when developing a rules-based order.[14] I demonstrate that governments contest whether to apply existing law and which bodies of law should structure relations. I also show that ideas about how treaties should be structured are not merely to manage uncertainty. I focus on the issue area of cyberspace – a highly uncertain and rapidly evolving sphere. Developing agreements for the internet should drive governments to structure legal with safeguards and non-binding language.[15] However, I show that through the power of ideological persuasion, ideas about agreements to achieve cybersecurity become wrapped up in thinking about the appropriate role of governments. Those with preferences for a strong role of the government in international affairs are convinced to support a binding legal instrument and agreeing that certain bodies of law do not apply to the internet due to the power of China's ideological persuasion.

This article proceeds in four sections. I first describe the existing order in cyberspace and the puzzle of preferences for a rules-based approach that includes binding legal instruments. Second, I develop an original theory of ideological persuasion, drawing from existing theories of the use of persuasion in international organizations and political communication to explain how ideology mobilizes support. Third, I explain the research design to focus on the process of developing common understanding for cybersecurity in the First Committee of the United Nations that deals with disarmament and international security matters. Discussions in the United Nations Open Ended Working Group specifically sought to consider the preeminent question of how to order affairs to mitigate the growing threats presented by the infiltration of the internet into every area of daily life in a way that has not only brought economic growth from e-commerce but also the rapid spread of cyber terrorism and attacks on critical infrastructure. I conclude with implications for other frontiers of world politics, as my research and results suggest that ideology is a highly persuasive means of attracting support for building order.

I.   Preferences for a Rules Based Order

The Highly Contested Order in Cyberspace
Cyberspace operates as an inchoate legal order that is highly decentralized and commercialized.[16] Governments collaborate through multistakeholder institutions where technical experts and firms work alongside governments to shape outcomes. Traditional multilateral bodies such as the International Telecommunications Union are largely prevented from addressing issues pertaining to internet governance. Some the institutional design of some institutions, such as the Internet Corporation for Assigned Names and Numbers, goes so far as to relegate governments to an advisory role where suggestions are received, but not always incorporated into policy. Networks of engineers make a disproportionate number of decisions given their technical expertise, leaving multilateral forums relatively bereft of an important coordinating role in cyberspace.

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[14] Abbott et al. 2000. See for instance on the argument of widening our examination of international law Finnemore and Toope 2001.

[15] Abbott and Snidal 2000; Koremenos, Lipson, and Snidal 2001; Koremenos 2013.

[16] Farrell 2006; Simmons 2011.

International law in cyberspace is decidedly structured as soft law with voluntary and non-binding norms. Instead of structuring agreements in binding terms, declarations and codes of conduct instead guide behavior. Some governments mobilized to develop common understandings, including France's partnership with Microsoft to create the Paris Call for Trust and Security in Cyberspace, which advocates for the development of norms and serves as declarations of intent. When hard law does develop, it is regional in nature. Given the growing threat of cyberterrorism, regional treaties structure coordination around cybercrime; the most prominent and longstanding instance occurring through the European Commission's Budapest Convention. Governments, however, have failed to build from regional understandings and create a comprehensive and global treaty for the internet.

Given the rise of cyber-attacks and the devastating impact on industries and national security, demand exists for creating common understanding and requiring all states to adhere to one set of rules that are tailored to managing digital threats. In fact, efforts to develop a rules-based order in cyberspace have been ongoing for over a decade. Governments began these conversations in the Group of Governmental Experts (GGE) forum where a small group of experts gathered to consider the question of whether and how international law applies to cyberspace. The 2016/2017 iteration of the GGE, which was tasked with developing a "common understanding" of how states should behave in cyberspace, however, failed to reach an agreement and produce a consensus report.[17] Governments disputed how international law applies to the use of information and communications technologies (ICTs).[18] The failure of the GGE over the terms of international law for ICTs reflect widespread contestation about how a rules-based order should develop that includes two points of concern.

First, governments contest which bodies of international law should be applied to cyberspace. A wide degree of variation exists in preferences for the existing set of rules. Optimistic governments favor widely applying existing agreements, and explicitly call for governments to develop norms that the United Nations Charter, International Humanitarian Law, and human rights law apply. The same rules structuring behavior offline should also guide behavior online. Others, however, are less sanguine about the relevance of existing bodies of international law online, despite being signatories to the original treaties. These governments still call for the relevance of international law as a useful tool, but widely content the immediate application of existing treaties due to the complex and peculiar nature of cyberspace. Cautious governments argue that the international community should invest resources into negotiating a treaty for cybersecurity and cybercrime. Second, governments are divided about whether international order should remain decentralized and rely on the development of voluntary norms or whether the international community should codify understandings into a binding legal instrument that is tailored for digital mediums, shifting the nascent form of international order in cyberspace to a binding rules-based order.

The Puzzle of Preferences in Cyberspace

Rules-based orders are the realm of liberal states. One reason for this phenomenon includes United States efforts to draft international law to constitute a *liberal* international order in the wake of World War II, allowing the United States to instill normative preferences within a set of institutions that serve as the foundation of a rules-based order.[19] Many institutions are designed to manifest liberal ideology when structuring relations so that even though US power declines, the ideas and interests of the US will continue to be reflected in how international collaboration is organized. These institutions are grounded in a liberal philosophy which privileges the role of markets and the rights of individuals.[20]

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[17] OEWG Background Paper "International Law in the Consensus Reports of the United Nations Group of Governmental Experts" https://unoda-web.s3.amazonaws.com/wp-content/uploads/2020/01/background-paper-on-international-law-in-the-gges.pdf

[18] Sukumar 2017.

[19] Ikenberry 2000; Dai 2020.

[20] Voeten 2021.

Other reasons are domestic, as liberal states prefer working through a rules-based order due to the relationship between state and society.[21] Given the way that liberal governments support rule of law at home, it is natural to anticipate that these governments prefer norms that international collaboration should be similarly grounded in clear rules and legal constraints. There is also clear domestic demand for a rules-based order. For democratizing states, international law can be used to lock in the changes in domestic institutions by serving as a credible commitment of a government's intensions to follow a liberal pathway to ordering affairs at home.[22] Others consider the efficiency that can be gained when two liberal democracies work through international law, elaborating from existing thinking about democracies establishing ideal and less conflictual relations. Given the trust that exists between liberal states, these governments are more likely to wield law to order their affairs. As such this body of literature proposes that there are democratic advantages to working through law, as in other areas of world politics.

Although international law is widely recognized for the importance of structuring international relations, it varies in form. Scholars examining legalization tend to broadly conceptualize the differences between types of governance systems through the lens of hard and soft law.[23] The differences between both forms are contingent on sovereignty costs – the levels of agency that governments give up when signing law. When crafting agreements as hard law, governments forgo larger levels of agency, often due to decisions to provide authority to supranational bodies to make decisions on behalf of governments or to allow third parties to handle dispute resolution with binding outcomes on parties.[24] Traditional theories expect liberal democracies with preferences for elevating the role of markets and a respect for human rights to prefer working through binding laws and constituting collaboration through clear rules. Authoritarian governments, on the other hand, are expected to prefer soft law that allows for the protection of state sovereignty and a greater range of movement due to the voluntary and non-binding nature of soft law.[25]

The nature of illiberal states to be cautious around international law presents a dilemma unexplained by existing theories of preferences for a rules-based order in world politics. In cyberspace, authoritarian states are the governments loudly arguing against the efficacy of existing soft law and norms and instead agitate for the development of binding rules. In fact, these governments call for tougher rules for precisely the reason unexpected by our traditional theories: to bind government's hand. Russia bluntly expressed dissatisfaction for soft law and called for states to codify understandings as, "if international is applicable, how can it be in line with voluntary nature of norms, so that sometimes it is applied and sometimes it doesn't have to be applied."[26] Other governments like China call for governments to privilege the United Nations Charter and reject the application of International Humanitarian Law. These preferences are at odds with the predictions from the literature and raise important questions. Why are the countries our theories least expect to prefer hard law the most supportive of developing legally binding treaties in cyberspace?

II.   International Order and Ideological Persuasion

Theories of Persuasion
Persuasion is at the heart of politics.[27] Since the struggle to advance an agenda is contingent on votes and support of other delegations, the logic of interactions within international organizations is built on a foundation of persuasion. Persuasion is an inherently social process that encourages officials to adopt norms

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[21] Slaughter 1995; Moravcsik 2013.
[22] Moravcsik 2000.
[23] Abbott and Snidal 2000.
[24] Abbott et al. 2000.
[25] Ginsburg 2020.
[26] OEWG First Substantive Session, Fifth Meeting, Russia
[27] Mutz, Sniderman, and Brody 1996.

through a process of "changing minds, opinions, and attitudes." As a result of successful persuasion, the gap between understandings closes.[28]

Johnston's theory of persuasion suggests there are three dominant ways that officials are persuaded within international organizations.[29] The first occurs when officials are convinced by the merits of argumentation and the content of new information. Of particular value to persuasion within international contexts is the way that arguments are framed. Framing calls attention to issues by using language that interprets and dramatizes them. The creation of cognitive frames helps officials understand the importance of an issue and this strategy is also used to highlight differences from the status quo and existing approaches in a way that motivates action.[30] Specifically, actors might behave specifically in an inappropriate or dramatic manner to create enough discomfort that motivates action. Variation in framing has been shown to drive differences in receptiveness to new strategies of mitigating cross-border problems within the United Nations. Greater support for collaboration on human trafficking, for instance, was achieved when the problem was framed as an issue of organized crime rather than as an offense to human rights.[31]

Second, social context and cues about the legitimacy of the argument are important.[32] If the persuader is perceived as credible and trustworthy, the message becomes more salient and likely to change opinions. Identity and culture are often important factors to enhance the potential for persuasion, as arguments from an in-group are more likely to be attractive.[33] Scholars have shown that ideological affiliation matters within domestic politics as conservatives tend to find other conservatives' cues more credible.[34] Sources which are held in esteem by the audience also have a higher likelihood of persuading an audience. Cultural authorities, such as religious leaders, doctors, and scientists, are more likely to achieve their goals as the public often holds these leaders in esteem and respects their opinions. The third pathway involves characteristics of the persuadee that could retard or propel persuasion. In particular, the strength of existing attitudes is important to shaping how officials consider and adopt new positions as those with strongly held beliefs may be impossible or very difficult to persuade.

Ideological Persuasion and Framing
Is persuasion a strong enough mechanism that governments can be convinced to develop a binding rules-based order in cyberspace and take on the sovereignty costs associated with codifying understanding into clear rules? I argue that ideology is a powerful normative tool that enhances the ability of persuasive rhetoric in international institutions to attract a coalition. Ideology is a set of propositions about "how issues should be resolved" and "who should resolve them". It defines what is good, how resources should be distributed, and where power resides.[35] In contrast to liberalism and the emphasis on the role of markets, a statist ideology privileges the role of governments. Those with similar ideologies have similar goals and ideas about the way that institutions should be structured and the purposes that organizing activity through international law should fulfill. When governments share similar ideologies, attempts to persuade are more likely to be seen as credible and worth pursuing. These cues enhance the degree of trustworthiness about the proposal and how it will impact outcomes within international organizations.

How do governments set the agenda that a particular ideology will be supported through changes in international order? In the case of China, Beijing uses framing to call attention to how state sovereignty will be supported by highly legalized forms of collaboration. China leans heavily on privileging the role of

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[28] Johnston 2001; Johnston 2014, 155.
[29] Johnston 2014, chap. 4; Johnston 2001.
[30] Finnemore and Sikkink 1998.
[31] Charnysh, Lloyd, and Simmons 2015.
[32] Eulau 1986; Mutz, Sniderman, and Brody 1996.
[33] Hovland, Janis, and Kelley 1953.
[34] Lupia 2002.
[35] Voeten 2021, 21.

governments within remarks.[36] In opening statements, China called for ingraining the principle of state sovereignty into "the foundation of international rules in cyberspace."[37] Governments should not take a laissez faire approach to ICT security or be content for civil society and technical experts to direct activity. Instead, China advocates for governments to become heavily involved in passing legislation and monitoring for threats. China argues that states should "exercise jurisdiction over the ICT infrastructure, resources, and ICT-related activities within their territory", arguing that governments have a positive obligation to ensure stability.

Other ways to incorporate ideology persuasively is to dramatize and interpret the need for a rules-based order that supports the role of governments. Engaging in persuasive strategies involves a high degree of contestation and may even seem inappropriate, since the appropriateness of existing norms is exactly what is being challenged. It can involve a high degree of contestation and calling attention to the need to reorganize existing approaches.[38] When China discussed whether existing rules should be applied, the delegation dramatized the need for caution around the status quo. Considering the application of International Humanitarian Law (IHL) makes the question one of whether governments "want war or whether we want peace." China's delegation underscored states must proceed carefully around the application of existing rules as, "a cyber war can never be won and must never be fought,"[39] which framed the issue similar to the problem of nuclear weapons and mutually assured destruction. In other words, the applicability of law was framed in security terms that would make governments hesitate before moving forward with the existing set of rules.

China's persuasive use of ideology suggests that countries which support a statist ideology in other issue areas are more likely to gravitate towards China's ideas about developing order in cyberspace when it is positioned through the persuasive lens that rules and norms should be reorganized to privilege governments. Those, however, with pre-existing ideas that liberalism is an appropriate means of organizing institutions are more immune to China's persuasion and we should observe very limited movement in their positions. In fact, these governments should directly resist China's calls as the ideological framing indicates that liberal values will not be supported in the reorganization of international order in cyberspace. China's frames that focus on security over human rights are likely to be widely attractive, but most likely to appeal to governments with similar ideological preferences. Critically, if China's persuasion is at work, we should observe governments least likely to historically support international law and treaties indicating support for developing a binding instrument in cyberspace and prefer new rules over existing bodies of law due to the impact of China's persuasion.

H1: *If China's ideological persuasion is at work, countries with a statist ideology (those that privilege the role of governments in global governance) should be more likely to support the creation of binding legal instruments and less likely to prefer applying existing bodies of law, relative to governments with preferences for liberal ideology.*

III.   Research Design and Measurement
Some governments describe the United Nations Open Ended Working Group on Developments in the Field of Information and Communications Technologies (OEWG) as a "socializing process" as the first instance in which an international process on the discussion of information and communications technologies (ICTs) was open to participation by all United Nations member states.[40]

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[36] Segal 2020.
[37] OEWG Substantive Session 1, Meeting 3, China
[38] Finnemore and Sikkink 1998.
[39] Ibid at 46:03
[40] Author's personal interview with Heli Tiirmaa-Klaar, Estonia's Ambassador at Large for Cyber Diplomacy, Friday, October 8, 2021.

The OEWG is ideal forum to examine persuasion as the process was designed to allow governments to learn from other delegations and engage in dialogue and deliberation to reach a common understanding. Even governments highlighted in their statements how much they learned from the process of participating in the deliberations and engaging in conversation. During the first substantive session on international law, many governments expressed appreciation for the forum and being exposed to ideas from other countries. Iran noted, "I'm grateful to all distinguished colleagues taking the floor before me, we learned a lot"[41] and the United Kingdom noted the OEWG discussions have been "educational" towards developing a common understanding.[42] This does not mean that the dialogue was always placid or calm. The Chair of the OEWG summarized the discussions on international law as "intense", reflecting many diverging, but very sincere viewpoints and national perspectives.[43]

Examining speeches made during the OEWG suggests a fruitful environment for determining state preferences and whether states are persuaded by China's ideology. The OEWG is also an ideal case study due to the volume of content governments produced from the discussions. Within the OEWG deliberations spanning three years, over 500 delegates from 146 countries and 114 organizations from civil society, the private sector, and academia discussed issues relevant to the application of international law to cyberspace, outlining preferences for legalization within written statements and statements made from the floor of the OEWG.[44] The first meeting was held in 2019 and the final report was submitted in 2021, producing over 110 hours of on-record statements. During the OEWG, each country had the opportunity to make statements from the floor of the OEWG and submit written statements to the Chair. To collect these statements, I first download written submissions made about each version of the draft consensus report from the United Nations Disarmament Affairs.[45] The second step involves collecting the videos of statements made from the floor of each of the three substantive sessions and creating transcripts using computer-to-text services.[46]

Content analysis is used to produce rich description of China's persuasion on the floor of the Open-Ended Working Group and how governments engage with the frames Beijing deploys to convince other delegations to deviate from the status quo position of applying existing international law. I begin by analyzing the statements made on the floor of the Open-Ended Working Group and coding whether these statements reflect support for the status quo or developing a more highly legalized rules-based order that includes binding treaties specifically designed for cyberspace. Many governments – even those that are signatories of existing treaties -- contest the application of international law to govern the internet. Specifically, governments are divided on which bodies of law apply. To capture government positions, I create dichotomous variables that indicates support for binding treaties, support for applying existing law and a range of indicators about support for specific international bodies of law. These variables are subjected to a series of logistic regressions.

One methodological challenge is that not every country delivers a statement. Some of the agenda items are organized so that interested parties can speak. In addition, some governments work together to join coalitions and deliver joint statements. For instance, the European Union organized to deliver a statement on behalf of member states. To account for this, I run the analysis to take into the account the states that individually delivered statements indicating support versus an approach that includes both individual statements along with comprehensive statement from coalitions. The major coalitions that mobilized joint

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[41] OEWG First Substantive Session, Fifth Meeting, Republic of Iran
[42] OEWG Second Substantive Session, Fourth Meeting, United Kingdom, 1:23:49
[43] OEWG Second Substantive Session, Fourth Meeting, United Kingdom, 1:23:49
[44] OEWG Third Substantive Session, First Meeting, United Nations Under-Secretary-General of Disarmament Affairs, Izumi Nakamitsu
[45] https://www.un.org/disarmament/open-ended-working-group/
[46] To obtain transcripts of the statements from the floor, I used Otter AI transcription service from United Nations TV, https://media.un.org/en/asset/k1g/k1giumno6h. To produce a corpus of the written submissions, I use download submissions from the dedicated OEWG website, https://www.un.org/disarmament/open-ended-working-group/

statements include the Caribbean Community (CARICOM), the European Union (EU), the Pacific Island Forum, and the Non-Alignment Movement (NAM).

To further confirm whether persuasion is the mechanism at work, I analyze the way that governments engage with ideas about international law; specifically seeking to understand whether China's arguments are reflected in government statements made on the floor of the OEWG and how China's position changes the tenor of the debates. Under the agenda item international law, mapping preferences for International Humanitarian Law (IHL) presents a useful opportunity to trace the positions of each delegation as reflected through statements made on the floor of the session or within the written submissions. IHL rules are based on the principle of distinction, which requires belligerents to distinguish between the civilian population and combatants and direct operations only towards military structures and populations.[47] China contests the application of IHL. If China's persuasion is at work, we should observe governments directly engaging with China's argumentation about the need to have caution around IHL and develop binding treaties to prevent the militarization of cyberspace. We should also observe China's framing and rationale for the alternative of developing a binding treaty reflected in positions of other delegations.

Independent Variable:

Ideological Persuasion
My first expectation is that governments that traditionally share ideological preferences emphasizing the importance of the role of governments will be more likely to support developing a highly legal order grounded in a binding treaty. To measure ideology, I rely on measurements derived from votes within the United Nations General Assembly (UNGA) where states regularly express preferences for human rights, disarmament, economic development. Expression of interests on a multitude of global issues coupled with the non-binding nature of the forum provides incentives to sincerely express policy positions.[48] Similarity in voting patterns reflects normative perspectives about how the global institutional system should work, including what is normatively good and how resources should be distributed.[49] To consider support for a statist ideology rather than liberal, I use the ideal distance score developed by Bailey, Strezhnev, and Voeten that represents the distance of UNGA votes from China on traditional issues ranging from disarmament to trade and economic policies.[50]

Dependent Variables:
Several agenda items reveal preferences for how order should develop in cyberspace.[51] Relevant agenda items include "international law" and "rules, norms, and principles" where governments indicate whether there is a desire to shift from the status quo. I collaborate with a research assistant to gather and code these statements. I also map preferences for whether governments wish to move international order from a decentralized and inchoate order with norms about the application of existing rules into an international order that is structured by binding rules and treaties. Government statements are coded into dichotomous variables that reflect those that support preferences for developing a more centralized and binding rules-based order in two different areas.

Preferences for Creating Binding Legal Instruments for Cyberspace

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[47] Art. 48 AP I; Rules 1 and 7 ICRC Customary IHL Study. International Court of Justice, Legality of the threat or the use of nuclear weapons, Advisory Opinion, 8 July 1996, para. 78.

[48] Ball 1951; Lijphart 1963; Moon 1985; Vengroff 1976; Russett 1966

[49] Voeten 2021, 29.

[50] Bailey, Strezhnev, and Voeten 2017.

[51] According to paragraph 5 of the GA Resolution A/RES/73/27, there are six substantive issues for discussion: existing and potential threats, international law, rules, norms and principles, regular institutional dialogue, confidence building measures, capacity building.

Legalization is typically conceptualized as differences between hard and soft law.[52] Some governments advocate for a change in legalization, so order in cyberspace is designed around *binding* legal instruments specifically designed for the internet. Changes in legalization are another way of tracing which governments are not satisfied with the existing voluntary norms that international law should be applied. For instance, Egypt argued that the task at hand is to "agree on a comprehensive set of binding rules on the uses of [ICT] technologies by states." I code governments that advocate for the development of new binding rules. The position that binding rules should be developed contrasts with other perspectives that the existing body of law is sufficient for regulating behavior in cyberspace. Croatia, for instance, is of the persuasion that governments should "work together and focus our time and energy on efficient implementation and deepening of already agreed norms and principles, rather than creating new legally binding rules." I expect that China's ideology persuades governments with ideological preferences for a strong role of the government to advocate for a binding legal instrument.

Preferences for Existing versus New Rules

Another rich but underexamined dimension of international law is its applicability to emerging issue areas. Within cyberspace, governments agreed in 2014 that international law applies, but have since been unable to reach consensus about which bodies of law. Some governments vaguely argue that international law applies, whereas others deliberately name and specifying International Humanitarian Law, human rights law, and the United Nations Charter. I create dichotomous variables for each body of law to explore specific preferences around existing versus new rules.

Controls

I consider three different alternative explanations. First, since United States president Bill Clinton's statement that "trying to regulate cyberspace, is like trying to nail JELL-O to the wall", many government officials and scholars continue to think that preferences for international law in cyberspace is a function of capacity. Even the United Nations Office of Disarmament Affairs (UNODA) seemed to signal that not all states approach the OEWG on a level playing field as experts were coordinated to brief states before each session of the OEWG on each section of the agenda so that each delegation is privy to the same degree of knowledge about the history of UN discussions on cybersecurity.[53]

I use measurements of capacity provided by the VDEM's Digital Society project, *Digital Regulatory Capacity*, that asks country-level experts whether "the government have sufficient staff and resources to regulate internet content in accordance with existing law?", helping to serve as a proxy for legal capacity in the area of digital affairs. Governments also mention a "digital divide" and call on capacity building efforts to foster the ability of governments to participate in internet governance and express preferences for institutions. The Organization of American states noted that technical and financial support is crucial to build the type of technical capacity necessary to even engage in digital diplomacy.[54] I use the Digital Society Project's *Cybersecurity Capacity* which measures, "does the government have sufficiently technologically skilled staff and resources to mitigate harm from cyber-security threats?"

Second, preferences for international law may involve both economic and security demands. Those that are subject to attacks may have a greater interest in establishing multilateral tools and common solutions. I consider cyber threats using two measures from the Digital Society Project.[55] First, I use *Misinformation* which measures how "routinely do foreign governments and their agents use social media to disseminate misleading viewpoints or false information to influence domestic politics in this country?" Second, I use a proxy for how social media is weaponized domestically by internal rather than foreign actors to mobilize groups for protests.

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[52] Abbott and Snidal 2000; Abbott et al. 2000.
[53] OEWG
[54] OEWG OAS Statement
[55] Mechkova et al. (2019, V-Dem Working Paper Series 2019:87); Pemstein et al. (2019, V-Dem Working Paper Series 2019:21)

Offline violence measures how often people use social media to organize offline violence. Finally, the measures of logged GDP, Market Size, and logged GDP per capita, Market Wealth approximate development status and the commitment of governments to e-commerce.

Lastly, other governments may have preferences for law apart from ideology. I consider liberal arguments that domestic variables influence governments to demand a highly legally binding rules-based order. I use the 21-point Polity measure of democracy that is widely used to measure regime type to consider the extent to which regime type is determinant of preferences for how international law should develop.

IV.   Preferences for Change in the Rules-Based Order

In Table 1, I examine preferences for changes in the rules-based order by specifically considering changes in the degree of legalization in cyberspace. When governments argue that international order should shift from a soft law approach grounded in norms and voluntary agreements to a highly legalized order grounded in binding rules, my results suggest that these preferences are motivated by ideology. Governments with a closer ideological distance from China are more likely to support calls for a binding treaty, indicating that governments with preferences for the strong role of the government in international affairs are most likely to support legalizing cyberspace. This includes the positions of governments speaking unilaterally (Model 1), and those that speak within coalitions (Model 2). Interestingly, the control variables are also

My results also indicate that governments farthest away from the statist ideology are most likely to support applying international law and developing non-binding norms about the applicability of existing rules, although this result only holds for governments within coalitions (Model 4), rather than governments that make unilateral statements of support (Model 3). This suggests that coalitions like the European Union are important for organizing support for applying existing rules, which coordinates activity and makes statements on behalf of member states. For instance, on the floor of the Open-Ended Working Group a representative from the European Union delivered a statement that "a universal cybersecurity framework can only be grounded in existing international law."[56]

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[56] Open Ended Working Group, European Union, Substantive Session 1 Meeting 1

Table 1: Preferences for Legalization in Cyberspace

	Dependent variable:			
	Binding Treaty	Binding Treaty (IO)	Apply Law	Apply Law (IO)
	(1)	(2)	(3)	(4)
Ideal Point Distance (China)	−1.860**	−2.004***	1.396	2.954***
	(0.713)	(0.606)	(0.852)	(0.855)
Cybersecurity Capacity	0.756	0.359	1.584**	0.660
	(0.450)	(0.348)	(0.590)	(0.619)
Regime Type (Polity)	0.026	−0.170***	0.054	0.221
	(0.062)	(0.050)	(0.118)	(0.121)
Log(GDP)	0.830**	0.225	0.338	0.084
	(0.258)	(0.174)	(0.294)	(0.284)
Log(GDP per Capita)	−0.878*	−0.685*	0.657	0.567
	(0.394)	(0.272)	(0.529)	(0.542)
Offline Violence	0.043	0.020	0.226	−0.032
	(0.288)	(0.228)	(0.419)	(0.388)
Digital Interference	0.672*	0.024	−1.041*	0.076
	(0.335)	(0.239)	(0.488)	(0.454)
Regulatory Capacity	0.086	−0.257	−1.027	−0.278
	(0.426)	(0.307)	(0.610)	(0.575)
Constant	−14.948**	2.376	−19.265**	−12.413
	(5.327)	(3.952)	(7.111)	(6.349)
Observations	151	151	151	151
Log Likelihood	−41.095	−65.132	−27.998	−27.731
Akaike Inf. Crit.	100.189	148.264	73.995	73.463

Note: *p<0.05; **p<0.01; ***p<0.001

In Table 2, I explore the relationship between ideology and preferences for existing bodies of international law. The same relationship between ideology and preferences for change in the rules-based order holds when I examine only governments that indicate support for only applying the United Nations Charter and do not mention support for any other bodies of international law, reflecting preferences for the role of the government and principles of state sovereignty and non-interference that are embedded in the Charter. Other bodies of law, however, are explained instead by regime type. When examining support for International Humanitarian Law, I find that governments who advocate for IHL in statements are most likely to be driven by regime type, with more democratic governments preferring developing norms for a wider application of existing international law. This could be due to the way that opposing coalitions, especially the European Union, mobilized the need for the application of international to support a "free and open" cyberspace and delivered statements on behalf of all member states supporting the wide application and the reliance of the international community on IHL. Likewise, support for applying bodies of human rights law is

driven by regime type with democracies preferring to widely apply principles that protect the rights of individuals online just the same as offline. This is also due to the influence of the European Union and the statement delivered on behalf of the highly democratic member states.

Table 2: Preferences for Existing Bodies of Law

	Dependent variable:		
	UN Charter	Human Rights Law	IHL
	(1)	(2)	(3)
Ideal Point Distance (China)	−1.884***	0.674	0.974
	(0.572)	(0.702)	(0.665)
Cybersecurity Capacity	−0.048	−0.686	−0.288
	(0.337)	(0.500)	(0.448)
Regime Type (Polity)	−0.124**	0.661**	0.869**
	(0.046)	(0.253)	(0.315)
Log(GDP)	0.099	0.023	0.055
	(0.171)	(0.244)	(0.231)
Log(GDP per Capita)	−0.472	1.512**	0.638
	(0.253)	(0.576)	(0.518)
Offline Violence	0.065	0.245	0.218
	(0.226)	(0.343)	(0.338)
Digital Interference	−0.212	0.494	0.480
	(0.235)	(0.370)	(0.350)
Regulatory Capacity	−0.181	0.867	0.579
	(0.304)	(0.523)	(0.477)
Constant	3.407	−20.566**	−16.056**
	(3.924)	(6.540)	(5.679)
Observations	152	152	152
Log Likelihood	−68.271	−30.149	−33.967
Akaike Inf. Crit.	154.542	78.297	85.934

Note: *p<0.05; **p<0.01; ***p<0.001

V. Persuasion and Preferences for International Humanitarian Law

Persuasion is wrapped up in argumentation. If persuasion is the mechanism at work, then we should observe governments directly engaging with China's ideas about International Humanitarian Law and either adopting positions using the same rhetoric and examples or directly opposing China's position.

I conduct content analysis of debates in the OEWG about International Humanitarian Law to test how governments engage with China's proposals and whether those that support binding rules do so for the same reasons as China, reflecting the mechanism of persuasion at work when these governments are convinced by

China's rationale and adopt similar styles of argumentation on the floor of the Open-Ended Working Group. I also seek to understand how China's persuasion sets the agenda and whether delegations advocating for the application of IHL react to proposals for international treaties. If China is being persuasive, we should observe China's strategies driving the agenda and causing reactions from both sides of the ideological aisle.

China's Arguments and Framing

On the floor of the Open-Ended Working Group, China relied on persuasion to communicate the dangers of the status quo by framing the application of existing some bodies of international law as endangering international security and of fundamental importance to preserving stability. Specifically, International Humanitarian Law (IHL) threatens peace and stability and legitimizes warfare. China argues when governments use international law to affirm guidelines for the conduct of war in cyberspace, acknowledging the application of IHL is "equivalent to formulating the rules of cyber war."[57] Reasoning by analogy, the Chinese diplomat asked whether officials would feel comfortable if the laws of armed conflict are applied to nuclear war or whether this action would be perceived as creating guardrails for nuclear war to occur.[58]

Furthermore, Beijing argued governments must be extremely cautious about applying IHL to the cyber domain given the unique complexities of the internet. Although acknowledging the importance of protecting civilians, China argued the application of IHL is challenged by the irregularities of the internet. During a discussion about protecting civilian targets in cyberspace, the International Committee of the Red Cross (ICRC) proposed hospitals should be marked so they will not become the target of an armed cyber-attack. The Chinese delegation to the OEWG argued in response that, "if these places are marked, does it mean that the places that are not marked, can be attacked? This is not a philosophical issue. As a matter of fact, it reflects the feature of cyberspace. That is, it is very hard to differentiate military targets from civilian targets."[59]

Despite resolutely acknowledging that cyberspace is not a lawless frontier, China expressed dissatisfaction with the existing body of rules and attempted to persuade other governments to develop new rules. Since certain bodies of law are not well-suited to the medium of cyberspace, China argued governments should develop new legal instruments "tailored to the attributes of ICTs and evolving realities".[60] Priority should especially be given to emerging security concerns, focusing first on developing rules to counter terrorism by establishing an international legal instrument for combating cybercrimes. Emerging legal instruments should codify new norms that guide state behavior through the ideological compass of state sovereignty and security. Specifically referencing the Shanghai Cooperation's 2011 submission to the United Nations, "International Code of Conduct for Information Security", China's submission to the Open-Ended Working Group elaborated this long-standing vision for an international legal instrument to strengthen security by enhancing the role of the state in digital affairs; sovereignty should lay the foundation of order in cyberspace and be the driving principle that undergirds international cooperation.[61]

Preferences for Change

Some questioned the applicability of international law to cyberspace. Notably, these countries used China's arguments that the medium of cyberspace is unique and requires a careful approach to avoid security consequences. India noted the application of IHL in cyber warfare is challenging due to the absence of clarity on what constitutes civilian versus military objects in cyberspace and it "is clear that there is no consensus on the applicability of IHL to the cyber domain." Governments have limited agreement on the definition of

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[57] OEWG First Substantive Session, Fifth Meeting, China at 41:14

[58] Ibid at 1:46:03

[59] OEWG First Substantive Session, Fifth Meeting, China at 1:40:33

[60] China's Submissions to the Open-ended Working Group on Developments in the Field of Information and Telecommunications in the Context of International Security, Section III "Application of Existing Law"

[61] Ibid, Section II "Norms, Rules and Principles for the Responsible Behavior of States"

damage and guidance for calculating damage in cyber warfare.[62] Israel noted, "the unique characteristics of cyberspace such a such as its immaterial and global nature, the fact that information flows across borders and the rapid pace of technological development raise questions regarding how and when particular international law rules apply."[63] Governments agitating for change resolutely argued against maintaining the status quo, as "the ICT space represents a gray area under international law".[64]

Many reflected China's position that IHL presents security challenges. Cuba, Iran, and Venezuela reiterated China's point almost verbatim. Cuba argued that the "applicability of IHL to the security dimension of ICTs, the international community would be recognizing the possibility of armed conflict in this field and therefore contributing to an increase in the present militarization of cyberspace"[65] and Iran and Venezuela reiterated that governments should avoid language which gives an impression constituting or validating the ICT environment as a new battlefield through the application of IHL.[66] According to Zimbabwe, "existing international law is insufficient" and applying IHL would have the impact of turning cyberspace into "a conflict zone."[67] Russia emphasized China's point by highlighting that ICTs "do not fit the definition of a weapon" so IHL is not automatically applicable to the ICT environment since it is only applied during the context of military conflict.[68]

Governments that contested the application of international law used China's arguments that cyberspace should not be regulated in a similar fashion to existing domains. Pakistan expressed uncertainty that the existing body of law could be taken off the shelf and applied to the "unique differences between the physical and cyber spheres, including speed stealth and anonymity associated with the use of ICT, as well as the difficulty in attributing the source of an ICT incident."[69] Russia agreed with the statement of the Chinese delegate and analogized the development of laws for cyberspace as analogous to laws for the seas. Although the international community agreed that international law pertains to the seas, this has not prevented the international community from drafting legislation specifically tailored to regulation conduct at sea, including the United Nations Convention the Law of the Sea.[70] Indonesia emphasized governments should not automatically apply existing rules without examining "the unique nature of activities in cyberspace" and adjust for new interpretations.[71]

Those that argued for the development of new conventions argued that the rules developed for cyberspace should be binding forms of hard law. The delegate from the Russian Federation reiterated China's calls for binding laws. If voluntary rules means that countries sometimes apply law but at other time ignore,

[62] OEWG First Substantive Session, Fifth Meeting, India at 9:26
[63] OEWG First Substantive Session, Fifth Meeting, Israel at 2:02:56
[64] OEWG First Substantive Session, Second Meeting, Belarus
[65] Cuba "Considerations on the Initial Pre-Draft of the Open-Ended Working Group (OEWG) on Developments in the Field of Information and Telecommunications in the Context of International Security", April 16, 2020, https://front.un-arm.org/wp-content/uploads/2020/04/considerations-on-the-initial-pre-draft-of-the-oewg-cybersecurity-cuba-15-april.pdf
[66] Preliminary reflection by the Islamic Republic of Iran, Initial "Pre-draft" of the report of the OEWG on developments in the field of information and telecommunications in the context of international security" April 2020, General Observations, Paragraph 7. https://front.un-arm.org/wp-content/uploads/2020/04/iran-preliminary-on-oewg-pre-draft-15-april-2020-1.pdf See also Venezuela, Pre-Draft Comments, April 2020, Paragraph 9, https://front.un-arm.org/wp-content/uploads/2020/04/nv-00069-annex.pdf
[67] Zimbabwe, April 2020, Section 3 "International Law", https://front.un-arm.org/wp-content/uploads/2020/04/zimbabwe-position-on-pre-draft-of-oweg-final-report.pdf
[68] Russia, Commentary on Pre-Draft, April 2020, Paragraph 2, https://front.un-arm.org/wp-content/uploads/2020/04/russian-commentary-on-oweg-zero-draft-report-eng.pdf
[69] OEWG Second Substantiative Session, Fourth Meeting, Pakistan at 23:30
[70] OEWG First Substantive Session, Fifth Meeting, Russian Federation at 1:22:51
[71] Venezuela, Pre-Draft, April 2020, International Law (a), https://front.un-arm.org/wp-content/uploads/2020/04/indonesia-respose-to-oewg-ict-initial-pre-draft.pdf

this behavior doesn't seem particularly logical.[72] Emphasizing the point, the Russian delegate bluntly expressed dissatisfaction with the existing accords, noting "if international law is applicable, what are we doing here."[73] Russia argued that the rules of the road function selectively since governments have different views on the applicability of bodies of international law and will likely respond differently. Egypt argued that it is puzzling to hear countries advocating for applying existing international law while also calling for work on norms and non-binding voluntary codes of conduct. Egypt emphasized that norms exist; states now need to focus energy on creating treaties that codify and clearly elaborate legal principles specific to cyberspace.[74] It would be counterproductive to selectively decide which bodies of international law apply; states should instead use the time to elaborate new binding measures specifically tailored to the medium.[75] Binding international rules with strong delegation to a standing body, could in the opinion of Syria, overcome the challenges of ICTs and allow an institution to monitor the pace of rapid developments in the area.[76] Summarizing the opinion of the countries echoing China's position on binding rules, Nicaragua noted the "time is ripe" to develop a "specialized international convention" to resolve the issue of a "legal vacuum" regulating ICTs.[77]

Status Quo Preferences

Even when governments opposed China, they responded directly to China's frames and positions. Recognizing that the international community is not "starting from scratch", the status quo position affirms that existing treaties apply to cyberspace.[78] These governments are mainly liberal democracies that support the application of international law, arguing that it would be more efficient and appropriate to carry consensus to cyberspace given the pace of technological developments. The Netherlands summarized the status quo position that, the world has "traffic regulations" and countries do not need to change the rules of the road when new innovations are developed.[79] International law already contains all the necessary boundaries.[80]

Governments in the camp arguing for the application of international law responded directly to China's position, identifying limited reasons not to apply International Humanitarian Law. The United States argued the Geneva Conventions are "one of the very few universally ratified international treaties" that benefits humanity by guiding ethical behavior in war.[81] Brazil argued governments should apply IHL to cyberspace, creating a similar system of rules and principles that already cover interactions within the domains of air, sea, and land – to contribute to the maintenance of stability within cyberspace.[82] The Brazilian delegate argued without recognizing IHL, conflict could potentially be more destabilizing and disruptive and foster an arms race in cyberspace.[83] Others responded to China's position that IHL could destabilize international security. Mexico argued that IHL does not legitimize war or foster the militarization of cyberspace, but instead provides guardrails.[84] If conflict should arise, IHL would provide clarity on the obligation of states to comply with existing international law and norms.[85] Australia argued the Geneva Convention does not "create rules of war" but instead offers a "framework to protect civilians and civilian targets in the event that

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[72] Ibid at 1:30:13
[73] OEWG Second Substantive Session, Fourth Meeting, Russia at 33:34
[74] OEWG First Substantive Session, Fifth Meeting, Egypt at 1:47:47
[75] OEWG First Substantive Session, Fifth Meeting, Egypt at 32:39
[76] OEWG First Substantive Session, Fifth Meeting, Syria at 1:58:41
[77] Permanent Mission of Nicaragua, Pre-Draft, April 2020, Paragraph 1, https://front.un-arm.org/wp-content/uploads/2020/04/minic-mis-143-04-2020-permanent-mission-of-switzerland.pdf
[78] OEWG 3rd Substantive Session, Third Meeting, the United States at 3:03
[79] OEWG 1st Substantive Session, Fifth Meeting, the Netherlands at 49:00
[80] OEWG 1st Substantive Session, Fifth Meeting, Estonia at 1:51:09
[81] OEWG 1st Substantive Session, Fifth Meeting, United States at 28:29
[82] OEWG 2nd Substantive Session, Fourth Meeting, Brazil at 16:04
[83] Ibid at 18:01
[84] OEWG 2nd Substantive Session, Fourth Meeting, Mexico at 25:58
[85] OEWG 2nd Substantive Session, Fourth Meeting, New Zealand at 54:50

a war outbreaks."[86] Challenging China, Estonia noted, "IHL sets boundaries for state's activity by offering protection to civilian infrastructure, and it acts as a constraint, not facilitator of conflict."[87]

Status quo governments also addressed China's position that cyberspace is different and requires new rules. Many presented instrumental reasons for maintaining the status quo, given the complexity and evolution inherent in the medium. The Czech Republic proposed that the rapid pace of development cannot be rectified with the glacial pace of treaty negotiations as "the development in ICTs is so rapid and dynamic to render any potential result of such effort obsolete, perhaps even before we all ratify the outcome."[88] As cyber threats continue to evolve, countries need to take immediate action.[89] The United Kingdom noted the effort to develop a new treaty was likely to yield limited gains given the current divisions on the application of international law to cyberspace, arguing that "pursuing alternative routes such as the development of new treaties, is only likely to entrench into existing divides in this area."[90] Existing international law provides all the tools necessary to prevent and manage conflicts in the cyber domain, rendering little gains from negotiating a new treaty. As Romania mentioned, "existing rules serve us well enough, if we apply and interpret them in light of new circumstances."[91]

VI.   Discussion and Conclusion

Ultimately, the OEWG consensus report included a segment about "the possibility of additional legally binding obligations."[92] In addition, the report was adopted without the inclusion of international humanitarian law, indicating that enough governments were persuaded by China's approach in the OEWG that the report would not reach consensus with the inclusion of this body of law in the final report. Omitting IHL was a notable win for China as the pre-draft circulated to the OEWG included IHL. In particular, the pre-draft included language that, "In particular, international humanitarian law reduces risks and potential harm to both civilians and combatants in the context of an armed conflict"; noting that IHL, "neither encourages militarization nor legitimizes conflict in any domain." In the final report, governments approved a consensus report that did not include either of the phrases supporting the application of IHL.

The findings from my study on the development of a rules-based order in cyberspace contribute to our theories of international law. Past calls for advances in the scholarship of international relations called for scholars to consider *how* international law matters rather than simply debate whether it makes a difference.[93] I build from this line of inquiry to determine how international law matters to different types of states. Trough the use of China's persuasive ideology, binding rules become attractive to a coalition of states that previously had little interest in the sovereignty costs associated with hard law. Governments that share similar preferences for the way that international institutions should be organized in traditional domains are attracted to support the development of legal instruments for the internet and directly call for a high degree of sovereignty costs. This advances our understanding of *who* international law matters to and how preferences for a rules-based order develops.

My research also advances understanding of great power relations with international organizations. Similar to scholars studying American political institutions, I find that ideology is an important mechanism of

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[86] OEWG 1st Substantive Session, Fifth Meeting, Australia at 1:07:00

[87] Estonia, "Estonia's comments to the OEWG pre-draft report", April 16, 2020, Paragraph 10 https://front.un-arm.org/wp-content/uploads/2020/04/comments-to-the-oewg-pre-draft-report-estonia.pdf

[88] OEWG Second Substantive Session, Fourth Meeting, Czech Republic at 4:12

[89] OEWG Second Substantive Session, Fourth Meeting, Singapore at 27:00

[90] OEWG Second Substantive Session, Fourth Meeting, United Kingdom at 1:26:17

[91] OEWG Second Substantive Session, Fourth Meeting, Romania at 10:31

[92] Open-ended working group on developments in the field of information and telecommunications in the context of international security, Final Substantive Report, A/AC.290/2021/CRP.2, https://front.un-arm.org/wp-content/uploads/2021/03/Final-report-A-AC.290-2021-CRP.2.pdf

[93] Martin and Simmons 1998, 730.

persuasion within institutions. It also matters that China relies on persuasive methods that deploy ideology within international organizations, seeking to mobilize support within existing institutions rather than overturning them, displaying the opposite strategies than what traditional theories would predict of a rising power.

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