

# 21st Century as the Pacific Century

Culture and Security of Oceania States  
in Great Power Competition

edited by  
Joanna Siekiera



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## **Dr. Joanna Siekiera**

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# **Introduction**

As the editor of this international and multidisciplinary monograph on the Pacific, I am equally honored and humbled to present to you the work of great authors, enthusiasts of Oceania, diplomats, security and defense practitioners, academics, lawyers, and a geologist. They are the foundation of this book, and their expertise and experience in highly specific disciplines and geographical areas ensure the perfect end result – the book *21<sup>st</sup> Century as the Pacific Century: Culture and Security of Oceania States in Great Power Competition*. My minuscule suggestions only made the final effect coherent and comprehensible, minding the technical language and explicit way of presenting arguments used by each author – the unquestionable expert in their own domain.

Pacific Studies is the discipline in which this book has been written. The Pacific region (Oceania, Asia-Pacific, Indo-Pacific, minding the perspective taken into consideration) is so complex that using only one lens to analyze it would simply be not enough, or perhaps, let me say, gross ignorance. Thus, the authors of the presented monograph represent various disciplines of science and, consequently, diverse methodologies. They have shared with us knowledge and awareness of domestic and international law (diplomatic law, consular law, environmental law, security law, constitutional law, the law of the sea), international relations and political science, security studies and public policy, history and cultural studies, environmental protection, and climate change.

The 21<sup>st</sup> century is indeed the Pacific century, but not only to the inhabitants of that region. The relevance of geopolitical changes observed across the Pacific Ocean and the Pacific Rim remains essential for the security architecture of other regions and the entire world. Cultural aspects, including legal culture, must not be forgotten, or omitted when analyzing this maritime region. The term “Great Power Competition” (GPC) initially described geopolitical perceptions of economic-political-military rivalry between the hegemonic United States and aggressive tactics by the People’s Republic of China (PRC). Yet, minding all the dynamics and interdependence of political and

cultural factors, GPC should be seen as a strategic challenge between the Western civilization nations and Chinese allies or like-minded authoritarian regimes. The PRC's ambitions towards Asia and Oceania are successful by virtue of the sea-level rise in those poor, undeveloped, and unstable states, being relatively new democracies.

This book is therefore another effort by the editor<sup>1</sup> to bring to the Polish as well as European readers the knowledge about the Pacific, its inhabitants, and the global powers interacting with the nations of Asia and Oceania – facts, figures, and profound analysis of the intertwined mechanisms conditioning cause-and-effect relationships for the region and, consequently, for the whole international community. The theme of the book was intentionally chosen by me and used as the name of the ANZORA annual international conference organized in association with the Regional Center for International Debate in Cracow (Regionalny Ośrodek Debaty Międzynarodowej, RODM) at the Jesuit University Ignatianum in Cracow (Akademia Ignatianum) on December 9, 2022.

In considering the value this publication can bring to decision-makers, diplomats, analysts, researchers, lecturers, and journalists, as well as readers willing to consolidate their knowledge based on reliable pillars, this book was designed to showcase the underrated role of the Pacific. Subsequently, authors were chosen with a bias toward including multidisciplinary, multinational, and gender-inclusive perspectives. Specialists were chosen based on their immense depth of comprehension, uncompromising passion for their work, and, last but not least, their contagious enthusiasm to share the knowledge and spread the truth no matter how bitter it might be. The book is divided into three principal parts: “Culture of Pacific Island States,” “Ocean Change Dilemmas,” and “Great Power Competition in the Indo-Pacific.” The authors of the 17 chapters come from or work in Australia, the Democratic Republic of the Congo, French Polynesia, India, Italy, Norway, Poland, Portugal, Sweden, Türkiye, the United Kingdom, and the United States.

Enjoy diving into the exceptional content of this book!

Bergen, April 2023

Dr. Joanna Siekiera

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<sup>1</sup> See J. Siekiera (ed.), *Security in Indo-Pacific and development of Oceania: Commonwealth's Presence in the Region*, Elipsa, Warszawa 2022; J. Siekiera, *Polityka regionalna na Pacyfiku Południowym* [Regional Policy in the South Pacific], WUW, Warszawa 2021; J. Siekiera (ed.), “Australia: Climate, Crisis and Change,” *International Studies. Interdisciplinary Political and Cultural Journal* 2/2021; M. Sprengel, J. Siekiera, J. Eska-Mikołajewska, *New Zealand's Statehood, Security and Economics – History and Present*, Polish Economic Society, Poznań 2020; A. Kandzia-Poźdźiał, J. Siekiera (eds.), *Australia in 20<sup>th</sup> and 21<sup>st</sup> century: Politics, History and Culture*, University of Silesia Press, Katowice 2016.



**Mr. Michał Kołodziejcki**

Deputy Head of the Department of Asia & Pacific  
Ministry of Foreign Affairs of the Republic of Poland

## **Opening Remarks at the 14<sup>th</sup> ANZORA International Conference**

Ladies and Gentlemen,

on behalf of the Ministry of Foreign Affairs of the Republic of Poland and myself, I would like to warmly welcome all the honorable scholars – participants of the 14<sup>th</sup> ANZORA International Conference, organized by the renowned University Ignatianum in Cracow.

The theme of the Conference – “21<sup>st</sup> Century as the Pacific Century: Culture and Security of Oceania States in Great Power Competition” – is currently gaining particular importance in the context of dynamic changes that are taking place in the entire Indo-Pacific region and globally.

The Indo-Pacific has emerged as the world economic center of gravity and the hub of global trade and energy supply, with significant security implications. It is estimated that around 65% of all global energy and merchandise passes through the region, which increasingly serves as an engine of global growth. Hence, security, peace, and stability in the Indo-Pacific also constitute a prerequisite for the prosperity of global trade.

We are witnessing rapidly evolving strategic dynamics in the region, now a focal point of great powers’ rivalry and an area of paramount importance for the future of multilateral cooperation and rules-based international order. The Indo-Pacific has become the epicenter of both global opportunity and strategic competition. Both the Chinese Belt and Road Initiative (BRI) and the U.S. Indo-Pacific strategy are dual-use initiatives, encompassing both economic development and geostrategic dimensions. The enhanced trilateral security partnership called AUKUS<sup>1</sup> adds another dimension to an already complex regional environment and security architecture.

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<sup>1</sup> AUKUS is a trilateral security pact between Australia, the United Kingdom, and the United States. It will be analyzed by one of the authors in this book, M.A. Piotr Gil, with his chapter entitled “The Relevance of AUKUS in the Context of British National Security Policy and Geostrategy” – Editor’s note.

The Indo-Pacific region is facing various challenges such as piracy, terrorism, proliferation of weapons of mass destruction (WMD), natural disasters, and attempts to change the status quo. Under such circumstances, the responsible members of international community should promote peace, stability, and prosperity across the region to make the Indo-Pacific free and open as “international public goods” through ensuring rules-based international order, including the rule of law, freedom of navigation and overflight,<sup>2</sup> peaceful settlement of disputes, and promotion of free trade.

The growth of an increasingly assertive China as a superpower in the Indo-Pacific brought about important geopolitical transition and policy changes among regional powers and global players in search of a new balance of power. We observe escalating tensions over maritime and territorial claims, particularly in the South China Sea, the growing use of coercion, including economic pressure, the use of disinformation and malicious cyber activities, foreign interference, and the continued scourge of violence, extremism, and terrorism. COVID-19 has created new challenges, revealing security vulnerabilities and fragilities in global supply chains and health systems. The pandemic has also highlighted the negative impact of strategic competition between major world powers on the ability of international community to deal with global threats, underscoring the importance of cooperation of like-minded partners in a more competitive and more unstable geopolitical environment.

Chinese Foreign Minister Wang Yi’s tour of the Pacific Islands earlier this year<sup>3</sup> has put China’s Pacific strategy into the global spotlight. Drawing attention to growing U.S.–China strategic competition in the region, the tour has raised the specter of securitization of the South Pacific.

However, such concern is overshadowing a long-standing Pacific call for security from a threat of a different kind. Few parts of the world are as vulnerable to the disruption of climate change as the Pacific. Many island nations are low-lying and susceptible to sea-level rise as well as extreme weather, where tropical cyclones have long lasting effects on critical infrastructure in countries under-equipped to deal with them. Therefore, in a region not responsible for anthropogenic changes in the global climate and yet more geographically vulnerable to these changes than most, climate security should be the priority of external powers seeking to improve security in the region.

Poland actively participated in the development of the European Union (EU) Strategy for the Indo-Pacific region, with a particular focus on building stronger partnerships with our allies and partners aimed at promoting stability and security in the Indo-Pacific, addressing common global challenges, and defending our shared interests and values. We believe that the document provides a comprehensive framework for fostering our cooperation with the countries of the region, especially

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<sup>2</sup> The topic of maritime security and the freedom of navigation is examined by another author in this book. LTC Evan Zach Ota presents his regional military analysis in the chapter “Navigating New Environments: Multilateral Approaches to Maritime Security in Oceania” – Editor’s note.

<sup>3</sup> May 26–June 4, 2022.

in the priority areas identified in the strategy: sustainable and inclusive prosperity, connectivity, green transition, ocean governance, digital governance, and partnerships, security and defense, and human security.

Poland and the whole EU may not be the key player as regards military power projection into the Indo-Pacific. However, we believe we can make a difference using our soft power to tackle such challenges as non-proliferation, climate change, illegal fishing, piracy, transnational organized crime, or terrorism. As the EU, we also remain an important development assistance provider as well as economic and investment partner for the countries of the Indo-Pacific region.

I wish and believe that this Conference along with the following publication would stimulate debate encouraging to develop a free and open Indo-Pacific region as “international public goods” through ensuring rules-based international order in a comprehensive, inclusive, and transparent manner, in order to bring stability and prosperity for every country as well as secure peace and prosperity in the region as a whole.

Thank you. *Dziękuję.*

# **I. CULTURE OF PACIFIC ISLAND STATES**

# **Chinese Community in the Area of French Polynesia – History and Present Times**

## **1. Introduction**

Upon mentioning “Chinese” in French Polynesia, we come across a complicated issue for the people currently living in the region. When we are talking about the Chinese community in French Polynesia, we mean the great-grandchildren or great-great-grandchildren of Chinese immigrants from the years 1890–1930, who arrived in the area as agricultural workers or purchasers. The first two generations were still considering returning to their homeland; however, the people born in the French colonies increasingly preferred to stay rather than go back to China. In the French colonies, as opposed to the territory of the European France, the law of the land (in particular *jus soli*) was very underdeveloped. As result, the second-generation migrants who were born in French Polynesia were still considered Chinese rather than French. Even in the 1960s, they still had the status of foreigners. As a matter of fact, in 1962, there were 7,120 Chinese descendants living in this area, but only 1,435 held French citizenship.<sup>1</sup> It was not until 1973 that the Chinese were granted French nationality *en masse*, which was the consequence of changes made in the nationality law in the French overseas territories to match the legislation in France.

## **2. History**

At that time, colonial administration was mainly using the term “Asians”; the term “Chinese” was introduced later, as it had political rather than racial connotations. The latter became more frequent in the 1930s and 1940s, after the formation of the Republic of China and the establishment of a Chinese consulate

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<sup>1</sup> A.-Ch. Trémon, “Les Chinois en Polynesie francaise, Configuration d’un champ des identifications,” *Etudes chinoises* 26, 2007, p. 258.

in Tahiti. On May 24, 1945, Yao Ting-Chen became the first Consul General of China in Papeete.

The French colonial system in this area was introduced gradually. Queen Pomare IV accepted the French protectorate in 1843, and in 1880 King Pomare V ceded power over Tahiti to France.<sup>2</sup> Currently, French Polynesia is an area encompassing the Society Islands, which includes the Windward Islands of Tahiti and Moorea and the Leeward Islands of Huahine, Raiatea-Tahaa, Bora Bora, Maupiti, the Austral Islands, Marquesas, and Tuamotu-Gambiers. The French developed their plantations from the very beginning of their activity in this region, directing the reaped profits to Europe. The local population was acting as a kind of an audience for the activities of the European businesses in the area. The complete lack of industry and local manufacturing made the area dependent on the French metropolis and hindered the economic development of the colony. Its maintenance costs outweighed the profits for the French. The emerging enterprises related to food production required much manpower, which was scarce in the area. The first Chinese laborers were probably brought to Tahiti in 1864 to work on a new cotton plantation (the date of their arrival varies slightly according to different sources, sometimes it is given as 1865). In 1871, the plantation went bankrupt and could not meet its obligations, which also included the repatriation of Chinese workers. Over the decades, various plantations brought in more Chinese laborers.<sup>3</sup>

One may form an opinion about the position of such workers by reading Jack London's short story *The Chinago* (June 26, 1909).<sup>4</sup> It was inspired by real events.

The protagonist of the story is Ah-Cho, a twenty-two-year-old Chinese man working on an English plantation in Tahiti employing 500 other laborers like him. He didn't speak French. He came from a poor village in China. When he signed a five-year contract to work in the colonies, he considered himself lucky. He imagined that when he returned to China, he would be so rich that he wouldn't have to work ever again. The story begins when Ah-Cho finds himself in a courtroom, accused of killing another Chinese worker. He witnessed the murder but did not commit the crime himself. In his opinion, the French are stupid, because in China, torture would quickly extract a confession, and the culprit would be punished. He calls the French "white devils," because their behavior is incomprehensible to him – from the foreman who drives them with a whip at work to the judge who does not care about discovering the truth. Thanks to the narrator, we learn that Ah-Cho worked on a plantation belonging to an English company. The owners wanted to find a scapegoat to punish and avoid losing more employees in similar circumstances, because it was a financial loss for them. Ah-Cho does not know what motives stand behind those conducting the trial.

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<sup>2</sup> É. Conte (ed.), *Une histoire de Tahiti des origines à nos jours*, Au vent des îles Éditions-Pacifique, Pirae 2019, pp. 187–188.

<sup>3</sup> É. Conte (ed.), *op. cit.*, p. 204.

<sup>4</sup> J. London, "Chińczyk," in: *Opowieści Mórz Południowych*, Wydawnictwo Spółdzielcze, Warszawa 1987, pp. 20–34.

He assumes that he will be back to work soon, having already worked there three years out of the required five. Another Chinese man – also innocent – is sentenced to death, while Ah-Cho gets twenty years in prison; however, at the last moment the sergeant mixes up the two men, as to him all Chinese look the same, and Ah-Cho is guillotined. This story reflects the status of the Chinese in the colonial system.

The Chinese who remained in Polynesia initially tried to work in the villages. With time, however, having no outside support, they started to mainly be active in crafts and trade. They were also quickly recognized by European merchants (German, French, English) as a threat and charged with responsibility for the economic crisis. Anti-Chinese articles began to appear in the press.<sup>5</sup>

### 3. Problems with Chinese identity

The Chinese who were recruited to work in the colonies (Établissement Français de l'Océanie, EFO) in the late 19<sup>th</sup> century came mainly from the province of Guangdong. As the language they use in that province is called Hakka, this entire ethnic group began to be referred to by this name in Polynesia. The language was passed down through generations. Today, however, the descendants of the original newcomers study in cultural institutions which only promote Chinese Mandarin culture. Every year, there appear more and more institutions aiming to defend the Chinese identity in Polynesia and to promote Chinese culture: they teach exclusively the Mandarin language and work actively by offering tastings, tea making demonstrations, exhibitions of Chinese art and pieces from Chinese collectors, as well as by compiling research on the Chinese presence in the area.

An additional element complicating the identification of the discussed group of inhabitants of French Polynesia is the very distinction between the French and the Polynesian identity. An important factor is also the participation in the *ma'ohi* (indigenous) world. Increasingly, those who call themselves Polynesians understand this as being a member of a multicultural community. The term “neo-Polynesian society” is promoted, pointing to the fact that today’s inhabitants of the area originate from different ethnic groups (metization) and their multiculturalism. In Chinese centers, this image of Polynesian society is emphasized, but not the *ma'ohi* world. Today, people whose parents spoke Hakka make an effort to learn Mandarin, assuming that it will help them develop their economic dominance and believing that playing the multicultural card might give them the upper hand in the world of business, politics, and culture.

In 2007, a consulate of the People’s Republic of China was established in Tahiti.<sup>6</sup> Its opening ceremony was attended by many French politicians, including President of French Polynesia Gaston Tong Sang (who held his office for two more days). On this

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<sup>5</sup> É. Conte (ed.), *op. cit.*, pp 204–205.

<sup>6</sup> A.-Ch. Trémon, *op. cit.*, p. 1.

occasion, the Chinese consul announced the opening of the first Chinese consulate in France's overseas territories. The fact that a consulate of the Republic of China had existed in the years 1945–1965 went unmentioned. After the French government had recognized the People's Republic of China, this consulate had been closed.

The consulate in Papeete, although it has an administrative role, serves to increase Beijing's influence in Polynesia by deepening Chinese ties with local businesses and politicians. The number of Chinese tourists and the volume of new Chinese immigration is constantly growing. Thanks to expanding the country's influence, Beijing was able to donate 2.2 million surgical masks and 15,000 FFP-2 masks to Tahiti during the COVID-19 pandemic. These actions emphasized China's position on the island and undermined the role of the French state as the one in charge of protecting the local population.

Since the 1970s, the Chinese New Year has been publicly celebrated in French Polynesia, and representatives of local authorities always take part in the events. In 2013, the Confucius Institute was incorporated into structures of the University of French Polynesia. Its role is to promote Chinese culture internationally and highlight the technological and social progress achieved by the Communist Party. It is symptomatic that simultaneously with emphasizing multiculturalism, the Chinese organization also underlines the ethnicization/reinforcement of ethnic borders resulting from Chinese association. More and more ethnic Chinese events are attended by local authorities.

#### **4. Chinese investments in French Polynesia**

From the late 1980s, China became increasingly interested in French Polynesia. In recent years, Chinese representatives have acquired several hotels, including two five-star establishments. A diplomatic network is being developed by China in the archipelagos. Its economic involvement is no longer limited to the purchase of real estate. There are attempts to launch large-scale investments involving millions of dollars, which are particularly attractive to the poorer archipelagos.

One of the largest Chinese investments in French Polynesia is aquaculture in Hao Atoll (in the Tuamotu Archipelago, 900 kilometers from Tahiti).<sup>7</sup> This project aims to create the largest aquaculture farm in the world, which will produce over fifty thousand tons of fish annually. To implement this gigantic project, the involved Chinese company would invest more than 600 million euros over ten years. Great economic benefits for the island are promised, and residents are tempted by the vision of the initiative creating numerous new jobs. In addition, they see it as an opportunity

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<sup>7</sup> M. Valo, "A Hao, en Polynésie française, un projet controversé de ferme aquacole géante," *Le Monde*, 6 February 2022, [www.lemonde.fr/planete/article/2022/02/06/a-hao-en-polynesie-francaise-un-projet-controverse-de-ferme-aquacole-geante](http://www.lemonde.fr/planete/article/2022/02/06/a-hao-en-polynesie-francaise-un-projet-controverse-de-ferme-aquacole-geante) (accessed 6.02.2022).



to become independent from the French mainland. However, lying behind this project is Beijing's ambition to extend its influence to the farthest reaches of the Pacific.<sup>8</sup> Polynesia is located at the crossroads of the Asian continent, the North American continent, and Antarctica, which is strategic for the Chinese policy of expansion.<sup>9</sup> If Beijing achieves its goals, it will become a key player in the local life and will eventually be able to easily install its submarine cable infrastructure in the area. Initially, China was showing interest in Makemo Atoll as the location for building this gigantic farm project. Chinese investors, however, ended up choosing Hao, which was a former back base of the Pacific Experimentation Center and an island with a deep-water port and a very long airport runway.

Preparations for the creation of the gigantic aquaculture enterprise have been underway since 2014. Land has already been prepared on the atoll, and the cornerstone has been laid to symbolize the agreement on this matter. Local authorities in Polynesia highlight the benefits of the new investment.

Ecologists, however, have raised the alarm, pointing to the catastrophic effects on the natural environment resulting from such mass production of fish in one place. From 1966 to 1996, Hao Atoll hosted the Pacific Experimentation Center, an organization which supervised nuclear testing in the region. There is a risk that fish farmed in these waters would be contaminated with radioactive residues. Such a concentration of fish would contaminate the waters flowing out of the lagoon and other fisheries of the archipelago. In addition, opponents of the project argue that if these fish are sold on the local market, they will lower prices, because their production will be very cheap. In this way, they will compete with the local fishery sector. As a result, real profits will bypass the island's permanent residents. Only after the visit of French President Emanuel Macron to French Polynesia last year (July 2021) were Chinese activities on the atoll halted. Emmanuel Macron recalled how other Chinese investments had led to the looting of natural resources in Pacific Island countries. The president strongly opposed plans to build an aquaculture farm. Instead, he promised state remedies to improve the economic situation of the atoll and the region. France has undertaken to perform restoration works on the atoll and form of a military service regiment that will enable young people to gain a profession through serving in the army.

Apart from strong supporters and opponents of the investment in Hao Atoll, there also exists a group that, while acknowledging the profits which could come from this undertaking, also fears that a port may be built at the site under the pretext of fishing. Such a facility would ultimately become a base for Chinese ships.

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<sup>8</sup> Cf. K. Iwanek, O. Pietrewicz (eds.), *Chiński projekt „Nowego Jedwabnego Szlaku”. Retoryka a rzeczywistość, Raport Ośrodka Badań Azji, Centrum Badań nad Bezpieczeństwem Akademii Sztuki Wojennej*, Ośrodek Badań Azji, Centrum Badań nad Bezpieczeństwem, Akademia Sztuki Wojennej, Warszawa 2017, pp. 5–7.

<sup>9</sup> P. Milhiet, “French Polynesia Has Its Own China Dream,” *The Diplomat*, 23 June 2022, [thediplomat.com/2022/06/french-polynesia-has-its-own-china-dream](https://thediplomat.com/2022/06/french-polynesia-has-its-own-china-dream) (accessed 4.12.2022).

If subsequent Chinese investments are successfully implemented, it will be due to the PRC's gradual penetration into various economic and political spheres of French Polynesia. Established diplomatic and cultural posts facilitate closer relations between the Chinese and the locals. Communication with the population takes place through the local media, mainly the press, which emphasizes the observance of procedures by Chinese ships, but ignores the environmental aspects of Beijing's undertakings. China has also invited the President of French Polynesia, Edouard Fritch, on an official visit, and a series of reports promoting French Polynesia has been broadcast on Chinese television.<sup>10</sup> France as a state reacted to these developments very late. It was only last year that French President Macron, in his speech during a visit to Polynesia, directly warned against Chinese investments and emphasized that "you cannot be French on Monday and Chinese on Tuesday."<sup>11</sup>

The construction of the aquaculture facility was suspended, but already in the fall of last year, the Chinese investor assured that it was still interested in building an industrial fish farm in the following ten years, declaring an investment of 1.25 billion euros. Local politicians of both major parties still consider it a possibility.

## 5. Conclusions

The Pacific islands play an important role for China's maritime Silk Road. China's focus on the Pacific region is reflected in the country's Belt and Road Initiative. As part of this undertaking, China invests in the islands' infrastructure, contributes to economic aid, and strengthens their diplomatic ties to Beijing. Meanwhile, in June 2022, the President of French Polynesia, Edouard Fritch, met with representatives of the Chinese Si Ni Tong Association.<sup>12</sup> The construction of a socio-cultural center with an area of nearly 1,000 m<sup>2</sup> was announced. The Si Ni Tong Association is also looking to design a monument dedicated to the arrival of the first Chinese to Polynesia over 150 years ago.

In French Polynesia, there are still entrepreneurs descended from the former Chinese migrants who do not feel a bond with the People's Republic of China. They play an important role in the pearl production sector. After the visit of President Emmanuel Macron, activities were launched in the neglected areas of the Tuamotu Archipelago. In 2022, Hao Atoll saw intensive works done, such as preparing an area for a future army base, clearing old buildings, and installing a training ship for cadets. Some efforts have been made to guarantee food supplies to the users of the base. First

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<sup>10</sup> M. Valo, *op. cit.*; "Tahiti Leaders Visit China," *Radio New Zealand*, 1 June 2015, [www.rnz.co.nz/international/pacific-news/275131/tahiti-leaders-visit-china](http://www.rnz.co.nz/international/pacific-news/275131/tahiti-leaders-visit-china) (accessed 5.12.2022).

<sup>11</sup> P. Milhiet, *op. cit.*

<sup>12</sup> "Un nouveau bureau pour l'association culturelle chinoise Si Ni Tong," *TNTV News*, 14 June 2022, [www.tntv.pf/tntvnews/polynesie/culture/un-nouveau-bureau-pour-lassociation-culturelle-chinoise-si-ni-tong](http://www.tntv.pf/tntvnews/polynesie/culture/un-nouveau-bureau-pour-lassociation-culturelle-chinoise-si-ni-tong) (accessed 5.12.2022).

courses have already been offered by the educational center on the base, completed by the first 17 trainees. In July 2023, another 40 volunteering educators are expected to come and offer tuition on renewable energies and tourism.<sup>13</sup>

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<sup>13</sup> J.-T. Faatu, “Servis militaire adapte,” *Outremers 360*, 12 March 2023, <https://outremers360.com/bassin-pacifique-appli/service-militaire-adapte-nouvelles-recrues-et-nouveaux-enseignements-le-regiment-de-polynesie-monte-en-puissance> (accessed 20.03.2023).

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# **The Influence of Eastern and Western Cultures on Kiritimati**

## **1. Introduction**

It seems to be extremely difficult for a European researcher to undertake a topic related to the culture of Kiribati, especially so if the research concerns only one of the islands of this country located in the heart of the Pacific Ocean. The motives of this Polish scholar can be explained by the fact that on this particular island – Kiritimati<sup>1</sup> – there is a village called Poland,<sup>2</sup> whose history is not well-known even to the Micronesians living in this settlement.<sup>3</sup> During his three stays there, the author, in addition to researching the village of Poland, traveled around the world’s largest coral atoll, talking with its inhabitants, experiencing the cultural influences of Asian and Western civilization on the island. The emerging questions were ranging from: *Where and when did the influences of the East and the West appear on Kiritimati?* through: *What role did they play in Micronesian society?* to an attempt to find an answer on: *Why do they currently influence the geopolitical situation of the country?*

## **2. Geography and history of Kiribati**

Micronesia is one of the three subregions of Oceania alongside Melanesia and Polynesia. Micronesians, the inhabitants of this subregion, according to archaeological research, came to the present-day area from Southeast Asia about four thousand years

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<sup>1</sup> Kiritimati, also called Christmas Island, is one the largest coral atolls on Earth. It is one of the 33 islands and atolls belonging to Kiribati.

<sup>2</sup> The Poland village is the smallest among the four main settlements on the Kiritimati Island. The origin of its name has not been established so far.

<sup>3</sup> Interview of the author with Atamira Neemia – the only policeman living in the village, Kiritimati, September 2012.

ago and later, in several waves.<sup>4</sup> One of the Micronesian<sup>5</sup> countries is the Republic of Kiribati.

It is a small country, with an area of 811 km<sup>2</sup>, inhabited by approximately 124,000 people. It gained independence in 1979.<sup>6</sup> The economy of the country is based mainly on fishing and the sale of fishing licenses, deposits of phosphate rock from the island of Banaba (also called Ocean Island – Editor’s note), coconut cultivation, and the production of salt from seawater on Kiritimati Atoll. Foreign development aid is of great importance, and so are remittances from Kiribati residents working abroad.<sup>7</sup>

The beginnings of settlement in the areas currently inhabited by I-Kiribati<sup>8</sup> date back to about three thousand years ago.<sup>9</sup> This refers mainly to the Gilbert Islands,<sup>10</sup> including Tarawa Atoll, where the state’s current capital (Tarawa) is located. The very name of Kiribati in the local language, which does not have many consonants, means ‘Gilberts,’ or in fact Gilbert Islands. The Gilbert Islands is one of the three archipelagos of the country; however, it is considered the main one, being inhabited by the vast majority of the population.<sup>11</sup>

Since the 18<sup>th</sup> century, one can speak of the influence of Western civilization on the country, evident in its contemporary name, as well as the names of the archipelagos or atolls of this island nation. The name of Kiritimati – referring to the atoll which is the primary focus of this article – derives from the English word ‘Christmas.’ It was coined by the British explorer James Cook, who landed there on the Christmas Eve of 1777.<sup>12</sup>

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<sup>4</sup> P. Rainbird, *The Archaeology of Micronesia*, Cambridge University Press, Cambridge 2004; W.N. Morgan, *Prehistoric Architecture in Micronesia*, University of Texas Press, Austin 1988, p. XIV; J. Knappert, *Mitologia Pacyfiku*, Dom Wydawniczy Rebis, Poznań 2001, p. 276.

<sup>5</sup> It is worth adding that indeed, most of the archipelagos that make up the Republic of Kiribati are part of Micronesia, yet just Kiritimati itself, the largest island of the Line archipelago, belongs to Polynesia – Editor’s note.

<sup>6</sup> “Kiribati,” *Britannica*, n.d., <https://www.britannica.com/summary/Kiribati> (accessed: 10.02.2023).

<sup>7</sup> “Kiribati. Gospodarka,” *Encyklopedia PWN*, n.d., <https://encyklopedia.pwn.pl/haslo/Kiribati-Gospodarka;4574495.html> (accessed: 10.02.2023).

<sup>8</sup> I-Kiribati are indigenous people living in this Micronesian country. They describe themselves as people of average height, dark skin, and straight hair who are faithful to their more-than-a-century-old traditions and practices, such as respect for family and the elderly, where the meetings in Maneaba (the meeting house – Editor’s note) are of great importance. “People, Culture and Heritage,” *Kiribati for Travellers*, n.d., <https://visitkiribati.travel/about/people-culture/#culture> (accessed: 10.02.2023).

<sup>9</sup> B. Macdonald, *Cinderellas of the Empire*, University of the South Pacific, Suva 2001, p. 1.

<sup>10</sup> The archipelago of sixteen atolls and coral islands was named after the British Captain Thomas Gilbert who sailed these waters in 1788.

<sup>11</sup> *Kiribati Census Atlas*, Pacific Community (SPC), Noumea, New Caledonia 2022, [https://nso.gov.ki/wp-admin/admin-ajax.php?juwpfisadmin=false&action=wpfd&task=file.download&wpfd\\_category\\_id=117&wpfd\\_file\\_id=2022&token=&preview=1](https://nso.gov.ki/wp-admin/admin-ajax.php?juwpfisadmin=false&action=wpfd&task=file.download&wpfd_category_id=117&wpfd_file_id=2022&token=&preview=1) (accessed: 10.02.2023).

<sup>12</sup> N. Thomas, *Odkrycia. Podróże Kapitana Cooka*, Dom Wydawniczy Rebis, Poznań 2007, pp. 470–471.

Christianity became one of the first elements of the Western world to influence the culture of the I-Kiribati through European missionaries eager to spread the faith, even on such isolated islands. Eventually, most of the island came under the British protectorate at the turn of the 20<sup>th</sup> century,<sup>13</sup> and in the 1920s, it was marked on maps as the Gilbert and Ellice Islands Colony. The following decades saw the addition of more atolls, mainly of the Line Islands Archipelago. All of this went hand in hand with the growing influence of Western culture, introduced there mainly by the British administration.

The only major derogation from Western dominance over the Gilbert and Ellice Islands Colony in the first half of the 20<sup>th</sup> century happened during World War II in the Pacific. From December 1941 to November 1943, most of the islands which are now part of Kiribati were under Japanese occupation,<sup>14</sup> receiving the local Asian culture from the newcomers. After the end of the war in the Pacific, the people of Kiribati returned under the influence of the West, now thanks less to the British and mainly to soldiers from the United States. Kiribati was not released from London rule until July 12, 1979.<sup>15</sup> The newly gained independence did not remove the influence of Western culture; however, this young, small state was now able to establish independent bilateral relations with countries from around the world,<sup>16</sup> mainly Asia (Japan, the People's Republic of China [PRC], or the Republic of Korea). This has certainly been associated with greater cultural influence of Asia on I-Kiribati.<sup>17</sup>

Kiritimati, being only one of the 33 islands and atolls of this independent state, experienced the influences of Eastern and Western cultures in a slightly different way than most of the countries of Oceania. The beginnings of its settlement remain partially unexplored; nonetheless, it is believed that it was not the Micronesians, but in fact the Polynesians who got there first, even if only temporarily. They did so during their colonizing endeavors between the atolls of today's French Polynesia and

<sup>13</sup> John Byron was the first British who reached Kiribati in 1765. "Nikunau Island," *Kiribati for Travellers*, n.d., <https://visitkiribati.travel/island2explore/nikunau-island/> (accessed: 10.02.2023).

<sup>14</sup> E.P. Hoyt, *Storm over the Gilberts*, Van Nostrand Reinhold, New York 1979; "World War II," *Kiribati for Travellers*, n.d., <https://www.kiribatitourism.gov.ki/kiribati-experiences/world-war-ii/> (accessed: 10.02.2023).

<sup>15</sup> HM Government, *The Kiribati Independence Order 1979* (SI 1979 No. 719), 1979, <https://www.legislation.gov.uk/ukSI/1979/719/made> (accessed: 10.02.2023).

<sup>16</sup> Cooperation with Cuba is one of the examples. See the thesis by Cristine Warle defended at the Massey University in New Zealand, *The Gift of Health: Cuban Medical cooperation in Kiribati*, <https://mro.massey.ac.nz/handle/10179/15899> (accessed: 10.02.2023).

<sup>17</sup> Currently, Eastern and Western states offer Kiribati scholarships to study in their countries. For example, China offers ten scholarships per year, and the United Kingdom offers one. "Notice on Chinese Government Scholarship for Kiribati Students," *Embassy of The People's Republic of China in The Republic of Kiribati*, 24 October 2022, [http://ki.china-embassy.gov.cn/eng/sghd/202210/t20221024\\_10791160.htm](http://ki.china-embassy.gov.cn/eng/sghd/202210/t20221024_10791160.htm) (accessed: 10.02.2023); and Root, "British Chevening Scholarship for 2023/2024," *Public Service Office, Government of Kiribati*, 26 October 2022, <https://www.pso.gov.ki/2022/10/26/british-chevening-scholarship-for-2023-2024/> (accessed: 10.02.2023).

Hawaii.<sup>18</sup> In the book published on the bicentenary of the discovery of Christmas Island by James Cook in 1777,<sup>19</sup> Eric Bailey<sup>20</sup> also emphasizes that in the earlier centuries, this island had no permanent settlement due to the minimal annual rainfall and thus the widespread lack of fresh water.<sup>21</sup>

Some secondary sources mention an earlier possible date of discovery of the island, already in the 16<sup>th</sup> century – it may have been come upon by the inhabitants of the Iberian Peninsula, who named it *Acea*.<sup>22</sup> Afterwards, the island was visited several times, but only briefly, by Western ships, mainly whalers.<sup>23</sup> Relatively permanent settlement on Kiritimati dates back to 1882, when the first plans were established to cultivate coconut palms for copra.<sup>24</sup> In the following decades, Western plantation owners brought both Polynesians and Micronesians to work on Christmas Island.<sup>25</sup>

It is worth mentioning here the French period in the history of Kiritimati. Emmanuel Rougier, born in France in 1864, was ordained in the Marist Congregation<sup>26</sup> in 1888 and sent on a mission to the Pacific. However, he became more famous as a businessman than as a missionary. Before World War I, he leased Christmas Island from the British for coconut plantations, planting a total of several hundred thousand coconut palms. He died in Tahiti in 1932, and Kiritimati returned to Great Britain in the following years under the pretext of the Rougier heirs' inaction regarding the ownership of the island, as well as the need to resettle surplus inhabitants from Gilbert Islands.<sup>27</sup>

World War II witnessed British presence on Kiritimati, including those living in New Zealand; however, thousands of American soldiers who started to arrive there from 1941 had an even greater impact on Christmas Island. For the United States (U.S.), the island constituted an extremely important link between Washington and its allies in Sydney and Wellington during the Pacific War. At that time, the island

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<sup>18</sup> A. Anderson et al., "Towards a First Prehistory of Kiritimati (Christmas) Island. Republic of Kiribati," *The Journal of the Polynesian Society* 109(3), 2000, pp. 273–294, [https://www.jps.auckland.ac.nz/document/Volume\\_109\\_2000/Volume\\_109\\_No\\_3/Towards\\_a\\_first\\_prehistory\\_of\\_Kiritimati\\_\(Christmas\)\\_Island,\\_Republic\\_of\\_Kiribati,\\_by\\_Atholl\\_Anderson,\\_et\\_al,\\_p\\_273-294/p1](https://www.jps.auckland.ac.nz/document/Volume_109_2000/Volume_109_No_3/Towards_a_first_prehistory_of_Kiritimati_(Christmas)_Island,_Republic_of_Kiribati,_by_Atholl_Anderson,_et_al,_p_273-294/p1) (accessed: 10.02.2023).

<sup>19</sup> J. Cook, *A Voyage to the Pacific Ocean*, vol. 2, London 1784, p. 180.

<sup>20</sup> Eric Evans Bailey (born in 1917) was the Census Commissioner for the Gilbert and Ellice Islands in the 1970s. From 1976, he served as the District Officer on Christmas Island in charge of the Line and Phoenix Islands.

<sup>21</sup> E. Bailey, *The Christmas Island Story*, Stacey International, London 1977, p. 13.

<sup>22</sup> O. Spate, *The Spanish Lake: The Pacific since Magellan*, vol. 1, ANU Press, Canberra 1979, pp. 97, 313.

<sup>23</sup> E. Bailey, *op. cit.*, pp. 31–34.

<sup>24</sup> Copra is dried white coconut flesh. Coconut oil is obtained from it, which is used in many industries.

<sup>25</sup> E. Bailey, *op. cit.*, pp. 14–15.

<sup>26</sup> The Marist Brothers of the Schools, commonly known as the Marist Brothers or Little Brothers of Mary, is an international community of Catholic educational institutions founded in 1817 in France.

<sup>27</sup> P. Boulagnon, *Emmanuel Rougier, Des Isles d'Auvergne a l'Océanie*, Editions du Roure, Saint-Julien-Chapteuil 2004.

underwent huge transformations in terms of infrastructure (military airport, port, warehouses, etc.).<sup>28</sup>

The island saw the second great influx of thousands of British and American soldiers several years later, deepening the influence of Western culture on the Micronesian inhabitants and their infrastructure. This time, the reason for their arrival was nuclear weapon testing. The greatest number of atomic and hydrogen bomb tests on and around Christmas Island was carried out by the British in 1957, as part of Operation Grapple,<sup>29</sup> and by American troops in 1962, as part of Operation Dominic.<sup>30</sup> After the completion of the latter operation, the U.S. held talks about establishing an American satellite tracking station on the island.<sup>31</sup> Until then, most of the equipment brought by Western armed forces had been abandoned. The only short-lived benefit for the local population were the established electricity and water supply networks, yet the more useful elements, such as the telephone system and generators, had been transported to the capital, while the useless and obsolete machines and structures remained on Kiritimati, becoming scrap metal.<sup>32</sup>

Before Kiribati gained independence in 1979, the British decided to revive some of the rusting equipment left on Christmas Island for the local community. In 1977, the British rulers carried out a census of I-Kiribati, according to which they made up a population of 1,091 people (648 adults and 443 children), mainly of Micronesian origin from the Gilbert Islands archipelago, as well as a small group of those of Polynesian origin from Tuvalu. Around 330 people were employed by the government, in companies such as Atoll Plantations Limited and a saltwater shrimp farm. A total of 260 pupils aged 6–15 were enrolled in primary schools in all three villages on the island (London, Banana, and Poland).<sup>33</sup> Yet, a year before, in 1976, Asian countries had begun to exert their influence on Christmas Island. Japan's National Space Development Agency (NASDA, now JAXA), with local support, opened the Satellite Downrange Tracking Station on the island.<sup>34</sup>

Having gained independence on July 12, 1979, Kiribati was able to change the name of Christmas Island to the local language version, namely *Kiritimati*.

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<sup>28</sup> E. Bailey, *op. cit.*, pp. 51–55; J.F. Dunnigan, A.A. Nofi, *Wojna na Pacyfiku*, Magnum, Warszawa 2000, pp. 148–149.

<sup>29</sup> W. Oulton, *Christmas Island Cracker*, Thomas Harmsworth, London 1987.

<sup>30</sup> Defense Nuclear Agency as Executive Agency for the Department of Defense, *Operation Dominic I 1962, United States Atmospheric Nuclear Weapons Tests Nuclear Test Personnel Review*, 1962, <https://www.osti.gov/opennet/servlets/purl/16389215.pdf> (accessed: 10.02.2023) and the movie *Operation DOMINIC Nuclear Tests 1962*, Joint Task Force 8, 1962, <https://archive.org/details/OperationDOMINICNuclearTests1962> (accessed: 10.02.2023).

<sup>31</sup> At the end, it became famous only for lifting the crew of the Apollo 13 spacecraft from the water 200 miles south of Kiritimati in 1970.

<sup>32</sup> E. Bailey, *op. cit.*, pp. 58–64.

<sup>33</sup> *Ibid.*, pp. 72–75.

<sup>34</sup> “International Cooperation,” *JAXA*, n.d., <https://global.jaxa.jp/activity/int/index.html> (accessed: 10.02.2023).



Sovereignty gave the green light to this young nation to not only enter into international cooperation with Western countries but also to open up to Asia. Japan was the first country on this continent to establish diplomatic relations with Kiribati in March 1980 (although President Ieremia Tabai had visited Japan as early as 1979<sup>35</sup>), followed by the Republic of Korea in May 1980<sup>36</sup> and China in June 1980.<sup>37</sup> The 1980s were the period of “growing pains” and saw many difficulties in the locals’ management of their own state, while the vast majority of the development projects were held in Tarawa or the surrounding atolls. Kiribati is located far from the capital of the country, which sidelines it from the attention of the state government and, consequently, its financial aid.

### 3. Population

The traditional livelihood of I-Kiribati consists in subsistence harvesting, from the crops of the poor coral soil to the ocean rich in marine animals. The distance, and thus the lack of any dependence on trade with the West or East, long allowed the locals to retain their own cultural identity. The houses, or rather roofed rooms for rest or cooking, are constructed on raw coral soil covered with several layers of pandanus<sup>38</sup> mats and lightly roofed with intricately intertwined coconut palm leaves. At night, the folded mats and the unfolded curtain turn the living room into a bedroom. During the day, rolled plant curtains are hidden on the rafters supporting the roof. Mats make the bedroom into the living room. Having a place to sleep is of little importance to the locals compared to European culture, as most of their lives take place outside, not at home. Perhaps just for this reason, the inhabitants of Kiribati very easily accepted the buildings left on the island by British and American soldiers during the period of World War II and nuclear tests. Those premises were made of fiberboards covered with corrugated sheets.

For I-Kiribati, unlike for Europeans, the transition from land to sea is imperceptible.<sup>39</sup> In Pacific cultures, water is not, as it is for Europeans, an obstacle, a border between lands, countries, etc., but a close, natural element connecting them with other

<sup>35</sup> “Japan-Kiribati Relations,” *Ministry of Foreign Affairs of Japan*, 17 July 2020, <https://www.mofa.go.jp/region/asia-paci/kiribati/data.html> (accessed: 10.02.2023).

<sup>36</sup> “Kiribati,” *Ministry of Foreign Affairs of the Republic of Korea*, n.d., [https://www.mofa.go.kr/eng/nation/m\\_4902/view.do?seq=13](https://www.mofa.go.kr/eng/nation/m_4902/view.do?seq=13) (accessed: 10.02.2023).

<sup>37</sup> Parliament of Australia, Senate, Senate Standing Committees on Foreign Affairs Defence and Trade, *China’s Emergence: Implications for Australia*, 2006, [https://www.aph.gov.au/~media/wopapub/senate/committee/fadt\\_ctte/completed\\_inquiries/2004\\_07/china/report02/c10\\_pdf.ashx](https://www.aph.gov.au/~media/wopapub/senate/committee/fadt_ctte/completed_inquiries/2004_07/china/report02/c10_pdf.ashx) (accessed: 10.02.2023).

<sup>38</sup> Pandanus (also called pandan, screw palm, screw pine – Editor’s note) – a tree growing in coastal areas, in the tropics, having buttress roots. Its leaves are used to weave mats, walls and roofs of huts, hats, etc. It also has edible fruits.

<sup>39</sup> S. Trussel, J. Fujii, *Christmas Island*, C.H.R. Ltd., Honolulu 1988, pp. 7–14.

islands, a highway in deep-sea trade and family contacts, etc. A wooden, planed boat with an additional fin and a sail in the form of a mat made of braided pandanus leaves gave the locals freedom and life, providing a rich catch to excellent fishermen and navigators. On the island, everything that was at hand was used in a thousand ways, from coconut fibers and clam shells to shark skin. Techniques of making useful objects out of these materials were passed down from generation to generation. In the island cultures of Oceania, including Kiritimati, importance was attached to cooperation and support as one community, and to working for the common good, not individual gain. The fishermen involved in the catch were not always representative of all families on the island, but the catch was shared among all islanders, not just the families of those who actually fished. Liberal capitalism brought there by Westerners has been used to eradicate this lifestyle, yet the *bubuti* system functions in the I-Kiribati culture to this day. As one of the inhabitants of the island explained to the author in a conversation, when some I-Kiribati needs something that you have, he or she can ask you for it – *bubuti*. A refusal would be considered shameful in Kiribati culture, so you give the thing to that person, but the thing does not belong to them forever, because someone else may also ask for it – *bubuti*, and the thing should be handed over to them.<sup>40</sup>

The ocean has always provided food, and the land – drink, either from coconuts or from the depressions where rainwater was collected. An additional drink of the locals was coconut tree juice called *toddy* – collected every day at dawn and dusk, only by male owners of these trees. It is used to produce sweet coconut syrup, resembling honey, or fermented, as a drink for the male part of the community.

The role of women complements the work of men. The imported catches go to the hands of women who prepare a meal on special hearths fired with coconut shells. The meat from the ocean is treated with coconut oil, coconut milk, and fire, while the excess is filleted and exposed to the equatorial sun for preservation for later use. The former indigenous diet was supplemented with pandanus fruit, breadfruit, papayas, and squashes, as well as the oceanic potato – taro – growing in the hollows of the water-filled earth.<sup>41</sup>

On a larger scale, cultural changes, especially in the area of nutrition, were the first to be noticed on the island. Unfortunately, periods of drought on Kiritimati were and remain quite frequent,<sup>42</sup> hence the I-Kiribati relatively quickly got used to the supply of imported food. Pacific taro was replaced by Asian rice, the sweetness of toddy was beaten by imported cane sugar, sea meat was overshadowed by canned pork or beef containing a lot of salt and flavor enhancers, while island drinks were replaced by richly sweetened carbonated drinks and beer. From the beginning of the country's independence to the present day, one can see the deepening dependence of the locals on imported products. The author has witnessed this himself.

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<sup>40</sup> Interview of the author with Atamira Neemia, Kiritimati, September 2012.

<sup>41</sup> S. Trussel, J. Fujii, *op. cit.*, pp. 15–18.

<sup>42</sup> Those areas closest to the equator in the Pacific Ocean are called “Dry Pacific Belt.”

The strongest dependence on imports can be noticed not in electronic or construction products, but precisely in food. Despite this state of affairs, I-Kiribati can certainly do without imports for many months. An undeniable proof of this came in 2012, when the author visited Kiritimati for the first time. During the first days of his stay on the atoll, the owner of the accommodation announced that he could not offer the guests bread because it was not available in the shops. Over several days of asking if there was bread, the answer remained the same. In the following week, the author decided to look for bread on his own. In one of the best-stocked shops on the island, he was told that there was no bread because the ship that was to bring flour to Kiritimati had not yet arrived. As a slightly irritated European researcher, the author asked when the flour ship would arrive. At that point, the saleswoman, completely calm and rather accustomed to this state of affairs, answered that she did not know because the ship should have arrived over a month before.

The author noticed a similar situation in the Poland village, where any tourist bringing items such as toothpaste or small containers of cosmetics for the locals was greeted with great glee. However, if they ran out of gifts or were missing out, no one considered it a problem, either. As with food, the locals simply went back to the old local products which they could find or produce on the island. In Western societies, lack of bread or fuel for several days could cause massive riots and even overthrow a democratically elected government. Non-attachment to imported products is one of the most glaring elements of I-Kiribati culture, demonstrating that Western influences have not fully dominated the Kiritimati society in the 21<sup>st</sup> century. This, however, does not give the lie to the opinion that the culture of the atoll is to some degree influenced by the cultures of the West and the East. This is visible in the local architecture. Traditional houses made of coconut and pandanus are slowly being replaced with buildings made of coral and cement, covered with corrugated steel sheets. Initially, missionaries, such as the French priest Gratien Bermond, built churches<sup>43</sup> from more durable materials; subsequently, rectories, schools, and then the most resourceful I-Kiribati began to use similar materials to erect guest houses for tourists, and finally their own dwellings.

Oftentimes, government buildings were built by foreign companies, financed and designed by actors from various countries providing support for the humanitarian development of Kiribati. An example here can be a school in Poland funded by the Japanese government or the building of the Ministry of the Line and Phoenix Islands in London built by the Republic of China (Taiwan). Taiwan established diplomatic relations with Kiribati in 2003, much to the annoyance of the PRC government in Beijing. At that time, Taiwan supplied the island with vans and makeshift school buses. Yet, Kiribati maintained official relations with Taiwan

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<sup>43</sup> O. Budrewicz, *Druga strona księżycy. Przygody na wyspach Pacyfiku*, Wydawnictwo G+J, Warszawa 2004, p. 153.

only until 2019, when the new president, prime minister, and foreign minister in one – Taneti Mamau – decided to return to close cooperation with the People's Republic of China.<sup>44</sup>

#### 4. Asian influence

Christian missionaries, British and American soldiers, and Western aid workers have been transforming the culture of I-Kiribati on Christmas Island for decades, but recent years have shown how much influence on the atoll comes from Asia.

The already mentioned Japanese Satellite Downrange Tracking Station was to be only the beginning of the strong ascent of Eastern cultures to Kiritimati. At the turn of the 21<sup>st</sup> century, Tokyo planned to use the abandoned Aeon Airfield in the south of the atoll as a landing site for Japanese space shuttles as part of Project Hope X, building a wharf for container ships, expanding the access road to the Aeon airport, and erecting a housing base for employees (mainly Japanese scientists) and airport staff. The project, which eventually failed in 2003, only resulted in Japan building a quay for huge ships, including container vessels, in the town of Tabwakea.<sup>45</sup> Thanks to the concrete wharf, hundreds of massive ships with imported products, especially Asian-produced (rice, machines, motorcycles, and cars), began to arrive in Kiritimati at the beginning of the 21<sup>st</sup> century.

The last three decades have witnessed an increasing involvement of East Asian countries (Japan, PRC, Taiwan, Republic of Korea) in Oceania. Not all of them are happy with the fact that tiny island states, just like huge powers, have a vote of equal weight in international organizations,<sup>46</sup> but this element has also been used in world politics today. The involvement of Asian countries on Kiritimati is not only observed in the case of the Satellite Downrange Tracking Station. Fishing is one of the few bargaining chips Kiribati has. Their 33 islands and atolls are scattered over 3.5 million square kilometers of the Pacific Ocean,<sup>47</sup> which, according to the United Nations

<sup>44</sup> "Spokesperson's Remarks on Kiribati's Establishment of Ties with Taiwan," *Embassy of the People's Republic of China in the Czech Republic*, 2 June 2004, [http://cz.china-embassy.gov.cn/cze/xwyd/200406/t20040602\\_2638093.htm](http://cz.china-embassy.gov.cn/cze/xwyd/200406/t20040602_2638093.htm); P. Amaresh, "The Chicanery of China in Kiribati," *The Diplomatist*, 10 July 2020, <https://diplomatist.com/2020/07/10/the-chicanery-of-china-in-kiribati/> (accessed: 10.02.2023).

<sup>45</sup> "Landing Strip Selected for Japan's HOPE-X Spaceplane," *SpaceFlight Now*, 25 February 2000, <https://spaceflightnow.com/news/0002/25hopexrunway/index.html> (accessed: 10.02.2023);

"High Speed Flight Demonstration 'HSFD,'" *JAXA*, n.d., <https://global.jaxa.jp/projects/rockets/hsfd/index.html> (accessed: 10.02.2023).

<sup>46</sup> R. Crocombe, "Regionalism above and below the Forum: The Geographical/Culture Regions, Asia-Pacific and Others," in: M. Powles (ed.), *Pacific Futures*, Pandanus Books, Canberra 2006, pp. 199–203.

<sup>47</sup> "ILO in Kiribati," *International Labour Organization (ILO)*, n.d., [https://www.ilo.org/suva/countries-covered/kiribati/WCMS\\_634131/lang--en/index.htm](https://www.ilo.org/suva/countries-covered/kiribati/WCMS_634131/lang--en/index.htm) (accessed: 10.02.2023).

Convention on the Law of the Sea, constitutes their exclusive economic zone (EEZ). Governments and companies from countries such as Japan, the PRC, the Republic of Korea, and Taiwan are especially interested in obtaining fishing licenses in such rich and vast areas of the Pacific. The purchase of fishing licenses is a major source of income for Kiribati, while processing companies and large ocean-going fishing vessels from Asia provide employment to thousands of Kiribati citizens, including people from Christmas Island.<sup>48</sup>

The inhabitants of Kiritimati who cooperate with Asians become more familiar with the languages and cultures of this continent. An example is Atamir Neemia, whom the author met in 2012. He is the only policeman in the Poland village. Atamir speaks Japanese, having worked on Japanese ships in the past.<sup>49</sup> As mentioned earlier, the inhabitants of Kiritimati, but also of the whole country of Kiribati, are born sailors, hence a huge number of them work on Asian and Western fishing and transport vessels. In their work, they rely on long-term cooperation with people from Eastern or Western cultures. Over time, they adopt certain patterns and behaviors from them, which they introduce in their environment after returning to Kiritimati. Some of them are useful, like foreign languages, knowledge of distant lands, while others are disastrous, like abusing alcohol, tobacco, etc.

The work of I-Kiribati in Eastern or Western culture also allows employing locals as overseers of aid projects carried out on the island by various international organizations and different countries. Thanks to the increasing number of such projects, the cultures of the East and West have a strong influence on the local population. A couple of examples of development projects on Kiritimati that the author himself had the opportunity to see during his three stays on the island are the modernization of the runway at the Cassidy International Airport<sup>50</sup> and the Kiritimati Water Project.<sup>51</sup>

Recently, a number of even more varied types of aid projects have been implemented, including the expansion of the buildings of the Cassidy International Airport

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<sup>48</sup> J. Siekiera, *Polityka regionalna na Pacyfiku Południowym*, WUW, Warszawa 2021, pp. 74–75, 107–108, 142; “Fisheries and Marine Resources,” *Government of Kiribati*, n.d., <https://kiribati.gov.ki/information/fisheries-and-marine-resources> (accessed: 10.02.2023); Food and Agriculture Organisation of the United Nations (FAO), *National Fishery Sector Overview Kiribati*, Environment and Conservation Division-MELAD, n.p. 2021, [https://kiribati-data.sprep.org/system/files/FI\\_CP\\_KI.pdf](https://kiribati-data.sprep.org/system/files/FI_CP_KI.pdf) (accessed: 10.02.2023).

<sup>49</sup> Interview of the author with Atamira Neemia, Kiritimati, September 2012.

<sup>50</sup> AECOM New Zealand Limited, *Environmental Management Plan – Cassidy International Airport. Final Draft*, 23 October 2013, [https://www.mfed.gov.ki/sites/default/files/Kiribati-Aviation-Investment-Program\\_Environmental-Management-Plan-Cassidy-International-Airport\\_23-October-2013\\_opt\\_0.pdf](https://www.mfed.gov.ki/sites/default/files/Kiribati-Aviation-Investment-Program_Environmental-Management-Plan-Cassidy-International-Airport_23-October-2013_opt_0.pdf) (accessed: 10.02.2023).

<sup>51</sup> Pacific Community (SPC), *Kiritimati Water Project. Improved Drinking Water Supply for Kiritimati Island*, August 2022, <https://spc.int/sites/default/files/tenderfiles/2022-08/Annex%201%20to%20ToR%20-%20Baseline%20Report.pdf> (accessed: 10.02.2023).

near Banana, completed in May 2019.<sup>52</sup> A few months later, the Kiribati government resumed diplomatic relations with the PRC. The major points of Chinese influence in the country include means of transport, COVID-19 vaccines, and plans to build a large port in Kiritimati.<sup>53</sup> Chinese culture also enters the islands via education, through scholarships to study in China, books from China, and the promotion of Chinese cuisine.<sup>54</sup>

Among other countries permanently involved in helping Kiribati, Cuba is worth mentioning, as it has been sending its medics to the country located in the center of the Pacific Ocean since 2006, as well as funding scholarships for students from Kiribati who study medicine in this Caribbean state.<sup>55</sup>

As explained by former Kiribati official Ronti Teiwaki, the concept of independence in Kiribati, or *inaomata*, “meant more than political autonomy. It also implied a sense of individual liberty, without being constrained by the formality and legality inherited from the colonial period.”<sup>56</sup>

The latest influence of Eastern and Western cultures on the society of the world’s largest coral atoll has become the Internet. Initially, it was available to a select few via satellite, provided by the TSKL company, in 2015 taken over by the Fijian ATH and today operating as Vodafone Kiribati.<sup>57</sup> The Internet is now more widely available via the Southern Cross NEXT submarine cable, installed thanks to a grant from the Asian Development Bank. The optical fiber was laid in December 2021.<sup>58</sup>

<sup>52</sup> R. Ewart, “Kiribati airport upgrade will enhance safety for Pacific air travel,” *ABC News*, 19 June 2019, <https://www.abc.net.au/pacific/programs/pacificbeat/pac-aviation-projects/11226788> (accessed: 10.02.2023).

<sup>53</sup> S. Raaymakers, “China Expands Its Island-Building Strategy into the Pacific,” *The Strategist – The Australian Strategic Policy Institute Blog*, 11 September 2020, <https://www.aspistrategist.org.au/china-expands-its-island-building-strategy-into-the-pacific/> (accessed: 10.02.2023).

<sup>54</sup> “H.E. Amb. TANG Songgen Presented the Hand-Over Ceremony for the Fitness Facilities and Books Donated by Chinese Embassy,” *Embassy of The People’s Republic of China in The Republic of Kiribati*, 25 April 2021, [http://ki.china-embassy.gov.cn/eng/zjgx/202104/t20210425\\_8895438.htm](http://ki.china-embassy.gov.cn/eng/zjgx/202104/t20210425_8895438.htm) (accessed: 10.02.2023); CGTN, “Kiribati Receives First Batch of Medical Supplies Donated by China to Help Fight COVID-19,” *CGTN*, 2 May 2020, <https://news.cgtn.com/news/2020-05-02/Kiribati-receives-first-batch-of-medical-supplies-donated-by-China-Q9RSVOVkuQ/index.html> (accessed: 10.02.2023).

<sup>55</sup> C. Warle, *The Gift of Health: Cuban Medical Cooperation in Kiribati*, Master’s thesis, Massey University, New Zealand 2020, <https://mro.massey.ac.nz/handle/10179/15899> (accessed: 10.02.2023).

<sup>56</sup> D. Chappell, “Water Nations: Colonial Bordering, Exploitation, and Indigenous Nation Building in Kiribati and Tuvalu,” *Pacific Asia Inquiry* 2016/7, 2016, p. 19.

<sup>57</sup> Telecom Services Kiribati Limited (TSKL) was established in 1990 in Kiribati, and in 2015 it was acquired by the Fijian owned Amalgamated Telecom Holdings (ATH). “ATH Completes Acquisition of Kiribati’s TSKL,” *Comms Update*, 27 May 2015, <https://www.commsupdate.com/articles/2015/05/27/ath-completes-acquisition-of-kiribatis-tskl/> (accessed: 10.02.2023).

<sup>58</sup> “Kiritimati, Kiribati,” *Submarine Cable Map*, n.d., <https://www.submarinecablemap.com/landing-point/kiritimati-kiribati> (accessed: 10.02.2023); N. Bannerman, “Southern Cross NEXT Cable Lands in Kiribati,” *Capacity Media*, 17 December 2021, <https://www.capacitymedia.com/article/29tgv135tpvr6ady6sa2o/southern-cross-next-cable-lands-in-kiribati> (accessed: 10.02.2023);

The above-mentioned examples of aid efforts, including development aid, provided to Kiritimati by various countries, including Japan, the Republic of China (Taiwan), the PRC, New Zealand, Australia, the United States, Great Britain, Cuba, international organizations such as the United Nations, the World Bank, the Asian Development Bank,<sup>59</sup> the European Union,<sup>60</sup> the Catholic Church, or Protestant churches are not all but only a few examples of the influence exerted on the Christmas Island community of several thousand inhabitants by the cultures of the East and the West. In 2015, Kiritimati, whose surface made up more than half of the land area of Kiribati, was still sparsely populated (about 6% of the country's population).<sup>61</sup> Its settlers were primarily I-Kiribati from the atolls of the Gilbert Islands archipelago. Some of the most recent data from 2020 indicate that nearly 7,500 people live in Kiritimati.<sup>62</sup> In recent years, the overpopulation of the capital Tarawa Atoll has forced the government to take a closer look at the infrastructure development of Christmas Island and its successful settlement by I-Kiribati from the atolls of the Gilbert Islands archipelago.<sup>63</sup>

## 5. Conclusion

Summing up our discussion of the influence of the cultures of the East and the West on the island of Kiritimati, we can conclude that, apart from the origin of the Micronesians (from Asia), it is the Western world (Great Britain, France, the United States, and Christian religion) that has shaped the culture of Christmas Island for nearly two centuries. Due to the great remoteness of the island from any Western center, the pace of its own transformation was not very rapid. Independence gained in 1979 allowed

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“Arrival of Submarine Cable a Milestone for High-Speed Broadband in Kiribati,” *Asian Development Bank*, 13 December 2021, <https://www.adb.org/news/arrival-submarine-cable-milestone-high-speed-broadband-kiribati> (accessed: 10.02.2023).

<sup>59</sup> “Asian Development Bank and Kiribati: Fact Sheet,” *Asian Development Bank*, April 2023, <https://www.adb.org/publications/kiribati-fact-sheet> (accessed: 10.04.2023).

<sup>60</sup> Press and Information Team of the Delegation to the PACIFIC ISLANDS, “The European Union and the Republic of Kiribati,” *Delegation of the European Union to the Pacific*, 3 August 2021, [https://www.eeas.europa.eu/fiji/european-union-and-republic-kiribati\\_en?s=139](https://www.eeas.europa.eu/fiji/european-union-and-republic-kiribati_en?s=139) (accessed: 10.02.2023).

<sup>61</sup> *2015 Population and Housing Census*, National Statistics Office, Ministry of Finance, Bairiki, Tarawa 2016, <https://www.mfd.gov.ki/sites/default/files/2015%20Population%20Census%20Report%20Volume%201%28final%20211016%29.pdf> (accessed: 10.02.2023).

<sup>62</sup> “Kiribati Population and Housing Census Report 2020,” *Kiribati National Statistics Office*, 29 November 2021, <https://nso.gov.ki/census/kiribati-2020-2021-population-and-housing-census-data/> (accessed: 10.02.2023).

<sup>63</sup> R. Oakes, A. Milan, J. Campbell, *Kiribati: Climate Change and Migration – Relationships between Household Vulnerability, Human Mobility and Climate Change*, Report No. 20, United Nations University Institute for Environment and Human Security (UNU-EHS), Bonn 2016, [https://collections.unu.edu/eserv/UNU:5903/Online\\_No\\_20\\_Kiribati\\_Report\\_161207.pdf](https://collections.unu.edu/eserv/UNU:5903/Online_No_20_Kiribati_Report_161207.pdf) (accessed: 10.02.2023).

the country to establish relations with the states of the Far East. This significantly intensified Kiribati's cooperation with Asian countries (Japan, Taiwan, the Republic of Korea, and mainland China) during the last half of the century, and especially at the beginning of the 21<sup>st</sup> century. In addition to their funds, Asian countries have been shipping equipment, products, and human capital to Kiribati, while Asian visitors teach I-Kiribati about their cultures, cuisine, and way of thinking, including problem-solving. Christmas Island, due to its distance from the capital, does not experience Asian influences so strongly. However, it cannot be denied that despite many years of close relations with the West, the growing influence of Eastern cultures is already noticeable on the island with the naked eye.

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Dr. Dariusz Zdziech is a historian, founder and chairman of the Australia, New Zealand and Oceania Research Association (ANZORA). He currently works as an assistant professor at the Institute of Cultural Studies and Journalism at the Jesuit University Ignatianum in Cracow, Poland. His research

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# **Law and Economics of the New Zealand Constitution: Western Values Catalog in Aotearoa**

## **1. Introduction**

The chapter analyses the Constitution Law of New Zealand<sup>1</sup> from the perspective of the research discipline of Law and Economics. This methodological approach is relatively new and has been scarcely explored to date, despite its beneficial usage for policymakers, officials, and clerks, not to mention researchers from the academia and analytical institutions, both private and public. Law and Economics, sometimes called “Economic Analysis of Law” or “Constitutional Political Economy,” is not only the scientific method of applying economic theory (precisely microeconomic theory) to the analysis of law. It in fact implies the rational choice of citizens who strive to maximize their own usefulness in public life. This goal, however, requires a legal framework. Across Europe, there is still a scientific gap as regards the research of the South Pacific, so-called *Pacific Studies*, which needs to be filled through multi-disciplinary research, not omitting the legal systems of Oceania states. New Zealand has a long history of political and cultural ties with Oceania microstates from the three subregions of the Pacific, namely Micronesia, Polynesia, and Melanesia.

Constitution – the constitution act or the basic law – is *de jure* the highest in the hierarchy of the internal legal system codifying legal values within a particular society. However, New Zealand, like most of the other postcolonial states of the former British Empire, does not have a typical – from the perspective of the continental (European) doctrine – constitution. The Constitution of New Zealand is found not in one primal constitutional document, but in many acts and bills of parliament, as well as in practices of different public bodies possessing varied hierarchy and origin (of the legal-historical background depending on the international legal states

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<sup>1</sup> The author was a scholarship holder of the Ph.D. Legal Studies at the Faculty of Law, Victoria University of Wellington in New Zealand in 2015–2016, under the supervision of QC Prof. Tony Angelo, a constitutional lawyer specializing in constitutional law of the small Pacific Island states.

which New Zealand used to have when passing those laws). Finally, the Law and Economics methodology enables analysis of the constitutional law from the perspective of pragmatic choices of citizens.

## 2. The concept of the West

Etymologically, concepts such as the West, the Western world, or Occidentalism are derived from the Latin phrase “*occidens*” meaning “sunset” and “west” (as a cardinal direction). A derivative of this noun is the adjective “*occidentalis*,” i.e., “western,” which opposes its antonym – “*orientalis*”, i.e., “eastern,” derived in turn from the noun “*oriens*,” which terminologically indicates “sunrise,” as well as “east” as a cardinal direction. The etymology of these terms alone clearly reveals two dichotomous sets, distinct from each other and, as it were, naturally independent or even quite specific in their simplicity derived from the world order, the division into times of the day, and the cardinal directions. The legal order and social contracts stem from the rules of societies for which nature, of divine origin, shaped the rhythm of work and thus also obligations towards the community. Therefore, the fact of borrowing the concepts of “west” and “east,” which originated from the place where the sun rises and sets, setting the pulse of social relations, from such civilizational foundations should not come as a surprise. Finally, one must note that this terminology, despite significant technological progress and work becoming independent of the daily clock determined by the solar cycle, still functions in scientific nomenclature.

However, West and East are still conventional names. For it would be impossible to split the world precisely, definitively, and conclusively – into two parts dividing nations into western and eastern hemispheres. It is assumed that such a distinction was first made by William Warner, a British researcher and lawyer by profession. This scholar, who lived at the turn of the 17<sup>th</sup> century, was also dedicated to reporting on his travels, mainly eastwards, to Russia. It is he who is credited with compiling two catalogs of traits describing the rules of functioning on the European continent, in the then developing Britain, France, the small kingdoms of Italy and Germany, together with those he observed after crossing the Ural Mountains.

Finally, as a result of the conquests of Europeans at the time of the great geographical discoveries of the Americas, Asia, as well as the distant Oceania micro-states on the Australian continent, the notion of the West, with all its civilizational achievements, was also extended to areas outside Europe. Today, therefore, the phrase “Western world” refers equally to colonized, and therefore Europeanized, North America, Latin America (Central and South America), and Australia (the Commonwealth of Australia, New Zealand, and the countries of Oceania).

### 3. Law and Economics as a research discipline

Law and Economics is a relatively new legal thought that has been scarcely explored in the literature to date. Until recently, law confined the use of economics mainly to tax law, antitrust law, regulated industries, and more specific domains such as, for instance, monetary damages. The early 1960s dramatically changed this limited interaction. It was when the economic analysis of law expanded into the more traditional areas of the latter, such as property law, contracts, torts, criminal law, and criminal procedure, and finally constitutional law.<sup>2</sup> Undeniably, economics has changed not only the nature of legal science, but also the usual understanding of legal rules and institutions, and eventually even the practice of law. It must be underlined that the field of Law and Economics received the highest level of recognition in 1991 and 1992. It was when two consecutive Nobel Prizes in Economics were awarded to economists Ronald Coase and Gary Becker, who helped to found the economic analysis of law. Professor Bruce Ackerman from the Yale Law School described this economic approach to law as “the most important development in legal scholarship of the twentieth century.”<sup>3</sup>

The terms used before settling on “Law and Economics” were “Constitutional Economics” and “Constitutional Political Economy.” Both were introduced in the 1970s by and for the purposes of the American academia to designate a separate strand of research that had emerged from the previous public choice branch of economics.<sup>4</sup> Then, in the 1990s, Constitutional Economics developed into a key research program. That was a time of massive constitutional change, not only in Europe but worldwide. Hence it came as no surprise that the focus of public choice in discussions on the level of state and local government and civil society shifted from conventional political choices to the institutional (and constitutional) structure. Nonetheless, we must not forget that the whole concept of combining law and politics at its core is not new and does not originate from the 20<sup>th</sup> century. Indeed, Constitutional Economics is a vital component of a broader revival of the classical approach. Dr. Ludwig Van Den Hauwe, Belgian specialist in Laws, Philosophy, and Finance, claims: “It [Law and Economics] draws substantial inspiration from the encompassing theoretical perspective and the reformist attitude that were characteristic of Adam Smith’s vision. Buchanan’s<sup>5</sup> constitutional political economy can be considered the modern-day counterpart to what Smith called the ‘science of legislation,’ an academic enterprise

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<sup>2</sup> Cf. R.H. Coase, “The Problem of Social Cost,” *Journal of Law and Economics* 3(1), 1960, pp. 1–44; G. Calabresi, “Some Thoughts on Risk Distribution and the Law of Torts,” *Yale Law Journal* 70(4), 1961, pp. 499–553.

<sup>3</sup> R. Cooter, T. Ulen, *Law and Economics*, Pearson, Berkeley 2016, p. 2.

<sup>4</sup> L. Van den Hauwe, “Constitutional Economics II,” in: J.G. Backhaus (ed.), *The Elgar Companion to Law and Economics*, Edward Elgar Publishing, 2005, pp. 223–238.

<sup>5</sup> James McGill Buchanan Jr. was an American economist. His most known work was related to public choice theory. This will be recalled in the further part of this chapter.

that seeks to bring closer together again the economic, social, political, philosophical, and legal perspectives that were once part of the study of ‘moral philosophy.’<sup>6</sup>

Constitutional Political Economy, a theory developed by J.M. Buchanan, is equally interesting and consists of an economic analysis of constitutional law, dealing primarily with the explanation of the working properties of legal, institutional, and constitutional provisions which to some extent limit the choices of *Homo oeconomicus* (economic human making rational, self-interested, and optimized choices),<sup>7</sup> as well as the activities of business entities.<sup>8</sup> Constitutional Economics, or Law and Economics as we call it today, was conceived in the 1950s. However, it dates to the works of Adam Smith, in particular his theses on moral philosophy. The aim of the research method in question is to, again, bring economic, social, political, and philosophical sciences closer to legal perception, which once shared the common denominator of moral philosophy.<sup>9</sup>

After all, a constitution, as an act of parliament, is the result of political consent or a social contract,<sup>10</sup> both between the members of the house and the citizens themselves. It is therefore appropriate to use the tools of the Politics of Law, exercising the right to achieve the intended goals.<sup>11</sup> The theory of Politics of Law is divided into three sections: the politics of making the law, applying the law, and using the conferred competencies,<sup>12</sup> which makes it easier (i.e., in a clearer and more orderly manner) to analyze the constitutional matter with its economic premises.

Finally, Law and Economics describes legal institutions in their process of using the tools available to economics. The essence of this concept is to present law as an interdisciplinary science, drawing on the achievements of psychology, sociology, and other social sciences. This is of vital importance in the era of globalization, where complex and dynamic phenomena, including those of a legal nature, require a broader perspective. The main postulate of Law and Economics is the rationality of choices

<sup>6</sup> L. van den Hauwe, “Constitutional Economics II,” *op. cit.*, p. 604.

<sup>7</sup> G. Kirchgässner, *Homo Oeconomicus: The Economic Model of Behaviour and Its Applications in Economics and Other Social*, Springer Science & Business Media, St Gallen 2008.

<sup>8</sup> Due to the nature of this study, this theory will not be a tool for research on the constitution of New Zealand. Studies on constitutional political economy in: J.G. Backhaus, *An Economic Analysis of Constitutional Law*, Research Memorandum, METEOR, Maastricht 1995; G. Brennan, J.M. Buchanan, *The Reason of Rules: Constitutional Political Economy*, Cambridge University Press, Cambridge 2000; L. Van den Hauwe, “Public Choice, Constitutional Political Economy and Law and Economics,” in: B. Bouckaert, G. De Geest (eds.), *Encyclopedia of Law and Economics*, vol. I: *The History and Methodology of Law and Economics*, Edward Elgar, Cheltenham 2000, pp. 603–641.

<sup>9</sup> K. Metelska-Szaniawska, *Konstytucyjne czynniki reform gospodarczych w krajach postsocjalistycznych*, WUW, Warszawa 2008, pp. 115–116; L. Van den Hauwe, “Public Choice...,” *op. cit.*, p. 404.

<sup>10</sup> See works of T. Hobbes, J. Locke, J.R. Rousseau.

<sup>11</sup> W. Gromski, “Law and Economics jako teoria polityki prawa,” in: J. Stelmach, M. Soniewicka (eds.), *Analiza ekonomiczna w zastosowaniach prawniczych*, Wolters Kluwer, Warszawa 2007, p. 46.

<sup>12</sup> *Ibidem*.

made by *Homo oeconomicus*. Being rational, a human strives to maximize their usefulness with a limited number of goods, functioning in a world modified by law. Therefore, the law should be effective.<sup>13</sup> This implies the necessity and legitimacy of the assessment of legal norms, both those within positive law and all those which do not originate from a rational legislator, namely customary law, decisions of courts, or international agreements. It is an important aspect, especially to effectively and to the full extent analyze the legal element of the common law system where many norms are derived from extra-legislative sources.

#### 4. New Zealand's legal order

Due to New Zealand's relatively short period of sovereignty and independence from the former British Empire, as well as the legal culture strongly influenced by the common law system, the country is an interesting legal case. The constitutional foundations of the state system of *Aotearoa*<sup>14</sup> consist of many acts of statutory rank, including acts adopted by the British Parliament,<sup>15</sup> as well as numerous constitutional conventions and practices<sup>16</sup> derived from the legal tradition of Great Britain. Thus, when analyzing the constitution of New Zealand, one must not forget about the vital features of the state's constitutional law: the constitution is not written in a single document, nor does it *per se* rank the highest in the hierarchy of sources of law,<sup>17</sup> and its historical and political ties with the former metropolitan power have to be considered.

New Zealand was inhabited by indigenous people since the 13<sup>th</sup> century. It became a British colony in 1840. Before, in the years 1838–1841, New Zealand was a part of the colony of New South Wales, though it had never served as a penal colony, unlike the former territories of today's Commonwealth of Australia.<sup>18</sup> The Māori people agreed to pass the Declaration of the Independence of New Zealand as early

<sup>13</sup> R. Stroiński, "Wprowadzenie do ekonomicznej analizy prawa (Law and Economics)," in: M. Bednarski, J. Wilkin (eds.), *Ekonomia dla prawników i nie tylko*, Lexis Nexis, Warszawa 2008, pp. 482–485.

<sup>14</sup> *Aotearoa* is the official name of New Zealand in Māori, the second official language (out of three, where the third, recently added, is English sign language) and means "the land of the long, white cloud."

<sup>15</sup> Primarily *Bill of Rights* 1689 passed by the House of Commons; S. Bożyk, *System konstytucyjny Nowej Zelandii*, Wydawnictwo Sejmowe, Warszawa 2009.

<sup>16</sup> Constitutional legal norms drawing on the common law take different names, e.g., "constitutional convenances," "constitutional customs," "constitutional mores." Cf. P. Sarnecki, *Ustroje konstytucyjne państw współczesnych*, Wolters Kluwer, Kraków 2003, pp. 19–20.

<sup>17</sup> This definition is used to explain the term "constitution" in the context of continental law. T. Ginsburg, R. Dixon, *Comparative Constitutional Law*, Edward Elgar Publishing, Northampton 2011; M. Tushnet et al., *Routledge Handbook of Constitutional Law*, Routledge, London 2013.

<sup>18</sup> The official name of the state, according to the Australian Constitution Act of July 9, 1900.



as 1836.<sup>19</sup> Four years later, pursuant to the most contested document in the history of the state, the Treaty of Waitangi, the Māori ceded the sovereignty of New Zealand to the British monarch.<sup>20</sup> The Treaty is commonly considered New Zealand's founding document. From a historical, but also a legal point of view, when we analyze statehood, the value of this act is so high that it was made part of the Constitution.

In 1907, the islands' status was changed from a colony to a British dominion. This transition gave Aotearoa greater independence from the Empire and all the bills passed in London. Yet New Zealand, as a British territory, subsequently obtained the legal privilege of having its own parliament and government. Nowadays, the definition of dominion is different, as it relates to modern sovereign states that are part of the Commonwealth of Nations, formerly called the British Commonwealth of Nations. Dominions are fully independent as regards foreign and domestic policy; nonetheless, they recognize the British monarch as the head of their country.<sup>21</sup> Giving independence to the dominions at the beginning of the 20<sup>th</sup> century, as well as bestowing them with a status equal to the metropolitan power, were a consequence of the adoption of the 1931 Statute of Westminster. The New Zealand Parliament ratified this set of regulations only 16 years later (in 1947), which gave the country actual independence. The almost two-decades-long wait could be explained by the uncertainty at the thought of formally and finally cutting off ties with the metropolis, while most citizens were of British origin and were still feeling a sense of belonging to the United Kingdom.<sup>22</sup>

The formal adoption of the Statute of Westminster also made it possible to amend the Constitution Act of 1852, the equivalent of the law enacted in 1986.<sup>23</sup>

The relatively long period of New Zealand's lack of autonomy in the international arena, as well as its legal and political dependence on the acts of the British Parliament, rightfully brings to mind associations with the post-socialist states regaining their sovereignty. Closely tied to Moscow, the former Soviet Union republics had to independently shape the system of government on their own (by adopting a constitution) and model the catalog of rights and obligations of citizens and the new government.

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<sup>19</sup> J. Eska, "Dominium Nowej Zelandii – status przejściowy czy specyficzna forma ustroju państwowego?," *Antypody.org* 3, 2010; "The Declaration of the Independence of New Zealand," *Archives New Zealand*, n.d., [www.archives.govt.nz/discover-our-stories/the-declaration-of-independence-of-new-zealand](http://www.archives.govt.nz/discover-our-stories/the-declaration-of-independence-of-new-zealand) (accessed 8.06.2022).

<sup>20</sup> Pursuant to Art. 1 of the Treaty of Waitangi Act. New Zealand Parliament, *Treaty of Waitangi Act 1975*, 10 October 1975 (Public Act 1975 No. 114).

<sup>21</sup> They include New Zealand, Australia, and Canada. S. Bożyk, *System konstytucyjny Australii*, Wydawnictwo Sejmowe, Warszawa 2001, pp. 9–29.

<sup>22</sup> J. Siekiera, "Le sentiment identitaire néo-zélandais au sein de l'Empire approche légale," in: V. Fayaud (ed.), *Les Océaniens dans la Grande Guerre: Nation, nationalisme et sentiment d'appartenance*, Encre, Amiens 2019.

<sup>23</sup> The Constitutional Act 1986 did not introduce significant changes *de jure* but only ordered the constitutional law of New Zealand. S. Bożyk, *System konstytucyjny Nowej Zelandii*, *op. cit.*, pp. 8–13; G.W.R. Palmer, *Unbridled Power: An Interpretation of New Zealand's Constitution & Government*, Oxford University Press, Oxford 1987.

Just like the Wellington government, the Central-Eastern European states have undergone a fundamental transformation<sup>24</sup> and implemented many major reforms.<sup>25</sup> Undoubtedly, adopting a new, sovereignly affirmed constitution made them for the first time fully independent from external legislation.

## 5. Constitution system of Aotearoa

As stated before, the constitution of New Zealand consists of many various legal acts. It establishes a political system of a monarchy based on a parliamentary system of government founded on democracy with its sets of principles, such as the rule of law. In addition to the aforementioned Treaty of Waitangi and the Constitution Act of 1986, the sources of constitutional law also include relevant New Zealand and British legislation (for instance, the famous Magna Carta of 1297, the Public Finance Act of 1989, or the Electoral Act of 1993), the monarch's prerogatives which served as the basis for establishing, inter alia, the office of governor-general,<sup>26</sup> as well as decisions of courts and numerous constitutional practices.<sup>27</sup> Stanisław Bożyk, Polish diplomat and constitutional lawyer, aptly noticed that in New Zealand "the system, although not based on a single constitutional document, has highly stable legal and political system solutions. It is [...] a consequence [...] of drawing on the principles and structure of the British parliamentary-cabinet system."<sup>28</sup> It is worth emphasizing that it is the New Zealand nation, and not the British monarch, which should be considered the sovereign pursuant to the provisions of the Constitution Act of 1986. This is because it is only the nation that has the right to decide on the composition of the Parliament, but also directly, through a referendum, on important matters of the state.<sup>29</sup> The British monarch only serves as head

<sup>24</sup> New Zealand did not undergo economic transformation. Being controlled by Great Britain, all dominions had the same type of market economy.

<sup>25</sup> To read more about economic reforms in constitutions of the former Soviet Union republics, see M.J. Bull, M. Ingham, *Reform of the Socialist System in Central and Eastern Europe*, Springer, New York 2016; K.J. Davey, *Fiscal Autonomy and Efficiency: Reforms in the Former Soviet Union*, Local Government and Public Service Reform Initiative/Open Society Institute, 2002.

<sup>26</sup> Based on *Letters Patent Constituting the Office of the Governor-General of New Zealand* 1983. It is also stated in Art. 2 of the Constitution Act, according to which the Governor-General is appointed by the Head of State, i.e., the monarch. New Zealand Parliament, *Constitution Act 1986*, 13 December 1986 (Public Act 1986 No. 114).

<sup>27</sup> Constitutional conventions involve individual ministerial responsibility and cabinet collective responsibility. More on this subject in: "Constitutional Conventions," *The Encyclopedia of New Zealand*, n.d., [www.teara.govt.nz/en/constitution/page-2](http://www.teara.govt.nz/en/constitution/page-2) (accessed 8.04.2023) and "Supporting the Prime Minister and Cabinet," *Department of the Prime Minister and Cabinet, Government of New Zealand*, n.d., [www.dpmc.govt.nz/node/68](http://www.dpmc.govt.nz/node/68) (accessed 8 April 2023).

<sup>28</sup> S. Bożyk, *System konstytucyjny Nowej Zelandii*, op. cit., p. 55.

<sup>29</sup> Here, the most controversial matter has been a change of the national flag in order to get rid of the Union Jack from the New Zealand flag. The author lived in New Zealand in the period

of state of a formal (ceremonial) character, while his or her *de facto* representative is the governor-general.<sup>30</sup>

Since the economic analysis of constitutional law also deals with the structure of state authorities,<sup>31</sup> it is worth discussing the New Zealand solutions aimed at counteracting the monopoly of power. The separation of powers enables more efficient and effective rule of the state.<sup>32</sup> For the purposes of this study, a simplified tripartite division of powers in New Zealand will be illustrated. The Cabinet holds executive power, the Parliament is responsible for legislation, and the courts have judicial power. New Zealand's highest court and its final appeal court is the Supreme Court.<sup>33</sup> However, the office of the governor-general should also be mentioned, as his or her competencies lack a precise definition in the constitution. Instead, the constitutional provisions and conventions provide him or her with an exact double role, serving both in the executive and the legislative. In practice, however, a large proportion of the powers conferred on a governor by the constitution are exercised by the government. The Cabinet holds the most important functions in the field of the executive.<sup>34</sup>

The system of civil rights and liberties is a significant point in the consideration of Law and Economics. Indeed, an extensive civil freedoms regime is a vital part of the Constitution of New Zealand. Moreover, until the end of the 1980s, the country had to deal with a great problem of inequality and discrimination against women and people of Māori origin. The reforms of the government of David Lange, during whose tenure the new Constitution Act was enacted, also brought a change in public structures to better reflect the ethnic structure of the nation.<sup>35</sup> Traditionally, suffrage belongs to the broadest catalog of New Zealanders' rights. It cannot be forgotten that New Zealand was the first country in the world to introduce equal voting rights for women and men in 1893. As was already stated, the now-binding Electoral Act (of 1993) was made part of the Constitution after being included in the sources of constitutional law. Finally, it was only in 1990 that the Bill of Rights (referring

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of the loud campaign as well as the post-referendum. Until now, the old flag of New Zealand remains, having in its upper left corner the flag of its former metropolis.

<sup>30</sup> Art. 3 of the Constitution Act 1986. *Ibidem*.

<sup>31</sup> R. Stroiński, "Wprowadzenie...", *op. cit.*, p. 492.

<sup>32</sup> *Ibidem*.

<sup>33</sup> "Learn about the Justice System," *Ministry of Justice of New Zealand*, n.d., [www.justice.govt.nz/about/learn-about-the-justice-system/ideas-for-teachers/explore-the-justice-system](http://www.justice.govt.nz/about/learn-about-the-justice-system/ideas-for-teachers/explore-the-justice-system) (accessed 8.04.2023) and "Parliamentary Rules," *New Zealand Parliament*, n.d., [www.parliament.nz/en/pb/parliamentary-rules](http://www.parliament.nz/en/pb/parliamentary-rules) (accessed 8 April 2023).

<sup>34</sup> P.A. Joseph, *Constitutional and Administrative Law in New Zealand*, Thomson Brookers, Wellington 2007; M.S.R. Palmer, D.R. Knight, *The Constitution of New Zealand*, Bloomsbury Publishing PLC, Wellington 2022.

<sup>35</sup> It was only during Prime Minister David Lange's term that the second official language, i.e., Māori, was introduced. M. Green, "The Changing Face of New Zealand Diplomacy," *New Zealand International Review* 33(6), 2008, pp. 20–21.

to the International Covenant on Civil and Political Rights of 1966<sup>36</sup>) was adopted, as the previous enforcement and guarantees of civil rights were considered enough by both the governments and the civil society.

Thanks to the introduced legal mechanisms, New Zealand's economy is considered one of the most developed.<sup>37</sup> The country itself ranks among the countries providing the highest life quality and most favorable conditions for business in the world every year.<sup>38</sup> It is precisely this unique regional, but also global, relationship between the introduction of individual constitutional norms and the social results of their application that is explained by the positive direction of the economic analysis of constitutional law.<sup>39</sup> All this makes New Zealand's parliamentary system (based on the complexity of sources of constitutional norms) increasingly attractive for policymakers and researchers. The effectiveness of the law enacted by a rational legislator, in this case by the New Zealand Parliament or governor-general, is therefore an interesting field of research, as well as a subject for comparative studies with other political systems, not only inside the Commonwealth of Nations.

## 6. Conclusion

Law and Economics as a new field of research has had a huge impact extending beyond the academia. Its main role can be noticed in the practice of law and the implementation of public policy. Economics provided the intellectual foundations for the deregulation movement in the 1970s and constitutional movements in the 1990s. This all resulted in such dramatic changes in America and Europe as the dissolution of regulatory bodies, whose statutory competencies were to set prices and routes for airlines, trucks, and railroads.<sup>40</sup> Finally, besides efficiency, that is rational choices made

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<sup>36</sup> Interestingly, New Zealand has not ratified this international agreement, adopted on the forum of the United Nations. S. Bożyk, *System konstytucyjny Nowej Zelandii*, *op. cit.*, pp. 19–20.

<sup>37</sup> “New Zealand Economy Performing Well, but Sustaining High Levels of Growth and Well-Being Will Require Further Reforms,” *Organization for Economic Co-operation and Development (OECD)*, 10 June 2015, <https://www.oecd.org/newsroom/new-zealand-economy-performing-well-but-sustaining-high-levels-of-growth-and-well-being-will-require-further-reforms.htm> (accessed 8.04.2023).

<sup>38</sup> Cf. Forbes's ranking of best countries for business, “Best Countries for Business,” *Forbes*, n.d., [www.forbes.com/best-countries-for-business/list](http://www.forbes.com/best-countries-for-business/list) (accessed 8.04.2023); “These Are the 18 Best Countries in the World for Starting and Running a Business,” *Business Insider*, 26 July 2021, [www.businessinsider.in/finance/these-are-the-18-best-countries-in-the-world-for-starting-and-running-a-business/slidelist/49568427.cms#slideid=49568459](http://www.businessinsider.in/finance/these-are-the-18-best-countries-in-the-world-for-starting-and-running-a-business/slidelist/49568427.cms#slideid=49568459) (accessed 8.04.2023); and “New Zealand One of Top Three Places to Live: Report,” *Stuff.co.nz*, 5 November 2010, [www.stuff.co.nz/world/4311445/New-Zealand-one-of-top-three-places-to-live-report](http://www.stuff.co.nz/world/4311445/New-Zealand-one-of-top-three-places-to-live-report) (accessed 8.04.2023).

<sup>39</sup> R. Stroiński, “Wprowadzenie...,” *op. cit.*, p. 490.

<sup>40</sup> Also, it must be added that economics served as the intellectual force in the antitrust law revolution in the United States in the 1970s and 1980s.

by *Homo oeconomicus*, economics predicts the effects of laws on another important factor – the distribution of income. In other words, economics helps public policy predict who really bears the burden of (alternative) taxes. Thus, economists, more than other social scientists, understand how laws affect the distribution of income across society. Undeniably, Law and Economics, as a relatively new research discipline, is not yet used to its fullest potential, with the detailed data and methodology benefiting both the government and citizens of a particular country.

Today, whether a country belongs to Western civilization is not determined by geography, because the United States of America, Canada, the Commonwealth of Australia, and New Zealand are, thanks to the colonial legacy, rooted in the Judeo-Christian culture that has its origins in Europe. In 1963, a historian of Western civilization, Professor William H. McNeill, published a famous polemic against the thesis that all cultures were equal and had the same role in the history of mankind. His book *The Rise of the West: A History of the Human Community* puts the emphasis on the dominance of the West, the need to regain the balance of values of the Western world, such as the rule of law, democracy, transparency, and protection of human rights.

New Zealand, a country in the South Pacific Ocean, the “little brother” of the Commonwealth of Australia, is a regional example of a developed state, but also a welfare state.<sup>41</sup> New Zealand serves well as the regional welfare model for the poor, developing island states of the Pacific Ocean. The government in Wellington makes a welfare state policy which is an example illustrating how to become one of the best economies in the world, previously being a British colony and dominion. New Zealand has introduced many institutional-legal mechanisms, mainly in international economics. Similarly, legal solutions have been implemented in the new sovereign Oceania states’ systems, including constitutional law.<sup>42</sup> In addition, we cannot neglected to mention that the social awareness of New Zealanders appears very high, which in turn leads to their active participation in the public sphere and approach to better, more convenient, and less expensive life and work conditions. New Zealand’s presence in the region, particularly its regionalism enacted via regional policy,<sup>43</sup> is perceptible in plenty of local organizations and governmental programs. Hence, this very unique example of the closest neighbor, of how the government in Wellington copes with economic factors and law (policymaking), might guide the South Pacific states in their next stage of development to gain social security, financial stability, and welfare in the future.

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<sup>41</sup> J. Boston et al., *Redesigning the Welfare State in New Zealand: Problems, Policies, Prospects*, Oxford University Press, Oxford 1999.

<sup>42</sup> Prof. Tony Angelo, the author’s former Ph.D. supervisor, was responsible for drafting the constitutions of some of the Pacific states.

<sup>43</sup> J. Siekiera, *Polityka regionalna na Pacyfiku Południowym* [Regional Policy in the South Pacific], WUW, Warszawa 2021.

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<sup>44</sup> J. Siekiera, *Polityka regionalna na Pacyfiku Południowym* [Regional Policy in the South Pacific], WUW, Warszawa 2021.

**H.E. Dr. Monika Kończyk**

Consul General of the Republic of Poland in Sydney

Consulate General of the Republic of Poland in Sydney, Australia

# **Diplomatic Projects for Preserving Cultural Heritage and Polish Language in Australia**

## **1. Introduction**

Poland may be a small country, situated some 14,000 km away and with just 4% of the total landmass of Australia, but it has a thousand-year history and rich culture that Polish people are proud of and want to share with the whole world.

Poles were and are adapting well into Australia's lifestyle. They actively work in various fields, from science to culture, art, music, and dance to entrepreneurship and business administration.<sup>1</sup>

The legal basis for the Poland–Australia relationship is derived from specific articles of the Polish Constitution<sup>2</sup> that regulate the undertakings of cultural projects for the Polish Diplomacy:

Article 5 provides that Poland shall “safeguard the national heritage and shall ensure the protection of the natural environment pursuant to the principles of sustainable development.”

Article 6 states that Poland shall “provide conditions for the people's equal access to the products of culture which are the source of the Nation's identity, continuity, and development.”

Finally, Article 35 ensures that “Polish citizens belonging to national or ethnic minorities have freedom to maintain and develop their own language, to maintain customs and traditions, and to develop their own culture. National and ethnic minorities shall have the right to establish educational and cultural institutions, institutions designed to protect religious identity, as well as to participate in the resolution of matters connected with their cultural identity.”

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<sup>1</sup> Australian Bureau of Statistics for the Department of Home Affairs, *Poland-born Community Information Summary*, n.p. 2018, <https://www.homeaffairs.gov.au/mca/files/2016-cis-poland.pdf> (accessed: 15.11.2022).

<sup>2</sup> Konstytucja Rzeczypospolitej Polskiej [Constitution of the Republic of Poland] z dnia 2 kwietnia 1997 r., Dz.U. 1997 nr 78 poz. 483.



The Polish government thus has the legal obligation to protect, preserve, and promote Polish culture, science, and education.

The Ministry of Foreign Affairs represents and protects Poles abroad with regard to their rights under international agreements and established customs.

Together with the Polish diplomatic and consular staff, the Ministry supports the teaching of the Polish language and promotes the knowledge of Poland among Poles and the Polish diaspora. It ensures the preservation and strengthening of Polish national identity and allows Poles abroad to participate in Polish national cultural events. This is achieved by funding cultural projects such as concerts, film screenings, theater productions, and exhibitions. The Ministry initiates and supports projects that strengthen the position of the Polish diaspora within the local communities and countries of their residence. It fosters and encourages the development of scientific, cultural, economic, and sporting contacts involving Polish communities abroad.<sup>3</sup>

## 2. The main goals to preserve Polish culture abroad

Dr. Marta Ryniejska-Kieldanowicz from Wrocław University defines cultural diplomacy<sup>4</sup> as the promotion of a country through widely understood culture – ideas, history, art, a system of values, and tradition. Its aim is to foster mutual understanding between nations.

Preserving Polish culture is one of the priorities of the current government. There is a need to provide information and teach successive generations of Poles about their heritage, culture, and history. The government's mission is to keep younger generations of Poles, not born in Poland, interested in and exploring their roots.

One of our consular/diplomatic tasks is to cooperate with Polish communities and Poles living abroad, organizations, institutions, and other parties, to organize cultural events.

The most recent census data (2021) show that more than 200,000 people living in Australia have Polish ancestry.<sup>5</sup> This means that they are aware of their Polish roots, and our mission as diplomats is to get them involved in cultural events to strengthen their links to their Polish heritage.

Polish people who have settled down here are active within the Polish communities, working closely with numerous Polish organizations.

Our role as diplomats is to cooperate with these organizations, support their activities, and co-finance some of their projects. All the initiatives undertaken emphasize

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<sup>3</sup> "Polish Community and Poles Abroad," *Ministry of Foreign Affairs Republic of Poland*, n.d., <https://www.gov.pl/web/diplomacy/polish-community-and-poles-abroad> (accessed: 15.11.2022).

<sup>4</sup> M. Ryniejska-Kieldanowicz, *Cultural Diplomacy as a Form of International Communication*, Institute for Public Relations BledCom Special Prize, n.p. 2009, p. 9.

<sup>5</sup> "Census," *Australian Bureau of Statistics*, n.d., <https://www.abs.gov.au/census> (accessed: 15.11.2022).

the sense of community and deepen the awareness of the importance of cultivating our Polish heritage.

The leading Polish organization in Australia is the Polish Community Council of Australia, which was established in 1950.<sup>6</sup> Its mission is to bring together the Polish communities in the Antipodes and support the activities of its member organizations. This Polish Community Council promotes a positive image of Poland and the Polish communities in Australia and across the world, supports Polish language education, raises awareness of Poland, its culture, history, and current position in Australian society by promoting Polish literature, music, and all forms of arts.<sup>7</sup> There are also local state Polish organizations in Australia. They organize and coordinate the projects addressed to the Polish diaspora on the local level.

There are twenty-two Polish language schools in Australia.<sup>8</sup> Thanks to the educators, a second or even a third generation of Polish children and teenagers can learn the Polish language and Polish history and traditions. Thanks to governmental and consular co-funding, many school projects are undertaken; students and their families can participate in various competitions, trips, and concerts that broaden their knowledge about Poland, and people can develop their language skills. Educational centers cultivate the spirit and identity of the Polish communities here in Australia. Learning languages not only broadens one's horizons but opens one's mind up to different cultures and various opinions, giving one a new perspective on life. Learning your own language gives you a sense of belonging to the community and a sense of identity;<sup>9</sup> subsequently, involvement within the life of your local community gives you awareness of the community's needs and current issues. You are not alone; you are a part of a bigger picture. Language is part of a nation and its heritage; it makes us distinct from other nations.

Polish scouts' groups also play an important role within the Polish communities in Australia. Thanks to their activities, young people are connecting with their roots and can follow the basic values of scouting. This year, thanks to the cooperation between the Polish Foundation in NSW and the Polish Consul in Sydney, a group of six Polish students embarked on a ten-day trip to Poland to develop language skills and learn about the country's history and geography.<sup>10</sup> They were able to visit the President's house, Parliament, and other historic places. This trip for most of them was their

<sup>6</sup> J. Jupp (ed.), *The Australian People Encyclopedia of the Nation Its People and Their Origins*, Cambridge University Press, Cambridge 2001, p. 625.

<sup>7</sup> *Rada Naczelna Polonii Australijskiej*, <https://www.polishcouncil.org.au/> (accessed: 16.11.2022).

<sup>8</sup> "Szkoly i organizacje oswiatowe," *Polska w Australii*, n.d., <https://www.gov.pl/web/australia/szkoly-i-organizacje-oswiatowe> (accessed: 16.11.2022).

<sup>9</sup> S. Markowski, K. Williams Kwapisz, "Australian Polonia: A Diaspora on the Wane," *Central and Eastern European Migration Review* 2(1), 2013, p. 16.

<sup>10</sup> M. Nowak, "Polish-Australian Scouts Met in Poland Their Peers from Argentina," *SBS Radio*, 3 October 2022, <https://www.sbs.com.au/language/polish/en/podcast-episode/polish-australian-scouts-met-in-poland-their-peers-from-argentina/nwu4a4tdv> (accessed: 15.11.2022).

first real contact with the country of their ancestors. It is extremely important when preserving culture to make book knowledge real. Only when facts are linked with reality will the teaching of young generations of Poles make sense and will have the intended educational results in the future.

Polish art organizations, folk dance ensembles, and diplomatic missions are dedicated to promoting Polish artists, composers, musicians, and dancers within the local communities. Art builds cultural bridges between people. No matter their ethnic differences and their backgrounds, or how many languages they speak, art is one of the best means of communicating and creating strong links within communities. There are fourteen Polish folk dance ensembles in Australia.<sup>11</sup> Young people learn how to dance traditional Polish dances, make friends within the groups, and come to be proud of their Polish culture and feel that they are a valuable part of the local Polish community.

In May 2022, the Polish Consulate organized a special concert with a visual art installation at the Sydney Opera House.<sup>12</sup> The event marked the 50<sup>th</sup> anniversary of the establishment of Polish–Australian relations. Polish Australian artists who were commissioned to perform on the day presented us with a very rich and interesting program for this concert. The visual installation art project *Here and Now*, fully funded by the Polish Consulate, was created especially for this occasion by the artist Damian Reluga and took the attending guests on a visual and musical journey through the common history of Poland and Australia.<sup>13</sup> The event was attended by the Governor of New South Wales and representatives of the local parliament, the diplomatic and consular corps, the science and business sectors, and the Polish Australian community. This concert was an excellent example of how important it is to promote Polish culture and to improve the knowledge about Poland around the world.

In Australia, there are five Polish theater groups which try to introduce Polish plays/repertoire to their Polish audiences around Australia.<sup>14</sup> Acting enriches the human spirit, as well as broadens our horizons. Polish theater groups abroad are preserving our language and deepening our knowledge of Polish literature.

The preservation of our cultural heritage, our history, and individual stories takes some effort, and it should be up to all of us to show that we care about them and want to protect them for the future generations.

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<sup>11</sup> “Zespoły pieśni i tańca, chóry i zespoły muzyczne,” *Polska w Australii*, n.d., <https://www.gov.pl/web/australia/zespoły-piesni-i-tanca-chory-i-zespoły-muzyczne> (accessed: 16.11.2022).

<sup>12</sup> E. Chylewska, “Obchody 50. rocznicy nawiązania stosunków dyplomatycznych,” *Express. The Australian-Polish Magazine*, n.d., <https://polisexpress.com.au/obchody-50-rocznicy-nawiazania-stosunkow-dyplomatycznych/> (accessed: 15.02.2023).

<sup>13</sup> “Obchody 50. rocznicy nawiązania stosunków dyplomatycznych pomiędzy Polską i Australią w Sydney,” *Polska w Australii*, n.d., <https://www.gov.pl/web/australia/obchody-50-rocznicy-nawiazania-stosunkow-dyplomatycznych-pomiedzy-polska-i-australia-w-sydney2> (accessed: 15.11.2022).

<sup>14</sup> “Teatry,” *Polska w Australii*, n.d., <https://www.gov.pl/web/australia/teatry> (accessed: 15.11.2022).

There are Polish museums such as the Polish Museum and Archives<sup>15</sup> and the Polish Hill River Church Museum.<sup>16</sup> They are places where the old meets the new, forging links to the roots of the community and the community's descendants. Preserving the past for future generations is one of our main obligations. In 2022, the Polish Museum and Archives won the Witness of History Award presented by the Institute of National Remembrance.<sup>17</sup> The Consul General of the Republic of Poland submitted an application for this award to highlight the importance of the role of such organizations within our Polish communities.

A wide spectrum of activities and the enormous engagement of Polish people in so many projects have one common goal: to protect our national and cultural heritage, our Polish identity.

For about 40 years, the Polish diaspora has been organizing a unique festival of Polish culture and art: PolArt.<sup>18</sup> It is the largest cultural event organized outside the borders of the Republic of Poland. PolArt is not only a celebration of the Polish communities living in the Antipodes, but also an event addressed to the local communities, to Australians. Many dancers, musicians, artists, actors, and writers come to the festival from various states of Australia and New Zealand. Throughout the years, diplomatic and consular missions in Australia have been involved in these events. The 2022 edition of PolArt took place in Sydney.<sup>19</sup>

Another example of how Poland is promoted in Australia is the Polish Festival @ Fed Square in Melbourne.<sup>20</sup> It is the largest cultural event organized annually by Polish organizations in Victoria. The festival also receives a financial contribution from the Polish Ministry of Foreign Affairs. It is a celebration of Polish entertainment, hospitality, and cuisines. It is a great opportunity to show off the beauty and the richness of Poland and Polish heritage.

Our national heritage shapes our national identity and our awareness of who we are as a nation. Without preserving our heritage, the younger generations will lose awareness of the importance of traditions and a sense of belonging to the Polish community.

The Polish Church in Australia also plays an important role as a center of religious and social life and a hub for cultural life of the local communities. Polish priests

<sup>15</sup> "History of Polish Immigration to Australia," *Polish Museum and Archives in Australia*, n.d., <https://polishmuseumarchives.org.au/HistoryofPolishimmigrationtoAustralia.pdf> (accessed: 15.11.2022).

<sup>16</sup> *Polish Hill River Church Museum*, <http://www.phrcm.org.au/> (accessed: 15.11.2022).

<sup>17</sup> "The Ceremonial Decoration of the Laureates of the 'Witness of History' Award at the Royal Łazienki Park in Warsaw," *Institute of National Remembrance*, 25 October 2022, <https://ipn.gov.pl/en/news/9928,The-ceremonial-decoration-of-the-laureates-of-the-quotWitness-of-HistoryAward-at.html> (accessed: 15.02.2023).

<sup>18</sup> *PolArt Inc.*, <https://www.polartinc.com.au/> (accessed: 15.02.2023).

<sup>19</sup> E. Chylewska, "Program PolArt2022," *Express. The Australian-Polish Magazine*, n.d., <https://polishexpress.com.au/program-polart-2022/> (accessed: 15.02.2023).

<sup>20</sup> *Polish Festival @ Fed Square*, <https://www.polishfestival.com.au/> (accessed: 15.02.2023).

similarly preserve the language, traditions, and history. Thanks to events organized by parishes, such as Christmas Eve and Easter Resurrection, our Polish values and traditions are cultivated for future generations.

It needs to be said that our Polish media also plays an essential role in preserving our national heritage.<sup>21</sup> The radio, press and internet news, social media as well as video documentaries are excellent tools to promote and, at the same time, preserve our cultural identity. The diplomatic missions provide important information and promote cultural events by organizing exhibitions and providing links to cultural events online. As part of consular projects, we have organized various Polish film screenings, an internet library, and even 3-D exhibitions (e.g., about the poet Cyprian Kamil Norwid) to promote Polish culture, people, and history to the Australian public.<sup>22</sup>

All these projects, events, and meetings play an important role in preserving our Polish identity, our culture, traditions, and history so far away from Poland. We need the younger generations to get interested in and then involved with various projects, and, in my opinion, we need to come up with new initiatives and new ideas of how to promote Poland within the dual citizen society – we seriously need to think about new ways of promoting Poland. I think we should concentrate on promoting Polish Australian artists, musicians, dancers, scientists, and businesspeople to emphasize the importance of preserving our Polish roots and strengthening our Polish links with our new homeland.

The young generations of Polish Australians are our successors, our new citizens, our future, and soon it will be their obligation to preserve and celebrate our traditions and culture and to keep alive the memory of their grandparents and parents. That's why we need to educate them about the beauty of our rich Polish cultural identity. As the new leaders of Polish Australian communities, they will take on the responsibilities of preserving our Polish heritage – but first they will need to learn about it and then be proud of it.

### 3. Conclusions

Preserving Polish culture is one of the priorities of the Polish government. There is a need to provide information and teach successive generations of Poles about their heritage, culture, and history. One of the diplomatic aims is to keep younger generations of Poles living abroad interested in their roots. Thanks to cooperation with Polish communities on various projects, it is possible to reinforce the awareness of the importance of cultivating the Polish language and preserving Polish heritage.

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<sup>21</sup> "Media," *Polska w Australii*, n.d., <https://www.gov.pl/web/australia/media> (accessed: 15.11.2022).

<sup>22</sup> "Wystawa Dzieje Hymnu Polskiego," *TVP Australia Express*, 22 July 2022, <https://australia-express.tvp.pl/61428629/wystawa-dzieje-hymnu-polskiego> (accessed: 15.02.2023).

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## **Biography:**

Monika Kończyk holds a Ph.D. in Law (University of Gdańsk). She has Master's degrees in English Philology and Biology. Outside these immediate fields of expertise, she participated in the Argo Top Executive Project run by the National School of Public Administration (Warsaw) and IESE (Barcelona). In 2012, she participated in the scholarship program run by the Japan International Labour Foundation (JILAF). She currently holds the position of a fellow of the German Marshall Foundation. Between 2006 and 2016, she was a member of the European Trade Union Committee for Education as an international representative of the National Section of Education of NSZZ Solidarność. As part of her broader outreach and engagement, she represented Polish teachers' unions in the European Sectoral Social Dialogue Committee. She also served as a member of the European Commission Advisory Committee on Vocational Training (ACVT).

## **II. OCEAN CHANGE DILEMMAS**



# **Common Heritage of Mankind and Deep-Sea Mining – UNCLOS Dilemmas for Securing Ocean Peace**

## **1. Introduction**

This essay steps up to discuss global sustainable development goals in the context of life below water in its interactions with the Sustainable Development Goal 13 on Climate Change as well as the Sustainable Development Goal 1 dealing with Peace, Security and Prosperity in the world. As to the Sustainable Development Goal 14, it specifically addresses the areas of underwater life and marine environment sustainable development. The present work is a scientific attempt to present the importance of the Seabed Mining Code in relation to the protection of ocean ecosystems and the sustainable management of marine resources. It is also an academic endeavor to demonstrate how issues raised in the management of seabed mining contribute towards the achievement of sustainable development goals as established in the 2030 agenda.<sup>1</sup>

Seabed mining regulation could help find the right compromise at international level in the balance of rights and obligations between industrialized countries, on one side, and developing nations, on the other side. The role of the International Seabed Authority in the accomplishment of the Sustainable Development Goal 14 should be emphasized, as this United Nations agency is responsible for ensuring that seabed mining is done for the benefit of humanity: mineral resources in the deep seabed are actually part of the common heritage of mankind.<sup>2</sup> The general legal framework was established by UNCLOS (United Nations Convention on the Law of the Sea).<sup>3</sup>

The selected method is the procedural framework for integrated environmental management of deep-sea mining projects, which is integrated into the planning and

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<sup>1</sup> United Nations, *Transforming our World: The 2030 Agenda for Sustainable Development*, New York 2015, p. 1.

<sup>2</sup> J. Harrison, *Saving the Oceans Through Law*, Oxford University Press, Oxford 2017, pp. 3–10.

<sup>3</sup> J. Dingwall, *International Law and Corporate Actors in Seabed Mining*, Oxford University Press, Oxford 2021, pp. 1–5.

extraction of marine minerals and developed continuously as technical operations are being carried out. This framework is based on the indication of environmental assessment at the various stages of the project and the interrelationship between phases in deep-seabed mining. The framework is designed to ensure fairness and uniformity in the application of environmental standards, guide the regulator to ensure that the applicable policy protects the environment, and provide contractors and financing firms with security and predictability.<sup>4</sup>

The approach in this methodology is holistic, including both qualitative and quantitative tools of analysis. The holistic approach is used in order to enhance the engagement with the various areas associated with seabed mining. In this framework, four main areas of concern clearly emerge: national economy, geography, geopolitics, and law. These areas of critical enquiry demonstrate deep-sea mining's complexities and caution against presenting this blue economy challenge as a simple phenomenon reduced to technical innovations, scientific knowledge, and global investments power. Mining the seabed produces and is underpinned by a multitude of social, cultural, and political dimensions.

This chapter consists of two parts: the fundamentals of deep-seabed mining and a subchapter dealing with the seabed mining industry, including future prospect.

## **Part I: The fundamentals of deep-seabed mining**

The following issues are addressed: chapter background, chapter aim, literature review, and the chapter rationale.

### **2. Chapter background**

The emerging seabed mining industry is expected to extract marine minerals from the seabed, which runs the risk of disturbing a delicate ecosystem balance about which scientists currently know very little. The International Seabed Authority, a United Nations agency entrusted with the management of deep-seabed mining, has so far issued 29 exploration licenses distributed to a handful of countries which sponsor private deep-sea mining firms. These contracts authorize them to explore vast areas of seabed, covering approximately 1.3 million km<sup>2</sup> in the Pacific, Atlantic, and Indian oceans for further commercial purposes.<sup>5</sup>

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<sup>4</sup> E. Gold, A. Couper (eds.), *The Marine Environment and Sustainable Development: Law, Policy and Science*, The University of Virginia, Honolulu 2007.

<sup>5</sup> L.A. Levin et al., "Challenges to the Sustainability of Deep-seabed Mining," *Nature Sustainability* 3, 2020, pp. 784–794.

### 3. Chapter aim

The aim of this essay is to contribute to the global governance of the emerging seabed mining industry through the achievement of global goals as defined in various tools (with concrete targets) established by the international community, as the world moves towards sustainable development and improved international cooperation. Focus will be placed on the work which has been being done by the International Seabed Authority in relation to the precautionary environment assessment within the context of the development of the seabed mining industry with due regard to the principle of Common Heritage of Mankind.

### 4. Literature review

The mainstream of literature on deep-seabed mining reveals the need for the sustainable development of this industry and identifies the areas of improvement of the seabed mining industry in the 21<sup>st</sup> century. Recently, the International Seabed Authority (ISA) has elaborated a draft on environmental regulations pertaining to mineral exploration and commercial exploitation. The exploitation stage cannot start until the draft has been approved by the agency. Conservationists request effective regulations to avoid serious and lasting harm to the environment. They believe that potential impacts of these operations should be properly assessed, understood, and publicly discussed. Eventually, they have urged the ISA to adopt stringent precautionary measures to protect the marine environment. They believe that they should be a core element of the Seabed Mining Code.<sup>6</sup>

The International Seabed Authority uses the term “Mining Code” for the description of the body of rules, regulations, and procedure of operations which will regulate prospecting, explorations, and exploitation of marine minerals in high seas, referred to in legal instruments as “The Area.” Presently, it is still a draft document.

Once adopted, it will cover all environmental, financial, reporting, and regulatory obligations resting on seabed mining contractors in contractual relationship with the International Seabed Authority and the authorities as such.

Further, UNCLOS requires adopting measures for the protection of the marine environment under which the International Seabed Authority is allowed to develop regulations which could prevent, reduce, and control pollution and other hazards, conserve natural resources, and prevent damages to flora and fauna.<sup>7</sup>

The regulations require governments to design rules applicable to waters within national jurisdiction as effective as those developed for international waters and establish an obligation for all countries to protect and preserve rare or fragile ecosystems

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<sup>6</sup> J. Harrison, *op. cit.*, pp. 1–15.

<sup>7</sup> *Ibidem.*

as well as the habitat of depleted, threatened, or endangered species and other forms of marine life.

Key components contributing to the environmental and financial aspects of the exploitation rules would facilitate the development of the seabed industry. It is also important to bear in mind that, in contradiction to the traditional principle of freedom of the high seas, the framework declares the seabed and its resources as the “Common Heritage of Mankind” to be managed for the benefit of humanity as a whole.<sup>8</sup>

Views of stakeholders diverge on seabed mining. The prospects related to this field of industry have been met with skepticism from a considerable number of environmental protection groups and scientists who warn that it might irreversibly damage marine ecosystems.<sup>9</sup>

In support of their position, environmental groups argue as follows:<sup>10</sup>

- Deep-sea mining could lead to potentially irreversible environmental harm which could extend even beyond the allotted mining zones.
- Seabed mining could also aggravate the current climate emergency as the ocean’s ability to store carbon in its sea-floor sediments would be considerably reduced; deep-sea sediments play an important role in storing the carbon which is naturally absorbed by marine life, and by releasing the stored carbon, deep-sea mining might exacerbate climate change.
- Using heavy excavating machinery on the seafloor would create sediment plumes smothering marine habitats on large areas.
- Further, large scale extraction activities on the seafloor could release a great quantity of toxins which could change the chemistry of parts of the ocean.
- Eventually, noise generated during the extraction of minerals could harm and disturb marine creatures, and flood lighting areas of the dark deep ocean might create permanent perturbations to sea creatures which are used to very low levels of natural light.

The Seabed Authority’s stand is as follows: the environmental management techniques include environmental impact assessment based on a collection of baseline data during explorations, long-term monitoring both during and after impact assessment, application of best available technology to minimize impacts, as well as risk mitigation measures.<sup>11</sup> In this regard, the present review should mention the pioneering precaution in the Clarion-Clipperton Fracture Zone, also known as CCZ, in the Abyssal Pacific. It has been recognized that extracting marine minerals could result in the destruction of life and seabed habitat in the area of the CCZ. Being outside

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<sup>8</sup> V. Tunnicliffe et al., “Strategic Environmental Goals and Objectives: Setting the Basis for Environmental Regulation of Deep Seabed Mining,” *Marine Policy* 114, 2020, 103347.

<sup>9</sup> *Ibidem*.

<sup>10</sup> J. Harrison, *op. cit.*, pp. 1–25; J. Ardon, “Transparency in the Operations of the International Seabed Authority: An Initial Assessment,” *Marine Policy* 95, 2018, pp. 324–331.

<sup>11</sup> V. Tunnicliffe et al., *op. cit.*

any national jurisdiction, deep-sea mining in the zone is regulated by the International Seabed Authority.

Seabed mining is associated with Sustainable Development Goals 14, 13 and 1. SDG 14.C is one of the targets under the heading of SDG 14 dealing with “Life Below Water.” Sustainable and equitable management of seabed mining is included in SDG 14.C, which aims to enhance the conservation and sustainable use of oceans and their resources by implementing international laws.<sup>12</sup> In order to do that, sustainable management of the seabed is required, including predictable, reliable, and effective deep-sea mining regulations. SDG 14 is also linked to SDG 13, which addresses the increasingly adverse impacts of climate change (including ocean acidification), overfishing, and marine pollution, which are counterproductive to the work being achieved for the preservation of the oceans. SDG 14 targets seek to: prevent and reduce marine pollution; enhance the sustainable management and protection of marine and coastal ecosystems; address the impact of ocean acidification; regulate harvesting; and end overfishing, including illegal, unreported, unregulated fishing and destructive fishing practices. SDG 14.C is also linked to welfare and reduction of poverty as defined in SDG 1. The benefits from regulated seabed mining are obvious. It is expected to provide the global industry with the metal needed in energy transition (copper, cobalt, coltan, etc.). Metal is one of the tools to use in the battle against climate change, but it comes at a cost. There is no way of extracting metal without some environmental effects. If deep seabed mining could assist the global industry to meet future metal demand in a more responsible (sustainable) way than its alternatives, then the benefits would outweigh the drawbacks. In addition to that, under UNCLOS (1982), the economic advantages of seabed mining are to be shared for the benefit of humankind as a whole in the form of royalty payments, with particular emphasis on developing countries (Pacific Region). Entities which invest in seabed mining exploration and research will also benefit from commercial operations.

Moreover, if the seabed mining industry is regulated under predictable legal provisions, it will deliver the metal needed for clean energy transition and sustainable development. This requires years of improved research. It is unlikely that any commercial activity will begin before 2027. The reason for that lies in the fact that even for the most advanced ISA contractors, years of further environmental studies and testing of the adequate equipment for the new technology lie ahead.<sup>13</sup>

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<sup>12</sup> “Achieving Sustainable Development Goal 14,” *United Nations*, 2015, [un.org/en/chronicle/article/achieving-sdg-14-role-united-nations-convention-law-se](https://un.org/en/chronicle/article/achieving-sdg-14-role-united-nations-convention-law-se) (accessed 23.05.2021).

<sup>13</sup> A. Koschinsky et al., “Deep-sea Mining: Interdisciplinary Research on Potential Environmental, Legal, Economic and Societal Implications,” *Integrated Environmental Assessment and Management* 14(6), 2018, pp. 672–691.

## 5. Chapter rationale

There is an increasing interest in extracting minerals from the seabed, which includes the seafloor massive sulfide<sup>14</sup> deposits that form at hydrothermal vents in the sea. Many commercial ventures for exploration in high sea have been launched in search for marine minerals. Some contractors may be allowed to proceed to the exploitation phase.<sup>15</sup> A draft of a Mining Code, including environmental regulation for poly-metallic sulfides and other minerals exploitation on the seabed, has been elaborated. As the seabed area is located beyond any national jurisdiction, the importance of an effective authority which would enforce the needed regulation to be applied to the seabed mining industry is obvious. The following arguments support this conviction. There is scientific evidence of the ecological vulnerability of active vents in the high sea.<sup>16</sup> It has been established that there is limited mineral resource opportunity at active vents. Legal precedents and the international convention on hydrothermal vents do not allow large-scale exploitation of marine minerals without consideration of precautional environmental assessment. The International Seabed Authority should protect the marine environment from the negative impact of mining under the mandate of the Law of the Sea Convention, UNCLOS 1982.

In addition to the issues related to hydrothermal vents, marine biodiversity should be protected. It is estimated that high sea marine areas beyond national jurisdiction cover nearly half of the Earth's area. The high seas support our planet in many ways, including regulating the climate, providing food for the population, and contributing billions of dollars to the global economy. Nevertheless, less than 1% of high seas are fully protected, and the current patchwork of management and lack of oversight leaves them at risk of vulnerability. For that reason, the United Nations have resolved to develop an international treaty for the conservation and sustainable use of the high seas. Negotiations have recently resulted in the New Convention on Biodiversity Beyond National Jurisdiction (Statement by David Cooper, Acting Executive Secretary of the Convention on Biological Diversity on March 22, 2023).

Hence, there is a need to ensure that the forthcoming framework developed in future research highlights high seas biodiversity and promotes the sustainable and equitable use of the ocean. For that purpose, the High Seas Treaty should incorporate the timely establishment of a network of fully secured maritime protected areas for diverse habitats in strategic locations. Fully protected marine reserves in the open ocean preserve fish populations, protect fragile and valuable ecosystems, and increase ecosystems' resilience. Establishing effective marine protected areas will require a coordinated approach across existing regional and sectoral bodies and the scientific community.

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<sup>14</sup> Also spelled "sulphide" – Editor's note.

<sup>15</sup> L.A. Levin et al., *op. cit.*

<sup>16</sup> L.M. Wedding et al., "Managing Mining of the Deep Seabed," *Science* 349(6244), 2015, pp. 144–145.

The treaty should also provide an adequate framework to assess the environmental impacts of activities on the high seas. Such evaluations should use comprehensive and rigorous global standards and transparent monitoring. Moreover, as the high seas are dynamic and poorly understood, strategic environmental assessments would be required to design effective policies in the future.<sup>17</sup>

## **Part II: Seabed mining industry challenges and future prospect**

This part comprises two sections: discussion of the Clarion-Clipperton Zone in the Pacific and the use of the holistic approach in seabed mining.

### **6. The Clarion-Clipperton Zone**

The main targets of explorations of the seabed minerals area are seafloor massive sulfide deposits, cobalt-rich crusts, and other seafloor resources. Nearly thirty kinds of minerals have been found. However, the current explorations are sometimes being carried out in areas under national jurisdiction (for example in Japan); this is very different from biological and physical conditions of the seabed mining areas under the jurisdiction of the International Seabed Authority.<sup>18</sup>

The exploration of the seabed in search for mineral resources forms part of oceanographic science. The first expedition to explore the ocean is attributed to the Challenge Expedition, which took place during the period between 1872 and 1876 on board the British warship HMS Challenge. These early expeditions revealed the first broad outline of the shape of the ocean basin, which includes a rise in the middle of the Atlantic Ocean, presently called “the Mid-Atlantic Ridge.” Scientists developed the first systematic plots of currents and temperatures in the ocean.<sup>19</sup> It was only around 1970s that deep-sea polymetallic nodules became of interest in the context of economy, which led to the formation of joint ventures in Germany, the United States, Canada, Japan, France, Belgium, Italy, and other countries. There currently exists a number of economic organizations set to develop resource assessment and extraction technologies for polymetallic nodules in the Clarion-Clipperton Zone in the Central Pacific Ocean.<sup>20</sup> Since the entry of UNCLOS into force and the effective

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<sup>17</sup> G. Wright et al., “Protect the Neglected Half of Our Blue Planet,” *Nature* 592(7854), 2018, pp. 397–402.

<sup>18</sup> L.M. Wedding et al., *op. cit.*

<sup>19</sup> C.H. Allen, “A Legacy of Stewardship for the Public Order of the Ocean: A Memorial Tribute to William T. Burke,” in: H.N. Scheiber, N. Oral, M.S. Kwon (eds.), *Ocean Law Debate*, Brill/Nijhoff, Leiden 2018, pp. 158–168.

<sup>20</sup> E. Gold, A. Couper (eds.), *op. cit.*

establishment of the International Seabed Authority, explorations activities for mineral resources in the seabed area have been regulated under exploration contracts. Presently, there are many national agencies and private firms involved in these ventures. To date, the ISA has concluded fifteen-year contracts for the exploration of polymetallic nodules, polymetallic sulfides, and cobalt-rich ferro-manganese crusts with thirty contractors. Each contractor proposes the training of nationals from developing countries, and one part of the contract is a training program as specified with the International Seabed Authority. Eventually, each contractor should submit an annual report on its program of activities.<sup>21</sup> It should be mentioned with relevance to the subject that the marine minerals in the seabed are part of the Common Heritage of Mankind. The depth at which these potential deposits are located, the conditions associated with the ecosystems of the ocean, as well as the strict methodology to be used in order to certify the commercial viability of the potential deposits should caution the enthusiasm observed since the 1990s in various exploration cruises around the world. Extrapolations of research results related to the part of the seabed included in the territorial and continental shelves to the geophysical and environmental conditions of the seafloor under UNCLOS should be carefully analyzed by nonpartisan scientists in order to secure science-based precaution in environmental management.<sup>22</sup>

## 7. Using the holistic approach in seabed mining

The complexity of issues brought by the emerging seabed mining industry requires a more holistic approach. Mining the seabed is underpinned by various social, cultural, and political problems.<sup>23</sup> Therefore, deep-sea mining should not be reduced only to the advanced technological dimension; concrete examples from the Japanese explorations highlight four main areas of concern for deep-sea mining, namely: geography, geopolitics, law, and political economy. For example, the creation of a strong seabed mining sector in Japan has led other competitive global firms to file a claim based on antitrust regulations against the Japanese firms. Attention should also be paid to the various discourses associated with seabed mining – the choice of terms used in relation to deep-sea mining, such as “blue growth,” “resource frontier,” or “resource security,” has particular political ramifications for how deep-seabed mining is accepted or contested in the society, including the public opinion. Presenting this new economic branch as an important sector of blue economy mobilizes start-up enterprises and global investments firms to take concrete actions towards the exploitation of marine minerals. Moreover, a common comprehension of the language used in natural sciences could be useful in order to understand deep-sea mining’s emerging issues.

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<sup>21</sup> J. Harrison, *op. cit.*, pp. 1–15.

<sup>22</sup> J. Harrison, *op. cit.*, pp. 1–15.

<sup>23</sup> R. Carver et al., “A Critical Social Perspective on Deep-sea Mining: Lessons from the Emergent Industry in Japan,” *Ocean & Coastal Management Journal* 193, 2020, 105243.



## 8. Conclusion

The commercial viability of seabed mining's potential resources require a more complex analysis with regard to the freight rate on the global market, the processing cost amounting to approximately 70% of the development cost of metallic nodules in addition to the uncertainties linked to metal price fluctuations. Finally, the general view on the current explorations of the seabed can be presented as follows. There is a need for pre-assessment enquiry of the ocean ecosystems prior to granting authorization for exploring the seabed areas. Further detailed studies on the geophysical nature of the ocean should be carried out, and the holistic approach should be applied to the overall concept of seabed mining. Besides the advanced technological innovations, scientific knowledge and the availability of global investments, deep sea mining should be conceived of as a practice with social, cultural, and geopolitical impacts. The Law of the Sea (1982) emphasizes the need for mandatory capacity-building and international cooperation, which is one of the components of the integrated framework for environmentally-sound management of deep-sea mining projects. This global instrument fosters developing nations' participation in seabed mining through the establishment of enterprises and provisions which give them access to financing and technology, including effective facilities for transfer of technology to individual developing communities. In the application of these rules, the Convention promotes international co-operation in scientific research pertaining to the seabed areas. On the other hand, much of the science around the environmental impacts of these emerging issues is incomplete and appears to be unsubstantiated. Named among the common impacts of all types of operations on the seafloor is the damage to marine life in the mined areas and their environs due to the smothering effects of the plume created when some materials return to the seafloor.

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## Biography:

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*It has been a great pleasure to participate in this ANZORA Conference edition. Thank you to Dr. Siekiera for the kind invitation. I also extend my appreciation to all the colleagues who participated in this event.*

# **Climate Transition as a Fuse for Competition for Deposits from the Seabed and the Unexplored Consequences of Extracting Critical Raw Materials**

## **1. Introduction**

Growing demand for renewable energy as a result of the shift away from fossil fuels such as coal and oil in order to meet the requirements of the Paris Agreement<sup>1</sup> of 2015, which aims to keep the global temperature rise below 2°C from pre-industrial levels, requires increased extraction of other raw materials such as cobalt, nickel, copper, silver, and rare earths. They are the reason why electric cars, batteries and rechargeable batteries, cutting-edge technology in phones, fast-charging and energy storage systems are being developed in ever-increasing quantities. The terrestrial deposits of these key metals discovered up until now cannot provide sufficient quantities to meet the rapidly growing demand. On top of this, climate change is making not only the extraction of raw materials, but also the lives of local communities increasingly difficult. Drinking water is becoming an ever more important raw material, and the growing consumption of water by mines is being met with increasing opposition from the population, as demonstrated by the surge in the number of protests and mine blockades in South America. In Africa, demands to respect human rights are putting pressure on global corporations sourcing cobalt in DR Congo with the use of child labor. The mining industry is scrutinized on all continents except Antarctica. For the latter, one has to wait until 2048,<sup>2</sup> when it will be possible to revise the Madrid Protocol,<sup>3</sup> which in its current form prohibits the extraction of deposits on that continent for purposes other than scientific research.

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<sup>1</sup> United Nations Treaty Collection, *Environment, Chapter XXVII, 7. d Paris Agreement*, 2015.

<sup>2</sup> A. Steinbrunner et al., *Governance of Antarctica Post-2048: An Argument for Non-Appropriation, Distributive Justice, and Common Heritage of Mankind*, Thesis, Willy Brandt School of Public Policy, Erfurt 2019.

<sup>3</sup> The Protocol on Environmental Protection to the Antarctic Treaty provides for comprehensive protection of Antarctica.

This vision has prompted many countries and mining companies to take a closer look at the ocean floor.

## 2. Seabed exploration in the Pacific Ocean

The little explored terrain, the lack of regulations governing deep-sea mining, and the unknown consequences of mining on the aquatic environment – until now, this has been an unpopular topic due to the fact that deep-sea mining was unviable. Polymetallic nodules were discovered in the Pacific as early as the 19<sup>th</sup> century, and in 1965, John L. Mero's book *The Mineral Resources of the Sea*<sup>4</sup> described in detail the wealth of minerals found there, but at the time no one had the technology to extract minerals from such depths on an industrial scale, so the subject was regarded more as a curiosity. The turning point came with the appearance of Project Azorian.<sup>5</sup> It was this initiative that reminded the world that there were metals at the bottom of the ocean and that it was time to start digging for them. Previously, a few nodules had already been acquired in other parts of the world for research purposes, but after the launch of Project Azorian, this interest began to grow significantly. It is necessary to mention, however, that admittedly, the ocean floor exploration project itself was just a cover for a much more important task (at least from the CIA's<sup>6</sup> perspective). Its main objective was to reach the Soviet ship K-129, which had sunk with its crew, ballistic missiles, and potential state secrets in the Pacific Ocean in 1968. At the time, the issue was critical; after all, there was a technological war for dominance in the Pacific. The Soviet Union failed to find the ship, but several months later, the United States, with the help of its air force, tracked it 1,500 miles northwest of Hawaii. In order to carry out any operations at this location and at this not inconsiderable depth – because we are talking about 16,500 feet or about 5,000 meters into the ocean – a legitimate and credible cover was needed. With the help of the mysterious billionaire Howard Hughes, the media was persuaded in 1972 that a breakthrough in deep-sea mining exploration was about to take place, and that the exploration would be carried out with the modern vessel *Hughes Glomar Explorer*. In the process, the ship extracted samples of manganese nuggets from the bottom of the Pacific Ocean and, of course, a part of the submarine along with the bodies of the crew (as the Soviet Union only found out 20 years later).

Today, we know that polymetallic nodules from the ocean floor are rich in over 30 metals, such as cobalt, copper, molybdenum, lithium, nickel, zinc, lead, titanium,

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<sup>4</sup> J.L. Mero, *The Mineral Resources of the Sea*, Elsevier Publishing Co, Amsterdam 1965.

<sup>5</sup> Central Intelligence Agency, *Project Azorian: The Story of the Hughes Glomar Explorer*, 8 January 2010, <https://www.cia.gov/readingroom/document/0005301269> (accessed: 30.04.2023).

<sup>6</sup> Central Intelligence Agency (CIA) – American government intelligence agency dealing with the acquisition and analysis of information on foreign governments, corporations, and persons.

vanadium, manganese, or rare earth elements (REEs), and are also found at the bottom of the Indian Ocean and the Atlantic. The U.S. Geological Survey has shown that extraction from the ocean floor could meet 45% of all global demand for critical metals by 2065.<sup>7</sup> According to the comprehensive document *Long-term Economic Opportunities and Challenges for Pacific Island Countries*<sup>8</sup> published by the World Bank, the Pacific Ocean contains three types of deep-sea formations rich in minerals. These are: cobalt-manganese crusts found off the Marshall Islands, Kiribati, the Federated States of Micronesia, Palau, Samoa, Tuvalu, and Niue; sulphide deposits discovered off Papua New Guinea, Fiji, the Solomon Islands, Tonga, and Vanuatu; and manganese nodules in the waters of the Cook Islands, Kiribati, Tuvalu, and Niue. However, it should be noted that only ca. 10% of the bottom of all oceans has been mapped to date.<sup>9</sup>

The United Nations Convention on the Law of the Sea (UNCLOS) signed in 1982, so far ratified by 168 members,<sup>10</sup> allows them to control extractive activities in waters within 200 miles of their coastlines. The remaining waters are regulated by the International Seabed Authority (ISA), established under UNCLOS in 1994. Of the 30 international exploration concessions in the world's oceans, as many as 21 relate to the Pacific and among these, 16<sup>11</sup> relate to the Clarion-Clipperton Zone (CCZ). It is this zone that is the focus of attention for the world's superpowers, as it is where more cobalt, nickel, and manganese are found than in all onshore reserves combined.<sup>12</sup> The Clarion-Clipperton Zone is an area of geological fracture in the ocean floor located between Mexico and Hawaii in the northeast Pacific which covers about 4.5 million square kilometers. Within its perimeter, at a depth of between 3,000 and 5,000 meters, there are about 21 billion tons of nodules that have formed over many millions of years and contain metals which are key in the energy transition.<sup>13</sup> The CCZ has been divided into areas for deep mining and preservation. The sector

<sup>7</sup> J.R. Hein, K. Mizell, "Deep-Ocean Polymetallic Nodules and Cobalt-Rich Ferromanganese Crusts in the Global Ocean: New sources for Critical Metals," in: A. Ascencio-Herrera, M.H. Nordquist (eds.), *The United Nations Convention on the Law of the Sea, Part XI Regime and the International Seabed Authority: A Twenty-Five Year Journey*, Brill Nijhoff, Leiden 2022.

<sup>8</sup> International Bank for Reconstruction and Development, *Pacific Possible: Long-term Economic Opportunities and Challenges for Pacific Island Countries*, Washington DC 2017.

<sup>9</sup> "How Much of the Ocean Have We Explored?," *National Ocean Service*, 20 January 2023, <https://oceanservice.noaa.gov/facts/exploration.html> (accessed 30.04.2023).

<sup>10</sup> United Nations Treaty Collection, *Law Of the Sea, Chapter XXI, 6. United Nations Convention on the Law of the Sea*, 1982, [https://treaties.un.org/pages/ViewDetailsIII.aspx?src=TREATY&mtdsg\\_no=XXI-6&chapter=21&Temp=mtdsg3&clang=\\_en](https://treaties.un.org/pages/ViewDetailsIII.aspx?src=TREATY&mtdsg_no=XXI-6&chapter=21&Temp=mtdsg3&clang=_en) (accessed: 30.04.2023).

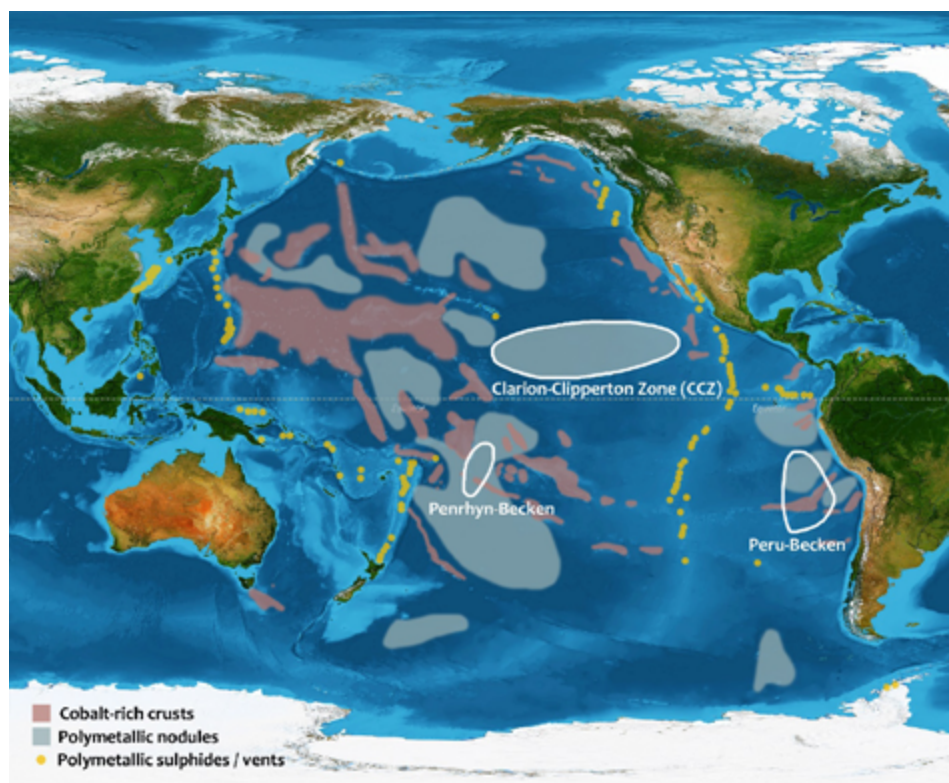
<sup>11</sup> *International Seabed Authority (ISA)*, <https://www.isa.org.jm> (accessed: 30.04.2023).

<sup>12</sup> K. Van Nijen et al., "A Stochastic Techno-economic Assessment of Seabed Mining of Polymetallic Nodules in the Clarion Clipperton Fracture Zone," *Marine Policy* 95, 2018, pp. 133–141.

<sup>13</sup> International Seabed Authority, *A Geological Model of Polymetallic Nodule Deposits in the Clarion-Clipperton Fracture Zone and Prospector's Guide for Polymetallic Nodule Deposits in the Clarion Clipperton Fracture Zone*, Technical Study No. 6, 2010.

designated for mining consists of 16 zones with a total area of 1 million square kilometers. Exploration rights in these zones are not only held by Pacific countries such as China, Cook Islands, South Korea, Tonga, Singapore, Russia, Nauru, Kiribati, and Japan, but also by Jamaica, the United Kingdom, France, Belgium, Germany, Cuba, the Czech Republic, Slovakia, and Poland.

There are two more areas in the Pacific abundant in seabed nodules, the first being the Peru Basin, located some 3,000 kilometers off the coast of Peru. It is half the size of the Clarion-Clipperton Zone and contains an average of 10 kilograms of seabed nodules per square meter. Another area is the Penrhyn Basin, more than 4,500 kilometers east of Australia, which covers the Cook Islands Exclusive Economic Zone (EEZ), French Polynesia EEZ, and Kiribati. It is even smaller than the area near Peru, not exceeding 1 million square kilometers, but it contains up to 25 kilograms of seabed nodules per square meter. By comparison, in the Clarion-Clipperton Zone, seabed nodule concentrations reach up to 75 kilograms per square meter.<sup>14</sup>



**Figure 1.** Areas with the greatest concentrations polymetallic nodules, sulphides, and cobalt-rich crusts in the Pacific Ocean. Map made by the author.

<sup>14</sup> *World Ocean Review*, vol. 3: *Marine Resources – Opportunities and Risks*, Maribus, n.p. 2014.

The Peru Basin and Clarion-Clipperton are areas outside the Exclusive Economic Zones in the high ocean, while the Penrhyn Basin is to some extent located within such a zone. Hence, the island states there, according to the international law of the sea, have full rights to exclusive extraction of raw materials and granting mining concessions within 200 nautical miles of their coasts. In order to extract raw materials from the ocean floor outside the EEZ, the International Seabed Authority (ISA), responsible for regulating deep-sea mining in international waters, must first approve the commencement of this activity. As of today, the ISA is strongly divided on this issue. This came to a fore at a meeting on deep-sea mining taking place on March 7–31, 2023, where ISA delegates met at its Jamaica headquarters in Kingstown to again discuss the possibility of starting mining operations in international waters and once again failed to reach an agreement.

Not everyone wants to wait indefinitely – an exception among ISA members is the smallest republic in the world, Nauru, which in 2021 already invoked Section 1(15) of the 1994 Agreement for the Implementation of Part XI of the United Nations Convention on the Law of the Sea. Known as the ‘two-year rule,’ it provides for the possibility of commencing deep-sea mining in international waters where there are no clear mining regulations, exploration, prospecting, or mining procedures but only draft regulations. Under this caveat, the ISA is obliged to establish and finalize deep sea mining rules within two years from the receipt of the notification. Nauru invoked the provision in July 2021, which means that in July 2023, the country will be able to submit a seabed mining application, and the ISA will have to provisionally approve it.<sup>15</sup>

While agreements concerning exploration on the ocean floor have already been concluded by countries such as Papua New Guinea, Fiji, the Cook Islands, Tonga, Vanuatu, and the Solomon Islands,<sup>16</sup> currently only Papua New Guinea has given its consent to start extracting raw materials from the bottom of the Bismarck Sea. The country’s government has granted this permission to the Canadian company Nautilus Minerals, but the venture has faced considerable public opposition. This even led to legal action against the government through the coastal community in 2017. As a consequence, the project has been put on hold, and public pressure has already discouraged many investors and banks from pursuing it.<sup>17</sup>

One country that is also making significant progress in the pursuit of seabed exploration is Japan. As early as the 1970s, it was one of the countries that inten-

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<sup>15</sup> P.A. Singh, “The Invocation of the ‘Two-Year Rule’ at the International Seabed Authority: Legal Consequences and Implications,” *The International Journal of Marine and Coastal Law* 37(3), 2022, pp. 375–412.

<sup>16</sup> A.L. Clark., “A ‘Golden Era’ for Mining in the Pacific Ocean? Perhaps Not Just Yet,” *East-West Wire*, 6 April 2018, <https://www.eastwestcenter.org/news/east-west-wire/%E2%80%9Cgolden-era%E2%80%9D-mining-in-the-pacific-ocean-perhaps-not-just-yet> (accessed: 30.04.2023).

<sup>17</sup> C. Filer et al., “How PNG Lost US\$120 Million and the Future of Deep-sea Mining,” *Devpolicyblog*, 28 April 2020, <https://devpolicy.org/how-png-lost-us120-million-and-the-future-of-deep-sea-mining-20200428/> (accessed: 30.04.2023).

sively explored nodules from the ocean floor.<sup>18</sup> The Japanese focused their efforts on the continental shelves and coasts of their territory and the central Pacific. For Japan, a highly technologically advanced yet quite resource-poor country, it is crucial to become independent in the supply of key raw materials. A situation which occurred in 2010 confirmed this need – at the time, Chinese customs officials in their ports stopped the loading of rare earth elements onto ships bound for Japan.<sup>19</sup> This happened as a result of an incident in Japanese-controlled waters near the Senkaku Islands in the East China Sea, to which China has claims. A Chinese fishing boat collided twice with Japanese coast guard vessels, resulting in the captain being detained and Japan succumbing to pressure by releasing the captain and failing to draw consequences. The country is still suffering the consequences today, as it is China that is now driving Japanese fishing boats away from the Senkaku area with its coast guard vessels. Three years after the incident, Japan obtained from the International Seabed Authority (ISA) the rights to explore for rare metals under the waters of its Minami-Torishima Atoll, some 1,900 kilometers southeast of Tokyo. The Japanese parliament approved 6 billion yen (\$44 million) for the project.<sup>20</sup> In July 2020, the Japanese oil and metal company JOGMEC conducted the world's first cobalt-rich seabed crust mining test in its offshore Exclusive Economic Zone (EEZ) on behalf of Japan's Ministry of Economy, Trade and Industry (METI). This test area is expected to supply Japan with cobalt for about 88 years, or nickel for 12 years.<sup>21</sup> Japan is also currently investing heavily in rare earths production in Australia.

The Northwest Pacific Basin area is also rich in seabed nodules. Exploration licenses there are held, alongside Japan, by South Korea, Russia, and China. The latter country, a world power, is the largest producer of rare earth metals, producing up to 60% of their global supply and owning 85% of the world's processing capacity of these materials.<sup>22</sup> China Minmetals company, along with several others, already dominates the global onshore market in terms of mining rare earth metals, cobalt, and nickel, from Australia to DR Congo and Peru. They are now awaiting the release of regulations from the ISA on mining from the ocean floor. Chinese companies are technologically advanced, experienced, and ready for mining on an industrial

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<sup>18</sup> United Nations Ocean Economics and Technology Office (ed.), *Manganese Nodules: Dimensions and Perspectives*, Springer, Dordrecht 1979.

<sup>19</sup> K. Bradsher, "Amid Tension, China Blocks Vital Exports to Japan," *The New York Times*, 23 September 2010, Section B, p. 1.

<sup>20</sup> Nikkei staff writers, "Japan to Begin Extracting Rare Earth Metals from Seabed in 2024," *Asia Nikkei*, 24 December 2022, <https://asia.nikkei.com/Business/Markets/Commodities/Japan-to-begin-extracting-rare-earth-metals-from-seabed-in-2024> (accessed: 30.04.2023).

<sup>21</sup> "JOGMEC Conducts World's First Successful Excavation of Cobalt-Rich Seabed in the Deep Ocean," *Japan Organization for Metals and Energy Security*, 21 August 2020, [https://www.jogmec.go.jp/english/news/release/news\\_01\\_000033.html](https://www.jogmec.go.jp/english/news/release/news_01_000033.html) (accessed: 30.04.2023).

<sup>22</sup> Y. Xianbin, "China Is Moving Rapidly Up the Rare Earth Value Chain," *MarshMcLennan*, 7 August 2022, <https://www.brinknews.com/china-is-moving-rapidly-up-the-rare-earth-value-chain/> (accessed: 30.04.2023).



scale. China now has significant control over the supply chain of these key metals, and government analysts have consistently assured them that the costs associated with the new challenge of deep-sea mining will not be a problem – from a global perspective, this is both an opportunity and a threat to the global economy and metals market. While one can only guess how large China's expansion on the ocean floor might be, what we can observe and study now is the impact of its current activities within 200 miles of its coasts. According to a recent study published in the scientific journal *Nature*, bottom trawling emits 1.5 billion tons of carbon dioxide per year – more than the aviation industry – and China is the largest bottom trawler in the world. While the oceans absorb more carbon dioxide than they produce, bottom interference such as trawling – casting nets and dragging them along the bottom – releases this carbon dioxide. China's trawling alone emits more carbon dioxide than Germany's.<sup>23</sup> There is a risk that freeing up areas of international waters for mining will further increase China's carbon emissions. The country appears to have a more deliberate strategy towards the ocean floor, especially in a long-term context, than the United States. The latter seems to be monitoring the situation and maintaining influence in, for example, the first and second Pacific Island chains, which goes back to 1951 and the Korean War. China has a much broader focus and does not concentrate on building a network of naval bases as the U.S. does. The PRC is beginning to do the same things in seas and oceans that it systematically does on land, namely project financing, loans, infrastructure construction, leasing land for resource extraction, participation in mining companies, transport development, port construction and access – but in terms of the ocean, the issue of climate change becomes notable. Helping Pacific Island countries, especially those that are low-lying and threatened by rising ocean levels, seems a well-thought-out strategy. Building artificial islands, relocating cities, forming shorelines, and raising land elevation – these are big undertakings, but not from the perspective of China, which has been doing this for years on many continents. This is a plan that was implemented many years ago; Kang Xiao of Beijing Foreign Studies University spoke officially about it as early as 2017.<sup>24</sup> The added value of helping island countries, fearful of surviving in a changing climate, gives China access to the seabed and the raw materials therein, so it is an example of a “win-win” strategy. China has the financial, technological, scientific, and human resources to help Pacific countries protect themselves against natural disasters and to provide support when such events do occur. In 2022, China's Foreign Minister Wang Yi has already visited eight countries in the Pacific: Papua New Guinea, Solomon Islands, Vanuatu, Fiji, Tonga, Kiribati, Samoa, Timor-Leste.<sup>25</sup> Solomon Islands has managed

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<sup>23</sup> E. Sala et al., “Protecting the Global Ocean for Biodiversity, Food and Climate,” *Nature* 592, 2021, pp. 397–402.

<sup>24</sup> *Pacific Journal* 25(9), 2017.

<sup>25</sup> R. Jennings, “China's End Game for South Pacific and Why it Matters Now,” *ChinaNews*, 2 June 2022, <https://www.voanews.com/a/china-s-end-game-for-south-pacific-and-why-it-matters-now-/6601472.html> (accessed: 30.04.2023).

to sign a Chinese-led regional security cooperation agreement, which helps both sides maintain social order, security, and the protection of life in the South Pacific archipelago. It provides for, among other things, the dispatch of troops and the docking of warships. Solomon Islands, as one of the countries most vulnerable to climate change, but also one rich in resources on the ocean floor, has ensured its security through China, distancing itself from the United States and its partners like Taiwan, with which Solomon Islands has severed diplomatic relations.

China's actions worried the United States, especially when an Australian newspaper revealed a draft China–Solomon Islands agreement.<sup>26</sup> Despite efforts and offers flowing towards Solomon Islands from Australia and the United States, the small island nation finally signed the agreement in May 2022. The United States has a similar “Small and Less Populous Island Economies (SALPIE) Initiative”<sup>27</sup> on economic assistance to address climate challenges or post-COVID-19 recovery,<sup>28</sup> which is an alternative to Chinese actions. Active U.S. initiative in the context of mining in the Pacific has been limited and mostly focused on offshore oil and gas resources. In 2022, the U.S. Ocean Policy Committee published the report *Strategic Priorities for Ocean Exploration and Characterization of the United States Exclusive Economic Zone*,<sup>29</sup> which identifies priority areas in the Pacific for resource cognition both in terms of ecosystem-environment, raw material resources, sand compactness, sand, potential exploration, or hazards such as volcanism. The report indicates that only 48% of the seabed in the U.S. EEZ has been mapped, with current activities expected to remedy this state of affairs. Among the most important areas to be thoroughly explored are the Northeast Pacific Basin, the Hawaiian Ridge, the California coastal region, or the Aleutian Arc, where BOEM<sup>30</sup> together with NOAA<sup>31</sup> and USGS<sup>32</sup> have sent the innovative Saildrone Surveyor research vessel to accurately map the ocean floor.

In March 2023, the U.S. powerhouse and arms manufacturer Lockheed Martin (LMT.N) sold its subsidiary, UK Seabed Resources (UKSR), to Norway's Loke

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<sup>26</sup> F. Mao, “Solomon Islands Confirms China Security Draft, Alarming Australia,” *BBC*, 25 March 2022, <https://www.bbc.com/news/world-australia-60870238> (accessed: 30.04.2023).

<sup>27</sup> The White House, *FACT SHEET: Small and Less Populous Island Economies (SALPIE) Initiative*, Statements and Releases, 22 March 2021, <https://www.whitehouse.gov/briefing-room/statements-releases/2021/03/22/fact-sheet-small-and-less-populous-island-economies-salpie-initiative/> (accessed: 30.04.2023).

<sup>28</sup> COVID-19 or Coronavirus disease 2019 – contagious viral disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

<sup>29</sup> The White House. Interagency Working Group on Ocean Exploration and Characterization, *Strategic Priorities for Ocean Exploration and Characterization of the United States Exclusive Economic Zone*, October 2022, <https://www.whitehouse.gov/ostp/news-updates/2022/10/31/strategic-priorities-for-ocean-exploration-and-characterization-of-the-united-states-exclusive-economic-zone/> (accessed: 30.04.2023).

<sup>30</sup> Department of the Interior's Bureau of Ocean Energy Management (BOEM).

<sup>31</sup> National Oceanic and Atmospheric Administration (NOAA).

<sup>32</sup> United States Geological Survey (USGS).

Marine Minerals – a rather unexpected move, especially as the U.S. is not a party to the seabed contract and through UKSR had a stake in two exploration licenses in the Clarion-Clipperton Zone and a stake in Ocean Mineral Singapore, a subsidiary of Keppel Corporation, which also has licenses in Clarion-Clipperton. This makes UKSR the largest license holder in the entire CCZ. The defense giant Lockheed Martin did not disclose the amount for which UKSR was sold.<sup>33</sup>

The biggest unknown that is holding back the development of deep-sea mining is its yet unexplored impact on the environment. Studies are carried out systematically, but there are far too few of them, and they are too varied in terms of where they are carried out and the methodology used.

A study published on July 7, 2022, in the journal *Science*, conducted by researchers from the Oceans Initiative, the National Institute of Advanced Industrial Science and Technology (AIST) in Japan, Curtin University in Australia, and the University of Hawaii,<sup>34</sup> found that mining operations on the ocean floor can cause noise that can be heard 500 kilometers away. Considering that living at great depths of the ocean, in the dark, there are animals that mostly use sound to communicate and navigate, conducting mining activities would cause noise pollution that would negatively affect many species. Worse still, even with legal mining activities on the ocean floor in a well-defined area, the noise extends far enough to impact protected areas several hundred kilometers away.

The Metals Company (TMC), to which the ISA awarded a polymetallic nodule exploration contract in the Clarion Clipperton Zone in 2011, in March 2023 released the results of a study<sup>35</sup> conducted by its subsidiary NORI and sponsored by the Government of the Republic of Nauru. The study compared the impact of nickel mining in Indonesia and cobalt mining in DR Congo versus bottom mining in the CCZ in terms of environmental consequences. Comparisons were made between such factors as eutrophication, acidification, global warming impact potential, transport, refining, transportation, or water consumption, among others.

The results showed that cobalt and copper sulphide mining by NORI in the CCZ has a worse environmental impact compared to DR Congo and Indonesia only in terms of global warming potential and water consumption. Data for nickel mining by NORI showed significant differences to the detriment of DR Congo and Indonesia, with the research recording a 70% reduction in environmental impact. However, several

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<sup>33</sup> F. Jones, “Norway’s Loke Marine Minerals Acquires UK Seabed Resources in a Move Towards Green Tech,” *Mining Technology*, 17 March 2023, <https://www.mining-technology.com/news/loke-marine-minerals-uk-seabed-resources-lockheed-martin/> (accessed: 30.04.2023).

<sup>34</sup> R. Williams et al., “Noise from Deep-sea Mining May Span Vast Ocean Areas,” *Science* 377, 2022, pp. 157–158.

<sup>35</sup> The Metals Company, *Lifecycle Assessment by Benchmark Shows TMC’s NORI-D Nodule Project Could Outperform Land-Based Routes of Producing Nickel, Copper and Cobalt in Almost Every Impact Category Analyzed*, 21 March 2023, <https://investors.metals.co/news-releases/news-release-details/lifecycle-assessment-benchmark-shows-tmcs-nori-d-nodule-project/> (accessed: 30.04.2023).

large-scale studies are still not enough. For example, the impact of light emitted by mining equipment on the ocean floor is unknown.

One professor at the University of Hawaii – Craig Smith – has stated that we will know the impact of mining resources from the ocean floor when at least one mine will have operated for 10 years.<sup>36</sup> It is for this reason that some Pacific countries such as Palau, Samoa, Micronesia, New Zealand, and Chile want to postpone the completion of the final mining code regulations – for up to 15 years in the case of Chile – arguing that this is because of the huge risks involved in finalizing mining rules and granting mining permits under certain conditions without knowing the consequences of doing so.

Global corporations such as Google, Samsung, Phillips, BMW Group, Volvo, Renault, Scania, and Volkswagen Group have signed a World Wildlife Fund statement and committed not to use minerals from deep-seabed mining.<sup>37</sup> Leading battery manufacturers like Clarios or car manufacturers Tesla or BYD already manufacture their products without using cobalt or nickel. A number of manufacturers such as SAIC Motors and Tevva have already launched hydrogen cell vehicles. These are positive signs, showing that the world is not waiting idly for the green light to exploit the ocean floor but is looking for solutions and already implementing them. Recent studies show that by 2050, up to 52% of cobalt, 27% of lithium, and 46% of nickel could be recycled.<sup>38</sup>

### 3. Conclusions

Along with the growing conviction that a sustainable energy transition is needed, there is also an increasingly noticeable awareness in society that progress cannot go hand in hand with further negative environmental consequences caused by the exploitation and refining of raw materials. The world looks to the Pacific because its bottom contains large amounts of metals like cobalt and nickel, more than all land reserves combined, and it is these metals that are so necessary for the energy transition. But at this time, moving mining from the land to the ocean means transferring the side effects and changes to another (less visible) ecosystem. The small number of studies on the consequences of seabed mining causes fears among many countries, and global corporations are reluctant to participate in something that years later may wreak havoc on the environment and, consequently, make them liable for the damage.

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<sup>36</sup> G. Zee et al., “Deep Sea Mining, Solution to Tech World’s Mineral Demand or Potential Ecological Disaster?,” *ABC News*, 21 September 2022, <https://abcnews.go.com/US/deep-sea-mining-solution-tech-worlds-mineral-demand/story?id=88755205> (accessed: 30.04.2023).

<sup>37</sup> *Noseabedmining*, <https://www.noseabedmining.org/> (accessed: 30.04.2023).

<sup>38</sup> J. Dunn et al., “Electric Vehicle Lithium-Ion Battery Recycled Content Standards for the US – Targets, Costs, and Environmental Impacts,” *Resources, Conservation and Recycling* 185, 2022, 106488.

While most countries are waiting for mining from the Pacific seabed to be regulated by the International Seabed Authority, which for many years has been unable to create mining law and rules for deep sea mining in international waters, some Pacific countries seem to have made big strides in recent years in terms of estimating resources, testing mining technologies, and signing contracts, leaving other states behind in this race for critical raw materials located in the seabed.

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# **Fighting for the Ocean. Climate Change and Fragility in Oceania**

## **1. Introduction**

With its vast expanse of ocean and numerous island nations, the Pacific region has long been recognized as a hotspot where the security implications of climate change will be particularly pronounced. Climate change threatens Pacific communities' security and well-being, giving rise to significant economic, environmental, and social challenges throughout the region. This paper delves into the intricate relationship between climate change, conflicts, fragility, and social tensions in Oceania, shedding light on the far-reaching implications of these interconnections for the region's stability and resilience. The environmental impacts of climate change are already making their presence felt in the Pacific. Rising sea levels, soaring temperatures, and intensified natural disasters are triggering coastal erosion and land salinity and endangering the health of coral reefs and marine biodiversity. These environmental disruptions carry immense economic and social repercussions, especially in a region heavily reliant on the blue economy. The consequences extend to natural resources, food security, livelihoods, and migration patterns. While the Pacific region has enjoyed relative peace for the past five decades, the looming threat of climate change exacerbates the multifaceted security risks and geopolitical dynamics. The international community has identified the Pacific region as one of the most vulnerable areas, highly exposed to worsening climate risks in the near future, with potential implications for social cohesion, political stability, peace, and security.

Notably, low-lying atoll nations face existential risks due to rising sea levels and natural disasters' escalating frequency and intensity. However, it is essential to resist assuming that these environmental challenges will inevitably lead to violent conflict. Pacific communities boast a rich history of cooperation, conflict resolution, and peacebuilding, often rooted in indigenous traditions and practices. These traditions have enabled these communities to weather the social effects of environmental change,

offering invaluable insights into the potential for adaptive and transformative responses to climate change, conflicts, fragility, social tensions, and violence.<sup>1</sup>

This chapter draws upon existing literature, case studies, and lessons learned to identify the primary drivers of climate-related security risks in the Pacific region. Indeed, economic vulnerability, resource scarcity, migration, and geopolitical tensions are crucial factors. Moreover, assessing the potential implications of these risks for the region's social, economic, and political stability becomes of key importance, emphasizing the need for integrated, cross-sectoral approaches to climate adaptation. These approaches aim to forge effective policy responses that foster sustainable development, social cohesion, and peace.

Ultimately, this chapter argues that climate change represents the primary threat to the Pacific people's livelihood, security, and well-being. The Pacific region's vulnerability underscores the urgent need to address the root causes of these risks, including greenhouse gas emissions and unsustainable resource utilization. Furthermore, it highlights the significance of promoting resilient and adaptive responses that prioritize the needs and perspectives of Pacific communities while fostering cooperation, trust, and social cohesion.

## 2. Setting the scene

Encompassing nearly one-third of the Earth's surface, the Pacific region is a unique and fragile ecosystem characterized by its vast ocean expanse and small island nations. Within this region, 14 small island nations with a collective population of approximately 10 million people coexist, and the area boasts an astounding array of marine biodiversity, including some of the most extensive coral reefs globally.<sup>2</sup> However, the region is highly susceptible to natural hazards, finding itself at the forefront of existential threats and the impacts of climate change. This section establishes the backdrop by exploring the region's geography, environment, economy, and security context, illuminating the interconnections and implications for the region's stability and resilience.

Climate change presents a significant challenge for the Pacific region, having emerged as one of the most pressing security concerns Pacific communities face.<sup>3</sup> Despite contributing a negligible fraction of global greenhouse gas emissions –

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<sup>1</sup> K. Higgins et al., *Climate Change and Conflict Risks in the Pacific*, Conciliation Resources, Melbourne–London 2021.

<sup>2</sup> F.M. Battaglia, "Climate Change and the Ocean: The Disruption of the Coral Reef," in: A. Cortes, M. da Gloria Garcia (eds.), *Blue Planet Law: The Ecology of our Economic and Technological World*, Springer Nature, Cham 2023.

<sup>3</sup> UN Security Council, *Research Report: The UN Security Council and Climate Change*, no. 2 (21), 2021, [https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4F-F96FF9%7D/climate\\_security\\_2021.pdf](https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4F-F96FF9%7D/climate_security_2021.pdf) (accessed: 26.05.2023).



approximately 0.03% of the total – the Small Island Developing States in the Pacific region are already experiencing disproportionate impacts of climate change.<sup>4</sup> Rising sea levels, ocean acidification, and increasing water temperatures are taking a toll on coral reefs, fisheries, and other ecosystems vital to these communities. Furthermore, extreme weather events like cyclones, droughts, and floods have caused substantial economic, social, and environmental damage. The Pacific region anticipates significant implications for food security, as reduced food production and water scarcity resulting from freshwater salinization affect the most vulnerable groups.<sup>5</sup>

Additionally, the escalating frequency and intensity of natural disasters has already dealt severe blows to the economies of these communities, resulting in substantial damages and losses. While a hypothetical Atlantis scenario remains unlikely, at least in the near future, the impending sea level rise raises concerns about the habitability of low-lying islands. Mass migration and planned relocations of entire populations are becoming imminent realities, presenting significant challenges for the affected communities.<sup>6</sup> These challenges encompass cultural loss, social and economic dislocation, potentially exacerbating conflicts, fragility, and regional tensions. The small island states in the Pacific region exhibit remarkable diversity in terms of their culture, political and governance maturity, population, development, and migration prospects. Such diversity creates significant social and economic disparities, increasing the risk of instability and fragility.<sup>7</sup>

The limited economic base of the region hampers its ability to generate employment opportunities and enhance social safety nets for vulnerable groups. Geographic isolation and restricted access to resources and markets further compound Pacific communities' vulnerabilities. Moreover, the strategic location of the Pacific region between the Americas, Asia, and Australia, coupled with the strategic value of its natural resources, places it at the center of complex geopolitical and strategic competition. Finally, the region's heavy reliance on the ocean and the blue economy intensifies the economic and social challenges exacerbated by climate change. Acknowledging the significance of the Pacific region's challenges, Pacific leaders convened for the Boe Declaration<sup>8</sup> and formulated the 2019 Action Plan.<sup>9</sup> They explicitly recognized climate change as a significant threat to the region's security and adopted an expanded concept of security to incorporate climate change alongside traditional complex security issues.

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<sup>4</sup> F.M. Battaglia, *op. cit.*

<sup>5</sup> K. Higgins et al., *op. cit.*

<sup>6</sup> International Organization for Migration (IOM), *Climate Change and Migration in Vulnerable Countries*, n.p. 2019.

<sup>7</sup> S. Firth, *Instability in the Pacific Islands: A Status Report*, Lowy Institute, 2018, <https://www.lowyinstitute.org/publications/instability-pacific-islands-status-report> (accessed: 26.05.2023).

<sup>8</sup> Pacific Islands Forum (PIF), *BOE Declaration on Regional Security*, 2018, <https://www.forumsec.org/2018/09/05/boe-declaration-on-regional-security/> (accessed: 26.05.2023).

<sup>9</sup> PIF, *BOE Declaration Action Plan*, n.p. 2019, <https://www.forumsec.org/wp-content/uploads/2019/10/BOE-document-Action-Plan.pdf> (accessed: 26.05.2023).

This acknowledgement of the multifaceted and complex security challenges facing the Pacific region underscores the urgent need for a comprehensive, cross-sectoral approach encompassing climate adaptation, peacebuilding, and security.

Thus, this chapter acknowledges the intricate and multidimensional nature of the security challenges encountered by the Pacific region, emphasizing the necessity of a comprehensive approach to address these challenges. Furthermore, the paper underscores the importance of integrating climate adaptation and peacebuilding efforts while prioritizing the needs and perspectives of Pacific communities.

Additionally, it emphasizes the significance of fostering cooperation, trust, and social cohesion among Pacific nations, recognizing the shared vulnerabilities and interests that unite the region. In summary, this paper aims to provide a comprehensive analysis of the security challenges faced by the Pacific region in the context of climate change, conflicts, fragility, and social tensions. Doing so seeks to contribute to a deeper understanding of these challenges and inform effective policy responses that promote sustainable development, social cohesion, and peace in the Pacific region.

### **3. Challenges**

#### **3.1. Displacement and forced migration**

One of the most prominent security implications of climate change in Oceania is the risk of displacement and forced migration. The combination of rising sea levels, coastal erosion, and natural disasters is already inflicting substantial damage on infrastructure and resulting in the displacement of individuals and communities. These trends are expected to persist and intensify, potentially leading to social tensions and conflicts, particularly in resource-scarce areas.<sup>10</sup> The loss of land and homes also significantly impacts the affected communities' cultural identity and well-being. Climate change is increasingly recognized as a critical driver of migration, both within nations and across borders. The disruption caused by climate change and the escalating frequency of natural disasters will likely trigger large-scale population movements. The Intergovernmental Panel on Climate Change (IPCC) acknowledges that climate change is intricately linked to human migration and recognizes that the impacts of climate change, environmental degradation, and disasters will inevitably lead to human migration.<sup>11</sup> The factors driving climate-induced migration are multifaceted and interact with existing vulnerabilities, compelling people to relocate.

In short, climate change can give rise to two types of forced migration. The first type occurs due to rapid-onset natural disasters, where people are suddenly displaced

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<sup>10</sup> IOM, *op. cit.*

<sup>11</sup> IPCC, *Managing the Risks of Extreme Events and Disasters to Advance Climate Change Adaptation: Special Report*, Cambridge University Press, Cambridge 2012.

but typically remain within their country. The second type results from gradual changes, such as sea-level rise or desertification, which erode communities' and ecosystems' resilience. Slow-onset climate events cause long-term environmental changes that eventually force people to leave their homes. These types of climate-induced migrations occur over longer timescales than those driven by political factors.<sup>12</sup> Most displacements resulting from slow-onset climate change occur within a country, with threatened populations moving to safer areas. In some cases, territories may become uninhabitable or vanish entirely, necessitating relocation to other countries. Nevertheless, most climate-induced migrations are expected to be progressive and regional rather than mass international movements.<sup>13</sup>

For Small Island Developing States (SIDS) in the Pacific region, climate change transcends the realm of disaster adaptation and becomes a matter of national security and stability. Indigenous communities, whose livelihoods and resource systems are deeply interconnected with their ecosystems, face distinct challenges in the face of displacement. Even before their lands are submerged, saltwater intrusion, erosion, and reef degradation render their lands unproductive, compelling thousands to seek relocation. Displacement and migration are already taking place within and between countries in the Pacific region. The primary drivers behind these movements are increasing land loss, saltwater intrusion, and growing food insecurity. However, implementing successful resettlement plans poses significant challenges, requiring substantial resources, available land, and cooperation from local communities. Difficulties encountered during this process increase the risk of conflicts and violent outbreaks.<sup>14</sup>

Forced migration and displacement in the Pacific region also exacerbate conflicts and fragility within communal systems. Complex land tenure and resource ownership systems, often needing more certainty in land acquisition and excluding traditional governance systems and critical stakeholders, add to the risk factors. Other challenges contributing to tension and conflict include cultural practices not fully understood by migrating or receiving communities, limited available land for relocation, difficulties in providing employment, education, and social support systems for displaced individuals, as well as the complex immigration requirements and limited transportation routes in the Pacific region. For instance, Pacific Island citizens often need to transit through Australia and New Zealand to travel between island countries, but obtaining visas for this purpose is frequently challenging and unsuccessful.<sup>15</sup> In summary, displacement and forced migration in the Pacific region present significant challenges

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<sup>12</sup> D. Bodansky et al., *International Climate Change Law*, Oxford University Press, Oxford 2017, ch. 9.

<sup>13</sup> J. McAdam, "Disappearing States, Statelessness and the Boundaries of International Law," in: J. McAdam (ed.), *Climate Change and Displacement: Multidisciplinary Perspectives*, Hart Publishing, Oxford 2012.

<sup>14</sup> *Ibidem*.

<sup>15</sup> Climate Diplomacy, Climate Security Expert Network, *Climate-Fragility Risk Brief: The Pacific Islands Region*, Adelphi, 2019.

and risks for affected communities and broader social and political dynamics. Addressing these challenges necessitates comprehensive approaches that consider land tenure, resource ownership, cultural differences, and the imperative of cooperation and support from local communities.

### **3.2. Natural disasters and coping capacity**

The heightened risk of natural disasters and the limited coping capacity are two critical aspects that exacerbate the impact of climate change on SIDS. The Pacific region, in particular, has been identified as highly exposed to natural disasters, making SIDS more vulnerable to adverse weather events such as hurricanes, cyclones, storm surges, and flooding. These events can cause extensive devastation and disrupt crucial sectors, compounding the existing challenges faced by SIDS.<sup>16</sup> In recent years, Pacific Island nations have experienced severe economic losses, with some countries witnessing a reduction of up to 60% in their GDP due to single tropical cyclone events.<sup>17</sup> These catastrophic events and shortened recovery periods pose significant risks of fragility. They have the potential to generate short-term conflicts and undermine the long-term development progress achieved by these nations. Rising sea levels pose a significant threat to SIDS, as even a slight increase can result in coastal erosion, saltwater intrusion into freshwater supplies, and the loss of habitable land. This, in turn, endangers critical infrastructure and food security and can lead to population displacement.

The intensification of storms and severe weather events also causes extensive damage to infrastructure, including housing, roads, and utilities. This disruption of essential services hampers recovery efforts. Recognizing these vulnerabilities, several Pacific SIDS have initiated projects to augment ports and reconstruct infrastructure. However, many countries in the region need help accessing necessary funds due to high debt levels and limited capacity. Therefore, improving disaster preparedness and response mechanisms is essential. Facilitating access to additional climate finance becomes crucial, as it enables these countries to co-finance critical infrastructure investments and build resilience against climate change. Coping capacity refers to the ability of SIDS to respond and adapt to the impacts of climate change effectively. However, SIDS often face limitations in their coping capacity due to resource constraints, including financial and technological limitations. These constraints hinder their ability to implement necessary climate change adaptation and mitigation measures. SIDS frequently have small economies that heavily rely on a narrow range of industries, such as tourism and agriculture. Climate change adversely affects these sectors, reducing revenue and limiting resources for adaptation and mitigation efforts. As a result, financial constraints impede the implementation of long-term strategies to address the impacts of climate change.

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<sup>16</sup> IOM, *op. cit.*

<sup>17</sup> Climate Diplomacy, *op. cit.*

Moreover, SIDS generally need more advanced technological capabilities to monitor and respond to climate change impacts effectively. It includes the absence of early warning systems for natural disasters, resilient infrastructure, and limited access to clean energy sources. There need to be more technological resources to ensure the ability of SIDS to prepare for and respond to the adverse effects of climate change. In conclusion, climate change poses numerous challenges to SIDS, with coping capacity and the increased risk of natural disasters playing significant roles. Rising sea levels, intensified storms, and ecosystem degradation will amplify SIDS' vulnerability to natural disasters. Additionally, limited financial resources, technological constraints, and institutional capacity hinder their ability to adapt and respond effectively. Addressing these challenges requires international collaboration, increased financial assistance, technology transfer, and capacity-building initiatives to empower SIDS.

#### 4. Food security and water scarcity

The impact of climate change on food and water security is another significant security concern that might lead to social tensions and conflict over access to resources, particularly in areas where these are already scarce.<sup>18</sup>

The region faces multiple threats to food security, including climate change, global economic volatility, rapid urbanization, land degradation, loss of crop genetic diversity, and the degradation of coastal and coral ecosystems. These challenges strain the main pillars of food security, namely the availability, access, and consumption of nutritious food. Consequently, an increasing reliance on imports with low nutritional value leads to malnutrition and susceptibility to various illnesses and preventable deaths.<sup>19</sup> Agriculture and fisheries have traditionally played crucial roles in ensuring food security for Pacific communities. However, climate change severely affects food systems in the region, disrupting agricultural and fisheries production. Changes in precipitation patterns, rising temperatures, and sea level rise directly impact freshwater resources, compromising agriculture and food production and contributing to waterborne diseases.<sup>20</sup>

While there may be some potential gains in crop yields due to a warming climate in the short term, these benefits could be offset by precipitation patterns in wetter or drier conditions. Excess heat and drought will likely lead to crop losses and lower livestock and poultry production in certain areas. In contrast, increased rainfall may result in soil oversaturation and physical damage in others. Coastal and low-lying

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<sup>18</sup> Climate Diplomacy, *op. cit.*

<sup>19</sup> S. Salem, *Climate Change and Food Security in the Pacific*, 2020, <https://www.e-ir.info/2020/02/18/climate-change-and-food-security-in-the-pacific/> (accessed: 26.05.2023).

<sup>20</sup> J. Barnett, "Climate Change and Food Security in the Pacific Islands," in: J. Connell, K. Lowitt (ed.), *Food Security in Small Island States*, Springer, Singapore 2020.

farms are particularly vulnerable to seawater inundation and saltwater intrusion into groundwater. These significant projected impacts may discourage large-scale or intensive agriculture investments, which face difficulties due to land tenure issues.<sup>21</sup>

Fish stocks are also at risk due to the destruction of coastal habitats, coral death, and the acidification of seawater in the long term. Coastal fisheries, vital for subsistence economies, will face additional challenges from overfishing as populations grow, urban areas expand, and fish habitats are lost. Offshore fisheries, mainly tuna, are also at risk. According to the International Organization on Migration (IOM), as temperatures increase, marine species such as tuna gradually move away to seek colder waters, threatening the livelihoods of many people directly employed in the fishing sector.<sup>22</sup> Consequently, offshore fish stocks may initially experience significant gains in the medium term but are projected to suffer a net loss by the end of the century, depending on the extent of climate change.<sup>23</sup> In addition to climate change, there are other threats to future food security in the Pacific region. As experienced in the last year, the food prices crisis and economic fluctuations will further exacerbate the precarious situation caused by climate change. Additional challenges include rapid urban population growth, land degradation, declining land productivity, erosion of crop genetic diversity, coastal and coral degradation, and declining fisheries' productivity. Addressing these challenges requires comprehensive strategies prioritizing adaptation measures, sustainable agricultural practices, effective fisheries management, and preserving traditional social safety nets.

## 5. Blue economy

As mentioned above, due to the negative impact on both the agriculture and fishery sector, climate change is also a security concern for regional economies. The so-called blue economy, which includes fisheries, tourism, and shipping, is a significant contributor to the economies of many Pacific Island countries. However, the impacts of climate change, such as coral bleaching and ocean acidification, are affecting the health and productivity of marine ecosystems, which in turn is detrimental to the livelihoods of those who depend on them.<sup>24</sup> The loss of income and economic opportunities can contribute to social tensions and conflict. The delicate island ecosystems, such as coral reefs and mangroves – which also act as natural barriers against storm surges and provide vital habitats for marine life – are severely impacted by environmental changes and variability. The degradation of these ecosystems weakens the resilience

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<sup>21</sup> Asian Development Bank (ADB), *Climate Change and Food Security in the Pacific, Rethinking the Options*, Metro Manila 2011.

<sup>22</sup> IOM, *op. cit.*

<sup>23</sup> ADB, *op. cit.*

<sup>24</sup> F.M. Battaglia, *op. cit.*

of SIDS and heightens their vulnerability to natural disasters. Preserving and restoring these ecosystems is crucial for enhancing the adaptive capacity of SIDS.

The decline of corals will significantly affect various aspects of SIDS' economies. One of the significant consequences will be the substantial disruption of ocean productivity, which is intricately linked to the health and vitality of coral ecosystems. Coral reefs serve as crucial habitats for a wide range of marine species, providing shelter, breeding grounds, and feeding areas. The loss of corals not only diminishes the biodiversity and ecological balance of the oceans but also disrupts the intricate food webs that support marine life.<sup>25</sup> Moreover, the stability of coastal infrastructure faces significant jeopardy as coral reefs act as natural barriers, protecting coastlines from the destructive forces of storms, waves, and erosion. The intricate structure of coral formations helps dissipate wave energy, reducing the impact of coastal flooding and minimizing the risks to human settlements, infrastructure, and critical coastal assets. Without the protective buffer provided by healthy coral reefs, coastal communities in the Pacific region become increasingly vulnerable to the devastating consequences of extreme weather events and rising sea levels.

Additionally, the decline of coral reefs poses a grave threat to the marketability and sustainability of the Pacific's vital and expanding tourism industry. The region's stunning coral reefs and vibrant marine life have long been a major attraction for tourists worldwide, drawing visitors eager to explore and experience the rich biodiversity of these underwater wonders. The decline in coral reef health can lead to a decline in visitor numbers, reduced tourist expenditures, and negative impacts on local economies that heavily rely on tourism revenue. This economic setback not only affects businesses directly involved in tourism, such as hotels, dive centers, and tour operators, but also has ripple effects on other sectors that support the tourism industry, including transportation, hospitality, and the supply chain.

As mentioned above, climate change is bound to permanently alter the fishing industry in SIDS. The Western and Central Pacific Ocean is home to almost 60% the world's tuna stocks,<sup>26</sup> and it is well known that several Pacific SIDS are highly reliant on tuna. The projected alterations in the distribution patterns of tuna and the consequential diminution in government revenue are instigating apprehension among nations within the region. This concern stems from the potential disruption of well-established regional arrangements that govern the management of shared tuna resources among these nations.<sup>27</sup> Considering these challenges to the blue economy, it is easier to understand how the Pacific countries are facing significant revenue losses when their expenditures on recovery and adaptation are rising.

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<sup>25</sup> *Ibidem*.

<sup>26</sup> J. Siekiera, "Legal Consequences of Ocean Change in the South Pacific: Outline of the Problem," *Lex Portus* 5 (19), 2019, pp. 7–20.

<sup>27</sup> Climate Diplomacy, *op. cit*.

## 6. Maritime zones and boundaries

The rise in sea levels substantially threatens the statehood and sovereignty of coastal states located in low-lying areas. This peril stems from land loss and population displacement, potentially undermining the affected states' political and territorial integrity. Furthermore, this phenomenon carries legal implications, particularly concerning territorial boundaries.<sup>28</sup> Maritime boundaries undoubtedly play a pivotal role in a country's governance, security, law enforcement, and natural resource management. They enable the enforcement of fishing rights and the implementation of diverse strategies for the sustainable management of marine resources. Well-defined maritime boundaries bolster a country's capacity to prosecute sea-based crimes and effectively implement border control, customs, and biosecurity measures.<sup>29</sup>

However, rising sea levels can alter seemingly permanent marine features that demarcate maritime zones, potentially leading to disputes over a state's maritime jurisdiction. Consequently, managing fisheries, oil and gas exploration, and other maritime activities is subject to significant repercussions. Moreover, sea level rise affects the rights of Pacific SIDS to coastal resources that extend beyond territorial boundaries. The inundation of coastal areas raises concerns about critical habitat loss and the displacement of coastal communities. This issue has sparked debates and concerns regarding the region's legal ramifications of territorial submersion and human displacement. Pacific leaders are steadfast in their commitment to safeguarding their countries' resource rights for the future, recognizing the paramount importance of establishing secure boundaries to prevent the erosion of national territories and the states' jurisdiction due to the impacts of sea-level rise and climate change. It is crucial to underscore that efforts for boundary delimitation necessitate collaborative negotiations at both regional and international levels, particularly involving island countries and neighboring countries with territories in the region. In recent years, the international community has shown a growing interest in this matter, emphasizing the need to prioritize maritime boundary negotiations on the international agenda.<sup>30</sup> The objective is to ensure that once maritime zones are demarcated under the United Nations Convention on the Law of the Sea, they remain unchallenged and unaffected by sea-level rise and climate change impacts.

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<sup>28</sup> J. Siekiera, *op. cit.*

<sup>29</sup> *Ibidem.*

<sup>30</sup> See: International Law Association (ILA), *Lisbon Conference on International Law and Sea Level Rise Report*, n.p. 2022; and International Law Commission (ILC), *Second Issues Paper: Sea-level Rise in Relation to International Law*, n.p. 2022.



## 7. Conclusion

The analysis of climate change and fragility in Oceania highlights the significant security challenges and risks faced by the region. The findings underscore the urgent need for comprehensive and integrated approaches to address these challenges and promote sustainable development, social cohesion, and peace. One key finding is the risk of displacement and forced migration resulting from rising sea levels, coastal erosion, and natural disasters. The displacement of populations poses a threat of social tensions and conflicts, particularly in areas where resources are already scarce. It is crucial to prioritize the needs and perspectives of affected communities in implementing adaptive and transformative responses to climate change and its associated impacts.

The heightened risk of natural disasters and limited coping capacity further exacerbate the security challenges in the region. SIDS in the Pacific are highly vulnerable to natural disasters, which can cause extensive economic, social, and environmental damage. Enhancing disaster preparedness, response mechanisms, and access to climate finance are essential for building resilience and reducing fragility. Food and water security are also significant concerns, with climate change affecting agricultural and fisheries production. The decline in crop yields, loss of coastal habitats, and the acidification of seawater pose challenges to food production and livelihoods. Sustainable agricultural practices, effective fisheries management, and preservation of traditional social safety nets are essential for ensuring food security in the region. The impact of climate change on the blue economy, including fisheries, tourism, and shipping, threatens the economic stability of Pacific Island countries.

Coral reef degradation and loss of marine biodiversity disrupt tourism and livelihoods, leading to economic losses and social tensions. Preserving and restoring ecosystems, along with promoting sustainable practices, are crucial for enhancing resilience in the face of climate change. Lastly, the significance of maritime zones and boundaries cannot be overlooked. Rising sea levels can lead to disputes over maritime jurisdiction, affecting the management of fisheries, oil and gas exploration, and other maritime activities. Collaborative negotiations at regional and international levels are vital to establishing secure boundaries and safeguarding resource rights for Pacific Island countries.

In conclusion, the analysis of climate change and fragility in Oceania highlights significant security challenges and risks for the region. Based on these findings, several recommendations can be made to address these challenges effectively. Firstly, there is a need to strengthen efforts in addressing displacement and forced migration by considering the needs and perspectives of affected communities. This can be achieved through providing resources for planned relocations, integrating traditional knowledge and practices, and facilitating cooperation between countries to ensure the smooth resettlement of displaced populations. Secondly, enhancing disaster preparedness, response mechanisms, and access to climate finance is crucial. This involves improving early warning systems, investing in resilient infrastructure,

and providing financial and technical support to SIDS for implementing climate adaptation measures. Thirdly, promoting sustainable agricultural practices and effective fisheries management is essential to ensure food security. This includes supporting traditional farming methods, diversifying agricultural production, and implementing measures to protect marine ecosystems and fish stocks. Preserving and restoring ecosystems vital to the blue economy is another important recommendation. Efforts should focus on coral reef conservation, mangrove protection, and sustainable tourism practices to ensure the long-term viability of the tourism industry and the livelihoods it supports. Finally, it is vital to facilitate collaborative negotiations and prioritize maritime boundary agreements. This involves engaging in dialogue and cooperation between island countries and neighboring countries to establish secure boundaries that protect resource rights and mitigate disputes over maritime jurisdiction.

Overall, addressing the complex security challenges arising from climate change and fragility in Oceania requires a comprehensive and collaborative approach. By integrating climate adaptation, peacebuilding, and sustainable development efforts, the region can build resilience, enhance social cohesion, and promote peace and stability for the future.

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# **Climate Change in the Pacific Ocean – Legal Consequences for the Microstates of Oceania**

## **1. Introduction**

This chapter aims to present the legal consequences of ocean change, intentionally used here instead of “climate change.” The geographical scope of research extends to the region of the South Pacific, also called Oceania, divided into three subregions: Micronesia, Polynesia, and Melanesia. It is indisputable that changes in Earth’s environmental system are now one of the biggest threats facing humanity. Although most of the new weather patterns are predicted to occur in the future, small island states on various water basins are already experiencing some of these harms. If the meteorological and geological predictions become true, loss of territory, being one of the denominatives of sovereignty, might happen, too. What is worth underlining, long-term energy choices made by global leaders at both national and global levels can either mitigate or exacerbate the climate threats to the most vulnerable nations. Those nations are, again, affected by ocean change directly, not indirectly like most of the global leaders.

Low-lying countries, poor, undeveloped, or slowly developing island states are totally dependent on the decision-makers at the universal forum level. Here, a special name for those entities has been coined: Small Island Developing States (SIDS), as well as for those from Oceania: Pacific Small Developing States (PSIDS). In terms of international legal status, those groups of states and countries are not always fully sovereign, and they have contributed the least to global warming, yet they are suffering the most from its effects. The best example portraying the tragedy happening in our eyes is the case of the Federated States of Micronesia (FSM). FMS are threatened by tidal surges, submersion of atolls, coastal erosion, destruction of food crops, reduced potable water supply, and harm to marine species due to the rising sea temperatures and acidification.<sup>1</sup>

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<sup>1</sup> Cf. M.B. Gerrard, G.E. Wannier, *Threatened Island Nations: Legal Implications of Rising Seas and a Changing Climate*, Cambridge University Press, Cambridge 2013; R. Warner, C. Schofield,

## 2. Oceania and ocean change

The Pacific Ocean covers a third of the Earth's surface. It is home to more than 10 million islanders, who call themselves Pasifika. Yet, "Oceania" is not a legal term; most scientists exclude here the Commonwealth of Australia (the name of the state, while the name of the continent of both the Commonwealth of Australia and Oceania is Australia). This huge water basin is full of cultural and biological diversity.<sup>2</sup> Pasifika, Oceania islanders, perceive themselves as "people of the sea," which makes them indeed proud. They see the ocean not only as their home but also as the foundation of their very existence. Also, the main – and sometimes the only – source of protein in the region is tuna.<sup>3</sup>

In the domain of the law of the sea, the undeniable question arises of how to measure the 200-nautical miles Exclusive Economic Zone (EEZ) before and after the potential ocean changes. Yet, the baselines for Pacific Islands EEZs are, to a huge extent, not the islands themselves. It is their peculiar archipelagic nature that provides them a disproportionately huge platform from which to measure the 200-mile perimeters. Oceanic changes affect sea level and thus contribute to loss of territory, relocation of maritime zones, and general instability of the status quo. In accordance with the United Nations Convention on the Law of the Sea (UNCLOS),<sup>4</sup> both islands and EEZs are legally determined. Still, such baselines in the South Pacific are vastly extensive and disproportionate to the tiny amount of land comprising the Pacific islets.<sup>5</sup> Therefore, what should be of no surprise here is the natural, almost automatic association of the Pasifika's sovereignty with the(ir) ocean. Without the ocean, they do not and cannot exist. Such maritime connection reflects a very particular "Pacific worldview," hard to comprehend for people from other continents, especially from states not having access to the sea.<sup>6</sup> This oceanic worldview is therefore expressed in the title of this chapter, which names ocean change as the biggest challenge to humanity.

Partly leaving behind non-legal analysis, it is necessary to open this chapter by recalling the essential facts of ocean change. First of all, the ocean is being extremely impacted by increasing carbon dioxide and other greenhouse gasses emissions

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*Climate Change and the Oceans: Gauging the Legal and Policy Currents in the Asia Pacific and Beyond*, Edward Elgar Publishing, Cheltenham 2012.

<sup>2</sup> E. Hau'ofa, "Our Sea of Islands," *The Contemporary Pacific* 6(1), 1994, pp. 148–161; B.V. Lal, K. Fortune, *The Pacific Islands: An Encyclopedia; Gender and Family Relations*, Honolulu 2000, p. 406.

<sup>3</sup> P. D'Arcy, *The People of the Sea: Environment, Identity, and History in Oceania*, University of Hawai'i Press, Honolulu 2006.

<sup>4</sup> United Nations, *Convention on the Law of the Sea (UNCLOS)*, 10 December 1982 (nevertheless ratified already in 1994).

<sup>5</sup> M. Jędrusik, *Wyspy tropikalne. W poszukiwaniu dobrobytu*, WUW, Warszawa 2005.

<sup>6</sup> E. Hviding, "Both Sides of the Beach: Knowledge of Nature in Oceania," in: H. Selin (ed.), *Nature Across Cultures: Non-Western Views of the Environment and Nature*, Kluwer Academic, Dordrecht 2003.

from human activities. This, in turn, raises the temperature of water, exacerbating the devastating acidification of the ocean, and finally leading to its deoxygenation. Those intensive chemical reactions directly lead to changes in oceanic circulation and the general chemistry of maritime ecosystems. They then significantly influence sea level rise, increase storm intensity, as well as trigger dangerous changes in the diversity or even abundance of some marine species. Additionally, from the economic security vantage point, it is vital to be aware of the degradation of coastal and marine ecosystems. It is because ocean change weakens the ability of the ocean and coastal areas to provide critical services such as food, carbon storage, and oxygen generation. The other, not widely known ability of the ocean weakened by climate change is creating nature-based solutions to climate change – through coral reefs, seagrass, and mangroves. The International Union for Conservation of Nature claimed in its 2017 report: “The sustainable management, conservation, and restoration of coastal and marine ecosystems are vital to support the continued provision of ecosystem services on which people depend. A low carbon emissions trajectory is indispensable to preserve the health of the ocean.”<sup>7</sup> Yet, we should not forget about the health of islanders, who depend directly on the healthy ocean. Furthermore, the oceans absorb heat. Since the 1970s, more than 90% of the atmosphere warming created by humans has been absorbed by the oceans. Certainly, there must be a physical limit to how much the ocean is able to absorb. According to oceanographers, such limit has begun to loom on the horizon in the 21<sup>st</sup> century.<sup>8</sup>

Even though there is a common (at the level of research and political actions) recognition that sea-level rise has been happening and causing a lot of damage to the natural environment, it is still uncertain how much and how quickly the ocean level will rise to cause fatal damages. Scientists gather and present growing concerns relating to sea-level rise. The situation, especially in the Pacific, might have the potential to accelerate. In addition to that, severe flooding, drought, and extreme weather will most probably gradually make coastal areas inhabitable. Here, we must consider literally the whole territories of PSIDS. Socio-economic consequences will be the next threat to human security. Migrations of displaced people (sometimes called “climate refugees,” which is a popular term but not a legal one) will come as a consequence of submersion of urban centers, which are already overpopulated and struggle with a high rate of unemployment, especially among young, uneducated islanders.<sup>9</sup>

Again, such climate change scenarios are, in any case, the future scenarios for the Pacific islanders. They are already experiencing damage in front of the world’s

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<sup>7</sup> International Union for Conservation of Nature (IUCN), *The Ocean and Climate Change. Issues Brief*, November 2017.

<sup>8</sup> D. Laffoley, J.M. Baxter, *Explaining Ocean Warming: Causes, Scale, Effects and Consequences*, IUCN Publication, Gland 2016.

<sup>9</sup> R.J. Nicholls, A. Cazenave, “Sea-Level Rise and Its Impact on Coastal Zones,” *Science* 328(5985), 2010, pp. 1517–1520.

eyes. Moreover, they are being called the “frontline” of the global ocean change.<sup>10</sup> That is the reason why scientists in their reports and decision-makers in their political plans refer to the Oceania nations as those most vulnerable to climate change. The South Pacific region is vulnerable due to three correlated factors. These are smallness, isolation, and fragmentation (three varied subregions enumerated before). While the region’s limited environments are undeniably fragile and ocean dependent, PSIDS are becoming more and more vulnerable to a wide range of hazards. Here, these hazards bear recalling, both at the regional (local) and global (international) levels: non-existent waste management, pollution, soil erosion, rapid population growth and overpopulation in the coastal areas and in capital cities, migration (internal, within the islands of one state, and external, international within the Pacific region), foreign remittances and still existing postcolonial dependence on foreign aid, dramatically changing market prices for commodities, lack or insufficient infrastructure at Pacific harbors and airports, to name only a few most vital.<sup>11</sup>

We are witnessing an unprecedented situation at a global scale which puts PSIDS in real danger. According to maritime statistics, four low-lying countries in Oceania in particular: the Republic of Kiribati, the Marshall Islands, Tokelau, and Tuvalu, are projected to lose some of their territories by the end of the 21<sup>st</sup> century. Here, we ought to use an example of one islet forming part of the FSM. Its territory has completely vanished, while another one, in Pohnpei State (one out of the four states forming the Federated States of Micronesia) has split because of coastal erosion. Finally, two islands in the Chuuk State have been submerged totally.<sup>12</sup>

### 3. Consequences from the international legal point of view

The mentioned FSM and other PSIDS cannot afford to wait for the final and binding political decisions made in the international arenas, especially the United Nations. In order to ensure their own legal existence as nations, they in fact need to seek legal solutions, both among the already existing international law arrangements, but also in the form of new ways of tackling this legal dilemma. As the ocean change effects are unprecedented, this ocean legal case also requires an unprecedented approach using legal and extrajudicial mechanisms, soft law, and hard law. The very existence

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<sup>10</sup> J. Barnett, J. Campbell, *Climate Change and Small Island States: Power, Knowledge and the South Pacific*, Earthscan from Routledge, Abingdon 2010; J. Overton, “Small States, Big Issue? Human Geography in the Pacific Islands,” *Singapore Journal of Tropical Geography* 14(2), 1993, pp. 265–276.

<sup>11</sup> J. Siekiera, “The Pacific Islands Forum 2015, Port Moresby,” *New Zealand Yearbook of International Law* 13, University of Canterbury, Christchurch, 2015.

<sup>12</sup> M.B. Gerrard, G.E. Wannier, *op. cit.*; G. Kubota, “Micronesia Vanishing as Climate Warms Up,” *Star Bulletin* 2(63), 2001.

of several Pacific nations is endangered by the rising sea level, which in turn implies other biological, social, and economic consequences.

It has to be noted that a state losing a part of its territory, or potentially its entirety, opens up the international legal discussion of myriad legal dilemmas. Here, the author would name a few of them: Can a nation without a territory still be called a state in accordance with the 1933 Montevideo Convention?<sup>13</sup> Does such deterritorialized entity still possess the rights and obligations of a state? In the case of changing baselines in relation to which the EEZ's equivalent nautical miles could be calculated, would EEZ remain unchanged or shrink? Would the population of such a submerged state lose their citizenship in a hosting country or not? What could be the legal status of those displaced people? Again, as there does not exist any international agreement on "climate change refugees" / "climate change displaced people," should the United Nations draft one and seek its ratifications? Or, due to already over-fragmented legal arrangements not always being fully implemented, should we stick to existing norms and just change their interpretation? Is it better for the PSIDS to create more hard law, or perhaps become more flexible and use customary law, which in turn would require a different approach toward legal cultures? Lastly, as public international law does not provide any universal sanction system with an international high court, could the injured Oceania microstates have any recourse for compensation from the most polluting states?

Again, the legal questions enumerated above only partially portray the tragic situation of the Pacific Island countries and territories. Yet, the intention of this chapter is not to look for the answers, as leading legal scholars, politicians, or activists do not agree on specific solutions, very often not asking what Pasifika perceive as the best path for themselves. Therefore, it is largely important to raise awareness of the possible, or already existing, legal implications of ocean change to the Oceania microstates. Among many consequences which might emerge in the nearest future and be highly devastating to the PICT are national claims to maritime jurisdiction. Islands face the disastrous prospect of inundation, and thus the loss of their international legal status as states. The economic and legal consequence of sizing down EEZs is losing jurisdictional rights over the natural resources, being both maritime migratory sources and minerals, as well as the sole right to explore, search and use one's own maritime territory in a peaceful way.

When it comes to islands, the Pacific Ocean comprises about 25,000 of them – more than all other water basins combined. Nevertheless, the definition of an island established by international law appears hardly suitable for the situation under ocean change. In other words, the current state of the law of the sea cannot be seen as satisfying by the submerging Pacific nations. Art. 121(1) of UNCLOS states: "An island is a naturally formed area of land, surrounded by water, which is above water at high tide." Such features indeed have a significant impact when generating

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<sup>13</sup> *Montevideo Convention on the Rights and Duties of States*, 26 December 1933.



possible maritime claims to jurisdiction.<sup>14</sup> It is worth adding here a commonly known example, according to which a rock cannot be understood as equal to an island, so from this fact a rock cannot give a state any right to demarcate EEZ or claim any rights to the continental shelf stemming from it. In this regard, Art. 76(1) of UNCLOS reads as follows: “The continental shelf of a coastal State comprises the seabed and subsoil of the submarine areas that extend beyond its territorial sea throughout the natural prolongation of its land territory to the outer edge of the continental margin, or to a distance of 200 nautical miles from the baselines from which the breadth of the territorial sea is measured where the outer edge of the continental margin does not extend up to that distance.”

Here, again, a practical example needs to be given in order to understand the large amount of territory under analysis. An island without any maritime neighbor within a radius of 400 nautical miles can generate 431,014 km<sup>2</sup> of territorial sea, exclusive economic zone, and continental shelf. In contrast, if such an island would be deemed “only” a rock, UNCLOS would deem it incapable of generating any EEZ, while being able to claim 1,550 km<sup>2</sup> of territorial sea.<sup>15</sup> As has been already mentioned in this chapter, scientists, politicians, and legal advisers are all fully aware that the law of the sea was not codified to take into account the case of ocean change and thus disappearing land. Thus, UNCLOS does not provide any provisions of possible international rights and duties in the event that the maritime components of Pacific nations are lost through the rise of the ocean level. PSIDS’ sovereignty, including their economic financial viability (60% of the world’s tuna, which migrate through the Pacific EEZs) is predominantly grounded in the ocean. This basic question, being indeed crucial for the existence of the Pacific islanders, of what would happen with the EEZ belonging to a totally submerged nation was raised by Phillip H. Muller, former Ambassador of the Marshall Islands to the United Nations. He also used the famous metaphor of a Pacific state being “a canary bird of global warming and sea level rise.”<sup>16</sup>

Putting aside in this legal argumentation the issue of national sovereignty and economic independence, we must not forget the human security of the Pacific inhabitants. Media have created a separate term for the people affected by the climate change effects, where the following phrases are synonymous: “environmental refugees,” “climate refugees,” or “climate migrants.” Yet, as even a *refugee* does not equal a *migrant* in the discipline of law or political sciences, we cannot apply these terms to displaced people from PICT escaping the tragic consequences of ocean change. Again, there are no legal definitions in this matter, as the main actors (norm-makers) in international law, that is states and intergovernmental organizations (IGO) they

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<sup>14</sup> C. Schofield, “Shifting Limits? Sea Level Rise and Options to Secure Maritime Jurisdiction Claims,” *Carbon & Climate Law Review* 4(3), 2009, pp. 405–416.

<sup>15</sup> *Ibidem*.

<sup>16</sup> M.B. Gerrard, G.E. Wannier, *op. cit.*

created, have decided not to do so (yet). Even the main global IGOs dealing with the status of displaced persons – the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration (IMO) – accept the use of the word “refugee” towards the migrants displaced by the effects of environmental change instead of codifying this definition.

What was the reason for such a legal omission and leaving a legal gap in such an important matter? Legal scholars point at the particular category of refugees, which is already defined by the 1951 Convention Relating to the Status of Refugees. This category does not apply to climate change *per se*. Art. 1A(b) requires fulfilling basic conditions (such as being persecuted, having crossed an international border, being unwilling to use their own country’s protection) for a person to be regarded a refugee and then use the full umbrella of international legal protection. Indeed, none of those conditions applies to people from the submerged islands. What is still somehow neglected in international reports and analysis, especially made by Western analysts (so non-Pacific scholars directly affected by ocean change), is the fact that most cases of displacement will likely occur within national borders, internally, and thus international agreements, asylum, or custom/duty prerequisites will not apply.

International arrangements are made, and political discussions are held, on the highest universal level, among the UN members. Nonetheless, they are all focused on international movements, searching for international legal tools and eventually new, more flexible legal approaches and interpretations. The PICT’s point of view is not always seen or heard, even in the large-scale perspective of the Pacific basin. Finally, the diverse culture of the Pacific nations has to be taken into account, as the identity of Pasifika is inseparably associated with the sea. “We are a proud nation of people, we are a unique culture which cannot be relocated to somewhere else,” said Apisai Ielemia, former Prime Minister of Tuvalu during the 13<sup>th</sup> session of the Conference of the Parties (COP 13) in Poznań, Poland.<sup>17</sup>

#### **4. Legal solution to ocean change effects**

Unfortunately, very little attention is given to what is expressed and expected by the Pacific islanders. Due to the direct effects of ocean change on those states, every proposal and strategy made by the governments in the global arena ought to center the perspective of the PSIDS. What remains true, due to the very nature of the doctrine of international law, is that the regional legal regimes have become much more efficient, far quicker to achieve, and less expensive solutions for the local problems compared to the universal arrangements. Again, one size does not fit all, also in this particular case of legal consequences of ocean change and combating sea-level rise. Therefore,

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<sup>17</sup> J. Barnett, J. Campbell, *op. cit.*

de facto regionalization and de jure regionalism<sup>18</sup> seem to be indeed an efficient way out for PSIDS to brace themselves for the ocean change threats. The Pacific governments (so-called “Pacific bloc” within the UN) have already started to speak with a joint voice in order to be finally heard out by the global powers. Despite establishing its own regional agreements<sup>19</sup> with very ambitious – and thus not binding – political declarations, the Pacific bloc has engaged itself in climate change diplomacy. Here we can even speak of a considerable success. During COP 21 in Paris in 2015, the Pacific bloc convinced participating states to approve an agreement on keeping the global temperature rise below 2 degrees Celsius above pre-industrial levels.<sup>20</sup>

According to Art. 38(1)(b) of the Statute of the United Nations International Court of Justice, one of the means to solve international disputes is by international custom, being “evidence of a general practice accepted as law.” This implies the general practice of states, mostly in regions, among close neighboring states, to follow similar patterns in order to achieve the same goal. Here, PICT has started to establish a new regional custom by depositing its own data on their national boundaries to the UN International Law Commission, which represents a form of state practice supporting the preservation of existing maritime delimitation, irrespective of the effects of sea-level rise.<sup>21</sup>

Here, another political mechanism has to be recalled, even though its goal is not to improve legal recognition of the EEZ. The highly complex BBNJ – “Biodiversity Beyond National Jurisdiction” – negotiations within the UN became the topic of international discussion. This tool was eventually codified in the form of the 2017 UN General Assembly Resolution.<sup>22</sup> The envisaged new Treaty is one that will better regulate those parts of the ocean that are beyond national jurisdictions. It is also very important when we take into consideration territorial conflicts over maritime boundaries in the Pacific. Here, we may list the most heated disputes: the Republic of Fiji vs. the Kingdom of Tonga over Minerva Reef, and the Republic of Vanuatu

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<sup>18</sup> According to the author’s own research made in her doctoral thesis, the Pacific is still at the stage of regionalism that is “region-building” through less formal initiatives, and not yet at the level of regionalism – formally binding institutions, being able to execute the regional norms and harmonize the law, just like we observe in the European Union.

<sup>19</sup> Pacific Island Development Forum, *Suva Declaration on Climate Change*, 4 September 2015; Pacific Islands Forum, *Declaration on Climate Change Action*, 10 September 2015; *Idem.*, *Majuro Declaration for Climate Leadership*, 17 July 2008.

<sup>20</sup> *Paris Agreement under the United Nations Framework Convention on Climate Change*, 22 April 2016; G. Fry, S. Tarte, *The New Pacific Diplomacy*, Australian National University Press, Canberra 2015.

<sup>21</sup> Pacific Islands Forum Secretariat, *2020 Regional Conference On Securing The Limits Of The Blue Pacific: Legal Options And Institutional Responses To The Impacts Of Sea-Level Rise On Maritime Zones, In The Context Of International Law*, 9–11 and 17 September 2020.

<sup>22</sup> *International Legally Binding Instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction*, 24 December 2017 (A/72/L.7).

vs. the Republic of France (to be precise, one of its Pacific collectivities – New Caledonia) over Matthew and Hunter islands. Again, despite the territorial conflicts, which are present on each continent, PSIDS prefer to opt for the so-called “high seas pockets.” These optics call for the open sea (not under the jurisdiction of any of Oceania states) to be jointly used by the Pacific nations. This will also prevent illegal overfishing by foreign vessels, which are no doubt much more technologically developed. Such overuse of maritime resources in the Pacific basin also applies to seabed mining.<sup>23</sup>

What we can observe, and what has already been mentioned in this chapter, is the fact that the law of the sea is not equipped with legal mechanisms appropriate to deal with the challenges of sea level rise or maritime boundaries. International lawyers and ocean scientists, becoming “Pacific diplomats” in the international seminars and symposia devoted to climate change, consider applying stable baselines instead of ambulatory ones. In such a way, it would be possible to combat losing maritime territory of the submerged islands, as well as the relocation of maritime zones. Finally, it will also prevent uncertainty and instability in the broad world order.<sup>24</sup>

Stable instead of ambulatory baselines would secure the sovereignty of coastal states, whose territory is based on a criterion measured with those baselines. The demarcation depends on two UNCLOS provisions: the lines must be marked by low-water lines, and charts must be officially recognized by the coastal state (Art. 5). This means that baselines normally shift due to the average coastal realignments, and therefore are called “ambulatory,” while the maritime zones are “shifting.” Yet, this does not work to the benefit of the submerging Pacific islands. A stable baseline, one not dependent on any process of shrinking of maritime territory, along with recognition of the most favorable charts seems, therefore, to be one of the most effective legal responses to this problem.

Such a change in the legal interpretation of already existing hard law is one thing. Some legal scholars also suggest amending the contemporary legal regime, or at least annexing it.<sup>25</sup> This proposition can be also applied to tackle the legal dilemma of environmental refugees, who could finally benefit from codifying a new legal category in order to be protected under law, instead of only being referred to with non-legally valid names, such as “climate change displaced persons” (CCDP).<sup>26</sup> However, there

<sup>23</sup> P. D’Arcy, *op. cit.*

<sup>24</sup> S.V. Busch, “Sea Level Rise and Shifting Maritime Limits: Stable Baselines as a Response to Unstable Coastlines,” *Arctic Review on Law and Politics* 9, 2018, pp. 174–194; D.D. Caron, “When Law Makes Climate Change Worse: Rethinking the Law of Baselines in Light of a Rising Sea Level,” *Ecology Law Quarterly* 17(4), 1990, pp. 621–653; C. Schofield, *op. cit.*

<sup>25</sup> M.B. Gerrard, G.E. Wannier, *op. cit.*; R. Warner, C. Schofield, *op. cit.*

<sup>26</sup> International Organization for Migration (IOM), *Implementation of the Workplan of the Task Force on Displacement under the Warsaw International Mechanism for Loss and Damage: Mapping Human Mobility (Migration, Displacement and Planned Relocation) and Climate Change in International Processes, Policies and Legal Frameworks*, n.p. 2018.

is an essential legal gap in relation to CCDP. Even the main international instrument for addressing the effects of climate change, the 1992 United Nations Framework Convention on Climate Change (UNFCCC), leaves it aside. We might consider that perhaps drafting a multilateral international agreement could solve this gap. Here, again, views are divided. In order to come into force, any internationally binding treaty needs to be ratified. Still, we observe an enormous lack of political will from the states, especially those not being directly affected by the ocean change effects. They do not wish to put on themselves more international legal burden stemming from another treaty. Also, the sole process of negotiation, drafting, signing, and national implementation takes many months or even years, while the submerging Pacific states cannot wait that long. Again, no one can give here any guarantee of success even if such a treaty is finally signed and its norms become binding.

Thus, putting aside hard law and codified norms written in international agreements, there is another way offered by the doctrine of public international law. It has already been recalled in this chapter – it is namely customary practice. Such recognized practice is the most suitable to adjust the already functioning norms to new case situations, one of them being ocean change. Here, the most widespread idea on how to tackle this legal dilemma is the “nation *ex situ*.” This legal approach (law interpretation) diverges from the traditional, doctrinal approach to territorialized state, in accordance with the Montevideo Convention. Those so-called deterritorialized states lie outside their primary place of existence (Latin *ex situ*) yet are able to maintain their statehood. Thanks to being empowered and internationally recognized, those states (future submerged PSIDS) could cultivate their own heritage, traditions, and politics, as well as remain an equal partner in the international arena. Thus, they would not lose their fundamental position as sovereign states<sup>27</sup> and still would be able to protect their own rights in the region and globally. Such a new category of international personality – a nation *ex situ* – would also need recognized international legitimacy. Again, would the world’s powers give them such recognition or use a political excuse to avoid disturbing the status quo?

## 5. Conclusions

The chapter presents an outline of a legal dilemma in terms of the legal consequences of climate change for the microstates of Oceania. Both the region of the South Pacific and the phenomenon of ocean change are not duly analyzed or presented to the broader audience, especially in other continents, where the main political decisions are being made in regard to combating climate change. The problem is indeed varied,

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<sup>27</sup> M. Burkett, “The Nation Ex-Situ: On Climate Change, Deterritorialized Nationhood and the Post-Climate Era,” *Climate Law* 2, 2011, pp. 345–274; R.G. Rayfuse, “International Law and Disappearing States: Utilising Maritime Entitlements to Overcome the Statehood Dilemma,” *UNSW Law Research Paper* 52, 2011.

multidisciplinary, and multi-layered. The presented legal dilemmas concerning the South Pacific Island states can be therefore sorted into three core groups. Those would be questions relating to: the theoretical approach to sovereignty with its core element – territory; international legal and economic consequences of the exclusive economic zones shrinking; and, finally, the (lack of) legal status of people forced to leave their places of residence due to the sea-level rise.

Scholars from many various disciplines such as political sciences, international law, and anthropology, politicians from particular countries or clerks from international organizations, as well as activists from civil society organizations put forward arguments, albeit mostly incompatible with one another. For some of them, the best legal way out from this unprecedented scenario is to adjust the contemporary state of the law of the sea through a new multilateral treaty. However, others prefer to rely on soft law tools, such as (Pacific or Ocean) diplomacy, along with customary law and practices, which are far more flexible, cheaper, and quicker in both implementing and bringing benefits. What is missing at global summits most of the time is the Pacific vantage point. This perspective should in fact be taken into consideration in the very first place. The proposals, scenarios, and legal drafts have to be analyzed, approved, and implemented by the PICT governments in order to become fully successful. The (legal, political, cultural, and economic) future of Oceania will eventually also become relevant to other low-lying coastal areas worldwide. Being “a canary bird of global warming” and ocean change, PICT’s dramatic situation should not leave other global actors in the international arena silent or passive.

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<sup>28</sup> J. Siekiera, *Polityka regionalna na Pacyfiku Południowym* [Regional Policy in the South Pacific], WUW, Warszawa 2021.



### **III. GREAT POWER COMPETITION IN THE INDO-PACIFIC**

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United States Marine Corps

# **Navigating New Environments: Multilateral Approaches to Maritime Security in Oceania**

## **1. Introduction**

Over the last three years, dramatic changes have taken place across Oceania through all aspects of national power: diplomatically, informationally, militarily, and economically. Only recently have the last remaining Pacific Island countries relaxed or rescinded their restrictions on travel and entry to their territories. While the COVID-19 pandemic was the most dramatic change in the environment, it only accelerated dynamics that already existed in Oceania. In 2019, the Solomon Islands and Kiribati switched diplomatic recognition from Taiwan to the People's Republic of China (PRC). In the subsequent pandemic, those two countries significantly expanded their relationship with the PRC, the United States, and historic partners such as Australia and New Zealand. These changing diplomatic relations also impacted the information environment and re-framed Oceania in the context of great power competition. This framing of the environment also led both regional and extra-regional military and security forces to increase their focus on Oceania. This heightened security focus was made evident by the 2022 announcement of a secret security agreement between the Solomon Islands and the PRC. Finally, the increased focus on Oceania by regional powers is also offering economic opportunity to many Pacific Island countries. The battle for influence in Oceania manifests in foreign aid and investment much more than it does in security measures.

Counterintuitively, Oceania's position as a battleground for great power influence has also spurred cooperative, positive-sum approaches to issues that have long plagued the region. Regional actors are already navigating new approaches to two such challenges: illegal, unreported, and unregulated fishing (IUUF) and natural disasters. While these instances of cooperation may not address the many challenges across the region, they may form the basis for a paradigm shift in the approach to maritime security – from one currently framed in bipolar geopolitical tension to a new environment characterized by multilateral cooperation in support of, and even led by Pacific Island countries.

## 2. Countering illegal, unregulated, and unreported fishing

Countering illegal, unregulated, and unreported fishing (IUUF) is a priority for maritime security in Oceania. Countering IUUF directly supports the Pacific Island Forum's Boe Declaration Action Plan by improving environmental and resource security while also strengthening the maritime borders of Pacific Island countries and preventing transnational crime.<sup>1</sup> According to the U.S. Coast Guard's IUUF Strategic Outlook, "93% of the world's major marine fish stocks are classified as either fully exploited, overexploited, or significantly depleted."<sup>2</sup> Furthermore, fish is a key source of protein for many populations in Oceania and East Asia, and legal, regulated fishing is a key aspect of food security and economic growth.

As with any prosperous industry, though, there are those who seek to avoid regulation. These nefarious activities deprive Pacific Island countries of one of their most lucrative sources of income. A 2016 study by the Marine Resources Assessment Group (MRAG) Asia Pacific concluded that "the potential yearly economic loss for Pacific islands is estimated upwards of \$152 million US dollars."<sup>3</sup> To contextualize this number, as of 2021 approximately 24 percent of the population in Papua New Guinea survives on less than the purchase power parity of USD 1.90 a day.<sup>4</sup>

Countering IUUF is more critical now due to the economic impacts of the COVID-19 pandemic, which the Pacific Island Forum estimates will cause a 5.7% decline in per capita growth rates, with six years of economic output projected to be lost.<sup>5</sup> Fishing has not only sustained the people of Oceania throughout history – it is also an economic driver that may be able to sustain the future of Pacific Island countries. Fortunately, regional actors are countering IUUF through a collaborative, multinational approach.

## 3. Pacific Islands Forum Fisheries Agency

The Pacific Islands Forum Fisheries Agency (FFA) is a vital organization of 17 membercountries that maintain the health of fisheries and Pacific Island economies.

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<sup>1</sup> Pacific Islands Forum, *Boe Declaration Action Plan*, 28 October 2019, pp. 11–19, <https://www.forumsec.org/wp-content/uploads/2019/10/BOE-document-Action-Plan.pdf> (accessed: 06.05.2023).

<sup>2</sup> U.S. Coast Guard, *Illegal, Unreported, and Unregulated Fishing Strategic Outlook*, September 2020, [https://www.uscg.mil/Portals/0/Images/iuu/IUU\\_Strategic\\_Outlook\\_2020\\_FINAL.pdf](https://www.uscg.mil/Portals/0/Images/iuu/IUU_Strategic_Outlook_2020_FINAL.pdf) (accessed: 06.01.2022).

<sup>3</sup> Pacific Islands Forum Fisheries Agency, *Towards the Quantification of IUU Fishing in the Pacific Islands Region*, February 2016, <https://www.ffa.int/system/files/FFA%20Quantifying%20IUU%20Report%20-%20Final.pdf> (accessed: 06.02.2023).

<sup>4</sup> Asian Development Bank, *Poverty Data: Papua New Guinea*, 2023, <https://www.adb.org/countries/papua-new-guinea/poverty> (accessed: 29.04.2023).

<sup>5</sup> S. Mattila, "Fisheries Surveillance Crucial to Protecting Pacific Islands Economies," *Pacific Islands Forum Fisheries Agency (FFA)*, 24 March 2021, <https://www.ffa.int/node/2543> (accessed: 27.04.2023).

Multinational FFA operations are critical to monitoring, controlling, and surveilling regional fisheries to ensure their sustainable management. The major annual FFA operations are Kurukuru, Island Chief, Rai Balang, and Tui Moana. Operation Rai Balang 2022, for example, provided maritime surveillance across 13.3 million square kilometers of the Pacific and achieved 349 sightings and 30 boardings over two weeks. The operation included 11 surface ships and six surveillance aircraft.<sup>6</sup>

While these FFA operations persisted throughout the pandemic, they only recently returned to full strength during Operation Kurukuru, which concluded in October 2022 and covered the 15 Pacific Island FFA Members' Exclusive Economic Zones and adjacent High Seas. The Operational Area was over 23 million square kilometers in size, which is over three times the land mass of Australia.<sup>7</sup>

The FFA's Regional Fisheries Surveillance Center, based in Honiara, played a central role throughout Operation Kurukuru. The Center processed information from various sensors across the region and directed seven aircraft and 12 ships to investigate suspicious activity.<sup>8</sup> The Regional Fisheries Surveillance Center also facilitated information sharing between national maritime operations centers and even incorporated satellite data from the Government of Canada to identify potential targets seeking to mask their electromagnetic signature. These FFA-led operations are an example of regionally led efforts that incorporate multinational support to achieve common goals.

## 4. Operation Blue Pacific

Another valuable effort to highlight is the United States Coast Guard's (USCG) Operation Blue Pacific. As part of its counter-IUUF strategy, the "U.S. Coast Guard will sustain and strengthen bilateral and multilateral partnerships with like-minded, capable nations to maximize the impact of collective counter-IUU enforcement efforts and promote the rule of law."<sup>9</sup> USCG vessels, primarily from District 14 based in Honolulu, Hawai'i, and from Sector Guam, participated in these overarching missions that include many subordinate activities. Blue Pacific regularly supports the FFA through their counter-IUUF operations and augments the capacity of partnered nations to enforce their EEZs.

<sup>6</sup> S. Mattila, "Pacific Trials New High Tech Tools in Response to Illegal Fishing," *Pacific Islands Forum Fisheries Agency (FFA)*, 17 March 2022, <https://www.ffa.int/node/2664> (accessed: 27.04.2023).

<sup>7</sup> "Operation Kurukuru 2022 Ends Today," *Daily Post*, 28 October 2022, [https://www.dailypost.vu/news/operation-kurukuru-2022-ends-today/article\\_35ed41b3-f0c4-5bb1-8d1a-1ee6ddbdd178.html](https://www.dailypost.vu/news/operation-kurukuru-2022-ends-today/article_35ed41b3-f0c4-5bb1-8d1a-1ee6ddbdd178.html) (accessed: 27.04.2023).

<sup>8</sup> *Ibidem*.

<sup>9</sup> U.S. Coast Guard, *Implementation Plan for the U.S. Coast Guard Illegal, Unreported, and Unregulated (IUU) Fishing Strategic Outlook*, July 2021, [https://www.uscg.mil/Portals/0/Images/IUU/doc/IUU%20IMPLEMENTATION%202021\\_FINAL.pdf?ver=wdWTa9-ptLnX\\_YHLIIC2KQ%3d%3d&timestamp=1627918210316](https://www.uscg.mil/Portals/0/Images/IUU/doc/IUU%20IMPLEMENTATION%202021_FINAL.pdf?ver=wdWTa9-ptLnX_YHLIIC2KQ%3d%3d&timestamp=1627918210316) (accessed: 03.09.2022).

## 5. Oceania Maritime Security Initiative

The United States Navy also contributes to the fight against IUUF. The Oceania Maritime Security Initiative, or OMSI, is a Secretary of Defense initiative that authorizes transiting Navy and Marine Corps forces to support the USCG in law enforcement activities.<sup>10</sup> In 2021, USS Charleston, a littoral combat ship, embarked a United States Coast Guard law enforcement detachment to combat IUU fishing in conjunction with local agencies and in accordance with the Western and Central Pacific Fisheries Convention.<sup>11</sup>

## 6. Task Force Koa Moana

Although U.S. Marines are best known for island-hopping campaigns across the Pacific in World War II, they are also increasingly contributing to maritime security by countering IUU fishing and building resilience with partners. Task Force Koa Moana is an annual mission that helps our partners meet their maritime security objectives through maritime domain awareness, engineering projects, civic engagement, and a wide array of security cooperation measures. Koa Moana successfully supported Palau's Bureau of Maritime Security to enforce their maritime borders, which Palau closed to commercial fishing to sustainably preserve the ecosystem and biomass.<sup>12</sup> Koa Moana also helps build resilience to the effects of climate change, especially increasingly severe weather events.

## 7. Disaster response: Operation Tonga Assist

Finally, another example of maritime cooperation was the multinational response to the eruption of the Hunga-Tonga-Hunga-Ha'apai volcano on January 15, 2022, which was the largest recorded since the eruption of Krakatoa in 1883.<sup>13</sup> Australia's

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<sup>10</sup> U.S. 3rd Fleet Public Affairs, "Coast Guard and Navy Begin High-Seas OMSI Patrol," *America's Navy*, 5 April 2021, <https://www.surfpac.navy.mil/Media/News/Article/2595679/coast-guard-navy-begin-high-seas-omsi-patrol/> (accessed: 15.06.2022).

<sup>11</sup> *Idem.*, "Coast Guard and Navy High-Seas Oceania Maritime Security Initiative Patrol Continues," *Commander, U.S. Pacific Fleet*, 10 May 2021, <https://www.cpf.navy.mil/Newsroom/News/Article/2632794/coast-guard-navy-high-seas-oceania-maritime-security-initiative-patrol-continues/> (accessed: 15.06.2022).

<sup>12</sup> S. Muir, "U.S. Coast Guard, U.S. Marines, Palau Partners Exchange Best Practices During Koa Moana 2022," *U.S. Indo-Pacific Command*, 29 July 2022, <https://www.pacom.mil/Media/News/News-Article-View/Article/3110849/us-coast-guard-us-marines-palau-partners-exchange-best-practices-during-koa-moa/> (accessed: 06.08.2022).

<sup>13</sup> A.M. Stark, "As Big as it Gets: Hunga Volcano Comparable to Krakatoa," *Lawrence Livermore National Laboratory*, 12 May 2022, <https://www.llnl.gov/news/big-it-gets-hunga-volcano-comparable-krakatoa> (accessed: 16.04.2023).

Headquarters Joint Operations Command led a coordinated response, in accordance with the France–New Zealand–Australia Arrangement, with Tonga, New Zealand, Japan, France, the United Kingdom, and the United States.<sup>14</sup> New Zealand maritime patrol and reconnaissance aircraft were critical to build awareness of the situation in the immediate aftermath, which informed the response from multinational aircraft and surface vessels. The largest vessel was HMAS Adelaide, which delivered 88 tons of relief supplies to Nuku‘alofa, and the supply ship HMNZS Aotearoa also delivered critical potable water and fuel.<sup>15</sup> The multinational force also deconflicted efforts with the PRC, which unilaterally delivered aid to Tonga alongside the multinational effort.

Collectively, Operation Tonga Assist demonstrated how close and continuous cooperation in the maritime domain pays dividends in moments of crisis. Additionally, missions such as U.S. Navy’s Pacific Partnerships regularly build resilience against natural disasters amongst Pacific Islands countries and position key capabilities in the region during periods of destructive weather. These efforts should focus on building capacity within Pacific Island countries’ respective disaster-response agencies and delivering capabilities through expanded authorities for U.S. military forces to cooperate with regional civilian security and emergency agencies. Maritime security is the foundation for peace and prosperity in the Pacific, and Pacific Island countries are showing the world a successful model for multinational cooperation in this regard.

## 8. Charting new courses ahead

Many challenges lie ahead for Pacific Island countries. The effects of climate change will likely continue to contribute to the inhabitability of low-lying communities. As rising seas subsume these atolls and islands, predatory commercial and state-owned fishing fleets will likely probe the maritime boundaries based upon these disappearing territories. Thus, the survival of Pacific Island communities will be threatened geographically, economically, and perhaps even militarily.

Despite these challenges, reasons for optimism exist. And, although growing competition between the United States and the People’s Republic of China risks militarizing the Blue Pacific, this increased attention has focused commitments and resources to the region. In line with the regionally developed 2050 Strategy for the Blue Pacific Continent, Australia, Japan, New Zealand, the United Kingdom, and

<sup>14</sup> New Zealand Ministry of Foreign Affairs and Trade, *The FRANZ Arrangement*, 24 October 2014, <https://www.mfat.govt.nz/assets/Aid-Prog-docs/NZDRP-docs/Franz-Arrangement-Brochure.pdf> (accessed: 04.09.2023).

<sup>15</sup> Defence Media, “HMA Ships Adelaide and Supply Return from Operation Tonga Assist 2022,” *Australian Department of Defense*, 3 September 2022, <https://www.defence.gov.au/news-events/releases/2022-03-09/hma-ships-adelaide-and-supply-return-operation-tonga-assist-2022> (accessed: 14.07.2022).

the United States established the Partners in the Blue Pacific initiative in June 2022 for “more effective and efficient cooperation in support of Pacific Island priorities.”<sup>16</sup> This new initiative, alongside the United States’ recently-announced Strategy for Pacific Island Countries, offer an opportunity to better focus existing activities by major security actors in the region.

Furthermore, existing security activities can continue to contribute to mutually beneficial objectives, such as maritime domain awareness, maritime security – especially on upholding maritime borders – and countering illegal activities within those maritime boundaries. In line with the Partners in the Blue Pacific initiative, ongoing activities such as Operation Blue Pacific and Task Force Koa Moana can develop regional maritime security capabilities through security cooperation authorities and further build capacity in local law enforcement agencies. With major military capabilities remaining in reserve to respond to disasters, allies and partners in the Blue Pacific have to opportunity to place Pacific Island countries in the lead while cooperating as equals to address shared challenges.

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<sup>16</sup> The White House, *Statement by Australia, Japan, New Zealand, the United Kingdom, and the United States on the Establishment of the Partners in the Blue Pacific (PBP)*, Statements and Releases, 24 June 2022, <https://www.whitehouse.gov/briefing-room/statements-releases/2022/06/24/statement-by-australia-japan-new-zealand-the-united-kingdom-and-the-united-states-on-the-establishment-of-the-partners-in-the-blue-pacific-pbp/> (accessed: 04.19.2022).

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## Biography:

Lieutenant Colonel Evan Zachary Ota is an infantry officer and a Southeast Asia regional affairs officer in the United States Marine Corps. He was born and raised in Kealahou, Hawai‘i, and earned Bachelor’s degrees in History and Political Science before joining the Marines. While in service, he earned a Master’s degree in national security affairs from the Naval Postgraduate School. Lieutenant Colonel Ota’s service included duties in Iraq, Afghanistan, Japan, Australia, Singapore, Taiwan, South Korea, the Philippines, Thailand, Solomon Islands, Fiji, France, the United Kingdom, and the Netherlands. His research interests include the interactions between civil and military forces during conflict, transitions from military to civil governance, post-conflict stability and reconciliation, and the role of military forces in deterring conflict. Lieutenant Colonel Ota is a non-resident fellow at the Brute Krulak Center for Innovation and Future Warfare. The views expressed herein do not represent those of the Department of Defense or the United States Marine Corps.



# **Maritime Cybersecurity in the Indo-Pacific: Vulnerabilities and Solutions in a Time of Great Power Competition**

## **1. Introduction**

In 2023, the art of war has undergone a profound evolution: armed conflicts can no longer be conceptualized in the strict sense of the term, according to how they were conceived of in the light of the 1949 Geneva Conventions.<sup>1</sup> A preponderant role in the conduct of hostilities between states and between private individuals is played by cyberattacks. On one hand, states try to protect critical infrastructures from disruptive denial-of-service attacks (DDoS) and ransomware, typical tools that manage to send computer systems down. On the other hand, companies and individuals need to increasingly strengthen the security of their personal data, which are often subject to malicious theft by third party agents. In fact, it is crucial to underline that the dark web is not populated solely by ethical hackers, but also by groups of hackers sometimes hired by the states themselves for SIGINT or cyber espionage purposes.

## **2. The countries of the Indo-Pacific region and their geopolitical relevance for the construction and control of submarine infrastructures**

Nowadays, the countries of the Indo-Pacific region are subject to the attention of the great powers and neighboring countries due to their strategic position and

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<sup>1</sup> *Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field*, 12 August 1949 [so-called Geneva Convention I]; *Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea*, 12 August 1949; *Convention (III) Relative to the Treatment of Prisoners of War*, 12 August 1949; *Convention (IV) Relative to the Protection of Civilian Persons in Time of War*, 12 August 1949 – Editor's note.

the implications they may have for the management and control of infrastructures such as submarine fiber optic cables. To better understand the profiles that make these countries particularly attractive, it is first necessary to define the concept of the Indo-Pacific region. In fact, geopolitical sensitivity has evolved over time in this regard as well. In the past, we used to talk about Asia and the Pacific as if they were a single conceptual Pangea, linked by the same fate in the field of security. Therefore, from the 1990s onwards, the term in question was transformed into “Indo-Pacific Region” to also include the Indian Ocean and the countries which have access to it. In that regard, in geoeconomic terms, India is a supernova of our times, because it boasts a disruptive growth rate and its rise shows no signs of stopping. According to the April outlook released by the International Monetary Fund,<sup>2</sup> the Indian economy will grow by 8.2% this year, against a global average of 3.6%. That India runs fast is nothing new: in the seven years following Modi’s election in 2014, its GDP grew by 40%.<sup>3</sup>

According to *The Economist*, therefore, an annual growth rate close to 6% would allow Narendra Modi’s country to become the third largest economy in the world.<sup>4</sup> To counteract the voracious growth, however, India struggles with inadequacy in the field of defense of its cybernetic perimeter. The main type of attack waged by malicious actors on the country in question is represented by online banking malware, with only Japan and the United States (U.S.) affected by such maneuvers to a greater extent. The underdevelopment of Indian cyber defense is also underlined by the lack of a clear and efficient regulatory framework on the matter. In fact, sensitivity towards the topic of cybersecurity only emerged in the early 2000s, still in a rudimentary way. During the Singh government, in 2008, India enacted the Information Technology Act for the legal management of matters ranging from cybercrime to e-commerce.<sup>5</sup> Only five years later, in 2013, India recognized the unavoidable need to protect its critical infrastructures from external cyberattacks. For this reason, the National Cyber Security Policy of India has been introduced, alongside the Computer Emergency Response Team and the National Critical Information Infrastructure Protection Center.<sup>6</sup>

The tendency towards incompleteness of the Indian legal system is still apparent in the present day, because, despite the growing concern for the sector, there is still a lack of *ad hoc* rules aimed at protecting the privacy of citizens. The country does

<sup>2</sup> International Monetary Fund, *World Economic and Financial Surveys*, 2022, <https://www.imf.org/en/Publications/WEO/weo-database/2022/April> (accessed: 25.02.2023).

<sup>3</sup> “L’India ha una promessa: terza economia entro il 2035,” *Masterplace WeWealth*, 16 April 2022, <https://www.we-wealth.com/enterprise/uti-international/news/l-india-ha-una-promessa-terza-economia-entro-il-2035> (accessed: 25.02.2023).

<sup>4</sup> “India Is Likely to Be the World’s Fastest-growing Big Economy This Year,” *The Economist*, 14 May 2022, <https://www.economist.com/briefing/2022/05/14/india-is-likely-to-be-the-worlds-fastest-growing-big-economy-this-year> (accessed: 25.02.2023).

<sup>5</sup> Parliament of India, *The Information Technology Act*, 2000, [https://www.indiacode.nic.in/bitstream/123456789/13116/1/it\\_act\\_2000\\_updated.pdf](https://www.indiacode.nic.in/bitstream/123456789/13116/1/it_act_2000_updated.pdf) (accessed: 25.02.2023).

<sup>6</sup> Government of India, *National Cyber Security Policy*, [https://www.meity.gov.in/writereaddata/files/downloads/National\\_cyber\\_security\\_policy-2013%281%29.pdf](https://www.meity.gov.in/writereaddata/files/downloads/National_cyber_security_policy-2013%281%29.pdf) (accessed: 25.02.2023).

not have an effective cyber warfare policy and, to deal with this obvious problem, the Indian government is at the moment looking for a solution in external collaboration with other, more developed countries in the digital sphere, such as the United States and Israel. However, although these forms of cooperation constitute significant steps forward in the development and implementation of Indian cyber capabilities, numerous problems arise regarding the infringement of the fundamental rights of individual citizens. In fact, were India able to implement a sophisticated system of mass supervision thanks to the collaboration with the U.S., the need for control would unjustly infringe on the right to privacy of individuals, who would find themselves unknowingly and unwillingly exposed. With respect to this issue, one of the centers that arouses major concern is the Central Monitoring System Project (CMSP),<sup>7</sup> dedicated to secret surveillance actions.

Further forms of damage to the privacy of individuals and their sensitive data result from the actions of the Center for Artificial Intelligence & Robotics (CAIR) of the Defense Research and Development Organization. The body in question, in fact, manages to get hold of a lot of information which, indeed, should remain confined within the private communications between people. Extrapolating from this first hint, it is possible to sum up and identify the current situation of the Indo-Pacific countries with respect to the protection of their cyber domains. The greatest power of influence in the Indo-Pacific region is held by the United States, China, and Russia.

Among the countries of the Indo-Pacific, the greatest cybernetic skills are currently developed by Australia, North Korea, India, Malaysia, Myanmar, Japan, and South Korea. Concomitantly, a significant growth is also recorded in Brunei and Singapore, as both are increasingly developing their defensive capabilities. Australia has a unique advantage in developing cyber capabilities given its close intelligence-sharing relationships with the U.S. and U.K. On a purely internal level, however, Pacific Ocean countries cooperate to address common cyber threats within the Association of South-East Asian Nations (ASEAN).<sup>8</sup> It was founded in 1967 with the main purpose of promoting cooperation and mutual assistance among member states, to accelerate economic progress and increase the stability of the region. Paraphrasing the declaration issued by the institution regarding the objectives to be achieved in the five-year period 2020–2025, the main need is based on the foundation laid by the first Strategy in incident response, CERT and capacity building cooperation, and considers rapid cybersecurity landscape changes for the purpose of creating a safe and secure cyberspace in the ASEAN region. It contains five dimensions of work:

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<sup>7</sup> M. Xynou, “India’s Central Monitoring System (CMS): Something to Worry About?,” *Centre for Internet & Society*, 30 January 2014, <https://cis-india.org/internet-governance/blog/india-central-monitoring-system-something-to-worry-about> (accessed: 25.02.2023).

<sup>8</sup> Association of Southeast Asian Nations (ASEAN), *ASEAN Cybersecurity Cooperation Strategy 2021–2025*, n.d., [https://asean.org/wp-content/uploads/2022/02/01-ASEAN-Cybersecurity-Cooperation-Paper-2021-2025\\_final-23-0122.pdf](https://asean.org/wp-content/uploads/2022/02/01-ASEAN-Cybersecurity-Cooperation-Paper-2021-2025_final-23-0122.pdf) (accessed: 25.02.2023).

- (1) Advancing Cyber Readiness Cooperation;
- (2) Strengthening Regional Cyber Policy Coordination;
- (3) Enhancing Trusts in Cyberspace;
- (4) Regional Capacity Building;
- (5) International Cooperation.

### **3. The role of the United States and China in the field of submarine cybersecurity**

In any case, the threats that India is called upon to face are of multiple origins. On the geopolitical chessboard, the main frictions occur with Pakistan and with the jihadist terrorist organization Al-Qaeda. The historic hostilities between India and Pakistan seemed to have already reached a climax towards the end of the 20<sup>th</sup> century, i.e., when both powers became nuclear states. However, over time the conflict has morphed into other, hybrid forms, and, to date, it is fought sporadically in an asymmetrical manner, also and above all in the cyber domain. Meanwhile, the great powers are not standing idly by and are preparing for every possible scenario. While China and Türkiye are known for having entered into partnership agreements with Pakistan,<sup>9</sup> especially in economic matters, the United States is aiming to establish a greater collaborative relationship with India to conduct threat intelligence operations. This can be deduced from the American position contained in the National Defense Authorization Act for 2023, which was signed after the meeting between the American President Joe Biden and the Indian President Narendra Modi. Undoubtedly, the growing interest of the countries of the world in the Indo-Pacific region is linked to the strategic potential of the territory and, in less abstract terms, mainly to the control over the submarine cables that run through the depths of the Indian Ocean.

First of all, it is necessary to start from an important premise: there is currently a network of about 426 submarine cables in the world, destined for the energy and telecommunications sectors. The former often carry electricity and connect offshore wind farms to the mainland, while the latter are carriers of metadata and allow Internet connections between continents. Looking at the bundles of cables on the map, it is extremely clear that the Indian Ocean is one of the points on the globe most populated by these underwater infrastructures. The countries hosting the laying of these cables are Pakistan, India, Burma, Bangladesh, Malaysia, Thailand, Cambodia, Vietnam, Indonesia, Australia, and Papua New Guinea.

Why is the production and control of these cables part of an increasingly flourishing and monopolistic market? Starting from this last point, the answer lies

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<sup>9</sup> M. D'Amato, "Conflitti sopiti. Tra India e Pakistan il terreno di scontro è quello cyber," *CybersecurityItalia*, 22 November 2022, <https://www.cybersecitalia.it/conflitti-sopiti-tra-india-e-pakistan-il-terreno-di-scontro-e-quello-cyber/22127/> (accessed: 25.02.2023).

in the ever-increasing presence of giants such as Huawei, Hentong, Meta, Google, and Amazon, who are ready to invest increasingly large sums to hold the right of ownership on these submarine cables.<sup>10</sup> In fact, if until a decade ago the cable market was mainly in the hands of international joint ventures formed by governments and telecommunications companies, today the trend is reversing. The big giants dominate the market, joining forces in international consortia. Indo-Pacific countries should pay particular attention to this trend, as it could directly affect their national interests. The first troubling issue is linked to the degree of independence of the large multinationals operating in the sector: it is known that, in some cases, the companies are largely owned by the state, directly or indirectly. Think of the case of China, in which the giant Huawei stands out. Concerns about the actual independence of the company from the Chinese government have been raised since 2014. At the time, the former U.S. President Donald Trump's administration blocked work on installing a cable that was originally intended to connect Hong Kong to the United States. The sore point that led the U.S. administration to interrupt the process was precisely the danger of infiltration of the submarine infrastructure by the Chinese government. More specifically, the generalized fear was that the PRC would engage in cyber espionage activities through the use of submarines or probes specifically placed along the cable in order to deduce the so-called metadata.

In fact, contrary to what may be believed in the collective imagination, any probes placed on the cables do not reveal elements of the telephone conversation per se, but rather crucial information on the IP address from which the conversations take place, the device that the parties use, and some elements related to e-mail addresses or telephone numbers. On the basis of this premise, it is already possible to draw a line of demarcation in the interest of the Indo-Pacific countries and their defense policies. Attention should be focused not so much on the danger of damage which may purposely be done to the cable to cut entire countries off from the Internet and from the supply of some forms of energy. Rather, in a less apocalyptic sense, it would be appropriate to increasingly sensitize the governments of the countries under analysis to a more distant but distinct risk, namely that of espionage. After all, there are sufficiently solid precedents that serve as caveats in this area.

Think of the statements made in 2016 by Edward Snowden, a former American computer intelligence consultant who leaked highly classified information from the National Security Agency (NSA) in 2013, and who now lives in Russia, having taken the Russian citizenship. He exposed the existence of espionage activity conducted on an impressive scale by the Five Eyes intelligence alliance.<sup>11</sup> The main landing points hit in Europe were those of Mazara del Vallo (off the coast of Sicily) and the

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<sup>10</sup> M. Fazi, "Cina e Stati Uniti si contendono il dominio delle infrastrutture sottomarine," *Limes Online*, 13 March 2023.

<sup>11</sup> The Five Eyes (FVEY) is an intelligence alliance comprising Australia, Canada, New Zealand, the United Kingdom, and the United States – Editor's note.

base in Cyprus. It is quite clear that the countries of the Indo-Pacific must consider the strategic nature of their landings as a double-edged sword. In fact, on the one hand, control over the information that passes through the cables may give power to the port state, even if only potentially; on the other hand, however, the influx of such relevant information could expose the same cable hubs to the activities of malicious third parties which are detrimental to state interests. In the light of the foregoing, it is easy to understand the reason for the current dispute between Australia, China, and the United States. The key to the silent conflict is the will to impose the trajectory of the cables, which brings with it important consequences of diplomatic weight in relations between countries. Particularly high tension is recorded between Australia and China. Significantly, Australia boasts massive trade with the Pacific Islands and fears growing Chinese influence in the area.

A clear example of this concern is linked to the Australian intervention in the context of the construction of a submarine cable which, according to the original project, was supposed to connect China with the Solomon Islands. In order to avoid such an infrastructure partnership, Australia has offered to cancel the project, paying \$137 million to block it. Indeed, Beijing's influence is an increasingly significant factor in the Indo-Pacific region. Suffice it to say that, in the last decade, China has seduced the Solomon Islands and Kiribati: both have severed relations with Taiwan since 2019.<sup>12</sup> As it transpires from the "Made in China 2025" manufacturing plan, Beijing aims to surpass the capacity of the United States in the field of infrastructure and submarine cables.<sup>13</sup> Chinese foreign policy is strategically settling on a pace of super production, mainly aimed at holding ownership of cables. To avoid this scenario, the U.S. is trying to intervene in the Indo-Pacific region and enter into partnerships with its countries. A successful attempt in this sense is the agreement signed between the U.S. and the Federated States of Micronesia, which gave the go-ahead for the implementation of a project of the construction of a network of fiber optic, entirely financed by the United States. Another similar example is the previous position of Micronesia, which, at the instigation of its overseas partner, refused an agreement with the Chinese company Huawei Marine. The latter, as things stand, represents one of the major Chinese giants alongside Hentong, China Unicom, and China Telecom.<sup>14</sup> While this strategic dispute rages between China and the United States, overseas, the European Union has developed an interest in cybersecurity following the Islamic terrorist attacks which first hit Madrid in 2004 and then London a year later. The particularity of the aforementioned attacks lies in the method with

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<sup>12</sup> L. Lamperti, "La sfida dei cavi sottomarini nel Pacifico," *Startupitalia*, 6 September 2021, <https://startupitalia.eu/161870-20210906-la-sfida-sui-cavi-sottomarini-nel-pacifico> (accessed: 25.02.2023).

<sup>13</sup> FDI China, *Made In China 2025: The Plan To Dominate Manufacturing And High-Tech Industries*, 22 June 2022, <https://www.fdicchina.com/blog/made-in-china-2025-plan-to-dominate-manufacturing/> (accessed: 25.02.2023).

<sup>14</sup> M. Fazi, *op. cit.*

which they were conducted – they namely targeted the local public transport service. To address the need to bolster the public safety network, the European Network Information Security Agency (ENISA)<sup>15</sup> was established within the European Union.

Furthermore, the European Union has increased its interest in underdeveloped countries and the countries of the Indo-Pacific region. The intent of the EU was crystallized in an act promulgated by the Council of the European Union on April 19, 2021. It is the Council's decision on a European strategy for cooperation in the Indo-Pacific. The main concern of the European Union remains the safeguarding of the SLOCs, i.e., the maritime routes that connect the Old Continent with the Indo-Pacific region. The reason for this concern lies in the essential nature of these lines of communication, along which, above all, commercial relations are maintained between the countries of the two different continents and the exchange of goods is guaranteed. The European Union, therefore, in addition to nurturing a clear interest in marking its presence at the level of production of critical infrastructures in the Indo-Pacific region, aims primarily at de-escalation of possible conflicts, to avoid incurring shortages caused by acts of sabotage or piracy. In fact, 75% of imports within the territory of the European Union take place by sea and, consequently, guaranteeing the safety of the waves in those areas becomes a vital issue which even involves some aspects of internal politics.

## 4. Conclusions

What will change in the use and management of submarine cables? Although their fate depends largely on political choices on a global scale, it is possible to make some predictions. In the near future, the space race is likely to create an alternative to the central importance of submarine cables, paving the way for investments in the construction and protection of satellite systems. However, in the next five years, it will be impossible to replace cable bundles with satellites. Rather, we should expect both sectors to grow at the same pace. States may have an interest in diversifying Internet connection points to avoid being completely isolated in the event of armed conflicts or attacks by enemy states. As for the management of the infrastructure under analysis, an interesting transformation is already underway and is destined to follow the same trend. Previously, in fact, the control of the cables was left more to governments and telecommunications companies. Presently, however, the same task is entrusted to Big Tech giants. The involvement of these companies is intended to cut cable laying costs and improve global connectivity. On the other hand, the economic doubts about a possible transformation of the market in terms of monopolization of the access to Internet are well-founded. The companies mentioned above will

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<sup>15</sup> G. Buttarelli, "Privacy, sicurezza e nuove tecnologie al bivio di nuove scelte strategiche," *federalismi.it*, 2015.

increasingly find themselves owning not only the network supply service, but also the physical infrastructure through which the data passes. Therefore, governments themselves risk playing an increasingly marginal role in the direct management and control of submarine cables. For this reason, it is to be expected that governments will adopt policies aimed at implementing the collection and management of information, probably also through acts of mutual intrusion and espionage.

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# **The Relevance of AUKUS in the Context of British National Security Policy and Geostrategy**

## **1. Introduction – the U.K.’s presence in the insecure world of geopolitical instability**

“Why did AUKUS happen? Because the world changed.” This is the title of an article written for *ICDS Diplomaatia* magazine by M. Shoebridge, an Australian strategic analyst.<sup>1</sup> Such an assertion constitutes a legitimate rationale for raising the topic of the relevance of AUKUS as seen from the perspective of British national security policy and geostrategy. Before this relevance can be explicated, however, it is essential to shed light on the seemingly grandiloquent and vague thesis put forward in the aforementioned title. Namely, what exactly is the “change” that sparked the emergence of AUKUS, and in what way was the “world” affected by it?

To put it briefly, in light of increasingly more common claims that the world is changing or has already changed, it would be more accurate and apt to consider these transformations from a geopolitical standpoint and thereby speak not of a change, but of a restoration of the world to its former state, the state that preceded what academics and analysts term the “geostrategic pause” or the “unipolar moment.” As Ch. Krauthammer pointed out in 1990, the end of the Cold War resulted in the emergence of the U.S. as the world’s unchallenged superpower, with the global security resting on its shoulder. And yet, he argued, there were reasons to think that such a shape of the world order was not meant to last forever.<sup>2</sup> However, a little more than a decade later, when he revisited the concept of the unipolar moment, he failed to acknowledge the main factor that, in the not-so-distant future, would bring not only the concept but also the reality behind it to an end. Considering potential

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<sup>1</sup> M. Shoebridge, “Why did AUKUS Happen? Because the World Changed,” *ICDS Diplomaatia*, 24 November 2021, <https://icds.ee/en/why-did-aukus-happen-because-the-world-changed/> (accessed: 17.03.2023).

<sup>2</sup> Ch. Krauthammer, “The Unipolar Moment,” *Foreign Affairs* 70(1), 1990/1991, pp. 23–33.

challengers to the American unipolarity, he reckoned that “[o]nly China grew in strength, but coming from so far behind it will be decades before it can challenge American primacy – and that assumes its current growth continues unabated.”<sup>3</sup> This assessment echoed the one made by Z. Brzeziński, who in his seminal book *The Grand Chessboard* contended that “even by the year 2020, it is quite unlikely even under the best of circumstances that China could become truly competitive in the key dimensions of global power.”<sup>4</sup>

As we have witnessed, their judgment has failed to stand the test of time, given the geopolitical developments in the last two decades. For it was only eight years after the revisit by Krauthammer and nine years before the turning point designated by Brzeziński when the U.S. Secretary of State H. Clinton announced the famous pivot to the Asia-Pacific region, where, in her words, “[t]he future of geopolitics will be decided.” As she noted, “[o]ur outreach to China, India, Indonesia, Singapore, New Zealand (...) is all part of a broader effort to ensure a more comprehensive approach to American strategy and engagement in the region. We are asking these emerging partners to join us in shaping and participating in a rules-based regional and global order. One of the most prominent of these emerging partners is, of course, China. (...) today, China represents one of the most challenging and consequential bilateral relationships the United States has ever had to manage.”<sup>5</sup> In short, it is exactly the challenge posed by China that has “changed the world” and pushed the U.S. to embark on numerous initiatives aiming to stand up to the said challenge and to struggle for the preservation of its status of the world’s hegemon. As expected, the U.S.’ closest allies, particularly the Anglosphere and maritime states, followed suit, finding themselves entangled in the geopolitical and geostrategic scramble for power between the reigning hegemon and the aspirant. In light of that, AUKUS can be considered, on the one hand, a solution designed to thwart China’s advances and to secure the U.S.’ hegemonic position in the global system; and, on the other, a tool to pursue the national interests of not only the U.S. as the unquestionable leader of the pact, but also of the U.K. and Australia. Given the fact that Australia is already a member of the QUAD format, often referred to as “the Asian NATO,” AUKUS constitutes a valuable platform for the U.K. to leverage its influence in the Indo-Pacific region.

In order to fully comprehend the reasons for this endeavor of the U.K., however, it is requisite not only to account for the geopolitical tendencies and developments outlined above as well as for short- to mid-term political and economic pragmatics, but also to elucidate the underlying root causes grounded in the British strategic culture and national identity. Those are to be examined to arrive at a long-term and processual

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<sup>3</sup> Ch. Krauthammer, “The Unipolar Moment Revisited,” *National Interest* 70, 2002/2003, p. 6.

<sup>4</sup> Z. Brzeziński, *The Grand Chessboard: American Primacy and Its Geostrategic Imperatives*, Basic Books, New York 2016, p. 164.

<sup>5</sup> H. Clinton, “America’s Pacific Century,” *Foreign Policy*, November 2011, p. 59.

picture of AUKUS and its relevance. From the methodological perspective, such an effort to combine various factors representing different levels of analysis is critical for ensuring a comprehensive account of the examined case as well as the effect of triangulation of data (sources) and methods.<sup>6</sup>

In terms of the research subject and questions, the purpose of the following chapter is twofold. Firstly, it is to examine the main premises and goals of the contemporary national security policy as well as the geostrategy of the U.K. in order to specify which of them correspond with AUKUS and its overarching purpose(s) and what kind of alignment between the two can be observed. After its departure from the EU in 2020 and the center of the geopolitical and geostrategic gravity being shifted predominantly to Asia,<sup>7</sup> it is imperative for the U.K. to redefine its geostrategy, underpinning its commitment to initiatives such as AUKUS. Whether or not (and if so, then how) this has been achieved can be grasped through examining the following U.K.'s strategic documents: *National Security Strategy and Strategic Defence and Security Review 2015. A Secure and Prosperous United Kingdom* (issued in 2015), *Global Britain in a Competitive Age. The Integrated Review of Security, Defence, Development and Foreign Policy*, and *Defence in a Competitive Age* (both issued in 2021). Secondly, those documents will be examined against the *Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland, the Government of Australia, and the Government of the United States of America for the Exchange of Naval Nuclear Propulsion Information*, also known as the AUKUS Agreement. Its provisions, progress, and implications will be juxtaposed with the national security and foreign policy goals established in the aforementioned strategic documents in order to determine the level of formal correspondence between the AUKUS Agreement and the said goals. This will be followed by a review of relevant analyses of the AUKUS partnership and its progress as well as the U.K.'s commitment to it so as to acquire a deeper and more detailed insight into the ramifications of the initiative undertaken by the U.K., most notably those in the field of national security and geostrategy, but also technological and economic development.

The analysis starts with a brief outline of the theoretical premises that inform this study. Then, it proceeds to an analysis of British national security policy and geostrategy conducted on the basis of a survey of relevant British strategic documents. The next steps involve an inquiry into AUKUS with a focus on its dimensions and implications. Finally, conclusions are drawn that address the current geopolitical standing of the U.K. in light of not only its engagement in AUKUS, but also its holistic presence and involvement in (geo)political affairs of Asia.

<sup>6</sup> See B. Glinka, W. Czakon, *Podstawy badań jakościowych*, Polskie Wydawnictwo Ekonomiczne, Warszawa 2021, p. 37.

<sup>7</sup> See P. Khanna, *Przyszłość należy do Azji*, Wektory, Wrocław 2020.

## 2. Theoretical remarks – at the crossroads of geopolitics and security

Geopolitics, as S. Dalby aptly puts it, “has many contested meanings.”<sup>8</sup> He then proceeds to point to the underlying realists’ tenets of geopolitics, according to which competition and war are inevitable, only to refute them and claim that the political actions undertaken by particular states emerge from geopolitical discourse.<sup>9</sup> Therefore, geopolitics can also be and, to a degree, certainly is, “what states make of it.” In other words, geopolitics is not only an objective and external reality that compels states to adjust their policies to the uncontested precepts of *Realpolitik*. Besides that, it can also be comprehended as a manifestation of national identity, a part of which is a given nation’s perception of its place in the world. In the words of C. Jean, “[a]s a matter of fact, geopolitics is needed for thinking about oneself in relation to the world.”<sup>10</sup> That relation, in terms of national security and foreign policy, translates into a broad category of a state’s geopolitical imaginations,<sup>11</sup> the most important fundamental constituents of which are its geopolitical code (indicating its geopolitical allies on the one hand and enemies on the other)<sup>12</sup> and mental map, being, according to P. Lewandowski, “a socio-cultural entity operating codes as indicators – landmarks.”<sup>13</sup> In short, such a map is “built on political and geographic maps,”<sup>14</sup> and the geopolitical codes “are responsible for framing certain values (...) and assume identity-creating function (...).”<sup>15</sup> Importantly, this perception of a country’s and its nation’s geopolitical location molds not only the aforementioned national identity, but also the feeling of (in)security and, as such, underlies the state’s national security and foreign policy, whose one of the most fundamental goals is to address the challenges, risks, and threats that stem from it. As a result, a combination of the geopolitically influenced factors of a given nation’s identity, perception of its place in the world, and, last but not least, its feeling of (in)security give rise to what G. Dijkink terms “geopolitical vision.”<sup>16</sup>

<sup>8</sup> S. Dalby, “Realism and Geopolitics,” in: K. Dodds, M. Kuus, J. Sharp (eds.), *The Ashgate Research Companion to Critical Geopolitics*, Routledge, London 2013, p. 34.

<sup>9</sup> *Ibid.*, pp. 33–34, 44.

<sup>10</sup> C. Jean, *Geopolityka*, Ossolineum, Wrocław 2013, p. 58. All quotes from Polish sources are translated by the author unless stated otherwise.

<sup>11</sup> For information on this topic see J. Macała, “Od kultury popularnej do geopolityki popularnej,” *Annales Universitatis Paedagogicae Cracoviensis. Studia Politologica* 22, 2019, pp. 56–59.

<sup>12</sup> P.J. Taylor, C. Flint, *Political Geography: World-economy, Nation-state, and Locality*, Prentice Hall, Harlow 2000, p. 62 as cited in: C. Flint, *Introduction to Geopolitics*, Routledge, London 2006, pp. 55–56.

<sup>13</sup> P. Lewandowski, “Kod geopolityczny – koncepcja teoretyczna i metodologiczna,” *Politeja* 16(4), 2019, p. 303.

<sup>14</sup> *Ibid.*, p. 301.

<sup>15</sup> *Ibid.*, p. 303.

<sup>16</sup> He defines it as “any idea concerning the relation between one’s own and other places, invoking feelings of (in)security or (dis)advantage (and/or) invoking ideas about a collective mission

One must bear in mind that the pursuit of this vision is not only aimed at ensuring a state's military security and economic prosperity, but also its ontological security,<sup>17</sup> i.e., the security of its identity. This is important because, in light of the tenets of the Ontological Security Theory (OST), states must maintain their routines in their international environment in order to be able to act. According to J. Mitzen, "agency requires the cognitive certainty (...) routines provide."<sup>18</sup> Therefore, the U.K.'s commitment to AUKUS can (and should) be seen as dictated not only by geopolitical and geostrategic necessities informed by the precepts of *Realpolitik* but also as a manifestation of intrinsic cultural and ideational imperatives, emerging from deeply embedded structures of British national identity.

### 3. British national security policy and geostrategy

As far as the U.K.'s (geopolitical) vision is concerned, according to *National Security Strategy and Strategic Defence and Security Review 2015. A Secure and Prosperous United Kingdom*, it is a "vision for a secure and prosperous United Kingdom, with global reach and influence."<sup>19</sup> It is then stated that what underpins this vision is an "ambitious, forward-looking strategy" including four elements, two of which are of particular importance here: to "(...) strengthen our Armed Forces and our security and intelligence agencies so that they remain world-leading" and to "(...) invest more in our current alliances including NATO, build stronger relationships with growing powers, and work to bring past adversaries in from the cold."<sup>20</sup> This Strategy is meant to be delivered "through three high-level, enduring and mutually supporting National Security Objectives," two of which are "to project our global influence – reducing the likelihood of threats materializing and affecting the UK, our interests, and those of our allies and partners." and "to promote our prosperity – seizing opportunities, working innovatively and supporting UK industry."<sup>21</sup> Regarding the threats that could and do endanger the U.K.'s security, prosperity, and core national values, it appears to be clear that a state with global presence and ambitions faces inevitably a myriad of diverse threats, including

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or foreign policy strategy." See G. Dijkink, *National Identity and Geopolitical Visions: Maps of Pride and Pain*, Routledge, London 1996, p. 11. In the case of the U.K., a diminished yet still a relatively strong thalassocracy, there exists a strong connection between its geopolitical location, national identity, and strategic culture.

<sup>17</sup> For B.J. Steele, ontological security denotes "security as Being" and "consistent self-concepts." See B.J. Steele, *Ontological Security in International Relations. Self-Identity and the IR State*, Routledge, London 2008, pp. 2–3, 51, 71–73.

<sup>18</sup> J. Mitzen, "Ontological Security in World Politics: State Identity and the Security Dilemma," *European Journal of International Relations* 12(3), 2006, p. 352.

<sup>19</sup> HM Government, *National Security Strategy and Strategic Defence and Security Review 2015. A Secure and Prosperous United Kingdom*, November 2015, p. 9.

<sup>20</sup> *Ibidem*.

<sup>21</sup> *Ibid.*, pp. 11–12.

proliferation of nuclear weapons, extremism, terrorism, cyber-attacks, organized crime, irregular migration, climate change, or pandemics.<sup>22</sup> But as far as the U.K.'s engagement in AUKUS is concerned, the threats that had paved the road towards its emergence are those that are of geopolitical, geostrategic, and geoeconomic nature.

From the outline of the Strategy and its Objectives, it can be inferred that the ambition of the U.K. is to ensure its security by enhancing its global position through a combination of its military capability, economic potential, and engagement in alliances. The latter involves, predominantly, those with the U.K.'s Anglosphere and maritime allies. It is held that "[o]ur special relationship with the US remains essential to our national security. It is founded on shared values, and our exceptionally close defense, diplomatic, security, and intelligence cooperation. This is amplified through NATO and our Five Eyes intelligence-sharing partnership with the US, Canada, Australia, and New Zealand."<sup>23</sup> Importantly, it is stressed that the U.K. shares common interests with the U.S. and Australia, including those in the Asia-Pacific region. Those interests pertain to fields such as security, military, technology, economy, and diplomacy.<sup>24</sup> It must be stressed here that implicit in those relations is the necessity to preserve the U.K.'s ontological security needs that consist in maintaining stable (and routine) relations with its "important others." Those emerge not only from the cultural affinity between the U.K. and the aforementioned countries but also from the British imperial past and its unceasing identity as a maritime power.

With respect to China, it is seen as one of the growing powers with whom the U.K. intends to "build stronger relationships" and "work more closely together to address global challenges."<sup>25</sup> However, this approach seems to have changed, as seen in the document *Global Britain in a Competitive Age. The Integrated Review of Security, Defence, Development and Foreign Policy*. It points to the existence of "particularly important overarching trends," one of which is that of "geopolitical and geoeconomics shifts: such as China's increasing power and assertiveness internationally, the growing importance of the Indo-Pacific to global prosperity and security."<sup>26</sup> China is considered to be "a systemic competitor. China's increasing power and international assertiveness are likely to be the most significant geopolitical factor of the 2020s. The scale and reach of China's economy, size of its population, technological advancement and increasing ambition to project its influence on the global stage, for example through the Belt and Road Initiative, will have profound implications worldwide."<sup>27</sup> The aforementioned increasing power of China refers not only to its growing economic, technological, and political potential, but also the military

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<sup>22</sup> *Ibid.*, pp. 34–43; HM Government, Cabinet Office, *Global Britain in a Competitive Age. The Integrated Review of Security, Defence, Development and Foreign Policy*, March 2021, pp. 89–95.

<sup>23</sup> *Ibid.*, p. 14.

<sup>24</sup> *Ibid.*, pp. 50–51, 54–55.

<sup>25</sup> *Ibid.*, p. 14, 58.

<sup>26</sup> HM Government, Cabinet Office, *op. cit.*, p. 24.

<sup>27</sup> *Ibid.*, p. 26.

one.<sup>28</sup> The importance of the Belt and Road Initiative (BRI) arises from the fact that it has been widely perceived in the U.S. and other Western states as a project of both geoeconomic and geopolitical implications for the world order that is expected to be dominated by China through the endeavor in question. Even if that is not the intention behind the BRI, which is what the Chinese claim, its successful implementation is likely to leverage China's geoeconomic and geopolitical position and at the same time undermine the one of the Western powers.<sup>29</sup>

In light of the above, it is understandable that for the U.K., "a European country with global interests," the Indo-Pacific constitutes a region of high priority, and its states are among the most important U.K. partners.<sup>30</sup> In the *Integrated Review*, it is stated that "[i]n the decade ahead, the UK will deepen our engagement in the Indo-Pacific (...), establishing a greater and more persistent presence than any other European country. The region is already critical to our economy and security; is a focal point for the negotiation of international laws, rules, and norms; and will become more important to UK prosperity over the next decade."<sup>31</sup> Importantly, the U.K.'s economy and security are clearly inseparable. This is because of the fact that the region in question involves a number of the U.K.'s important trade partners, namely China, Hong Kong, Japan, Singapore, India, Australia, and Taiwan,<sup>32</sup> as well as the U.K.'s military installations, being British Forces British Indian Ocean Territory and British Defence Singapore Support Unit.<sup>33</sup> Both national interests are to be pursued through partner-

<sup>28</sup> HM Government, Ministry of Defence, *Defence in a Competitive Age*, March 2021, pp. 6, 8.

<sup>29</sup> See more in: L.A. Johnston, "The Belt and Road Initiative: What is in it for China?," *Asia & Pacific Policy Studies* 6(1), 2019, p. 42; F. Nicholas, "China and Global Economic Order: A Discreet Yet Undeniable Contestation," *China Perspectives* 2, 2016, pp. 8–9, 11–14; H. Shang, *The Belt and Road Initiative: Key Concepts*, Springer & Peking University Press, Singapore 2019, pp. 1–4, 7–9, 11–17, 22–24; Z. Zhang, "The Belt and Road Initiative. China's New Geopolitical Strategy?," *China Quarterly of International Strategic Studies* 4(3), 2018, pp. 331–341; M. Li, "The Belt and Road Initiative: Geo-economics and Indo-Pacific Security Competition," *International Affairs* 96(1), 2020, pp. 169, 173–176, 179–186; Y. Wang, "Offensive for Defensive: The Belt and Road Initiative and China's New Grand Strategy," *The Pacific Review* 29(3), 2016, pp. 455–458, 460–462; Y. Jie, J. Wallace, "What is China's Belt and Road Initiative (BRI)?," *Chatham House*, 13 September 2021, <https://www.chathamhouse.org/2021/09/what-chinas-belt-and-road-initiative-bri> (accessed: 17.03.2023).

<sup>30</sup> HM Government, Cabinet Office, *op. cit.*, pp. 60–61. It can also be argued that the significance of this region and its key players stems from the fact that it is constitutive of the U.K.'s mental map and its geopolitical code.

<sup>31</sup> *Ibid.*, p. 62.

<sup>32</sup> J. Pritchard, "UK Balance of Payments, The Pink Book: 2022," *Office for National Statistics*, 31 October 2022, <https://www.ons.gov.uk/economy/nationalaccounts/balanceofpayments/bulletins/unitedkingdombalanceofpaymentsthepinkbook/2022> (accessed: 17.03.2023); *Idem.*, "Dataset 09 Geographical Breakdown of the Current Account, The Pink Book," *Office for National Statistics*, 31 October 2022, <https://www.ons.gov.uk/economy/nationalaccounts/balanceofpayments/datasets/9geographicalbreakdownofthecurrentaccountthepinkbook2016> (accessed: 17.03.2023).

<sup>33</sup> "Guidance. Directorate of Overseas Bases," *HM Government Official Website*, updated 8 February 2023, <https://www.gov.uk/government/publications/permanent-joint-operating-bases-pjobs/fd> (accessed: 17.03.2023).



ships and cooperation in the field of security and trade.<sup>34</sup> As for the field of security, noteworthy is the premise of “cooperation with like-minded partners,” which makes “responding to state threats” an undertaking that goes beyond “a narrow ‘national security’ or ‘defense’ agenda.”<sup>35</sup> In addition to AUKUS, a critical element of this cooperation is the aforementioned Five Eyes. It is emphasized that “[o]ur partnerships with Canada, Australia, and New Zealand will be at the heart of our tilt to the Indo-Pacific as we work to support them to tackle the security challenges in the region. The joint development with Australia and Canada of our Anti-Submarine Warfare capability through the Type 26 and Hunter class frigate programmes, is just one example of the benefits that deep collaboration can bring.”<sup>36</sup>

Undeniably, the U.K.’s departure from the EU is by no means a sign of that state’s diminishing resolve to remain one of the world’s most formidable geopolitical players, especially in the face of the ongoing hegemonic competition that may result in the emergence of a new world order and a global balance of power(s). On the contrary, the U.K. is not only willing but also strategically prepared to strengthen the ties with its key partners, particularly in the critically important Indo-Pacific region. One of the core premises of its (geo)strategy is the perception of the U.K. as a country that does not only seek global presence and impact, but is also embedded in a global context and, by virtue of that, entangled in a complex network of overlapping processes, forces, and factors. Because of that, it is essential for the U.K.’s leaders to fathom that national security cannot be pursued as a goal in and of itself, but rather as an offshoot of supranational and global tendencies with which the U.K.’s strategy must be aligned. Based on the emphasis that is put in the analyzed strategic documents on the importance of alliances and contribution to regional and global security, stability, and prosperity, it can be inferred that the U.K. embraces the influence of the said global context on its national security. Not only that, but it is also willing and ready to go with the global tide of changes (triggered mostly by China and its increasing potential) in the hope of influencing them to its own benefit (by allying itself with the key players in the critical region of the world that is the Indo-Pacific), rather than trying to entrench itself against that tide to survive its imminent and devastating impact. In light of the history of British engagement in international politics as well as imperial legacy, it can be argued that the U.K. never displayed a tendency to voluntarily allow itself to be sidelined in the aforementioned field. Rather than that, it has actively sought to shape international relations the way it saw fit. Therefore, the U.K.’s desire to remain one of the key players in the Indo-Pacific region should be considered as equally driven by its geostrategic rationale and its ontological security needs.

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<sup>34</sup> HM Government, Cabinet Office, *op. cit.*, pp. 66–67.

<sup>35</sup> *Ibid.*, pp. 69–70. The reference to a “narrow ‘national security’ (...) agenda” should be read through the prism of the identity-related dimension of the overarching category of national security.

<sup>36</sup> HM Government, Ministry of Defence, *op. cit.*, p. 28.

#### 4. Relevance of AUKUS

As per the agreement announced on September 15, 2021, the direct goal of the AUKUS partnership is “to support Australia in acquiring nuclear-powered submarines for the Royal Australian Navy.”<sup>37</sup> However, the scope of the initiative cannot be obviously reduced only to the provision of weapons to Australia as one of the U.K.’s vital allies. This goal arises from the overarching interest of “common defense and security,”<sup>38</sup> which is congruent with the aforementioned strategic premise of seeking national security through tapping into the potential of alliances with key geopolitical players. It must be stressed, however, that this partnership is indeed about ensuring security cooperation, not a military commitment, as the AUKUS Agreement does not include any provisions that would so suggest.<sup>39</sup> Moreover, Article II of the Agreement stipulates that “[e]ach Party may communicate to or exchange with the other Parties naval nuclear propulsion information as is determined to be necessary to research, develop, design, manufacture, operate, regulate, and dispose of military reactors (...),”<sup>40</sup> pointing to the economic and technological dimensions of AUKUS, which are also of strategic importance for the U.K. According to a research briefing on the AUKUS Agreement prepared for the House of Commons by L. Brooke-Holland, J. Curtis, and C. Mills, “AUKUS comes with potentially lucrative defence and security opportunities for UK industry not just in submarine build but in the other areas mentioned in the joint statement, of cyber, artificial intelligence and quantum technologies.”<sup>41</sup> This is also referred to as the Pillar Two of the AUKUS Agreement, comprising eight focus areas that are associated with the development of high technologies.<sup>42</sup> According to the newly released fact sheet on AUKUS and its progress, “AUKUS submarine cooperation will result in significant benefits to infrastructure and industrial capacity in all three nations. (...) The United Kingdom intends to build on the recent investment it has been making in its submarine delivery, such as the £2.0 billion in BAE Systems, Barrow, and Rolls Royce, Derby announced last year. This will deliver thousands of jobs in the United

<sup>37</sup> *Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland, the Government of Australia, and the Government of the United States of America for the Exchange of Naval Nuclear Propulsion Information* [AUKUS Agreement], 22 November 2021, p. 3.

<sup>38</sup> *Ibidem*.

<sup>39</sup> R. Niblett, “AUKUS Reveals Much about the New Global Strategic Context,” *Chatham House*, 18 September 2021, <https://www.chathamhouse.org/2021/09/aukus-reveals-much-about-new-global-strategic-context> (accessed: 17.03.2023).

<sup>40</sup> AUKUS Agreement., *op. cit.*, p. 4.

<sup>41</sup> L. Brooke-Holland et al., *Research Briefing. The AUKUS Agreement*, 11 October 2021, <https://researchbriefings.files.parliament.uk/documents/CBP-9335/CBP-9335.pdf> (accessed: 17.03.2023), p. 13. See also Prime Minister’s Office, “Joint Leaders statement on AUKUS,” *HM Government Official Website*, 15 September 2021, <https://www.gov.uk/government/news/uk-us-and-australia-launch-new-security-partnership> (accessed: 17.03.2023).

<sup>42</sup> T. Howe, “AUKUS: More Than Submarines,” *UK in a Changing Europe*, 15 March 2023, <https://ukandeu.ac.uk/aukus-more-than-submarines/> (accessed: 17.03.2023).

Kingdom, including in the supply chain.”<sup>43</sup> In other words, it is an investment in the U.K.’s military-industrial complex.<sup>44</sup> What is more, according to S. Kaushal, “the project could potentially serve as a basis for experimentation, allowing the UK to work through the complexities of incorporating its technology into an altogether new hull alongside US components even as the Royal Navy begins work on its own future SSN, the SSN(R). Collaboration and experimentation alongside foreign partners have often allowed countries to accelerate the pace of their own future projects.”<sup>45</sup>

Bearing in mind the geopolitical and geostrategic overtone of AUKUS from the perspective of the U.K., it is necessary to account for the format’s current relevance as well as its future implications. On the one hand, it enables what J. Rogers terms “triangulation of power between three geostrategic nodes: the British Isles, North America and Australia,” thus, in a sense, encircling China as the systemic competitor through the combination of power at the disposal of AUKUS and Five Eyes member states as well as Japan.<sup>46</sup> In this way, AUKUS provides more strategic depth in the Indo-Pacific region that is necessary to oppose China’s revisionism and thwart its advances aimed at establishing regional hegemony. On the other hand, the partnership’s extension to incorporate more “like-minded partners,” who are themselves interested in opposing China’s emergence as the region’s hegemon and whose support is essential for the AUKUS member states to offset China’s growing potential, cannot be ruled out. Among those partners, India and Japan undoubtedly play the most prominent role. Their significance was reflected in the call by Tobias Ellwood, Chair of the House of Commons Defence Select Committee, for expansion of AUKUS to include both states, despite the apparent U.S. reluctance to do so, expressed in September 2021.<sup>47</sup>

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<sup>43</sup> Prime Minister’s Office, “Policy Paper. Fact Sheet: Trilateral Australia-UK-US Partnership on Nuclear-Powered Submarines,” *HM Government Official Website*, updated 13 March 2023, <https://www.gov.uk/government/publications/joint-leaders-statement-on-aukus-13-march-2023/fact-sheet-trilateral-australia-uk-us-partnership-on-nuclear-powered-submarines> (accessed: 17.03.2023). See also S. Pfeifer, D. Sevastopulo, “AUKUS Defence Pact’s Political Pay-off Will Be a Jobs Bonanza,” *Financial Times*, 13 March 2023, <https://www.ft.com/content/58a7fd30-51ae-46b0-9894-741a328e861d> (accessed: 17.03.2023).

<sup>44</sup> D. Camroux, “Aukus: Why Britain Was the Big Winner,” *The Diplomat*, 2 December 2021, <https://thediplomat.com/2021/12/aukus-why-britain-was-the-big-winner/> (accessed: 17.03.2023).

<sup>45</sup> S. Kaushal, “What Does the AUKUS Deal Provide its Participants in Strategic Terms?,” *Royal United Services Institute for Defence and Security Studies*, 21 September 2021, <https://rusi.org/explore-our-research/publications/commentary/what-does-aukus-deal-provide-its-participants-strategic-terms> (accessed: 17.03.2023).

<sup>46</sup> J. Rogers, “AUKUS: Strategic drivers and geopolitical implications,” *Council on Geostrategy*, 27 January 2022, <https://www.geostrategy.org.uk/britains-world/aukus-strategic-drivers-and-geopolitical-implications/> (accessed: 17.03.2023).

<sup>47</sup> S.V. Singh, “UK’s House of Commons Defence Panel Calls for Expansion of AUKUS to Include India, Japan,” *The Print*, 29 January 2023, <https://theprint.in/defence/uks-house-of-commons-defence-panel-calls-for-expansion-of-aukus-to-include-india-japan/1341460/> (accessed: 17.03.2023).

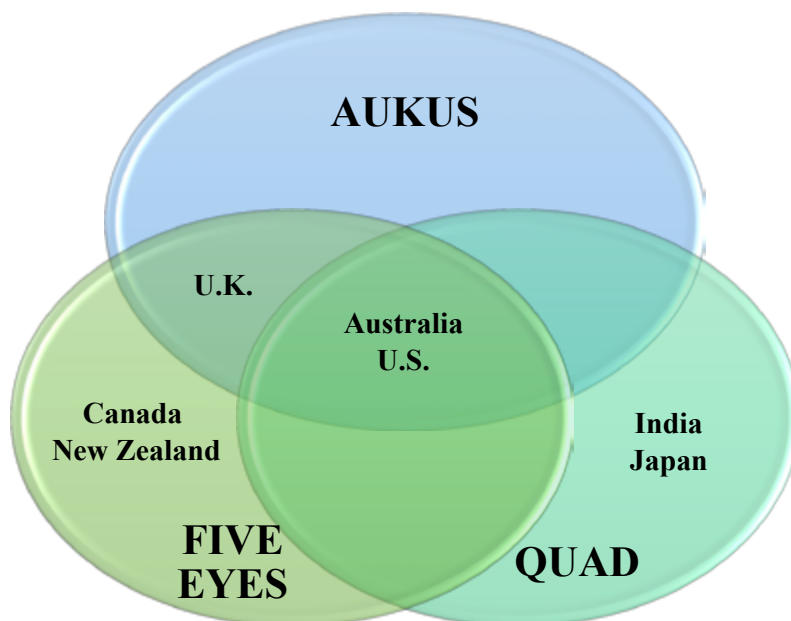
For the U.K., the only AUKUS member state to remain outside QUAD, this proposition can be seen as a means to become more deeply engaged in “a growing network of minilaterals crisscrossing the Indo-Pacific,” in the words of R.P. Rajagopalan. He believes that contrary to the statement of the Indian Foreign Secretary H.V. Shringla, AUKUS “is neither relevant to the QUAD, nor will it have any impact on its functioning,” “the long-term goal of AUKUS is complementary to the Quad and other minilateral partnerships (...) in the region. While some of these (...) are only among the Quad countries, others involve non-Quad countries in an effort to bring more partners into the Quad’s orbit by expanding and involving partners which share similar regional strategic interests. AUKUS in that respect is no different. The current efforts at building a larger number of coalitions with shared political ideals and strategic interests have the net effect of generating larger political and strategic consensus. (...) Additionally, if these partnerships can build up military power in a decisive way as an effective deterrent against China, such steps need to be welcomed. A militarily capable Australia is in India’s interests as well as that of the wider region.”<sup>48</sup> This approach is surely congruent with the U.K.’s intention of ensuring its national security through engagement in alliances with “like-minded partners.” Arguably, the more such alliances exist in the Indo-Pacific region and the more they overlap with one another (as a result of the countries of the region being engaged in multiple formats at the same time), the easier it should be to align the national interests of those countries and devise solutions regarding political, economic, and security-related challenges in the Indo-Pacific region that could be deemed acceptable for as many of them as possible. The aforementioned “overlap,” illustrated in the diagram below, appears to be critically important not only with regard to India and Japan, but also Canada and New Zealand, which also remain outside AUKUS, but are involved in the Five Eyes.<sup>49</sup>

This is crucial from the geostrategic point of view, an element of which is to devise a method of countering China’s own strategy of weakening the coalition of states that aim to oppose it, as laid out aptly by E.A. Colby in his volume entitled *The Strategy of Denial American Defense in an Age of Great Power Conflict*. Colby terms it “the focused and sequential strategy” and explains that its goal is to draw the U.S.’ allies away from the coalition, thereby undermining the latter.<sup>50</sup> However, according to a U.K. senior military official, “(...) if these alliances grow in competence and commitment to each other, then that overall effect starts to counter the decoupling

<sup>48</sup> R.P. Rajagopalan, “Does AUKUS Augment or Diminish the Quad?,” *The Diplomat*, 23 September 2021, <https://thediplomat.com/2021/09/does-aukus-augment-or-diminish-the-quad/> (accessed: 17.03.2023).

<sup>49</sup> J. Dankowski, “AUKUS: Wielka Brytania wraca do strategicznych korzeni. Co z zaangażowaniem w NATO [ANALIZA],” *Defence24.pl*, 18 October 2021, <https://defence24.pl/geopolityka/aukus-wielka-brytania-wraca-do-strategicznych-korzeni-analiza> (accessed: 17.03.2023).

<sup>50</sup> E.A. Colby, *The Strategy of Denial American Defense in an Age of Great Power Conflict*, Yale University Press, New Haven 2021, pp. 110–146.



**Figure 1.** Overlap between the formats of international cooperation in the Indo-Pacific region.

Source: Author's own elaboration.

strategy. It starts to counter their ability to influence what they want to get done. If the world aligns itself, then actually China will lose the capability debate because its only resilience is on itself.”<sup>51</sup> However, it must be stressed that the intention to contain China is not common, and it is mostly in the interests of thalassocracies, which fear that the growing power of China and its geoeconomic (through the implementation of BRI), geopolitical (by subordinating countries of not only the Indo-Pacific region but also those in Eurasia and Africa), and geostrategic expansion (as a result of its military build-up, including the Chinese navy that is currently the largest in the world<sup>52</sup>) may allow it to become the world's strongest land and sea power simultaneously. That is why “AUKUS is an example of a ‘collective sea power’ strategy put in practice and an opportunity for HM Government to cement Britain’s global maritime leadership.”<sup>53</sup>

<sup>51</sup> R. Prince, C. Gallardo, “Pacific Heights: With AUKUS, Britain Finds New Place in the World at Last,” *Politico*, 13 March 2023, <https://www.politico.eu/article/pacific-heights-aukus-britain-america-australia-rishi-sunak-joe-biden-anthony-albanese/> (accessed: 17.03.2023).

<sup>52</sup> U.S. Department of Defense, *Military and Security Developments Involving the People's Republic of China. A Report to Congress Pursuant to the National Defence Authorization Act for Fiscal Year 2000*, 29 November 2022, pp. 50–58.

<sup>53</sup> B. Germond, “AUKUS: The Realization of ‘Global Maritime Britain,’” *The Council on Geostrategy*, 20 September 2021, <https://www.geostrategy.org.uk/britains-world/aukus-the-realisation-of-global-maritime-britain/> (accessed: 17.03.2023).

It is noteworthy that, in light of the *Realpolitik*-informed reservation above, the very term “collective sea power” (as well as “like-minded partners,” repeated a number of times in the British strategic documents) indicates that AUKUS transcends its purely geostrategic rationale and enters the domain of collective identity (one which is also very conspicuous as one of the pillars of NATO, being not only a geostrategic but also geocivilizational alliance), bringing into it the logic of cultural affinity that could bolster the resolve of the member states of AUKUS.

That leadership is aimed at establishing collective security (regional, global, and also national, in the process) through joint efforts by “like-minded partners,” being democracies<sup>54</sup> interested in free trade and exchange of technologies, upholding peace and the principles of international law or preservation of environment. In short, their common geopolitical vision is one of a world order that is not overturned and dominated by the “systemic competitor,” which is not only overtly challenging the position of the Euro-Atlantic powers that gave birth to AUKUS, but also poses a threat to the non-Anglo-Saxon Indo-Pacific powers, namely India and Japan. The role of the U.K. is not only to take advantage of the military cooperation afforded by AUKUS but to champion more comprehensive cooperation between the Indo-Pacific partners (tapping into the much greater potential resulting from the “overlap”), thereby co-creating circumstances in the most crucial geopolitical region of the world that are conducive to its national interests and goals.

## 5. Conclusion

In light of the analysis conducted in this chapter, it is safe to assume that a substantial congruence between the geopolitical vision of a “Global Britain” and the geostrategic goals included in the analyzed U.K.’s strategic documents has been demonstrated and confirmed. What can be inferred from the analysis is that the U.K.’s geostrategy is geared towards strengthening the country’s presence and influence

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<sup>54</sup> Noteworthy, it was H.J. Mackinder who pointed to the importance of protection of freedom in the Western democracies. In *Democratic Ideals and Reality*, he wrote that “in the established Democracies of the West, the ideals of Freedom have been transmuted into the prejudices of the average citizen, and it is on these ‘habits of thought’ that the security of our freedom depends (...) For a thousand years such prejudices took root under the insular protection of Britain (...)” H.J. Mackinder, *Democratic Ideals and Reality. A Study in the Politics of Reconstruction*, Henry Holt and Company, London 1919, pp. 20–21. N. Ferguson also considers freedom a distinguishing feature of the British society and one of those that Britons tried to disseminate. “‘Without freedom,’ according to E. Burke, ‘it would not be the British Empire.’” N. Ferguson., *Imperium. Jak Wielka Brytania zbudowała nowoczesny świat*, Wydawnictwo Literackie, Kraków 2013, pp. 20–21, 84. This proves that the clash between the Western powers (the U.K. being one of them) and China is not only one over freedom of trade (and the national power that results thereof), but also of freedom in the deepest political sense. Championing that and other values lies at the core of the U.K.’s geostrategy, as outlined in the *Integrated Review*. See HM Government, Cabinet Office, *op. cit.*, pp. 12–14, 47, 49, 66.

in the Indo-Pacific, which is considered to be a critically important world region as far as the global economy and balance of power are concerned. In the face of the emergence of China as the “systemic competitor,” which is a process capable of putting into question the position in the world order of not only the U.K. but also its main Western and maritime allies such as the U.S., Australia, or Japan, the former has responded in line with its “tangible” national security and geostrategic rationale. Needless to say, in this context, this scenario could prove disastrous for the security of the U.K.’s Overseas Territories, its worldwide geopolitical impact, and the freedom of its trade. In light of the above, AUKUS appears to be a made-to-measure solution that addresses the fields of collective security and enhances the U.K.’s military presence in the Indo-Pacific region, technological development, and economic progress. What is more, by joining AUKUS, the U.K. has also adhered to its ontological security needs, compelling it not only to strive to retain its influential position in the Indo-Pacific region (and thus in the world as whole), but also to align itself with its “like-minded partners” on the basis of the multifaceted cultural affinity. Therefore, it is noticeable that the U.K.’s national identity underlies and informs a number of aspects of its foreign policy, even though in certain cases it could be deemed questionable. Depriving itself almost entirely of influence on European affairs as a result of Brexit and risking entanglement in a high-scale military conflict of unpredictable consequences in the Indo-Pacific region could prove to challenge the realist rationale of the U.K.’s national security and foreign policy. This aspect of the latter’s membership in AUKUS as a manifestation of its involvement in the geopolitical affairs of the said region constitutes a curious and important avenue for further research.

What is more, by championing the idea of extending AUKUS by including India and Japan, the U.K. not only emphasizes the importance of bolstering the agreement, but also of tightening the relations between the “like-minded” partners, who share with the participants in AUKUS the underlying geopolitical and geostrategic goal: to contain China and prevent it from becoming the regional and, as a result, possibly also the global hegemon. If the relations between the participants in AUKUS as well as in the Five Eyes and QUAD are strengthened to create the effect of “overlap,” then the U.K. will find itself in a much more advantageous position to promote its national values and interests. Moreover, it will be able to ensure its national security not by pursuing it on its own as a goal in and of itself, but rather as a derivate of the collective security whose fate depends on the course of events in the Indo-Pacific. And finally, last but not least, the pursuit of the geopolitical vision of a “Global Britain” entails efforts to not only react to the changes in the international system, but also to shape it. AUKUS might help the U.K. accomplish just that.

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# **The Role of Australia and the Pacific Islands in the Indo-Pacific Region amidst the Great Power Competition**

## **1. Introduction**

The strategic environment in the Indo-Pacific region has undergone a rapid shift. Australia is located to the west of the Indian Ocean and to the east of the Pacific Ocean and also lies close to the members of the Association of Southeast Asian Nations (ASEAN) to its north. The country started using the concept of the Indo-Pacific in 2012 to describe its foreign as well as security policy. Furthermore, remote, small island countries such as Seychelles or the Fiji Islands are commanding international attention. These nations also play a role in the complex and changing diplomatic competition in the Indo-Pacific amidst the great scramble for power.

## **2. Australia's role in the Indo-Pacific**

Since 2012, the idea of the Indo-Pacific has become a point of reference for Australian governments to define the country's foreign and security policy interests.<sup>1</sup> Australia is the first country to have introduced the concept of the Indo-Pacific as the definition of its strategic environment in 2013. The Australian White Paper of 2012 presented the Indo-Pacific as an economically dynamic region with China at the centre.<sup>2</sup>

In 2012, Australia set out a vision for the Indo-Pacific region which included a stipulation that disputes shall be resolved peacefully in accordance with international law and without the use of force. Furthermore, it focussed on having access to open markets which facilitate the flow of goods and services as well as capital and ideas.

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<sup>1</sup> S. Andrews, A. Cooper, "An Australian Vision of the Indo-Pacific – Through a Strategic and Maritime Lens," *Royal Australian Navy Sea Power: Review and Analysis* 1, 2019, <https://www.navy.gov.au/media-room/publications/australian-vision-of-indo-pacific> (accessed: 06.04.2023).

<sup>2</sup> *Ibidem*.

Inclusive economic integration is vital for Australia's vision of the Indo-Pacific along with protecting the rights of freedom and navigation. Australian commentator Rory Medcalf presents a broadly accepted definition of the Indo-Pacific, recognising that the accelerating economic and security connections between the Western Pacific Ocean and the Indian Ocean region are creating a single strategic system.<sup>3</sup>

Australia has attempted to embrace its security needs by developing a mutual defence pact with the United States, the 1951 security treaty between Australia, New Zealand, and the U.S. (ANZUS), and the 'Five Eyes' agreement with the U.S., U.K., Canada, and New Zealand. Due to China's rising aggressive behaviour in the region and its rivalry with the U.S., Australia has been making efforts to enhance its commercial interests from regional geopolitical issues. Therefore, the AUKUS initiative launched in 2021 – a security and technology partnership with the U.S. and U.K. – also reflects the geopolitical change in the Indo-Pacific and the U.S.' centrality to Australia's defence strategy.<sup>4</sup>

Australia–China relations have deteriorated in the recent past. Therefore, Australia has tried to engage with its allies and partners more broadly, which includes strengthened cooperation with the Quad member countries and also the trilateral security pact with AUKUS. Furthermore, Australia has over time emerged as a prominent strategic player in the Indo-Pacific region, and an evident transformation is witnessed in the country's defence and security enhancements all over the world. Canberra also called for an independent investigation into the origins of COVID-19, which was condemned by Beijing, with the PRC then targeting Australian imports, particularly beef, barley, coal, and wine. Canberra has realised that its interests in the Indo-Pacific region are vulnerable to economic coercion, disruptions, and grey zone attacks by adversaries. As the bulk of Australian trade is done through sea lanes of Southeast Asia and the Indian Ocean, it is therefore in her interest to secure the rules-based order and stability of the region.

The strategic and economic competition between the U.S. and China has made the Indo-Pacific region more volatile than ever. Moreover, China has made known its desire to become the predominant power in the region and the entire international community. With these current dynamics in the Indo-Pacific, several countries have been trying to form regional institutions and economic partnerships to further tackle the strategic benefits and enhance regional peace and security. China's aggressive behaviour, especially its grey-zone activities in the South China Sea and East China Sea, has been of great concern to Australia.

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<sup>3</sup> D. Jaishankar, "The Australia–India Strategic Partnership: Accelerating Security Cooperation in the Indo-Pacific," *Lowy Institute*, 16 September 2020, <https://www.lowyinstitute.org/publications/australia-india-strategic-partnership-accelerating-security-cooperation-indo-pacific> (accessed: 10.04.2023).

<sup>4</sup> A. Patalano, "Understanding AUKUS," *The Strategist (ASPI)*, 19 September 2022, <https://www.aspi.org.au/understanding-aukus/> (accessed: 12.04.2023).

The Quad has emerged as a strong mechanism for like-minded countries wherein the focus is on a free, open, inclusive, and resilient Indo-Pacific region.<sup>5</sup> India and Australia are great emerging powers in the region, following their strategic priorities and cooperating with each other. In this current security scenario, supply chain resilience, critical technology, and energy transition have been evolving as major non-traditional security issues.

Australia has also been focussing on a robust strategy and capabilities in its focus area of the Indo-Pacific. To gain its strategic objectives, it has been engaging with its allies and partners in recent years.<sup>6</sup> The Quadrilateral security dialogue (Quad 2.0) was formed in 2017 to ensure a free, open, resilient, and inclusive Indo-Pacific region. The Quad framework's meetings were also further elevated to include leaders-level meetings in 2021. The leaders of the Quad member countries also held a meeting in May 2022, wherein they discussed the Ukraine invasion and its impact on the Indo-Pacific region.<sup>7</sup> They further condemned the use of force in any region, especially the Indo-Pacific.

Australia has also been allied with the U.S. for a long time, ever since the signing of the ANZUS treaty, that is the Australia, New Zealand, and the United States Security Treaty, in 1951. AUKUS, launched recently in 2021, was an attempt to enable deeper cooperation in developing leading-edge military capabilities along with technologies. As the first initiative under AUKUS, Australia will acquire nuclear-powered submarines.

Australia also has strategic partnerships with India, Japan, and Indonesia and emerging trilateral arrangements with India–Japan, U.S.–Japan, and India–Indonesia. In January 2022, Australia also signed the Reciprocal Access Agreement (RAA) with Japan to further establish a defence framework to allow troops to be based in each other's territories.<sup>8</sup>

### 3. Indo-Pacific vision: India and Australia

India and Australia both share a common vision for the Indo-Pacific that calls for a free, open, resilient, and inclusive rules-based order in the region. India's approach to the region has been articulated by Prime Minister Narendra Modi at the Shangri-la

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<sup>5</sup> S. Deb, N. Wilson, "The Coming of Quad and the Balance of Power in the Indo-Pacific," *Journal of Indo-Pacific Affairs (Air University)*, 13 December 2021, <https://www.airuniversity.af.edu/JIPA/Display/Article/2870653/the-coming-of-quad-and-the-balance-of-power-in-the-indo-pacific/> (accessed: 17.04.2023).

<sup>6</sup> *Ibidem*.

<sup>7</sup> S.A. Smith, "The Quad Is Getting More Ambitious in the Indo-Pacific," *Council on Foreign Relations (CFR)*, 27 May 2022, <https://www.cfr.org/in-brief/quad-getting-more-ambitious-indo-pacific> (accessed: 05.05.2023).

<sup>8</sup> Ministry of Foreign Affairs of Japan, *Japan-Australia Reciprocal Access Agreement*, 6 January 2022, [https://www.mofa.go.jp/a\\_o/ocn/au/page4e\\_001195.html](https://www.mofa.go.jp/a_o/ocn/au/page4e_001195.html) (accessed: 06.05.2023).

Dialogue in 2018 through the vision of SAGAR (Security and Growth for All in the Region).<sup>9</sup> Furthermore, the Indo-Pacific Oceans Initiative (IPOI) was also launched by PM Modi in 2019. It includes pillars such as maritime security, maritime resources, maritime ecology, capacity building and resource sharing, disaster risk reduction, and trade connectivity.<sup>10</sup> India and Australia share a comprehensive strategic partnership and signed a joint declaration on the shared vision for maritime cooperation; under this declaration, the Australia–India Indo-Pacific Oceans Initiative partnership was implemented.

South Pacific is Australia's fundamental area of influence, with the country deeply engaged with South Pacific nations through its Pacific step-up initiative. India, too, has embraced its outreach with the Pacific Island countries. Moreover, cooperation with these countries takes place through the Forum for India-Pacific Island Cooperation (FIPIC) and is also an extension of India's Act-East Policy.<sup>11</sup>

In 2020, India and Australia elevated their partnership and upgraded the areas of joint initiatives such as maritime cooperation and defence cooperation for promoting an open and inclusive Indo-Pacific region.<sup>12</sup> In recent years, India and Australia have witnessed strategic convergences in several multilateral and bilateral forums and mechanisms, as both are members of the Quad and share similar values and attributes. The Quad has indeed played a valuable role in terms of the distribution of vaccines when the COVID-19 pandemic was at its peak, as well as contributing to maritime security, climate change and humanitarian assistance. Both nations have also been cooperating closely in ASEAN forums at East Asia Summit and ASEAN regional forum and in trilateral dialogues with Japan, the U.S., and Indonesia. India and Australia have been working extensively on broadening their defence cooperation by participating in joint naval exercises, defence exchanges, and security arrangements. They also signed a military logistics support agreement and have worked on establishing joint working groups in the areas of cyber security, counter-terrorism, and space cooperation.

Through a number of channels, notably the Indian Ocean Rim Association (IORA) and the Indian Oceans Naval Symposium (IONS), maritime security cooperation between India and Australia has greatly increased recently, particularly in the Indian Ocean and Southeast Asian Sea lanes. India and Australia take part in many joint naval exercises, such as the Malabar exercise with the U.S. and Japan, and AUSINDEX, which is held every two years. They also hold naval workshops with Indonesia and take part in programmes like MILAN, where India invites navies in the Indian Ocean that share similar

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<sup>9</sup> P. Saha, "India's Role in the Emerging Dynamics of the Indo-Pacific," *Observer Research Foundation (ORF)*, 26 January 2022, <https://www.orfonline.org/expert-speak/indias-role-in-the-emerging-dynamics-of-the-indo-pacific/> (accessed: 07.05.2023).

<sup>10</sup> *Ibidem*.

<sup>11</sup> D. Brewster, "Australia's View of the Indo-Pacific Concept," *India Foundation*, 5 January 2021, <https://indiafoundation.in/articles-and-commentaries/australias-view-of-the-indo-pacific-concept/> (accessed: 07.05.2023)

<sup>12</sup> *Ibidem*.

interests. Navy-to-Navy Talks were held in August 2021, and in addition to the Joint Guidance that had already been signed, Terms of Reference were also inked virtually. The MILAN exercise which was conducted in February 2022 aimed at promoting collective responsibilities of maritime security for ensuring safe and secure seas.<sup>13</sup>

With the ongoing Russia–Ukraine war, the world has been witnessing a sense of fragility that exists in the global world order and which further threatens world peace. This has made the international community increasingly apprehensive regarding similar fragility coming into play in the Indo-Pacific region, wherein Chinese aggression has been impacting nations in the South China Sea and the Indian Ocean. There is a dire need for the world’s major democracies to cooperate on a common platform. Stability in the Indo-Pacific region is a shared vision between India and Australia in light of China’s expansionist behaviour.

Due to China’s claim on the disputed South China Sea and military manoeuvring in the region, both India and Australia have realised that their collaboration would be of significance to maintain a free and open Indo-Pacific. Illegal fishing, smuggling, a growth in sea travel, mineral exploitation, and other similar risks all lead to the necessity for ensuring maritime security and the enforcement of a rule-based order. The India–Australia annual summit was held in March 2023, when PM Modi and PM Anthony Albanese met and discussed ways to elevate their comprehensive strategic partnership along with cooperating to ensure peace and stability in the Indo-Pacific region.<sup>14</sup> The common aim for India and Australia in the Indo-Pacific is to maintain a stable and secure commons in the interconnected Indo-Pacific and also preserve an order based on sovereignty and the rule of law.

In March 2023, a joint announcement was made of the partnership between Australia, the United Kingdom, and the United States (AUKUS). Defining a path forward on Canberra acquiring conventionally armed, nuclear-powered submarines, the partnership is a significant moment for the future of the Indo-Pacific region. Furthermore, Australia also faces a delicate diplomatic situation with China – its largest trading partner. Analysts say the question will be whether it can continue to strengthen its military ties with the U.S. while fostering commercial ties with Beijing.

Both India and Australia have different security perspectives owing to their expansive, separated geographical locations. India’s concern are its Himalayan borders and the Indian Ocean, while Australia is concerned about the Asia-Pacific and the Eastern Indian Ocean. In this context, the relationship between India and Australia has recently undergone favourable changes in response to regional issues that both countries share. Based on their common values, namely norms based on international order and a free

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<sup>13</sup> P.C. Katoch, “MILAN-2022 and the Indo-Pacific,” *SP’s Naval Forces*, 28 February 2022, <https://www.spsnavalforces.com/experts-speak/?id=497&h=MILAN-2022-and-the-Indo-Pacific> (accessed: 08.05.2023).

<sup>14</sup> K. Kaushik, K. Needham, “India, Australia Aim to Boost Economic, Defence Ties at First Summit of PMs,” *Reuters*, 8 March 2023, <https://www.reuters.com/world/asia-pacific/india-australia-aim-boost-economic-defence-ties-first-summit-pms-2023-03-08/> (accessed: 09.05.2023).

and open Indo-Pacific, the nations are two instances of significant liberal democracies that are influencing the future of the Indo-Pacific area.

#### 4. India–Australia defence cooperation in the Indo-Pacific

India and Australia have been engaging in several significant developments to embrace strong defence and security partnerships between the two nations, and one such prominent mechanism has been that of the 2+2 dialogue between both countries at the Foreign and Defence Ministers level. The first such dialogue was held in 2021 and aimed at pushing strategic and defence cooperation on a range of bilateral, regional as well as global issues of mutual interest.

Australia views India as a rising Indo-Pacific great power and also a vital security partner, especially in the maritime domain. Both nations also have a joint declaration on a shared vision for maritime cooperation in the Indo-Pacific, which was announced in 2020. The interactions between the navies of the two countries have been frequent, with Australia's entry into the Malabar exercises with other Quad countries in 2020 and the AUSINDEX regular bilateral exercises between the Indian and Australian navies.<sup>15</sup> Australia has also invited India to participate in the next, 2023 edition of the Exercise Talisman Sabre (TS), Australia's biggest war game, to enhance joint operational defence capacity.<sup>16</sup> The navies of the two countries also participated in the recently concluded 26-nation RIMPAC 2022 biennial exercise in Hawaii.

The India–Australia comprehensive strategic partnership has been upgraded to further broaden the scope of their defence partnership through cooperation in the AUSINDEX, Pitch Black, Milan, and Malabar military exercises and 2+2 ministerial dialogues.

#### 5. Pacific Island countries in the Indo-Pacific

The tiny, isolated island states that dot vast swaths of the Indian and Pacific Oceans – from Seychelles to the Fiji Islands – are suddenly the centre of attention on a global scale. This is primarily due to the growing interest in the role that these geographically remote countries can play in the complex ongoing political and diplomatic competition in the Indo-Pacific, which is partially but not only a result of the violent popular protests that have broken out in Sri Lanka over the severe economic crisis that is suffocating the country.<sup>17</sup>

<sup>15</sup> S. Das, "India–Australia Defence Cooperation and Collaboration in the Indo-Pacific," *Australian Institute of International Affairs*, <https://www.internationalaffairs.org.au/australianoutlook/india-australia-defence-cooperation-and-collaboration-in-the-indo-pacific/> (accessed: 09.05.2023).

<sup>16</sup> *Ibidem*.

<sup>17</sup> B. Sargeant, "The Pacific Islands in the 'Indo-Pacific,'" *Security Challenges* 16(1), Special Issue, 2020, pp. 2–10.



Developments in and around the island nations in these oceans – from Sri Lanka to the Solomon Islands – are therefore important to the great power competition in the 21<sup>st</sup> century. But these island nations are often ignored. They are not at the forefront of shaping the Indo-Pacific agenda, despite it being very much about and influenced by them.

The conflict between China and the U.S. and its allies is heating up once again in the South Pacific. Through economic inducements, China has entered the Pacific Islands and worked to strengthen its security ties with the island nations. China's growing influence in the area has alarmed Australia and New Zealand, two nations that are heavily involved in the politics and development of Pacific islands, as well as the U.S.

Notably, China's trade volume with the ten Pacific Island Countries (PICs) – Cook Islands, Fiji, Kiribati, Tonga, Papua and New Guinea, Samoa, Solomon Islands, Vanuatu, Niue, and the Federated States of Micronesia – increased over thirtyfold from 1992 to 2021. China is the Pacific Island Forum's (PIF) biggest trading partner after Australia and New Zealand. Its goods trade with these nations reached USD 8.2 billion in 2017, exceeding Australia's USD 5 billion and New Zealand's USD 1.6 billion.<sup>18</sup> China is also the Solomon Islands' most important commercial partner. China is one of the top three lenders to the Pacific Islands after the Asian Development Bank.

By completing several significant infrastructure projects, including the Independence Boulevard in PNG, the Malakula Island highway in Vanuatu, the reconstruction of the Tonga national road, and the Pohnpei highway in Micronesia, China has recently helped to speed up the connectivity of PICs. With China accounting for more than 90% of Solomon Islands' timber exports, the island nation's economic and trade relations with the PRC have been centred on logging. For the development of its human resources, China also operates substantial training programmes in fields like public administration, agriculture, forestry, animal husbandry, fishery, and education.

PICs were among the few nations that, up until recently, recognised Taiwan and kept cordial diplomatic ties with it. Countries have used suitcase diplomacy between China and Taiwan to their advantage in the region, which has been the scene of China–Taiwan conflicts for influence for decades. Up until September 2019, Taiwan was recognised by six PICs, including Palau, Tuvalu, Nauru, Kiribati, the Marshall Islands, and the Solomon Islands. However, this number quickly fell to four after Kiribati and the Solomon Islands cut their ties with Taipei. In May 2022, when Foreign Minister Wang Yi visited eight island states, China made a comprehensive economic and security proposal. The idea was rejected by the PIF since it left out several member states with ties to Taiwan as well as the most prominent member and major aid donor, Australia.

The PIF meeting held in Suva on July 12, 2022, was attended remotely by U.S. Vice President Kamala Harris. The U.S. made additional pledges to strengthen its engagement with the region. It has been a longstanding development partner of the PICs, having established the 'South Pacific Tuna Treaty,' which has been a pillar of political and

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<sup>18</sup> *Ibidem*.

economic cooperation between the U.S. and the Pacific Islands for the past 33 years. On June 24, 2022, the United States, along with its friends and partners – Australia, Japan, New Zealand, and the United Kingdom – instituted the Partners in the Blue Pacific (PBP). Through strong regional cooperation, this new “informal mechanism” prioritises prosperity, resilience, and security. PBP will enable the partner nations to spearhead new climate change initiatives and, both individually and collectively, challenge China’s regional aspirations.

## 6. India and the Pacific Island nations

The South Pacific has occupied an important place in India’s foreign policy. The 14 PIC leaders visited India in August 2015 for the second summit of the Forum for India–Pacific Island Cooperation (FIPIC). (The first was held in 2014 in Suva, Fiji).<sup>19</sup> At the meeting, Prime Minister Narendra Modi termed India–Pacific Islands relations as a “partnership of equals.”<sup>20</sup> The FIPIC foundation has significantly facilitated India’s relationship both at the G2G and B2B levels.

The Pacific Islands are grappling to address internal and external issues while at the same time battling threats like climate change. India has been leading the conversation on climate change and its repercussions on low-income countries in multilateral fora like the UN and COP. There are many areas where India’s potential role as a stabiliser and capacity-builder for the PIC can be leveraged.

In order to promote sustainable growth in the region, India can play a significant role in the Blue Pacific 2050 strategy alongside its allies like Australia. The Pacific Islands’ dedication to preserving and protecting the ocean and its natural riches was reaffirmed at the fifth annual Our Ocean Conference in Bali. The 2019 launch of India’s Indo-Pacific Ocean Initiatives (IPOI) makes use of the mechanisms for collaboration to concentrate on seven pillars, including maritime security, marine ecology, and marine resources.<sup>21</sup> This is in line with the Pacific Islanders’ objective of developing a resilient blue economy in the area. The PICs are small island countries and are among the most vulnerable to natural hazards like cyclones, earthquakes, and volcanic eruptions whilst not having the adequate means to prepare and respond to them appropriately. Considering its commitment to advancing development priorities

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<sup>19</sup> G. Bolaffi, “The Strategic Importance of Small Indo-Pacific Islands,” *Med-Or Leonardo Foundation*, 14 April 2022, <https://www.med-or.org/en/news/limportanza-strategica-delle-piccole-isole-dellindo-pacifico> (accessed: 10.05.2023).

<sup>20</sup> S. Pandalai, “The Pacific Islands and Geopolitical Jostling: Can India Play a Stabilising Role?,” *IDS*, 2 September 2022, <https://www.idsa.in/issuebrief/The-Pacific-Islands-and-Geopolitical-Jostling-020922> (accessed: 10.05.2023).

<sup>21</sup> M.P. Muralidharan, “Indo-Pacific Oceans Initiative,” *Indian Defence Review (IDR)*, 6 January 2022, <http://www.indiandefencereview.com/news/indo-pacific-oceans-initiative/> (accessed: 12.05.2023).

of the PICs, India can help strengthen disaster risk resilience capacities to guarantee long-term growth. In 2022, the South Pacific Defence Ministers meeting was held with the participation of Chile, Papua, New Guinea, Fiji, Tonga, and France.<sup>22</sup> These nations also maintain a military presence in the French territory of New Caledonia.

There has been a widespread concern that Beijing is using its economic assistance to increase its clout over Pacific Island countries. Moreover, Tonga has been indebted to Beijing over reconstruction efforts following riots there in 2006. A Chinese company has proposed to build a USD 200 million industrial park and port on an island in Papua New Guinea, just a stone's throw away from Australian waters. The Solomon Islands, too, has signed a security pact with China which was fuelled by the concern that Beijing would establish a military base there.

## 7. Conclusion

As geopolitical tension in Asia intensifies along with the U.S.–China competition, the need for Asia's middle powers to work towards their responsibility to balance China has become even stronger. India and Australia, both being democratic powers, are well-suited to be responsible for this task in the Indian Ocean region. India and Australia must strengthen their partnership with other countries like Japan and potential partners such as the U.K. and Germany to improve their deterrence capabilities. Both nations should work on strengthening their bilateral strategic, maritime security, and economic cooperation.

Australia has come a long way in its institutionalisation of the Indo-Pacific, and its ability to diversify its interests by engaging with the littoral countries deserves special attention. Australia's involvement with the Quad and its participation in the military exercises with India and other Quad countries in the Indian Ocean will continue to strain its relations with China. In addition, the Russia–Ukraine war will likely continue to drive foreign policy activism and cooperation among like-minded countries, of which Australia figures prominently.

Regular interactions between the two countries on various defence-related activities have worked to enhance mutual respect and understanding of shared values. This interaction has broader implications. Both nations can support each other in addressing issues of mutual concern internationally. Their engagement in trilateral groupings like the India–Australia–Indonesia and India–Japan–Australia dialogues, as well as joint engagement in the Supply Chains Resilience Initiative and the Quad with the United States and Japan, represent successful examples of bilateral and multilateral trust and relationship-building.

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<sup>22</sup> F. Matsumoto, "Australia, South Pacific Islands Bolster Ties as China's Clout Grows," *Nikkei Asia*, 19 October 2022, <https://asia.nikkei.com/Politics/International-relations/Indo-Pacific/Australia-South-Pacific-islands-bolster-ties-as-China-s-clout-grows> (accessed: 12.05.2023).

One significant outcome of these growing partnerships will be to revive and strengthen the Indian Ocean Rim Association in awareness generation, capacity-building, and consensus-building. Lastly, all the above initiatives are government efforts to enhance partnerships. The involvement and regular interaction of academia, think tanks, civil society, and the media have been equally important and will continue to play an important role in boosting these relationships.

India must also focus on increasing its engagement with the PICs economically. Most PICs' ties with larger nations have been shaped primarily by the assistance/development aid narrative. Pacific Islands are a hub of natural and mineral resources. Exports from these countries have increased by almost 169% in the past 20 years. While New Delhi has diversified its investments and aid which was previously only limited to PNG and Fiji, it is yet to identify the full potential of its trade relations with the PIF countries.

India needs to use its longstanding presence in the southern Pacific to carve a niche as a capacity-builder and meet the PICs' developmental needs. Mitigating climate change and the development of renewable energy are two critical areas where India can play a substantial role. India's ambitious COP26 energy and climate change commitments, together with the Blue Pacific Strategy, can drive a major climate-conscious and sustainably driven economy in the Indo-Pacific. Moreover, India's initiatives like the IPOI and its leadership in the International Solar Alliance (ISA) can help add value to the Pacific countries' fight on issues like climate change and renewable energy. The time is ripe for India to become a stabilising force for the good of the countries in the Southern Pacific.

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# **Overview Comparison of Data Protection Laws and Approaches in Hong Kong and Taiwan (ROC)**

## **1. Introduction**

This chapter seeks to give general information about data protection laws and regulations in Hong Kong and Taiwan (Republic of China) and compare the two approaches. This article does not reflect any personal opinions or research outcomes. Additionally, it is noted that most of the citations indicated in this article come from Chinese sources due to the limited material available in English. As such, the reference list includes Chinese sources.

The world is going through a new technological age which is rapid, unpredictable, and brings with itself costs and benefits for the entire world. Although from a governmental perspective, it is important to regulate these kinds of rapidly changing technologies and their use in order to protect their citizens and their personal data, it is not always easy to catch speed and regulate all matters. Moreover, the application of existing technology laws and regulations is also considered problematic for many disparate reasons in different parts of the world, such as political causes, lack of enforcement, not suggesting up-to-date solutions, and more. This article compares two countries in the Asia-Pacific region which make use of technologies not only locally but internationally and juxtaposes their approaches, regulations, and enforcement strategies regarding data protection and privacy. These countries are namely Taiwan (ROC) and Hong Kong. The two examples show that even with very close traditional backgrounds and locations, approaches and understanding of personal privacy may be dramatically different.

## **2. General information about Hong Kong and data privacy**

Hong Kong was governed by the United Kingdom for 156 years between 1841 and 1997, except for four years of Japanese occupation from 1941 to 1945. On June 1,

1997, the British handed over Hong Kong to the People's Republic of China. It was established as a special administrative region of China (SAR) for 50 years. The Personal Data Privacy Ordinance of Hong Kong (herein referred as "PDPO" or "the Ordinance") entered into force in 1996, when Hong Kong was still a British colony. It has its origins in the August 1994 Law Reform Commission Report entitled *Reform of the Law Relating to the Protection of Personal Data*.<sup>1</sup> It recommended that Hong Kong introduce a new privacy law based on the OECD Privacy Guidelines 1980<sup>2</sup> to ensure an adequate level of data protection to retain its status as an international trading center and give effect to human rights treaty obligations. The Ordinance is considered one of the first examples of data privacy regulations. It was amended in 2012 as a result of new and rapidly changing developments all around the world. In 2021, the PDPO underwent further major amendments. These aim to combat acts of doxxing<sup>3</sup> that are intrusive to personal data privacy through their criminalization and conferring on the Privacy Commissioner for Personal Data statutory powers to issue cessation notices demanding the cessation or restriction of disclosure of doxxing content. The amendments also confer on the Privacy Commissioner power to conduct criminal investigation and initiate prosecution for doxxing cases to strengthen enforcement against such acts.<sup>4</sup>

## 2.1. The Ordinance and its principles

Throughout the period when the Ordinance was prepared and entered into force, it aimed to regulate and control technological changes and protect privacy. Right now, the main aim of the Ordinance is to ensure personal data privacy, similar to the rest of the world. In order to achieve its goal, it sets various principles in terms of the purpose and means of data collection, its accuracy and retention, use, security, openness, and right to access and correction.<sup>5</sup>

Generally, these bounding principles strictly set the approach and the limits of the regulative bodies. Article 4 of the Ordinance explicitly states that "a data user shall not do an act, or engage in a practice, that contravenes a data protection principle unless the act or practice, as the case may be, is required or permitted under this Ordinance."<sup>6</sup> This article, however, gives a clear insight into the approach behind

<sup>1</sup> The Law Reform Commission also referred to the draft version of Directive 95/46/EC of the European Parliament and the Council.

<sup>2</sup> "OCED Privacy Guidelines 1980" is a common name for the original 1980 version of the *Guidelines on the Protection of Privacy and Transborder Flows of Personal Data*.

<sup>3</sup> Also spelled "doxing" or "d0xing" – Editor's note.

<sup>4</sup> Government of the Hong Kong Special Administrative Region, *Personal Data (Privacy) Ordinance*, Legislation Publication Ordinance (Cap. 614), section 5, Version Date 01/10/2022.

<sup>5</sup> "Six Data Protection Principles," Office of the Privacy Commissioner for Personal Data Hong Kong, n.d., [https://www.pcpd.org.hk/english/data\\_privacy\\_law/6\\_data\\_protection\\_principles/principles.html](https://www.pcpd.org.hk/english/data_privacy_law/6_data_protection_principles/principles.html) (accessed 02.09.2023).

<sup>6</sup> Government of the Hong Kong Special Administrative Region, *op. cit.*

the Ordinance – exceptions are possible if the act itself allows them. The interpretation of this provision is that the ruling mechanism of Hong Kong cannot adopt a separate law or regulation which would be contradictory to the Ordinance. On the other hand, the Ordinance and its principles can be changed without any consequences for some other purposes in the future and do not offer strict predictability.

In certain aspects, Hong Kong has offered a more innovative approach in the Asia-Pacific when it comes to technology. For example, it was the first Asian administration to develop all-inclusive personal data privacy legislation and to create an autonomous regulator. Unlike the law in some different administrations in the Asia-Pacific zone, the regulations in Hong Kong encompass private and public areas at the same time, which gives them an impression of trustworthiness. Despite Hong Kong's leading position in data privacy legislation, the activity level of the Office of the Privacy Commissioner for Personal Data ("PCPD") as regards regulatory advice and enforcement has been relatively horizontal when compared with some different administrations. Additionally, Hong Kong has not adopted separate cybercrime or cybersecurity laws and regulations like some other Asia-Pacific jurisdictions have done. Some sectoral organizations, most recognizably Hong Kong's Securities and Futures Commission (SFC), have persisted in pushing on cybersecurity legislation for particular industries.<sup>7</sup>

## 2.2. The Amendment Ordinance

As mentioned above, the Ordinance was first amended in 2012; however, the idea to introduce some changes had already appeared in 2009, when the government issued the Consultation Document and a leaflet to gauge public opinion on various proposals to amend the Personal Data (Privacy) Ordinance. In October 2010, the government released the *Report on Public Consultation on Review of the Personal Data (Privacy) Ordinance* and its main features, establishing the feedback received and the administration's suggested way forward on different proposals. After a couple of rounds of seeking public advice and deliberations on the different proposals for the analyses of the Ordinance, the government announced the *Report on Further Public Discussions on Review of the Personal Data (Privacy) Ordinance* in 2011.

The government introduced changes in the articles on the use of personal data marketing and the provision of personal data to a third party for use in direct marketing as outlined in LC Paper No. CB (2)1169/11-12(01), given the considerations expressed by the PCPD and other collaborators. The revised Amendment Bill was enacted by the Legislative Council on 27 June 2012.

The Amendment Ordinance entered into force in two phases – some articles on October 1, 2012, whereas the other provisions on legal matters and direct marketing on April 1, 2013.

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<sup>7</sup> Y.M. Tham et al., *Privacy, Data Protection, and Cyber Security Law Review*, 9<sup>th</sup> ed., Sidley Austin LLP, 27 October 2022.



In January 2020, the Constitutional and Mainland Affairs Bureau of the Hong Kong administration verified an argument article on a review of the PDPO, which introduced changes to the PDPO, including:

- compulsory data violation notice;
- an obligation to determine a retention period for personal data collected, which shall then be explicitly communicated to the data subjects in the privacy policies;
- stricter penalties, which would allow the sanctions to a data user's universal turnover each year and legitimize the PCPD to precisely appoint administrative confiscation rather than issuing an enforcement notification first;
- increased regulation of data processors, to make them directly reliable for violations and subject to the same violation notice obligations that are applicable to data users;
- expanding the definition of "personal data," so that it would not only encompass data subjects that could be classified; and
- implementation of anti-doxxing sanctions.<sup>8</sup>

The Personal Data Privacy Amendment Ordinance was amended in 2021 to keep up with the changing global situation and developing technologies in view of the emergence of new possible violations. The new Amendment Ordinance proposed legislation on various issues, but especially on the act of doxxing, by conferring powers to the Privacy Commissioner for Personal Data.

### 3. Doxxing. Understanding and approach

Doxxing is a general term that encompasses a variety of damages resulting from non-consensual disclosure of Personal Identifiable Information on the Internet. "As Douglas (2016) explained, 'we can identify three forms of doxxing, each characterized by a different loss faced by the victim: (1) de-anonymizing doxxing; (2) targeting doxxing; and (3) delegitimizing doxxing. In de-anonymizing doxxing, the victim faces a loss of anonymity through the release of PII that reveals their previously unknown identity (see Serracino-Inglott 2013).'"<sup>9</sup> De-anonymizing doxxing entails disclosing someone else's identity information: the data that, if revealed, undermines the ultimate anonymity of a person. In targeting doxxing, on the contrary, the subject of the violation faces a loss of anonymity via the publication of information that makes it possible to physically locate them. Finally, in delegitimizing doxxing, the victim faces a loss of accountability or legitimacy as a result of doxxed PII sabotaging their reputation.<sup>10</sup> Given the violations in Hong Kong and all around the world, the Amendment

<sup>8</sup> Y.M. Tham et al., *op. cit.*

<sup>9</sup> B. Anderson, M.A. Wood, "Harm Imbrication and Virtualised Violence: Reconceptualising the Harms of Doxxing," *IJCJ&SD* 11(1), 2022, p. 198.

<sup>10</sup> *Ibidem.*

Ordinance introduced stricter criminal offenses with a special system. Its provisions defined new doxxing crimes under a two-tier system, as explained below.

- A first-tier offense is a summary offense that involves disclosing any personal information about a data subject without that subject's express consent and doing so with reckless disregard for the possibility that the data subject or a member of their family may suffer any of the specified harms.
- A second-tier offense is an indictable offense entailing disclosing any personal information of a data subject without the necessary consent, if the discloser has the intent to cause any specified harm or is being reckless as to whether any specified harm would be caused, or would likely be caused, to the data subject or any family members of the data subject, and the disclosure causes any specified harm to the data subject or any family members of the data subject.

The Amendment Ordinance needed to include higher penalties on doxxing matters due to several breaches of privacy which occurred during various public events.

#### **4. Data privacy critics during Hong Kong's 2019 protests**

In 2019, a pro-democracy protest took place in Hong Kong. According to the critics, the events were accompanied by serious data protection infringements. In June 2019, protests commenced in Hong Kong due to a contested extradition bill. By August of that year, they swelled into a broader resistance movement, with Hong Kong police imprisoning almost 750 people.<sup>11</sup> During the 2019 Hong Kong protests, both sides performed doxxing to cause harm to the other: the protesters doxxed the police and their families, and the pro-government circles doxxed the protesters and their supporters.<sup>12</sup>

Both conflicting parties filed complaints against each other during the protests to the Office of the Privacy Commissioner for Personal Data (PCPD). The number of complaints with the PCPD increased by 16% compared to the data from 2018.

Big communication companies also issued statements, taking a stand for the protection of personal data. Facebook and WhatsApp reportedly stopped sharing data with the Chinese government. Facebook's spokesperson stated: "We believe freedom of expression is a fundamental human right and support the right of people to express themselves without fear for their safety or other repercussions. We have a global process for government requests and in reviewing each individual request, we consider

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<sup>11</sup> R. Adams, "Hong Kong Protesters Are Worried About Facial Recognition Technology. But There Are Many Other Ways They're Being Watched," *BUZZFEED NEWS*, 17 August 2019, <https://www.buzzfeednews.com/article/rosalindadams/hong-kong-protests-paranoia-facial-recognition-lasers> (accessed: 02.09.2023).

<sup>12</sup> C. Mok, "The Downfall of Hong Kong's Privacy Law," *The Diplomat*, 15 September 2021, <https://thediplomat.com/2021/09/the-downfall-of-hong-kongs-privacy-law/> (accessed: 02.09.2023).

Facebook's policies, local laws, and international human rights standards. We are pausing the review of government requests for user data from Hong Kong pending further assessment of the National Security Law, including formal human rights due diligence and consultations with international human rights experts."<sup>13</sup>

Different news sources published articles citing the opinions of the supporters of the protests according to whom the adoption of legislation addressing the issues which emerged after the 2019 mass pro-democracy protests was long overdue. According to one such source, "[s]ome officers' home addresses and children's schools were exposed by anti-government protesters, leading to threats."<sup>14</sup>

Several personal data breaches during the 2019 protests in Hong Kong resulted from the use of artificial intelligence by the Chinese government, especially facial recognition technology. Citizens of Hong Kong ultimately began to use laser pointers amid their protests to disable the facial recognition cameras thanks to which the Hong Kong police tracked down, followed, and eventually arrested people.<sup>15</sup> The administration's corrupt use of facial recognition amid the Hong Kong protests reflects the general anxiety over this technology and lack of clear, strict limits of its use by the administration, as it may be applied beyond its actual purpose and no longer serve to protect the citizens.<sup>16</sup>

## 5. Corrupt use of facial recognition technology

Potential data violations associated with facial recognition technology are still a major concern in the wake of the protests. If a person's account or social security number is obtained unlawfully, the password or number may be modified and changes introduced.<sup>17</sup> The goal was protecting the public and their personal data, but the application of the technology harmed the image of the government.

Thus, though the use of biometrics and facial recognition technology may be used to save and protect data, its broad format may not be the safest choice unless

<sup>13</sup> A. Smith, "Whatsapp Stops Processing Police Requests for Hong Kong Users' Data Amid Protests," *The Independent*, 6 July 2020, <https://www.independent.co.uk/tech/hong-kong-whatsapp-data-privacy-protests-national-security-law-china-facebook-a9603661.html> (accessed: 02.09.2023).

<sup>14</sup> "Hong Kong Anti-Doxing Law Passes Sparking Concerns It Could Be Used To Stifle Dissent, Critics Say," *ABC News*, 29 September 2021, <https://www.abc.net.au/news/2021-09-30/hong-kong-doxing-laws-pass-legislature/100502260> (accessed: 02.09.2023).

<sup>15</sup> A. Bocchi [@alessabocchi], "Hong Kong protestors are on another level. Here they're using lasers to avoid facial recognition cameras. A cyber war against Chinese artificial intelligence," *Twitter*, 31 July 2019, <https://twitter.com/alessabocchi/status/1156513770254012416> (accessed: 02.09.2023).

<sup>16</sup> E. McClellan, "Facial Recognition Technology: Balancing the Benefits and Concerns," *Journal of Business and Technology Law* 15(2), 2020, pp. 363–380.

<sup>17</sup> K. Yurieff, "Why Are We Still Using Social Security Numbers as ID?," *CNN*, 13 September 2017, <https://money.cnn.com/2017/09/13/technology/social-security-number-identification/index.html> (accessed: 02.09.2023).

regulations are introduced to control the systems by which the biometrics are collected.<sup>18</sup> In this respect, Hong Kong's principles set in the Amendment Ordinance and the new two-tier system for doxxing crimes pave the way for better protection of privacy in the future.

## **6. General Information about Taiwan (ROC) and data privacy**

The Computer-Processed Personal Data Protection Law (CPDPL), Taiwan's first all-inclusive data privacy and protection regulation, entered into force in 1995. The main scope and aim of the CPDPL were to regulate the approach to personal data by government agencies and certain types of non-governmental authorities that process computerized personal data. As such, the CPDPL was applicable to a limited scope of personal data, not to private companies or the data they collect.

In 2004, the grand justices held in Judicial Yuan Grand Justice Judicial Interpretation No. 585 that the right to privacy is a constitutional right to essential human dignity, personal subjectivity, and individual development and thus is a fundamental right. In 2005, the grand justices furthermore held in Judicial Interpretation No. 603 that the administration may only collect an individual's personal information such as fingerprints if: such collection is done in service of a particularly important public interest; the aim of such collection is specifically named by law; such collection is compulsory and closely related to achieving essential public interest; and the use of such information does not exceed the scope of its legal purpose.

### **6.1. The Personal Information Protection Act (PIPA) and its principles**

In accordance with certain critical voices and the above-mentioned interpretations, the CPDPA was then modified and renamed the Personal Information Protection Act (PIPA) in 2010 and, together with its akin enforcement principles and rules, took effect on October 1, 2012. Under the PIPA, all entities (government and non-government, foreign and domestic enterprises) who collect, process, or utilize personal data on Taiwanese soil are subject to the legislation, which is no longer restricted to computerized processing of personal data. Furthermore, the PIPA restricts the exposure of personal private data to specific situations, for instance, as a response to government demands insofar as the disclosure process and procedure meet the suitable requirements and the use of such data does not exceed the scope of its purpose. In addition to the PIPA, central pertinent authorities in individual industries also

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<sup>18</sup> E. McClellan, *op. cit.*

announced the adoption of further regulations for implementing and interpreting the PIPA.<sup>19</sup>

There are six main principles of the PIPA which navigate its approach and regulations:

- **Transparency:** A government or non-government authority is obliged to give in writing to the data subject information named under Articles 8 or 9 of the PIPA, which generally includes: the identity of the government/non-government authority; the aims of data collection; the sort of data collected; the period, location, and use method, and the individuals who may use the data; the data subject's legal rights and the instances in which such legal rights may apply; the results of the data subject's failure to provide the necessary personal private data; and the source from which the government/non-government authority received the said data ("indirect collection").
- **Purpose limitation:** To collect private and personal data, one must have one or multiple clear aims, and the personal data may only be used within the scope necessary to fulfil them. Otherwise, additional legal bases may be determined according to the PIPA.
- **Data minimization:** There is no explicit requirement to diminish the amount of data collected under the PIPA. However, Article 5 specifies that the collection, use, and processing of personal data and may not exceed the scope required for the purpose(s) for which the data was collected and must be rationally and legally suitable for such purpose(s). This is designed to prevent companies from collecting personal data that is not necessary to their activity.
- **Proportionality:** The PIPA applies the rule of proportionality in different dimensions. Additionally, pursuant to Article 5 and the requirements to keep personal data safe, a company may adopt related security measures without any limitations in accordance with the rule of proportionality. The Enforcement Rules name explicit technical and organizational measures that a government or non-government authority may choose to adopt, and a company may choose to implement all or some of them based on the quantity and quality of the pertinent private personal data.
- **Retention:** Neither the PIPA nor the Enforcement Rules define any clear and specific obligations concerning data retention. Nevertheless, the PIPA obliges government and non-government authorities to delete or stop collecting, using, or processing private personal data by choice or upon the request of the data subject when the aim(s) for which the private data were collected cease(s) to apply or the retention term expires. The retention of data is considered necessary for the performance of legal duties by government authorities or business management by non-government authorities when: the retention term given

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<sup>19</sup> K.-Y. Tseng, "Taiwan – Data Protection Overview," *OneTrust DataGuidance*, updated July 2023, <https://www.dataguidance.com/notes/taiwan-data-protection-overview> (accessed: 02.09.2023).

by law or contract has not expired; there is any other legal justification for keeping the data; the deletion of data would be harmful to the data subject's rights or interests.

- Accuracy of personal data: A government or non-government authority must guarantee the accuracy of personal data and correct or supply it by choice or upon the request of the data subject. If a government or non-government authority fails to provide accurate personal data, it shall send a notification to the individuals to whom the data were given as soon as it asserts the accuracy of the data or supplements it.<sup>20</sup>

The PIPA, therefore, takes a strong stand in terms of privacy matters and may even be considered as the most Westernized approach in the region. Taiwan has also adopted an open-source policy for more transparent communication with the public and the world as set out in the document.

## 7. Open-source policy

The PIPA has not only failed to efficiently protect private personal data, but it has in fact made the data privacy landscape in Taiwan worse. Moreover, its provisions are not being updated, having not been significantly modified since 2015.<sup>21</sup> The law also does not cover several significant data protection concepts, such as the right to opt-out, the right to be forgotten, and data portability, all of which are concerns internationally.<sup>22</sup>

At this point, it is important to focus on the changing understanding of open-data policy to understand the transformation in the Taiwanese approach to the matter. The past decade has witnessed the pandemic and also faced a wave of open data operations.<sup>23</sup> More administrations and corporations have welcomed the idea of “open data,” which has been defined as “accessible public data that individuals, firms, and

<sup>20</sup> K.-Y. Tseng, *op. cit.*

<sup>21</sup> National Development Council of Taiwan, *Geren ziliao baohu fa* (個人資料保護法) [Personal Data Protection Act], 11 August 1995.

<sup>22</sup> O.J. Gstrein, “Right to be Forgotten: European Data Imperialism, National Privilege, or Universal Human Right?,” *Review of European Administrative Law* 1, 2020, pp. 125–152; Ch.-W. Chang, “Remember, Forget or Be Forgotten on the Internet: Review the Personal Data Protection in the Digital Age Based on the Decision of the Court of Justice of the European Union Regarding the Right to be Forgotten,” *Chengchi Law Review* 148, 2017, pp. 1–68; G. Nicholas, “Taking It with You: Platform Barriers to Entry and the Limits of Data Portability,” *Michigan Technology Law Review* 27(2), 2021, pp. 270–271.

<sup>23</sup> *State of New York Open Data*, 2020, <https://data.ny.gov/> (accessed: 02.09.2023); *City of Chicago Data Portal*, 2020, <https://data.cityofchicago.org/> (accessed: 02.09.2023); A. Harmon, “As Public Records Go Online, Some Say They’re Too Public,” *N.Y. Times*, 24 August 2001, <https://www.nytimes.com/2001/08/24/nyregion/as-public-records-go-online-some-say-they-re-too-public.html> (accessed: 02.09.2023); J. Whittington et al., “Push, Pull, and Spill: A Transdisciplinary Case Study in Municipal Open Government,” *Berkeley Technology Law Journal* 30(3), 2015, pp. 1900–1966.

organizations can use to initiate new entrepreneurship, examine patterns and similarities, and trends, make data-driven decisions, and resolve complicated matters.”<sup>24</sup> By implementing an open-data policy, administrations and corporations have launched basic data sets that are collected, stored, and archived in databases for the use of the public.<sup>25</sup> However, some commentators are skeptical if this data use is proper and if even one error could potentially compromise the personal information of the data subjects – for example, in some cases it has been indicated that individuals can still be identified by the unification of anonymized health records and voter registration records.<sup>26</sup> A 2017 questionnaire showed that more than 80% of public servants think the current law is not sufficient for managing open data duties, whereas private citizens believe that it is rational for the government to limit the use of open data to protect personal privacy.<sup>27</sup> The Taiwanese administrative bodies have encouraged the open-data approach openly and have been engaged in several open data initiatives.<sup>28</sup> However, the process of opening data lacks a strong foundation ensuring privacy protection.<sup>29</sup>

On April 28, 2022, the United States and “sixty partners around the world” released the joint Declaration for the Future of the Internet. Taiwan was one of these partners alongside the European Commission and governments from all over the globe, as well as the United States itself. As the signatory parties of the declaration were effectively all governments, the diplomatic preference was clearly to use the word “partners” instead of “countries” in order to embrace Taiwan.

For context, the U.S. White House proposed the idea of an Alliance for the Future of the Internet in late 2021. It was planned to be announced at the Summit for Democracy in early December. However, the plan met with serious criticism from

<sup>24</sup> J. Gurin, *Open Data Now: The Secret To Hot Startups, Smart Investing, Savvy Marketing, And Fast Innovation*, McGraw-Hill Education, New York 2014.

<sup>25</sup> M. Perkmann, H. Schildt, “Open Data Partnerships Between Firms and Universities: The Role of Boundary Organizations,” *Research Policy* 44(5), 2015, pp. 1133–1143.

<sup>26</sup> B. Green et al., *Open Data Privacy: A Risk-benefit, Process-oriented Approach to Sharing and Protecting Municipal Data*, Berkman Klein Center for Internet & Society, 2017; A.P.B. Laudrain, *Smart-City Technologies, Government Surveillance & Privacy, Assessing the Potential for Chilling Effects and Existing Safeguards in the European Convention for the Protection of Human Rights and Fundamental Freedoms*, Leiden Law School, Grotius Centre for International Legal Studies, 2019; W. Hartzog, F. Stutzman, “The Case for Online Obscurity,” *California Law Review* 101(1), 2013, pp. 1–49; B. Green et al., *op. cit.*

<sup>27</sup> The survey question was: “On the scale from 1 [strongly disagree] to 5 [strongly agree], indicate how much you agree or disagree with the following statement: To protect privacy, it is reasonable that the government imposes restrictions on data accessibility.” The average score of the surveyed participants was 3.95. *Id.* at 198.

<sup>28</sup> Open Culture Foundation, *Taiwan Open Government Report 2014–2016*, <https://opengovreport.ocf.tw/en/#tab-0> (accessed: 02.09.2023).

<sup>29</sup> J. Xiang, *Kaifang Zihliao Jichiduei Zhengfu Jihli Yu Gerenyinsih Yingsiang Jihli Yanjiou* (開放資料及其對政府治理與個人隱私影響之研究) [The Influence of Open Data on Government Governance and Individual Privacy], Guojia Fazhan Weiyuan (國家發展委員) [National Development Council], 2014.

businesspeople in the digital rights and technology sectors and business organizations for being almost an “extension of the Trump administration’s ‘Clean Network’ initiative, for member countries of alliance to pledge to ‘use only trustworthy providers’ in core Internet infrastructure, which makes the alliance a ‘no-China’ club but lacks focus for the global Internet to adhere to democratic, human rights and accessibility values. Civil societies and Internet companies also felt left out of the process and without a seat at the table,”<sup>30</sup> as explained by Wu Jieh-min in 2014.

This is why Taiwan’s approach to privacy matters is more Westernized when compared with the other actors of the region and can even be described as more privacy-friendly and secure.

## 8. Similar approaches and data cooperation between Taiwan and Hong Kong

The year 2012 was a watershed moment in which the public societies of Taiwan and Hong Kong started working together and cooperating closely.<sup>31</sup> Given the interconnected world and the rapid exchange of data between countries, the two polities have completed significant steps for strengthening their data protection frameworks through the work of pertinent authorities.

COVID-19 has proven to be a very infectious virus which can be easily transmitted before and after the onset of symptoms. Precautions such as tracing the transmission of the disease and imposing quarantine needed to be broadly applied to all individuals displaying symptoms, and proper isolation of people who contracted the virus played a critical role in its successful containment. However, Hong Kong and Taiwan opted for a different approach and chose isolating imported cases and managing them successfully.<sup>32</sup> Both Hong Kong and Taiwan followed a different path than mainland China regarding data sharing during the period of the pandemic.

In other respects, as mentioned above, Taiwan launched the Personal Data Protection Act (PIPA) in 2012, which establishes the fundamentals for protecting private personal data. The same year, Hong Kong amended the Ordinance that was in force since 1996 to strengthen data security rules and principles. The provisions of both regulations demonstrate a similar approach, especially on issues such as transparency.

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<sup>30</sup> C. Mok, “Taiwan can be East Asia’s New Internet and Data Hub,” *Friedrich Naumann Foundation*, <https://www.freiheit.org/taiwan/taiwan-can-be-east-asias-new-internet-and-data-hub> (accessed: 02.09.2023).

<sup>31</sup> J.-m. Wu, “The Civil Resistance Movements in Taiwan and Hong Kong under the ‘China Factor,’” in: Ch.-y. Hsieh, T. Nobuo, Y.-ch. Huang (eds.), *Cooperation and Peace in East Asia*, Avant-Garde, Taipei 2014, pp. 130–144. M. Kaeding, “Resisting Chinese Influence: Social Movements in Hong Kong and Taiwan,” *Current History* 114(773), 2015, pp. 210–216.

<sup>32</sup> L. Lin, Zh. Hou, “Combat COVID-19 with Artificial Intelligence and Big Data,” *Journal of Travel Medicine* 27(5), 2020.



These approaches, again, represent a different understanding of privacy than the one prevalent in mainland China.

Hong Kong and Taiwan have also expressed their willingness to establish closer cooperation through their institutions. The Hong Kong Productivity Council (HKPC) and the Hong Kong Computer Society (HKCS) signed a Memorandum of Understanding (MoU) on February 22, 2021, to establish a strategic partnership in the implementation of emerging technologies in Hong Kong.<sup>33</sup>

Another topic covered by this memorandum is mutual sharing of experience and resources. In 2018, the Taiwan Computer Emergency Response Team (TWCERT/CC) and the Hong Kong Computer Emergency Response Team Coordination Centre (HKCERT) held joint workshops on cybersecurity crisis response, boosting common work in defense against cyber threats.

Moreover, Taiwan and Hong Kong have taken part in multinational forums, such as the Asia Pacific Privacy Authorities (APPA) forum. This platform allows Taiwan and Hong Kong to exchange thoughts, suggestions, and best practices with other regional data protection authorities, further enhancing their collaborative efforts.

In 2020, the Taiwan Financial Supervisory Commission (FSC) and the Hong Kong Monetary Authority (HKMA) signed the FinTech Cooperation Agreement.

## 9. Conclusion

In the near future, Taiwan and Hong Kong are most likely to keep their cooperation and relationship even closer despite the Chinese pressures. Moreover, Taiwan's special position as the Republic of China and Hong Kong's British colonial past are reflected in certain differences which can be noticed between them and the People's Republic of China in the handling of public matters. Although both Hong Kong and Taiwan understand private data as a "personal" issue instead of a governmental one, the latter's data privacy approach, which falls in line with the Western trends, has better and more individual-friendly applications.

Moreover, the People's Republic of China has more influence on Hong Kong due to its unique status. This is reflected in the use of personal data at the administrative level, as exemplified by what happened during the 2019 protests, especially the use of the facial recognition system. Thus, Taiwan better protects personal data through its regulations and clear definitions of the PIPA.

In light of the above, the cooperation between the authorities of Taiwan and Hong Kong may pave the way for a better application and adoption of a Westernized approach to handling personal data matters in both countries. Although right

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<sup>33</sup> "HKPC and HKCS Sign Pact to Enhance the Adoption of Emerging Technologies in Hong Kong," *Hong Kong Productivity Council, Media OutReach*, 22 February 2021, <https://www.hkpc.org/en/about-us/media-centre/press-releases/2021/hkpc-hkcs-emerging-tech> (accessed: 02.09.2023).

now, due to the special status of Taiwan, those two polities cooperate at the highest authorities' level, in the close future this may change, as the world rapidly adopts new approaches to data privacy and introduces systems that may generate new areas which, faster than ever, will require regulation and cooperation.

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# **Great Powers or Great Men: Towards Autocratic-Driven Conflict in the Pacific**

## **1. Introduction**

There is a growing consensus in the foreign affairs community that global balance of power is shifting. Great power competition between the United States, China, and Russia is a central tenet of the United States National Security, Defense, and Military Strategies.<sup>1</sup> Moreover, the White House's 2022 National Security Strategy defines the nature of this competition as taking place "between democracies and autocracies," explicitly binding the goals of Russia and China in opposition to the post-World War II international order.<sup>2</sup> While Russia poses the most immediate military threat, the People's Republic of China "is the only competitor with both the intent to reshape the international order and, increasingly, the economic, diplomatic, military, and technological power to advance that objective."<sup>3</sup> While the United States does not seek conflict with these autocratic governments, it does seek to preserve the autonomy of smaller states. Is such a task possible, or should the liberal order prepare for the inevitability of conflict?

While being cognizant of the dangers of overgeneralization, there *is* value in learning from one autocratic government to another. Russia and China are both Pacific powers, albeit with China on the ascendancy and Russia on the decline.<sup>4</sup>

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<sup>1</sup> Congressional Research Service, *Renewed Great Power Competition: Implications for Defense-Issues for Congress*, United States Congress, Washington DC 2022, <https://apps.dtic.mil/sti/pdfs/AD1159700.pdf> (accessed: 16.04.2023).

<sup>2</sup> Biden-Harris Administration, *National Security Strategy*, The White House, October 2022, <https://www.whitehouse.gov/wp-content/uploads/2022/10/Biden-Harris-Administrations-National-Security-Strategy-10.2022.pdf> (accessed: 14.04.2023).

<sup>3</sup> Biden-Harris Administration, *op. cit.*, p. 8.

<sup>4</sup> T.F. Lynch, "America's Great-Power Challenge: Managing Russia's Decline and China's Rise," *Foreign Policy Research Institute*, 5 December 2022, <https://www.fpri.org/article/2022/12/americas-great-power-challenge-managing-russias-decline-and-chinas-rise/> (accessed: 19.05.2023).

Both countries, to their chagrin, are measured against the hegemony of the United States. The United States' system of rule-based order stands against the authoritarian nature of these other great powers, which highlights the similarity of the two countries. Evidence is mounting that President Xi of China is consolidating his power in a way similar to techniques President Putin used in previous years. As Putin subsumed his selectorate of oligarchs and intelligence, so Xi is reshaping Communist Party and Army leadership. Tightening selectorates increases control over the technocratic *apparatchik* machines in each country, further suppressing dissent of the people. This process of autocratic evolution should be a fundamental consideration in great power analysis.

This paper argues that autocracies are primarily driven from the autocrat's individual needs. Because of their privileged positions, autocrats' basic needs are readily met and maintained. The continuous achievement of loftier goals and the need to survive competitors drives autocrats to consolidate power. As they secure themselves from threats potentially posed by elites, their next area of survival risk comes from popular uprising. These two internal threats are much more salient than external regime change. Domestic audiences, who increasingly struggle with the pace of change, are primed towards autocratic rule through a process of social narcissism. The interaction between autocratic demand for power and the willingness to give it up creates a non-virtuous positive feedback system of increasing repression. As both elite and popular threats are reduced, the autocrat faces less friction in the use of their power. Through the continuous need to mitigate the risk from popular uprising, autocracies will exaggerate, if not create out of whole cloth, continuous streams of external threats. This instils fear in the population, produces additional social narcissism, and reinforces the need for external conflict. In other words, as autocracies age, they become increasingly susceptible to external conflict to prevent domestic conflicts.

## 2. The path to “Great Men” conflict

In the mid-1800s, Thomas Carlyle said, “all things that we see standing accomplished in the world are properly the outer material result, the practical realization and embodiment, of thoughts that dwelt in the Great Men sent into the world: the soul of the whole world's history, it may justly be considered, were the history of these.”<sup>5</sup> As the study of social sciences grew, the reliance on great-men theory decreased. Yet today, it appears that men (and one should assume women as well) still strive to make themselves great again. In Russia, China, Iran, North Korea, and elsewhere, autocratic leaders are increasingly present. The non-government organization Freedom House found that “fewer than a fifth of the world's people now live

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<sup>5</sup> T. Carlyle, *On Heroes, Hero-Worship, & the Heroic in History: Six Lectures. Reported, with Emendations and Additions*, James Fraser, London 1841.

in fully free countries.”<sup>6</sup> This leads one to ask the question: why, despite enormous wealth, advances in technology, and advances in social science, does autocracy exist and what will its continued presence lead to?

## 2.1. Conditions for the rise of autocracy – social insecurity

China finds itself at a bizarre domestic inflection point. As a communist state, its tenets are based on the equitable distribution of wealth and other Leninist traditions, but also incorporate elements of capitalism.<sup>7</sup> According to the World Bank, since 1978 “more than 800 million people have lifted themselves out of poverty” in China.<sup>8</sup> But as Ilaria Mazzocco points out, “[c]entral and local leaders will have to operate in a challenging socioeconomic environment, with lower growth, fewer stable jobs in the formal economy, especially for the unskilled segment of the manufacturing and construction sectors, and increased demand for an educated workforce.”<sup>9</sup> These factors will likely exacerbate “consistently high and increasing inequality” while a “large segment of the population is living in relatively precarious conditions.”<sup>10</sup> Meager conditions are especially prevalent in rural areas. Physical signs of disparity are easy to see throughout the country, as glittering towers peek over more impoverished rural areas.

Information about disparities is sometimes minimized due to the distance between rural and urban areas.<sup>11</sup> Control of the internet by the CCP somewhat mitigates the envy that might otherwise develop in social media consumers in different wealth bands. However, the rate of growth will likely cause even the more remote Chinese citizens to notice a difference in their personal welfare. The Chinese Communist Party, in large part, is delivering neither greater absolute nor relative gains in wealth. The lack of social mobility for the poor combined with higher expectations of the middle class poses an internal problem for the CCP. Mazzocco also points out that “[t]he rising informality of the economy and stagnating wages for unskilled workers may cause large swaths of the population to lose this confidence, introducing new fragility

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<sup>6</sup> “New Report: The Global Decline in Democracy Has Accelerated,” *Freedom House*, 3 March 2021, <https://freedomhouse.org/article/new-report-global-decline-democracy-has-accelerated> (accessed: 19.05.2023).

<sup>7</sup> R. Mitter, E. Johnson, “What the West Gets Wrong About China,” *Harvard Business Review*, May 2021, <https://hbr.org/2021/05/what-the-west-gets-wrong-about-china> (accessed: 19.05.2023).

<sup>8</sup> “The World Bank In China. Overview,” *The World Bank*, April 2023, <https://www.worldbank.org/en/country/china/overview> (accessed: 19.05.2023).

<sup>9</sup> I. Mazzocco, “How Inequality Is Undermining China’s Prosperity,” *Center for Strategic & International Studies*, 26 May 2022, <https://www.csis.org/analysis/how-inequality-undermining-chinas-prosperity> (accessed: 19.05.2023).

<sup>10</sup> *Ibidem*.

<sup>11</sup> V. Ni, “‘Poverty Divides Us’: Gap between Rich and Poor Poses Threat to China,” *The Guardian*, 1 July 2021, <https://www.theguardian.com/world/2021/jul/01/xi-jinping-gap-between-rich-and-poor-poses-biggest-threat-to-china> (accessed: 19.05.2023).

in the social system. Higher rates of crime and other problems, including protests, could follow, sowing the seeds of political instability.”<sup>12</sup>

## 2.2. Identity authoritarianism

Personality and other individual traits eventually aggregate into social attributes. While there are a number of possible identity groups, class is a prevalent one. Vincent Ni reports that “[s]ome analysts say the ever-increasing rural-urban divide, and the division between rich and poor, pose the biggest uncertainty to China’s society, as well as a threat to the longevity of the 92 million-strong political organisation.”<sup>13</sup> While economic anxiety and other forms of uncertainty do not necessarily lead to autocracy, they do create a pathway for it to form.

Paula Miranda’s study demonstrates how “closed personalities are more likely to support autocracy under conditions of threat” and “in developing countries, ‘crisis threats’—poor economic performance, rampant crime, or corruption—activate closed personalities’ needs for order and security heightening their autocratic support.”<sup>14</sup> As Miranda explains, “[c]losed personalities are generally intolerant towards difference and are particularly sensitive to-wards threats to societal order and security.”<sup>15</sup> Closed personalities are found throughout populations, but “echo chamber” effects of propaganda, existing authoritarian societies, or even social media might exacerbate that prevalence of that trait. As conditions become more authoritarian, the population becomes more likely to support autocratic measures. In the search for order, failures in authoritarian governments are more likely to breed autocracies than they are to give birth to liberal orders – such in the formation of fascist regimes. Appeals to autocratic type leaders need not be exclusive to the ruling regime. In cases of civil war, it might be some subgroup that aligns along autocratic lines. This may even incentivize ruling regimes to “go autocratic first,” to prevent competent competition.

President Xi is no stranger to using the authoritarian mechanisms of the party. As far back as 2018, Xi “gathered into his hands more personal power than any leader since Deng Xiaoping and arguably Mao Zedong himself, reversing almost two decades of drift into an amorphous collective leadership.”<sup>16</sup> Like another budding autocrat, Vladimir Putin, Xi has removed the restrictions for him to stay in power for life. Through an extensive anti-corruption campaign, Xi significantly reduced opposition in the regime selectorate. In doing so, he created “a concentration of power that has seen increasingly dogmatic policy implementation that risks unintended consequences

<sup>12</sup> I. Mazzocco, *op. cit.*

<sup>13</sup> V. Ni, *op. cit.*

<sup>14</sup> P.A. Miranda, “Explaining Autocratic Support: The Varying Effects of Threat on Personality,” *Political Psychology* 43(6), 2022, pp. 993–1007. <https://doi.org/10.1111/pops.12794>

<sup>15</sup> *Ibid.*, p. 995.

<sup>16</sup> A.G. Walder, “Back to the Future? Xi Jinping as an Anti-Bureaucratic Crusader,” *China: An International Journal* 16(3), 2018, pp. 18–34. <https://doi.org/10.1353/chn.2018.0023>.

as competing views and feedback are discouraged or quashed.”<sup>17</sup> From purges of powerful Chinese billionaires to COVID-19 policies, individual liberties continue to suffer under the guise of actions required to reduce threats. In January 2021, President Xi warned that “[a]chieving common prosperity is not just an economic issue, but a significant political one that matters to the party’s basis to rule.”<sup>18</sup> However, to continue development, China must continue investment in high-tech industries that also significantly increase debt. While some contend “with the economy in doldrums, and with the country stuck in zero-COVID, he may have to be more open to different ideas.”<sup>19</sup> However, with decreasing domestic tools available, Xi may search for external enemies in which to unleash his dragons.

### 2.3. Autocracy and conflict

China’s emergent “Wolf Warrior” diplomacy is “far more strident and assertive—exhibiting behavior that ranges from storming out of an international meeting to shouting at foreign counterparts and even insulting foreign leaders.”<sup>20</sup> Yet, there may be more to this approach than a response to historical “national humiliation.” In the great game of international saber-rattling, the glint from the proverbial sword might distract the population from domestic issues. Why distract the domestic audience? Andrea Kendall-Taylor and Erica Frantz point out that “[a]utocrats are increasingly vulnerable to mass-led revolts and decreasingly susceptible to coups.”<sup>21</sup> As authoritarian leaders learned to control their selectorates, they increased the relative likelihood that they would be removed from power via popular uprisings. By using threats external to the state, the autocrat can create social narcissism that allows the population not to just be controlled, but to *want* to be controlled. Oftentimes, reaction to threats may be engineered to benefit the selectorate surrounding the autocrat – through security contracts, positions in the security apparatus, or other methods that bind individuals to the regime.

Autocrats including Alexander, Napoleon, Hitler, and Stalin demonstrated their ability to stay in power and significantly alter the world around them. Autocrats are hyper-enabled individuals, and their interests are driven by their individual motivations. Considering the work of Abraham Maslow, we know that individuals are driven

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<sup>17</sup> Y.L. Tian, “Analysis: How China’s Xi Accumulated Power, and Why It Matters in a Third Term,” *Reuters*, 11 October 2022, <https://www.reuters.com/world/china/how-chinas-xi-accumulated-power-why-it-matters-third-term-2022-10-10/> (accessed: 19.05.2023).

<sup>18</sup> V. Ni, *op. cit.*

<sup>19</sup> Y.L. Tian, *op. cit.*

<sup>20</sup> P. Martin, “Understanding Chinese ‘Wolf Warrior Diplomacy,’” *National Bureau of Asian Research*, 22 October 2021, <https://www.nbr.org/publication/understanding-chinese-wolf-warrior-diplomacy/> (accessed: 19.05.2023).

<sup>21</sup> A. Kendall-Taylor, E. Frantz, “How Autocracies Fall,” *The Washington Quarterly* 37(1), 2014, p. 35–47. <https://doi.org/10.1080/0163660X.2014.893172>



by their physiological, security, social, esteem, and actualization needs.<sup>22</sup> Moreover, we know that once a need is satisfied, it must be maintained, despite the emergence of higher needs. It is my contention that autocrats are highly rational to their values – the primary of which is the continuation of their personal power and legacy actualization, while maintaining their lower needs. To this end, they will sacrifice the best outcomes of their nation and populace, to the extent that they conflict with their personal interests. We are seeing this very scenario play out in another Pacific power: Russia.

Calling him illogical or irrational, critics questioned President Vladimir Putin's decision-making. Putin repeatedly demonstrated a willingness to put Russian security at risk to maintain or increase territorial expansion, despite the threat of international isolation that quantifiably harmed the state. While President Putin employs various narratives such as Aleksandr Dugin's Fourth Political Theory to give a social imperative to his actions, it is more likely that he is interested in control of his domestic audience so that he can continue in power. In this case, Russia's motivations are actually Putin's motivations. As Lao Tzu remarked in *Tao Te Ching*, "[t]here is no greater danger than underestimating your opponent."<sup>23</sup> Based on the length of his rule, it is unlikely that Putin is either irrational or a bad strategist. Rather, he is a hyper-individualized rationalist empowered by the state to meet his own needs. The same may be true of Xi.

In 2021, I conducted an analysis that challenged the traditional state-on-state level of motivational analysis commonly used in International Relations theory. Since the hypothesis tested rationality, the paper used game theory. In the "base model" of the game, the alignment of values (based on publicly available documents) between the West and Russia was not yielding results seen in reality. In this version of the game, Russian invasion in its near abroad was not anticipated. The Nash Equilibrium suggested Russia and the liberal western order should cooperate or participate in a benign economic competition. So how should we account for the actual behavior observed, where the western liberal order chose benign competition, but Russia chose conflict in its near abroad?

To account for this discrepancy, it is possible to return to Kenneth Waltz's *Man, The State, and War*. Waltz describes three levels of analysis on which international relations rely – human nature, the nation-state, and the international system. The alternate hypothesis contended that modeling each of these so-called "images" in appropriate context would reveal more accurate results. As a method, Robert Putnam's two-level game established the explanatory relationships required for the model. Table 1 shows the similarities between Waltz's three images, Putnam's two-level game, and the alignment for the study game.

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<sup>22</sup> A.H. Maslow, "A Theory of Human Motivation," *Psychological Review* 50, 1943, p. 370–396. doi:10.1037/h0054346.

<sup>23</sup> Lao Tzu, *Tao Te Ching*, transl. J. English, G.-f. Feng, Vintage Books, New York 1989.

Waltz	Putnam	Game
International System	Level I – International Actors	Liberal Western Order
Nation-State	Government/Negotiator	Putin (and Selectorate)
Human Nature	Level II – Domestic Audience	Russian People

**Table 1.** Comparison of Waltz's Three Images, Putnam's Two Levels, and Alternative Game structure.

As a head of state, President Putin is placed between the national and the international audiences. The use of the three-player game added another layer of complexity from the state-on-state mode. This required adjustments to motivations to consider the goals of alliances like NATO and other loose social configurations. The Russian population's goals were also highly generalized. Despite these limitations and constraints, a workable structure of motivation emerged (Table 2).

Score	Liberal Order	Russian People	Putin
3	True Multilateralism	High Affluence/Actualization	Full Control, Max Affluence & Influence
2	Expanded Liberalization	Long Term Quality of Life Gains	Expanded Long Term Influence/Affluence
1	Acceptable Competitors	Short Term Quality of Life Gains	Expanded Short Term Influence/Affluence
0	Status Quo	Status Quo	Status Quo/Uncertainty
-1	Loss of Influence	Higher Needs Struggle	Loss of Influence
-2	War	Basic Needs Struggle	Regime Change
-3	Liberal Order Destroyed	Death	Death

**Table 2.** Comparison of motivation/goals of each of the three players in the alternative Russian game. Compare to Table 1.

When the various motivations are synthesized into all variations of choice, eight "worlds" emerge. Of these possible emergent futures, three stand out due to their local dominance or Nash equilibrium status. From the study of how autocrats fall, Putin's highest risk is from a popular uprising of his domestic population. Therefore, his activities will defer to mitigate risk in those areas. Overall, two of the emergent scenarios involve Putin choosing conflict over competition. In all of Putin's top scoring results, the domestic audience supports him. Under the state-on-state model, the assumption was that Russia was best served by cooperating or competing, not by creating conflict. However, the highest scoring option for Putin in the competition model is the third highest overall. In "'Globalization Glasnost,' *Putin* chooses benign *competition*,

the *Russian people support* him, and the *liberal order* chooses *benign competition*. Russia plays by the rules of the liberal order, participating in free trade, and allowing for a free exchange of ideas and culture. This removes many of the barriers presented by sanctions, allowing the growth of the Russian economy. This enlightened approach improves the state of the Russian people and its international trading partners. With a lack of conflict, neither side bears the loss of military personnel or equipment. This is an ideal situation, except for an autocrat. Initially, Putin receives high praise. Yet under the influence of soft power, rising expectations, and relative power of competitors reduce his time in power. The liberal order and Russian people prosper, but Putin does not gain as much as he might otherwise.”<sup>24</sup>

Putin’s best option is the “Rapid Expansion” configuration, in which he “chooses regional *conflict*, the *people* support this decision, and the *liberal order does little* to halt this activity. Putin reads the liberal orders redline as including only those states that are secure inside of NATO’s Article 5 protection. Putin directs increasing ‘gray zone’ activities as preamble to conventional regional military occupation. Belarus is absorbed into a strengthened ‘Union State’ triggering a wave of attempted secessions across non-NATO, Russian enclaves. The liberal order proves either unable to mount a unitary response or judges a strong response to be contradictory to its best interests. While the liberal order avoids international conflict, its credibility and influence suffer. While the Russian people bear some short-term costs to these conflicts, the activity is mostly limited and outweighed by a newfound greater-Russo identity and larger trade area, which improves their quality of life. This translates to stronger support and greater influence for Putin, further expanding his long-term influence and control.”<sup>25</sup>

When contrasted with the base state-on-state model, the two-level game describes behaviors extremely akin to what Russia has displayed under the Putin regime. The fact that the study anticipated that Putin would choose conflict as an international policy, that the Russian people would support this idea, and that NATO would not directly engage in combat operations is what played out about nine months later in Ukraine in February 2022. Further, patterns in the game also highlighted the role that NATO’s Article 5 played in keeping Russian military activity limited to non-NATO countries. In nearly all cases, the autocrat’s ability to employ repressive measures against dissent means it is almost always in the population’s best interest to support Putin. While sanctions may reduce the resources available to a nation, they also make the population increasingly dependent on the regime that external actors are trying to weaken. Greater dependency can also lead to greater control by the autocrat, which also reduces the friction on the leader’s decision-making – for better or worse. Through significant enough repression, the autocrat’s choices *are* the people’s choices – pushing the nation

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<sup>24</sup> N. Colvin, “Putin and Putnam: Interpreting Russian Military Activity Through a Three Player, Two-Level Game,” *Modeling, Simulation and Visualization Student Capstone Conference*, April 2022, <https://digitalcommons.odu.edu/msvcapstone/2022/infrastructuremilitary/3> (accessed: 19.05.2023).

<sup>25</sup> *Ibid.*, p. 5.

towards war, if it benefits the autocrat's longevity or other goals. It is possible to model Xi and the Chinese people similarly.

The situation in the Indo-Pacific region is not necessarily transferable to this model. There are many more non-aligned actors and a lack of a multi-lateral treaty organization aligned to the West, like with NATO. Instead, the region is marked with a patchwork of bilateral agreements with varying levels of commitment towards a single China policy. Moreover, the dynamics of wealth control and selectorate interactions are not the same in China. However, what is the same is the concept that decisions should be informed on what is best for the autocrat, not what is best for the nation. With that underlying assumption in mind, new models specific to China can be developed. But policy, strategy, and operations need not fall prey to paralysis of analysis. Knowledge that the autocrats need to drive national policy is enough to reshape our actions.

### 3. We, Xi, and they – considerations for a Chinese autocratic game

The Russian game allows us to see how looking at international relations through a state-on-state lens can distort our assessment of outcomes. With the Putnam two-level game design, we can think about the domestic and international interactions of the Chinese situation (Table 3).

Waltz	Putnam	Game
International System	Level I – International Actors	External National Actors
Nation-State	Government/Negotiator	Xi (and CCP)
Human Nature	Level II – Domestic Audience	Chinese People

**Table 3.** Comparison of Waltz's Three Images, Putnam's Two Levels, and the "China Game" structure.

#### 3.1. "We" – the Chinese people and the domestic imperatives

Unlike Russia, China is a country ostensibly on the rise, albeit with some structural issues which need to be dealt with for its future stability. This means the decision-making of each actor group will vary from the Russian case. Domestically, a growing middle class dominates the economy, although its range of incomes is substantially lower than that of a citizen of the United States.<sup>26</sup> While upward mobility in the lower

<sup>26</sup> L. Batarags, "China's Middle Class Is Starting to Look a Lot like America's, and That's Not a Good Thing," *Business Insider*, 7 December 2021, <https://www.businessinsider.com/china-middle-class-starting-to-look-like-americas-2021-12> (accessed: 05.07.2023).

classes still remains strong, two emerging trends will likely dominate the thinking. The first is that “economists seem to be increasingly concerned about the wage gaps between the 1% and the remaining 99%.”<sup>27</sup> The middle 40% of China’s population retains only 25.8% of the nation’s wealth, while the top 10% holds 67.8% of wealth, which is an interesting dynamic for a supposedly communist system.

Wealth inequality has been on the rise since the 1990s and seems to be accelerating.<sup>28</sup> In other words, there are dangers of China falling prey to the so-called middle-income trap. Secondly, once a family achieves middle-class status, there is no guarantee they will retain it, which is a shift from previous years. Max Zenglein, chief economist for the Berlin-based Mercator Institute for China Studies (MERICS) was quoted by *Business Insider*, saying: “It’s very difficult to move upward, but there is a risk for them to move down, and that’s something new (...) They might be hitting a ceiling.”<sup>29</sup> Discontent in the middle class was further fueled by the heavy handed “zero-tolerance” policy. Gabriel Crossley also points out that “slowing economic growth and cutthroat competition have also prompted some young urbanites to embrace a passive attitude known as ‘lying flat.’”<sup>30</sup> As with any government, China must deal with the satisfaction of its population. As prosperity grows, so do expectations.

### 3.2. “Xi” and the CCP

The response to domestic pressures by Xi and the Chinese selectorate has been to reemphasize the concept of “common prosperity” as a guiding principle of policy. After lifting most of the “zero tolerance” COVID-19 policies that dampened economic growth, the government moved to “crackdown on several industries, that are in part aimed at curbing cost-of-living pressures, as well as tightening anti-monopoly rules and data protections,” and “[t]he high cost of urban living, meanwhile, has contributed to a sharp slowdown in births, prompting China this year to allow families to have up to three children instead of two.”<sup>31</sup> Despite government assurances that they are “not coming after the rich,” high profile penalties and sanctions on CEOs like Jack Ma and corporations like Alibaba, Meituan, and Tencent are readily apparent.<sup>32</sup>

<sup>27</sup> C. Moll, “The US and China’s Middle Class, Compared,” *TMS*, December 2021, <https://themilsources.com/2021/12/13/the-us-and-chinas-middle-class-compared/> (accessed: 19.05.2023).

<sup>28</sup> L. Chancel et al., *World Inequality Report 2022*, World Inequality Lab, 2021, <https://themilsources.com/content/files/www-site/uploads/2021/12/wir2022-full-report-english.pdf> (accessed: 19.05.2023).

<sup>29</sup> L. Batarags, *op. cit.*

<sup>30</sup> G. Crossley, “China’s ‘Common Prosperity’ Push Does Not Mean ‘Killing the Rich’,” Official Says,” *Reuters*, August 2021, <https://www.reuters.com/world/china/chinas-push-common-prosperity-does-not-mean-killing-rich-official-2021-08-26/> (accessed: 19.05.2023).

<sup>31</sup> *Ibidem.*

<sup>32</sup> “Factbox: How China’s Regulatory Crackdown Has Reshaped Its Tech, Property Sectors,” *Reuters*, April 2022, <https://www.reuters.com/world/china/education-bitcoin-chinas-season-regulatory-crackdown-2021-07-27/> (accessed: 19.05.2023).

Business reform is the “new anti-corruption” that most party members can get behind in moderation. The tactic of targeting success, however, creates a “biting-the-hand-that-feeds-you” possibility for Xi and the CCP. Dr. Ming Xia, professor of political science at City University of New York, remarks that this and other slogan-based approaches to revitalization and growth suffer from some strategic vulnerabilities; these are, namely, that “mounting new challenges have become more complex, the opposition elite has emerged and become more creative, and the global environment has become more inclement for the survival of the CPC exactly because COVID-19 poisoned the whole world.”<sup>33</sup> Even if the policies themselves may not be successful, the slogans “will polarize Chinese society and turn it into a fertile ground for him [Xi Jinping] to practice his political philosophy of ‘struggle,’ a veneer for political cannibalism or the ‘meat grinder’ power politics.”<sup>34</sup>

Xi, like Putin, is using whatever tools available to secure his personal power and legacy. Unlike Deng Xiaoping, who appeared content to play the long game for China’s benefit, Xi seems ever more ready to use China’s growth, narrative artifacts, and world events to consolidate power in greater concentrations. Beyond the natural tendency for absolute power to corrupt absolutely, some have noted that Xi appears to be attempting a cult of personality equal or greater than Chairman Mao himself. Xi uses the language of populism, while also wielding powers of the quasi-socialist business state. Salvatore Babones calls Xi “Communist China’s First Populist President” while comparing the “Chinese Dream” to “America First.”<sup>35</sup> China is dependent on the success of its business ventures, but it also denigrates them as a means of populist social theater. The engineered growth of China is giving way to unsustainable social engineering.

However, “Xi has faced stronger and stronger headwinds punching his face and jeopardizing his ambition.”<sup>36</sup> That’s why Xi/CCP sloganeering starts with the domestic, but extends to foreign affairs. As Dr. Xia points out, “[c]ommon prosperity” promises to the Chinese an egalitarian development and a fair share of wealth, which parallels other ambitious goals from Xi Jinping: ‘the rejuvenation of China’ serving a rich state and a strong army, ‘The Belt and Road Initiative’ (BRI) mostly targeting the developing countries, ‘New Type Relationship of Great Powers’ defining Sino-U.S. relations, ‘Human Community with a Common Destiny’ intending for a *tianxia* [under heaven] world order led by China.”<sup>37</sup> So called “Wolf Warrior” diplomacy

<sup>33</sup> M. Kuo, “China’s ‘Common Prosperity’: The Maoism of Xi Jinping,” *The Diplomat*, September 2021, <https://thediplomat.com/2021/09/chinas-common-prosperity-the-maoism-of-xi-jinping/> (accessed: 19.05.2023).

<sup>34</sup> *Ibidem*.

<sup>35</sup> S. Babones, “Xi Jinping: Communist China’s First Populist President,” *Forbes*, 20 October 2017, <https://www.forbes.com/sites/salvatorebabones/2017/10/20/populism-chinese-style-xi-jinping-cements-his-status-as-chinas-first-populist-president> (accessed: 05.07.2023).

<sup>36</sup> M. Kuo, *op. cit.*

<sup>37</sup> *Ibidem*.

and military buildups are less a sign of strength, and more a symptom of a regime distracting its own population.

Pottinger et al. paint a compelling picture of Xi's overall perspective on foreign policy, which includes "a deep fear of subversion, hostility toward the United States, sympathy with Russia, a desire to unify mainland China and Taiwan, and, above all, confidence in the ultimate victory of communism over the capitalist West."<sup>38</sup> Why the animosity to a nation whose economic ties run so deeply? As with the background of the Russian game, it is because the western liberal order represents a challenge not to the welfare of China itself, but to the ruling elite and the system they depend upon. Not only does Xi resemble Putin in many ways, CCP documents directly refer to the demise of the Soviet Union in much of their foundational doctrine. Xi is quoted as saying, "a few people tried to save the Soviet Union (...) but within days it was turned around again, because they didn't have the tools of dictatorship. Nobody was man enough to stand up and resist."<sup>39</sup> Here, Xi establishes autocracy as *modus operandi* for China's governance.

As with Russia, the West is painted as the boogeyman, though not to the security of the Chinese people, but to the principles of communism and the elites of the autocratic state. Pottinger et al. point out that the 2013 Communiqué on the Current State of the Ideological Sphere painted "an unambiguous story: Western countries conspire to infiltrate, subvert, and overthrow the CCP, so the party must stamp out Western 'false ideological trends,' including constitutional democracy, the notion that Western values are universal, the concept of civil society, economic neoliberalism, journalistic independence, challenges to the party's version of history, and competing interpretations of the party's 'reform and opening' agenda."<sup>40</sup>

Xi is often called the "great accelerator" by the people and party elite alike. He claims that the future strategic environment means the dissolution of the western liberal order and the opportunity to take its place. As previously mentioned, Xi's attitude toward governance is based on a philosophy of decisiveness, and in his mind, the West's complex democratic machinations are ill-suited to deal with the hyper-enabled world of tech we increasingly inhabit. Tiananmen Square, zero-tolerance COVID-19 policies, panoptical levels of censorship, and social scoring are all facets of control-based governance, as opposed to the liberal debate and compromise-styled systems. In the latest party charter, the repeated appearance of "struggle" codifies "confronting perceived enemies at home and abroad and less on growing the economy."<sup>41</sup> Much like in the Putin-Russia game, Xi chooses increasing control

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<sup>38</sup> M. Pottinger et al., "Xi Jinping in His Own Words," *Foreign Affairs*, 30 November 2022, [https://www.foreignaffairs.com/china/xi-jinping-his-own-words?check\\_logged\\_in=1&utm\\_medium=promo\\_email&utm\\_source=lo\\_flows&utm\\_campaign=registered\\_user\\_welcome&utm\\_term=email\\_1&utm\\_content=20230705](https://www.foreignaffairs.com/china/xi-jinping-his-own-words?check_logged_in=1&utm_medium=promo_email&utm_source=lo_flows&utm_campaign=registered_user_welcome&utm_term=email_1&utm_content=20230705) (accessed: 19.05.2023).

<sup>39</sup> *Ibidem*.

<sup>40</sup> *Ibidem*.

<sup>41</sup> *Ibidem*.

of the population and paints external actors to be the enemy at the gates, justifying centralization of power and domestic repression.

### **3.3. Who are “they?” – the internal audience**

The United States of America is clearly the first concern of the CCP and Xi, in his role as Putnam-negotiator. As early as 2012, Xi proposed a “New Type of Great Power Relations” – one that would allow for distinctive Chinese Communist approaches. The United States is the world’s greatest Pacific power and guarantees the right of free commerce throughout the region. Along with security support for Taiwan, the United States maintains alliances and partnerships with major Pacific powers including Japan, Korea, Philippines, and Australia. The United States, and especially its liberal-leaning partners, will always be the primary strategic concern for China. However, the Pacific realm is more complex than a Great Power standoff.

With a massive land border, Russia has a traditionally adversarial relationship with China. Today’s “partnership without limits” is likely as transactional as former alignment during Soviet times. However, China’s rising economic and military power and Russia’s relative decline neutralizes this issue for China in many ways. Russia has much more to lose to China than China does to Russia. China’s support to Russia in Ukraine is so minimal by most accounts, that it is as likely they are simply letting the nation bleed out to create new dependencies for China’s gain.

Korea (South) and Japan are two other historical adversaries, which are both aligned with and dependent on the United States for security. China’s support for North Korea is a stalling technique for the creep of liberalism, as well as a distracter for the United States. Even North Korea can play the sometimes-free radical to the point where the Chinese government must step in as the voice of reason. Other liberal countries such as Australia and New Zealand are far from offensive threats, although they do seem increasingly aware of heightened levels of defense against a possibly expansive China. Even the Philippines, whose orientation could not have been further from the United States in previous years, increasingly orients on U.S.-related defense initiatives.

The scattered geographical, political, and cultural nature of Oceania represents a challenge and an opportunity for China. China’s advantages in this region are that each nation is sovereign and small in most cases, sometimes with complicated histories with the West, who may or may not even maintain permanent diplomatic presences in each location. This creates conditions for China to subsume them simultaneously at low cost. However, many of these nations are cautious about aligning with great powers at all. Quite the opposite of an island nation, India nonetheless maintains a non-aligned perspective. With its population and likely its economy set to outstrip China’s, this should create a growing concern inside of the latter, as opposed to its eastern orientation. Meanwhile in the east, it is actually communist Vietnam that is one of the clearest opponents of Chinese expansion. Compared to the Chinese strategic situation, the Russian situation looks nearly monolithic. While



the United States cannot rely on an EU/NATO-like entity to work through, neither does China have a single issue to concern it. This creates a much more complicated strategic environment for both the United States and China, in real life and in game design.

#### **4. Considerations in designing a China game**

It would be convenient to attempt to drop Russia and Putin from the previous game and replace it with China and Xi. In fact, Table 2 does just that. However, beyond this point, substitution and scoring are a more complex endeavor, one which was not completed before the submission date for this article. Although a full game is not presented here, while this author continues analysis, he offers the following considerations for anyone else who is interested in pursuing a similar method.

First, the domestic audience situation needs to be resolved. The literature seems clear that the middle class, income inequality, and rising expectations are key contributing factors to the future behavior of the Chinese people. The government sees this issue clearly and is acting to redistribute wealth, but also to implement new technologies of social control. This is an opposite approach than in the West, where technology is treated mostly in the most laissez-faire terms. China sees the pace of technological change and is attempting to implement government applications of the technology before groups or individuals or groups can figure out how to use it against the government. As the middle class becomes more affluent, the critical question to be explored is whether they will continue to allow their subjection, or if the rising expectation tide will cause them to demand more freedoms and liberties. My intuition is that generation of human needs will outpace government's method of controls, but more research is needed.

Secondly, if a rising middle class does demand more, what will the CCP and their leader do? While they are all in on social control, we have also seen them willing to give up failing policies like one-child or zero-tolerance COVID-19, albeit often later than necessary. The choices are to resist the emergent needs of the population, reform governance, or distract the domestic audience with an external issue. The first could lead to civil war and the second is an existential crisis for the CCP. This makes the third option – an external conflict – seem all the more likely (especially in a country whose demographics skew heavily male). While the game trends towards conflict, factors that might limit such a tendency were not fully explored.

One major mitigating factor is that while Xi, like Putin, is consolidating power, it is much harder for the leader of a power on the rise to punish success. Russia, who is marred by many issues, has no limit to the reasons why someone could be removed from power. But the CCP and its Congress are massive entities which are difficult to fully purge without showing one's true intentions. Also, Russian oligarchs make their fortunes on the extraction of resources, while Chinese oligarchs rely on the creation

of value. Again, it is difficult to bite the economic hand that is feeding you. Xi will face higher levels of resistance than Putin did in reducing the influence of political competitors or the oligarchs.

For the external actor decision, the simplicity of the NATO/EU bloc simply does not exist in the Pacific. One possible solution is to replace the idea of liberalization with the idea of national sovereignty. This would account for the variety of national choices of governance from democracy to communist, while still ascribing a common direction of action in the variety of states. These adaptations in the motivations and goals can be seen in Table 4 below.

Score	Other Nations	Chinese People	Xi and Selectorate
3	Full Sovereignty in a Multilateral System	High Affluence/Actualization	Full Control, Max Affluence & Influence
2	Expanded Influence and Trade	Long Term Quality of Life Gains	Expanded Long Term Influence/Affluence
1	Acceptable Competitors	Short Term Quality of Life Gains	Expanded Short Term Influence/Affluence
0	Status Quo	Status Quo	Status Quo/Uncertainty
-1	Loss of Influence	Higher Needs Struggle	Loss of Influence
-2	War	Basic Needs Struggle	Regime Change
-3	Loss of Sovereignty	Death	Death

**Table 4.** Motivation/goals of each of the three players in a “China game.” Compare to Table 2.

## 5. Winning the game – responses to autocracy

It is one thing to identify the roots and impacts of autocracy, but quite another to do something about it. Countering autocratic governments is a particularly wicked problem. There are two main options for those wishing to counter autocracies. First is the active opposition against them, second is the mitigation of their effects. Both options require consideration of internal and external relationships among actors. Ending autocracy often requires “an offer they can’t refuse.” Most commonly, nature runs its course, and the reign of a particular autocrat ends by natural causes. Unless the autocrat takes steps to liberalize upon their passing, a long-calculating member of the selectorate is ready to take their place. Whether by coup or revolt uprising, “only 20 percent of autocratic leader exits from 1950–2012 led to democracy.”<sup>42</sup>

<sup>42</sup> A. Kendall-Taylor, E. Frantz, *op. cit.*, p. 35.

### 5.1. Internal dynamics

Autocratic forms of government can be self-defeating if given enough time. Outside of natural causes, aforementioned research shows that “most dictators still exit office as a result of actions or decisions of regime insiders—including coups, term limits, resignations, or the consensus of regime insiders in a politburo or military junta, revolts now unseat a greater proportion of autocrats than coups, marking a pronounced rise in the importance of mass politics for the survival of dictators.”<sup>43</sup> However, if opposition elites are skillful, they can replace one autocrat with another, convincing the populace that it was the personality, not the cult surrounding it, that was the issue. Popular uprisings may be successful because they rely on charismatic leadership, circumstance, and deep issues in the population. While one autocrat’s reign ends, another emerges. This combination of factors sets up conditions of serial authoritarianism, rather than democratic transition. It is difficult to justify “waiting out” an autocratic government.

Waiting out an autocratic government is risky not just because of concerns of durability, but also the ability to aggregate national power for the individual desires of the leader. With control of nearly all facets of life, there are no shortages of options available to the autocrat. In the 1999 book *Unrestricted Warfare*, Qiao and Wang observe that “while we are seeing a relative reduction in military violence, at the same time we definitely are seeing an increase in political, economic, and technological violence.”<sup>44</sup> This violence creates risks “in many areas including the political security, economic security, cultural security, and information security.”<sup>45</sup> The authors propose a method of “grand warfare” into extended domains of “political (...) military factors on the economy, culture, foreign relations, technology, environment, natural resources, nationalities, and other parameters.”<sup>46</sup> It is not only these factors in isolation, but the combinations of these domains that “[have] nearly increased the means of modern warfare to the infinite, and it has basically changed the definition of modern warfare bestowed by those in the past.”<sup>47</sup> This provides the basis for understanding forms of confrontation with external actors.

### 5.2. External dynamics

The traditional way to change behavior or remove an autocrat externally is through the threat or actual use of force. As the international expectations around the use of force changed and costs increased, war became a progressively less palatable option.

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<sup>43</sup> *Ibid.*, p. 36.

<sup>44</sup> L. Qiao, X. Wang, *Unrestricted Warfare*, PLA Literature and Arts Publishing House, Beijing 1999. <https://citeseerx.ist.psu.edu/doc/10.1.1.169.7179>.

<sup>45</sup> *Ibid.*, p. 118.

<sup>46</sup> *Ibid.*, p. 119.

<sup>47</sup> *Ibidem*.

Even though strong states continue to intercede militarily in weaker states' affairs when it suits them, the overall trend is a reduction in the actual use of large-scale force. Instead, many states incorporate alternative ways of compelling change across the diplomatic, informational, military, and economic space to include international law, lawfare, special military operations, diplomatic persuasion, proxy war, sanctions, public shaming, and other gray-zone activities.

The advantage of the autocratic approach is that it creates a trap for external actors. On one hand, if external actors do not oppose autocracies, they are giving carte blanche to the whims of a single ruler to satisfy his or her desires. Due to the relationship between real or perceived threats, social anxiety, and social narcissism, any action by an external actor reinforces the constructed threat-narrative and accelerates autocratic control. For example, emplacement of sufficient military capability for deterrence by punishment strategy will almost always be provocative. If capability is adjusted downward for a deterrence-by-denial strategy, the autocrat's propaganda machine will exaggerate the capability to reflect a higher level of threat. As Elisabeth Braw points out, "even when the targeted country identifies the aggression and wants to take clear action, doing so is difficult without escalation."<sup>48</sup> Defense against autocracy is a highly cognitive affair.

### 5.3. Countering the gray-zone methods of autocratic regimes

The response to autocratic regimes employing methods such as gray-zone aggression requires a cognitively attuned approach. Deterrence and responding are critical components to dealing with an autocratic government but are difficult because these methods are inherently difficult to detect and harder to respond to without causing escalation. However, understanding the likelihood of a whole-of-society approach means that defenses need to be whole-of-society as well. Braw highlights that nations such as Finland, Sweden, and Latvia prepare their general population not just for general combat, but for information literacy and other forms of resilience.<sup>49</sup> These programs, such as the Finnish *henkinen maanpuolustus*, combined civic education, democracy, and sovereignty into a national program of total civil-military security.<sup>50</sup>

The promise of resistance is one form of preparation that can act as both a method of denial and punishment. Resistance forces should include not only combat partisans, but those skilled in information operations, cyber, and psychological effects. Many of the skills used in these fields are readily available in the civilian workforce. It is only a matter of teaching the mindset and contest of a combatant to reorient technical skills. The advantage of this technique is that it is transportable, scalable, and does not require centralized command and control. Unfortunately, the risk is that you are

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<sup>48</sup> E. Braw, *The Defender's Dilemma*, American Enterprise Institute, Washington DC 2022.

<sup>49</sup> *Ibid.*, p. 18.

<sup>50</sup> E. Braw, *op. cit.*

providing capability to at least a segment of the population who might choose to use it against your own side for various political or criminal ventures. Only a well-reasoned assessment of relative risk between impositions of the autocratic governments' will or internal corrosion can help guide planners on the proper balance.

Resistance, without an objective to orient on, very closely resembles anarchic or criminal behavior. Therefore, it should be paired with other elements of civil preparedness to provide a positive aim. As Braw points out, NATO identified seven key areas of preparedness including continuity of governance, resilient energy supplies, direction of uncontrolled movement of people, foodstuffs, mass casualties, civil communications, and transport systems.<sup>51</sup> When resistance forces are trained in these priorities, they provide the building blocks for national survival and cohesion. Braw recommends inculcating these measures through public awareness campaigns, citizen involvement, societal stress testing, resilience training, and forms of national service, private sector participation, artistic inclusion, and whole-of-society type exercises. Braw also describes how deterrence by denial extends to the economic sphere as well. Key infrastructure and resources may require denial in the form of limits on foreign ownership or legal oversight mechanisms. Business leaders, who rely on predictability and the rule of law on which to build their businesses, can also become staunch allies if stable policies are put in place. Government investment funds align resource allocation to national welfare, removing incentives for civil actors to cooperate with foreign actors.<sup>52</sup> These types of investment vehicles can also be extended to "club"-like trade agreements that bind like-minded countries together for "friend shoring" or sub-globalization based around interest and values.<sup>53</sup>

Deterrence by punishment must extend across the spectrum of security such as described in *Unrestricted Warfare*, otherwise gray zones are left in place for malign actors. Criminal punishments, travel restrictions, and other individual and social sanctions carry the dual ability to punish both military and non-military actions, shedding light into a gray zone. Beyond the lower thresholds of violence, military capabilities are necessary to enact deterrence by punishment. However, this does not necessarily mean that traditional infantry and armor forces need to be present en masse in competition areas. Instead, combinations of long-range artillery and missiles, cyber, information, security force assistance, aviation, psychological, special operations, and other forces can create highly lethal and non-lethal effects when paired with host-nation resistance forces. This "porcupine effect" reduces forward footprints of maneuver forces that have less utility in peacetime, while allowing them to be concentrated in non-contested locations, preserving freedom of action. The United

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<sup>51</sup> *Ibidem*.

<sup>52</sup> *Ibidem*.

<sup>53</sup> H. Tran, "Our Guide to Friend-Shoring: Sectors to Watch," *Atlantic Council*, 27 October 2022, <https://www.atlanticcouncil.org/in-depth-research-reports/issue-brief/our-guide-to-friend-shoring-sectors-to-watch/> (accessed: 07.05.2023).

States Army and NATO consider these “Multi-Domain Operations” as necessary for the preservation of forces and maximizing effects in a world of multiple autocratic threats with increasingly global reach.

## 6. Conclusion

Although this analysis will leave some unsatisfied as it did not directly model the Chinese situation, it is a call to arms for an Asian security expert to do just that. The example of the Putin-autocratic model provides a framework for further study. The analysis can begin with the assumption that the emerging strategic environment is fueled by the exponential growth pattern of the very technology we use to try and solve our problems. However, this growth creates complex societal phenomena which often seem new and befuddling. Technology also “shrinks the world” both physically and cognitively. The ubiquity of information technology and its reach across borders led to the period of post-Cold War globalization. Yet, for every potential possibility for creative development, technology also brings an increased capability for the destruction of culture, identity, and institutions. As old ways begin to fall in with increasing frequency, people may begin to interpret change as instability.

As perceived instability increases, so does individual and social anxiety. Increasing anxiety opens the door to tightening the bonds to those closest to us. This phenomenon creates a strong core that reinforces the thoughts and behaviors that best mold group identity. It is the group identity that satiates the individuals’ desires for security. In some cases, this creates a healthy patriotism. In others, it fosters social narcissism that excludes “the Other.” If power is not distributed in government, a regime or leader can use this door to step into greater amounts of control and power. Until the crisis is solved, the leader justifies control to address the fear of the Other. If actual threats subside, then the budding autocrat can manufacture crises fit for purpose.

The United States, Russia, and China are three great powers that intersect in the Pacific. The weakest of these states, Russia, appears to bandwagon with China against the West, despite the former’s strategic vulnerability to the latter. From a traditional perspective, continuing to act against the long-term health of the state seems irrational. However, holistic game theoretical approach reveals this alignment is possible because both states are increasingly illiberal and autocratic. Through a series of exploitations, Vladimir Putin creates a new Russian imperialism that places his individual needs above the rest of Russia. The primary threat to the autocrat’s rule is the people he is subjugating, so he exaggerates or creates threats to a “pan-Slavic” identity that harkens back to the authority, orthodoxy, and nationalism of the Russian Empire.

China, for its part, is happy to have Russia serve as a Eurasian martyr. While Putin pursues personal power, he creates threats in Europe that the western liberal alliance cannot ignore. This “fixes” the United States to commit greater number of resources to Europe while China expands in the Pacific. President Xi continues to strive for

the consolidation of power and looks to be caught in the slippery slope of autocracy as well, needing to stay in power to survive and build a legacy that lives beyond him. If this is true, it will become increasingly difficult to prevent conflict, as Xi may attempt to achieve his national goals on the timeline of his own life.

The options for the West are decreasingly cooperative with these actors. First, to create a deterrence-by-punishment effect, the West increasingly implements whole-of-government sticks, such as sanctions against actors and states, depleting the reservoir of tools over time if target behaviors do not change. Meanwhile, the Russian and Chinese governments increasingly employ a deterrence-by-denial strategy, which entails occupying otherwise sovereign or international territory. China continues to redraw the map and deny new space through its island creation campaign. Since there appears to be no change in that behavior, the West will likely need to escalate to “deny first.” In other words, the Indo-Pacific faces a security dilemma.

To avoid a Hobbesian trap, it might be possible for the West to distribute their response across different areas of national strategy. Diplomatic engagement has started with the United States opening new embassies across Oceania. However, diplomacy must not just be presence, but a conduit to enable other friendly actors to increase informational and economic levers of national power. Otherwise, Chinese state-owned or guided corporations will continue buying the critical infrastructure required to project power across the Pacific, while binding the economic welfare of these nations to their designs. Similarly, diplomatic efforts can help support efforts that allow independent journalism to help monitor the behavior of Chinese-controlled interests in the region, while communicating the needs of the home populations. Both the access to infrastructure and the goodwill of host populations are critical to military operations. Military deterrence and preparation for defensive operations are difficult in the Indo-Pacific. Operations are dispersed across large expanses, often with differing sovereign authorities, some of whom may not agree with each other. Since President Xi appears to be consolidating his power, the already limited distributed checks and balances of the Chinese Communist Party are dampened. Internal demographics, the desire for wider and deeper economic growth, along with the likelihood of increasing political demands from a growing middle class, create a growing internal threat to an increasingly autocratic state. The Xi regime is incentivized towards conflict in the international space to distract the domestic audience, attempt greater cohesion against an external threat, and increase repression inside the state.

For that reason, large-scale but clearly defensive measures need to be taken across the Indo-Pacific, including air defenses, distributed prepositioned logistics, security force assistance, stability police, and long-range fires. Wherever land forces are employed, they must be paired with sufficient maritime and air lift capability to not remain fixed to certain islands. Where the diplomatic field can help increase bilateral, regional, and large-scale partnerships and alliances, the military must be prepared to provide standards, training, and exercises that make a combined force a credible deterrent. A widespread increase in large-scale formations of maneuver

forces is likely to be represented as *offensive* (whether that is the liberal order's intent or not) and lead to a tit-for-tat response. Therefore, a strong, large-scale multi-domain *defensive* presence is required to create deterrence-by-denial effects, while limiting the chances for escalation.

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## Biography:

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# Turkish Soft Power in Asia-Pacific

## 1. Introduction

Türkiye is a country at the crossroads of Europe and Asia. Being a NATO member, looking dangerously toward Russia, it wants to emphasize its own importance and independence. Therefore, since the beginning of the Justice and Development Party (*Adalet ve Kalkınma Partisi*, AKP) rule, Türkiye has been trying to become a regional and even global power. In view of the current economic situation in the country, these plans must be scaled back, but the Turkish influence in various parts of the world is nonetheless perceivable. The importance of Turkish soft power, understood as the ability of states to achieve specific political goals without using violence or coercion, should not be ignored.<sup>1</sup>

According to Joseph Nye, there are three sources of soft power: culture, political values, and foreign policy. Through the proper use of cultural attributes, a state can form a positive image of itself on the international scene, which has a positive effect on its perception. From the point of view of the authorities in Ankara, the concept of Turkish soft power is based on culture, history, and geography, and the imperial heritage of modern Türkiye is a factor that unites all the regions once under the rule of the Ottoman sultans, which in turn makes it possible to build a strong community.<sup>2</sup> Türkiye's involvement in the Balkans is not surprising. However, it is worth looking at the country's soft power in Africa. The Turkish influence is extensive and continues to expand. Noteworthy in this context are institutions such as the Directorate of Religious Affairs (*Diyanet İşleri Başkanlığı*), the Turkish Cooperation and Coordination Agency (*Türk İşbirliği ve Koordinasyon İdaresi Başkanlığı*, TİKA), the International Organization of Turkic Culture (*Uluslararası Türk Kültürü Teşkilatı*, TÜRKSOY), the Yunus Emre Institute (*Yunus Emre Enstitüsü*), the Presidency for Turks Abroad

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<sup>1</sup> J. Nye, "Soft Power," *Foreign Policy* 80, 1990, pp. 164–167.

<sup>2</sup> İ. Kalın, "Soft Power and Public Diplomacy in Turkey," *Perceptions: Journal of International Affairs* 3(16), 2011, pp. 16–18.

and Related Communities (YTB), all of which form the backbone of Turkish public diplomacy. Türkiye uses them alongside humanitarian and development assistance to increase its soft power and influence in the region.

In this chapter, I will discuss the nature of Turkish involvement in Asia-Pacific countries. The issue is all the more interesting because it has so far received little attention. Of course, Turkish involvement in the region is much smaller than in the Balkans or Africa, but it is nonetheless worth exploring because the Turkish presence has been established there and is constantly growing.

To start, I want to make note of an interesting piece of information published on the official Ministry of Foreign Affairs Republic of Türkiye website. “Türkiye is also an Asian country, among its many vocations. We have historical, cultural, linguistic, and religious ties with many countries along the ancient Silk Road.”<sup>3</sup> This is true, but Türkiye currently emphasizes its belonging to Europe rather than Asia. Since 2010, the country has elevated its relations to a strategic partnership with six regional countries: China, Japan, Indonesia, Korea, Malaysia, and Singapore. In addition, Türkiye has widened its regional diplomatic network by opening new embassies in Naypyidaw, Phnom Penh, Bandar Seri Begawan, and Vientiane between 2012 and 2017. This brings the number of Turkish diplomatic representations in the region to 15.<sup>4</sup> Türkiye has 258 diplomatic and consular missions, the fifth largest diplomatic network in the world.

Türkiye’s bilateral trade with the Asia-Pacific region has increased in recent years. Total trade volume increased from USD 17 billion in 2004 to USD 75 billion in 2021. Direct investment from the countries in the region to Türkiye had reached USD 7.6 billion by the end of 2017. Türkiye has signed free trade agreements with South Korea, Malaysia, and Singapore.

## 2. Türkiye’s relations with the countries of the Pacific

In this chapter, I want to focus primarily on Pacific countries, as they are much less frequently discussed in the context of relations with Türkiye. Foreign Ministers of Türkiye and the Pacific Islands convened in Istanbul in April 2008, marking the first significant event to bring together Türkiye and the Pacific Island countries. Türkiye also hosted the Türkiye – Pacific Small Island Developing States (PSIDS) (Cook Islands, Fiji, Kiribati, Micronesia, Marshall Islands, Nauru, Niue, Palau, Papua New Guinea, Samoa, Solomon Islands, Tonga, Tuvalu, and Vanuatu) Foreign Ministerial Meeting in 2014, held under the theme “From Bosphorus to the Pacific: Continued

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<sup>3</sup> “Türkiye’s Relations with the Asia-Pacific Region,” *Ministry of Foreign Affairs the Republic of Türkiye*, n.d., <https://www.mfa.gov.tr/turkeys-relations-with-east-asia-and-the-pacific.en.mfa> (accessed: 07.04.2023).

<sup>4</sup> *Ibidem*.

Cooperation for Sustainable Development.”<sup>5</sup> Following the opening session, which addressed the progress in relations between Türkiye and the Pacific Island States, the following documents were signed: a joint declaration concerning the establishment of diplomatic relations between Türkiye and Niue; a Memorandum of Understanding on Cooperation between the Foreign Ministries of Turkey and Marshall Islands; a Memorandum of Understanding on Cooperation between the Foreign Ministries of Türkiye and Vanuatu; and Memorandum of Understanding concerning the Exchange of Information on Diplomatic Training between the Foreign Ministries of Türkiye and Marshall Islands. During the meeting, Türkiye announced an increase in development aid to 5 million dollars.<sup>6</sup>

In 2019, Türkiye announced the “Asia Anew Initiative,” betting on economic and trade cooperation with Asian partners which would encompass connectivity, logistics, and transportation along with the defense industry, construction, green energy, digital technologies, finance, cultural exchanges.<sup>7</sup> This shows how much Türkiye wants to be involved in different areas of the world in order to increase trade volume with particular countries and establish its diplomatic or cultural presence.

In 2021, Türkiye contributed to the Pacific Resilience Fund (PRF), established within the Pacific Island Forum (PIF) to tackle the negative impacts of climate change on the Pacific Island Countries. Türkiye supports the dialogue process in southern Thailand and contributes to the southern Philippines peace process. Türkiye’s humanitarian aid extends to various fields, ranging from health, education, and infrastructure to providing shelters and basic needs. Türkiye is committed to assisting and supporting developing countries in sustainable development and growth efforts. The most notable body dealing with development aid is the Turkish Cooperation and Coordination Agency. Moreover, Türkiye has donated medical supplies and equipment to several regional countries upon their request during the COVID-19 pandemic.

On the one hand, Turkey is entering into diplomatic or commercial initiatives within the Pacific, a very remote region of the world. But on the other hand, if we take a closer look at the scale on which it builds relations with individual countries, we may conclude that it is insignificant compared to other world areas.

I want to start by discussing the two big countries in the region with which Türkiye has the most business – Australia and New Zealand, where the Turkish

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<sup>5</sup> “Turkey – Pacific Small Island Developing States (PSIDS) Foreign Ministerial Meeting to Be Held in İstanbul,” *Ministry of Foreign Affairs Republic of Türkiye*, n.d., [https://www.mfa.gov.tr/turkey\\_pacific-small-island-developing-states-\\_psids\\_-foreign-ministerial-meeting-to-be-held-in-istanbul.en.mfa](https://www.mfa.gov.tr/turkey_pacific-small-island-developing-states-_psids_-foreign-ministerial-meeting-to-be-held-in-istanbul.en.mfa) (accessed: 07.04.2023).

<sup>6</sup> “Foreign Minister Davutoğlu ‘In the last six years, we have taken significant steps to strengthen our relations with the Pacific Island States,’” *Ministry of Foreign Affairs Republic of Türkiye*, n.d., <https://www.mfa.gov.tr/foreign-minister-davutoglu-in-the-last-six-years-we-have-taken-significant.en.mfa> (accessed: 07.04.2023).

<sup>7</sup> “Asia Anew Initiative,” *Ministry of Foreign Affairs the Republic of Türkiye*, n.d., <https://www.mfa.gov.tr/asia-anew-initiative.en.mfa> (accessed: 08.04.2023).

embassies are much more established compared to the rest of the Pacific. They also stand out in the region in that the first meeting between Ottomans, Australians, and New Zealanders occurred as early as World War I, when Australian and New Zealand troops supporting the British fought against Ottoman forces at Gallipoli. In 1934, Türkiye's first president Kemal Atatürk wrote the following to the mothers of Australian and New Zealand soldiers:

Those heroes that shed their blood and lost their lives... you are now lying in the soil of a friendly country. Therefore, rest in peace. There is no difference between the Johnnies and the Mehments where they lie side by side here in this country of ours... You, the mothers who sent their sons from faraway countries, wipe away your tears. Your sons are now lying in our bosom and are in peace. Having lost their lives on this land, they have also become our sons.<sup>8</sup>

Relations between Türkiye and Australia were officially established in 1967, the same year the Turkish embassy was opened in Canberra, followed by Australia's embassy in Ankara a year later. In addition, Australia has a Consulate General in Istanbul, and Türkiye has two Consulates General in Melbourne and Sydney. The two countries cooperate on various forums, such as the UN, G20, and MIKTA (an international organization established in 2013 that includes Mexico, Indonesia, South Korea, Türkiye, and Australia). The Yunus Emre Institute has been operating in Melbourne since 2020.<sup>9</sup> Türkiye was Australia's thirtieth largest trading partner in 2017–2018. Australia exports gold, cotton, and coal to Türkiye. Türkiye's main exports are trucks, fruits, and nuts. Australian companies are interested in Türkiye's mining sector, particularly exports of mining technologies and services.<sup>10</sup> However, the economic crisis in Türkiye and its unusual policy toward interest rates have become a challenge for foreign companies.

As mentioned, the relations with New Zealand and Australia date back to the Battle of Gallipoli. Diplomatic ties between these countries and Türkiye were only formalized in 1979. The Turkish embassy in Wellington was not opened until 1992, and New Zealand's in Ankara a year later. Trade volume in 2021 exceeded USD 161 million. Turkish exports are much larger than imports. Turkish exports to New Zealand include: vehicles other than railway and tramway stock; fruits, nuts, peel of citrus fruits, melons; machinery, nuclear reactors, boilers, etc.; vegetables, fruits, nuts, and processed foodstuffs. New Zealand exports to Türkiye: dairy products, eggs, honey,

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<sup>8</sup> "Ataturk's Words to the Anzac Mothers," *Turkish Embassy in Canberra*, n.d., <http://canberra.emb.mfa.gov.tr/Mission/ShowInfoNote/218750> (accessed: 08.04.2023).

<sup>9</sup> "Relations between Türkiye and Australia," *Ministry of Foreign Affairs the Republic of Türkiye*, n.d., <https://www.mfa.gov.tr/relations-between-turkey-and-australia.en.mfa> (accessed: 08.04.2023).

<sup>10</sup> "Türkiye Country Brief," *Australian Government Department of Foreign Affairs and Trade*, n.d., <https://www.dfat.gov.au/geo/t/C3%BCrkiye/t/C3%BCrkiye-country-brief> (accessed: 08.04.2023).

animal foodstuffs; wool, animal hair, horsehair yarn and fabric thereof; raw hides and skins and leather; optical, photo, technical, medical, etc. apparatus.<sup>11</sup>

Relations between Türkiye and New Zealand have not always been positive; in 2021, the New Zealand ambassador was among the ten ambassadors whom President Erdoğan declared “personae non gratae” after they called for the release of jailed businessman and philanthropist Osman Kavala. However, Erdoğan quickly backtracked on this, and relations with New Zealand returned to a friendly track. New Zealand Ambassador Zoe Coulson-Sinclair declared in an interview with *TRT World* that her country was ready to share with Ankara its experience in diplomatic expansion in the wider Asia-Pacific region.<sup>12</sup>

The fields in which Türkiye–New Zealand relations may develop include seismic cooperation. Both countries are vulnerable to earthquakes. The most recent events of this kind, which occurred in Türkiye on February 6, 2023, took the lives of more than 50,000 people and left millions without jobs or shelter. Since 2003, New Zealand firm Beca, an Earthquake Engineering New Zealand (EENZ) cluster member, has been designing seismic retrofits for vulnerable buildings in Türkiye.<sup>13</sup> After the recent earthquake, Türkiye will be interested in expanding cooperation in this field. Following the February 6 earthquake, New Zealand donated USD 1.5 million in humanitarian aid to the victims.<sup>14</sup> It is in the form of humanitarian aid that New Zealand has been present in Türkiye for years and has built temporary schools for Syrian children in four Turkish cities (Adıyaman, Kahramanmaraş, Midyat, and Şanlıurfa).<sup>15</sup>

For the sake of comparison, I want to devote some space to Türkiye’s relations with a few selected countries in the Pacific region. Admittedly, they are relatively small, and there is not much information about them, but it is worth bearing in mind that even on these small islands, one can see Turkish involvement.

The last diplomatic contact of Türkiye with the Federated States of Micronesia was in 2014 in Istanbul. However, diplomatic relations between the countries had been

<sup>11</sup> “Türkiye–New Zealand Economic and Trade Relations,” *Ministry of Foreign Affairs the Republic of Türkiye*, n.d., [https://www.mfa.gov.tr/turkiye\\_s-commercial-and-economic-relations-with-new-zealand.en.mfa](https://www.mfa.gov.tr/turkiye_s-commercial-and-economic-relations-with-new-zealand.en.mfa) (accessed: 08.04.2023).

<sup>12</sup> Z. Coulson-Sinclair, “New Zealand Eyes Closer Türkiye Ties with Asia Anew Economic Initiative,” *TRT World*, 5 February 2023, <https://www.trtworld.com/business/new-zealand-eyes-closer-t%C3%BCrkiye-ties-with-asia-anew-economic-initiative-65217> (accessed: 08.04.2023).

<sup>13</sup> “The New Zealand / Turkish Economic Relationship,” *The Official Website of the New Zealand Government*, 12 December 2006, <https://www.beehive.govt.nz/speech/new-zealand-turkish-economic-relationship> (accessed: 08.04.2023).

<sup>14</sup> A. Pearce, “Turkey Earthquake: NZ Commits \$1.5m in Humanitarian Support as Death Toll Climbs,” *NZ Herald*, 7 February 2023, <https://www.nzherald.co.nz/nz/politics/turkey-earthquake-nz-commits-15m-in-humanitarian-support-as-death-toll-climbs/53IOEYXH5VE2NB25I62ODRVLEY/> (accessed: 08.04.2023).

<sup>15</sup> “Relations between Türkiye and New Zealand,” *Ministry of Foreign Affairs the Republic of Türkiye*, n.d., [https://www.mfa.gov.tr/turkiye\\_s-political-relations-with-new-zealand.en.mfa](https://www.mfa.gov.tr/turkiye_s-political-relations-with-new-zealand.en.mfa) (accessed: 08.04.2023).

established several years earlier, in 2006, with a joint statement signed in Tokyo.<sup>16</sup> Both countries have a diplomatic mission in the other. Therefore, trade relations between them are symbolic, not even amounting to USD 100,000, all of which are exports from Türkiye.

Diplomatic relations between Türkiye and the Cook Islands were established on October 28, 2008. The Turkish Embassy in Wellington is accredited to the Cook Islands. In addition, the Cook Islands has an Honorary Consulate in Istanbul.<sup>17</sup>

Slightly more Turkish interest is seen on the island of Fiji. Relations between Türkiye and Fiji were established relatively long ago, in 1975. The Turkish Embassy in Wellington is accredited to Fiji. But Türkiye has announced that it will soon open an embassy in Fiji's capital, Suva.<sup>18</sup> Fiji has an Honorary Consulate in Istanbul. The Turkish Cooperation and Coordination Agency undertakes projects contributing to Fiji's economic development. Türkiye provided humanitarian aid after a hurricane hit Fiji in 2021. Turkish Airlines is one of the carriers that fly from Istanbul to Suva. However, trade turnover between the two countries was virtually non-existent until 2019.

Diplomatic relations between Türkiye and Kiribati were established in 2008. The Turkish Embassy in Canberra is accredited to Kiribati. To date, no high-level visits have taken place between Türkiye and Kiribati. Kiribati receives development aid from Türkiye, but its trade volume is minimal. As with most small Pacific countries, meetings between foreign ministers have only occurred on the sidelines of various summits, such as the UN Least Developed Countries and the World Humanitarian Summit.<sup>19</sup>

Diplomatic relations between Türkiye and the Republic of the Marshall Islands were established in 2008. It is noteworthy that Türkiye established diplomatic relations with several Pacific countries in 2008, as this happened on the occasion of a meeting between the foreign ministers of Türkiye and the Pacific Islands in Istanbul. The Turkish Embassy in Canberra is accredited to the Marshall Islands. In 2014, the Foreign Ministries of the two countries signed a Memorandum of Understanding on Cooperation. It concerned, among other things, cooperation in diplomatic training, information, and document exchange.<sup>20</sup> The Marshall Islands have an Honorary Consulate in Istanbul. The trade volume between the two countries is negligible.

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<sup>16</sup> T.C. Resmî Gazete, *Türkiye Cumhuriyeti ile Mikronezya Federe Devletleri arasında Diplomatik İlişkilerin Kurulmasına İlişkin Ortak Açıklama*, 21 July 2007, p. 26589.

<sup>17</sup> "Türkiye – Cook Adaları İlişkileri," *Ministry of Foreign Affairs Republic of Türkiye*, n.d., <https://www.mfa.gov.tr/turkiye-cook-siyasi-iliskileri.tr.mfa> (accessed: 08.04.2023).

<sup>18</sup> "Türkiye – Fiji Siyasi İlişkileri," *Ministry of Foreign Affairs Republic of Türkiye*, n.d., <https://www.mfa.gov.tr/turkiye-fiji-siyasi-iliskileri.tr.mfa> (accessed: 08.04.2023).

<sup>19</sup> "Türkiye – Kiribati İlişkileri," *Ministry of Foreign Affairs Republic of Türkiye*, n.d., <https://www.mfa.gov.tr/turkiye-kiribati-siyasi-iliskileri.tr.mfa> (accessed: 08.04.2023).

<sup>20</sup> "Türkiye – Marshall Adaları İlişkileri," *Ministry of Foreign Affairs Republic of Türkiye*, n.d., <https://www.mfa.gov.tr/turkiye-marshall-siyasi-iliskileri.tr.mfa> (accessed: 08.04.2023).

Diplomatic relations between Türkiye and Nauru were established in 1976. The Turkish Embassy in Canberra is accredited to Nauru. So far, high-level visits have yet to occur between Türkiye and Nauru. In recent years, contacts at various levels have begun to intensify. Türkiye provides Nauru with various forms of assistance, primarily to support infrastructure and development projects. However, the volume of trade between the two countries has been small. Nauru is one of the few remaining markets in the world to which Turkish products are not exported.<sup>21</sup>

It is worth paying attention to the island of Palau. It is one of the sites where the TİKA operates, and Türkiye is the third largest donor to the island after the U.S. and Japan, providing support to ports and fishing facilities. The TİKA is also active in Samoa, thus developing Turkish soft power. Türkiye supports the construction of hospitals and schools as well as the development of agriculture. The trade volume between the two countries amounted to USD one million in 2019.

Humanitarian or development aid constitutes Türkiye's most prominent tool of establishing soft power in the region. For example, Türkiye provided direct assistance to the Solomon Islands during the floods that occurred in April 2014. Türkiye also helped with transport of victims to one of the provincial hospitals. In 2017, the TİKA stated in its annual report that it had donated USD 20,000 in aid to Tonga. Türkiye provided development assistance to Tuvalu for the construction of public buildings. Also operating there is the Maarif Foundation, whose activities focus on the field of education.

### 3. Conclusion

To conclude, Türkiye's relations with Asian countries are based on economic benefits and trade. Diplomatic and commercial ties with the countries of the Pacific are small, but it is worth noting that Turkish development aid reaches even such remote locations, building the country's soft power. Of course, relations with Australia and New Zealand stand out from the rest of the region, as the history they share with Türkiye make these ties particularly meaningful. The present chapter was illustrative and intended to draw the readers' attention to Turkish involvement in the world, even in very remote areas. It is important not to disregard such efforts at building soft power, even if not very extensive, especially since very few countries are interested in developing relations with Pacific nations.

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<sup>21</sup> "Türkiyenin İhracatında Son İki Eksik: Mikronezya ve Nauru," *Money-expo.com*, 28 July 2019, <https://www.moment-expo.com/tr/dergiler/61/ulkelerden/turkiyenin-ihracatinda-son-iki-eksik-mikronezya-ve-nauru> (accessed: 07.04.2023).



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Dr. Karolina Wanda Olszowska is a historian, turkologist, research assistant at the Institute of History, Jagiellonian University in Cracow, Poland. She is also the President of the Institute for Research on Turkey. Her research interests lie in the history of Türkiye in the 20<sup>th</sup> century, with particular emphasis on the Second World War and the Cold War period, the history of Turkish women at the turn of the Ottoman Empire and the Republic of Turkey, as well as an analysis of contemporary Turkish politics.

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# **Take Your Eyes Off the Balloons: How the Chinese Global Surveillance Network Threatens Security of the U.S. and Its Oceania States Partners<sup>1</sup>**

## **1. Introduction**

For one week in January of 2023, the United States and the world were both enthralled and concerned with a Chinese high-altitude surveillance balloon that traversed across the Pacific Ocean and then over Alaska, Montana, and Missouri before ultimately being shot down over the Atlantic Ocean near the coast of the Carolinas. In some sense, it was a Sputnik moment for the United States population.<sup>2</sup> While politicians argued over actions and inaction by the Department of Defense and senior U.S. decisionmakers, the American people, and even many people across the world, pondered what this development meant for U.S. national security and its global standing. Was the balloon truly only there for weather data purposes? Was it weaponized? How many more would the world see glide over the U.S. homeland or across the entire world? If China could just float all manner of high-altitude balloons over the continental United States, what else could they do?

The entire incident was a wake-up call for the U.S. people and the wider world regarding China's intentions – more nefarious than some thought – and capabilities – greater than most realized. But the spy balloons are just the tip of the iceberg for the world's deepest and potentially widest-reaching surveillance network. For the last two decades, China has embarked on an ambitious quest to become a global

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<sup>1</sup> The views and opinions expressed in this chapter are solely those of the author and do not represent the views, policy, or opinions of the U.S. Government, Department of Defense, or Department of the Army.

<sup>2</sup> C. Kube, C.E. Lee, "Chinese Spy Balloon Gathered Intelligence from Sensitive U.S. Military Sites, despite U.S. Efforts to Block It," *NBCNews.com*, 3 April 2023, <https://www.nbcnews.com/politics/national-security/china-spy-balloon-collected-intelligence-us-military-bases-rcna77155> (accessed: 18.05.2023).

intelligence superpower.<sup>3</sup> While there are myriad headlines about China's enormous domestic surveillance state and its application in "social credit" systems and persecution of minorities in its own borders, there has been less fanfare regarding the PRC's surveillance and spying abroad. But the Chinese surveillance and data collection web has spread not only across the United States but deeply into Africa, Europe, South America, the Middle East, Australia, and all over Asia-Pacific.<sup>4</sup> This vast network poses a significant threat to the security of the United States and its Oceania States partners (in the Indo-Pacific Region<sup>5</sup>) in great power competition.

This chapter analyzes the scope and scale of the Chinese global surveillance threat to the U.S. and its Oceania States partners and what opportunities exist to counter that threat. The challenge to Oceania States in great power competition is a current and present danger that worsens by the day, but there are a multitude of opportunities where Oceania States with the United States can counter, mitigate, and ultimately overcome that threat.

## 2. The scope and scale of China's global surveillance and spying network

For several months in 2023, besides the war raging in Ukraine, the news cycle was dominated by reporting on Chinese spying (specifically on the United States but globally as well) via the wildly popular social media app, TikTok, and high-altitude balloons. While this reporting has awakened a heightened sense of awareness and suspicion of China across the U.S. populace, there is a far wider spread and variety to Chinese global surveillance than is often recognized not only among the general population but also among policy- and decisionmakers, the national security ecosystem, and even the U.S.' Indo-Pacific partners and allies.

The ruling body and center of gravity in China, the Chinese Communist Party (CCP), has, since its founding, considered espionage to be essential to its survivability and domestic security as well as to success in regional and global competition. But as author and long-time China analyst Peter Mattis noted, "the Chinese intelligence community as currently constituted is less than 30 years old."<sup>6</sup> China has too often

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<sup>3</sup> P. Mattis, "Beyond Spy vs. Spy: The Analytic Challenge of Understanding Chinese Intelligence Services," *Studies in Intelligence* 56(3), 2012, pp. 47–48, <https://www.cia.gov/static/6ba6d7cb6151971fda8a14600cd86fbe/Beyond-Spy-vs-Spy.pdf> (accessed: 16.05.2023).

<sup>4</sup> B. Jili, "China's Surveillance Ecosystem and the Global Spread of Its Tools," *Atlantic Council*, 17 October 2022, <https://www.atlanticcouncil.org/in-depth-research-reports/issue-brief/chinese-surveillance-ecosystem-and-the-global-spread-of-its-tools/> (accessed: 16.05.2023).

<sup>5</sup> For the purposes of this chapter, the Indo-Pacific Region or Indo-Pacific is defined as the region stretching from the U.S. Pacific coastline to the Indian Ocean per the Biden Administration's 2022 *Indo-Pacific Strategy of the United States*.

<sup>6</sup> P. Mattis, *op. cit.*, p. 51.

been viewed as a chronically unsophisticated and backwater intelligence power that relies heavily on a widespread, untrained, ethnically Chinese diaspora and possesses limited technical capabilities and intelligence tradecraft prowess. This is an analytic fallacy symptomatic of hubris that empowers continued Chinese expansion of its global surveillance apparatus and creates severe blind spots in security and defense across the Indo-Pacific. China does not employ just spy balloons, intrusive social media apps, and traditional human spies but rather a vast, sophisticated, multi-layer global surveillance and intelligence system that might currently, or soon may, be the best in the world. This enormous intelligence apparatus encompasses all the traditional “INTs,” or intelligence disciplines – human intelligence (HUMINT), imagery intelligence (IMINT), signals intelligence (SIGINT), geospatial intelligence (GEOINT), measurement and signature intelligence (MASINT), and open source intelligence (OSINT) – through military platforms and capabilities in the People’s Liberation Army (PLA) and a wide array of commercial or seemingly private sector entities who, in actuality, are beholden to the CCP either legally or financially. Additionally, China’s widespread surveillance network includes data and intelligence collection across cyberspace, foreign nation’s domestic security systems, infrastructure, and more. It is critical to understand the breadth and depth of Chinese surveillance methods and means to fully contextualize the threat to the U.S. and its Indo-Pacific partners and allies, which then opens the analytic aperture to identify and capitalize on opportunities to deter and mitigate the challenge to security of these nations in competition, crisis, and conflict.

In discussions of intelligence, HUMINT is often the first and most frequently referenced discipline, and with good reason. Human spying has been documented since as early as the 14<sup>th</sup> century BCE with the “Amarna Letters” in Ancient Egypt, but humans have likely been conducting espionage against each other since humanity’s beginning.<sup>7</sup> The CCP’s domestic HUMINT activities were paramount to its rise to power and securing its status as the only ruling body of China. But China’s significant growth in foreign intelligence and surveillance began with the founding of the Ministry of State Security in 1983.<sup>8</sup> Viewed through a Western/U.S. lens, the MSS is really an amalgamation of the Central Intelligence Agency (CIA), National Security Agency (NSA), and Federal Bureau of Investigations (FBI) as it conducts HUMINT, SIGINT, and counterintelligence (CI) operations domestically and abroad, both physically and digitally.<sup>9</sup> Despite this wide mission array, the U.S. and larger Western intelligence community has historically viewed Russia as a more prominent

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<sup>7</sup> “Espionage Facts,” *International Spy Museum*, n.d., <https://www.spymuseum.org/education-programs/spy-resources/espionage-facts/> (accessed: 17.05.2023).

<sup>8</sup> Following a period of severe infighting among Chinese intelligence and security services after the Cultural Revolution, the MSS was created partially due to findings and influence from Xi Jinping’s father Xi Zhongxun.

<sup>9</sup> A. Joske, *Spies and Lies: How China’s Greatest Covert Operations Fooled the World*, Hardie Grant Books Richmond, Victoria 2022.

and capable HUMINT threat, even in the decade following the fall of the Soviet Union. The MSS and other Chinese intelligence entities were fairly risk-averse and cautious until the late 1990s. Around that time, China launched an extensive HUMINT effort abroad targeting critical U.S. and allied national security and defense enterprises but also heavily focused on using agents for intellectual property and technology theft and transfer as well as strategic political influencing.<sup>10</sup>

A survey by the Center for Strategic & International Studies (CSIS) in 2021 found there were 224 reported Chinese espionage cases against the United States alone.<sup>11</sup> There are potentially hundreds, if not thousands, more Chinese espionage activities occurring against the United States and its partners and allies abroad that have not been discovered or reported. Former CIA Chief of Counterintelligence James Olson has asserted that currently there are up to 100 Chinese agents operating in New York City at any given time.<sup>12</sup> Looking at its less secretive approach, China has often been accused of using its consulates and embassies in the U.S. and throughout the world to conduct espionage. Additionally, the MSS leverages a seemingly more innocuous organization, the United Front Work Department (UFWD) and the wider united front system, to expand its espionage “talent pool” globally and take advantage of CCP-friendly individuals who have infiltrated or integrated into local and regional political and economic communities abroad.<sup>13</sup> China has also expansively targeted international academic campuses for intelligence collection and influence with its Confucius Institutes and through foreign exchange students and visiting Chinese professors. This effort has largely been focused on technology transfer and theft but has included espionage activities to obtain Western defense research projects and research.<sup>14</sup>

In the early 2000s, the MSS invested substantial money and human capital in strategic intelligence activities abroad while maintaining a robust and prioritized domestic surveillance and intelligence presence. While there has been a significant uptick in HUMINT-centric espionage activities globally for China, those operations are often supported majorly in the cyber domain. The MSS employs cyber espionage – across social media platforms (i.e., LinkedIn, Twitter, TikTok), private sector digital records, and sensitive military and government networks and security systems – and

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<sup>10</sup> *Ibidem*.

<sup>11</sup> “Survey of Chinese Espionage in the United States since 2000: Archives,” CSIS, 2022, <https://www.csis.org/programs/strategic-technologies-program/archives/survey-chinese-espionage-united-states-2000> (accessed: 15.05.2023).

<sup>12</sup> M. Kaplan, “CIA Insider: Chinese Spies Have NYC ‘Under Assault Like Never Before,’” *New York Post*, 26 September 2020, <https://nypost.com/2020/09/26/how-china-recruits-spies-like-nypd-officer-baimadajie-angwang/> (accessed: 18.05.2023).

<sup>13</sup> A. Joske, *op. cit.*

<sup>14</sup> A. Louthan, “The China Initiative and Its Implications for American Universities,” *Foreign Policy Research Institute*, 11 April 2022, <https://www.fpri.org/article/2022/04/the-china-initiative-and-its-implications-for-american-universities/> (accessed: 17.05.2023).

cyber warfare (hacking and zero-day exploits) to identify human intelligence targets of opportunity and open social connections (personal and business) that can be exploited. The CSIS report covering China espionage cases in the U.S. noted that 46% of those cases involved cyber espionage.

China's espionage efforts in cyberspace are wide-ranging with both state and non-state cyber operators testing, mapping, penetrating, and exploiting global networks including those of tech companies, telecom providers, the transportation industry, global supply chains, military industrial producers, academic institutions, infrastructure, and more. The widespread nature of these activities, the attackers' advantage in the cyber domain, and the inherent difficulty in attribution of cyber-attacks and espionage is extremely favorable for China. Increasing digital connectivity across the globe will expand this information threat surface and presents an opportunity with far too high return-on-investment for the CCP to pass up. In addition to large amounts of highly skilled official Chinese cyber forces, the CCP has sponsored a prolific non-state hacking group, APT41, that has also been referred to as "Double Dragon" due to its dual missions of cyber espionage and attack.<sup>15</sup>

A large swath of Chinese espionage and surveillance in the digital world also comes from sources that are easily obtainable: 1) Social media and messaging applications with data servers or centers in China – i.e., ByteDance [TikTok], WeChat, etc.; 2) Chinese telecommunication networks with major presences globally – especially Huawei, Baidu, and Tencent; 3) Chinese Belt and Road Initiative and Digital Silk Road projects and partnerships such as the Chinese-installed security systems in the African Union Headquarters and Djibouti;<sup>16</sup> and 4) Global supply chains that rely on Chinese shipping and markets to operate. Economic and societal globalization has given China a glut of critical data about international commerce flow and critical nodes, social and political structures and divides, and foreign countries' domestic security gaps and vulnerabilities.

In addition to the intensive development of its human intelligence and cyber espionage enterprises, China has also exponentially grown its intelligence, surveillance, and reconnaissance (ISR) capabilities and capacity in space. Recognizing the U.S.' dominance of the first four decades of operations in space, China embarked on an exhaustive venture in the early 2000s to become a superpower in that domain. China was a marginal spacefaring nation – especially in the ISR realm – in 1997, but as of 2023, it is operating an assessed 250 ISR satellites, making it a space intelligence

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<sup>15</sup> "Seven International Cyber Defendants, Including 'APT41' Actors, Charged in Connection with Computer Intrusion Campaigns against More Than 100 Victims Globally," *The United States Department of Justice*, 16 September 2020, <https://www.justice.gov/opa/pr/seven-international-cyber-defendants-including-apt41-actors-charged-connection-computer> (accessed: 18.05.2023).

<sup>16</sup> M. Fidler, "African Union Bugged by China: Cyber Espionage as Evidence of Strategic Shifts," *Council on Foreign Relations*, 7 March 2018, <https://www.cfr.org/blog/african-union-bugged-china-cyber-espionage-evidence-strategic-shifts> (accessed: 15.05.2023).

superpower second only to the United States.<sup>17</sup> These ISR satellites enable not only imagery intelligence operations but SIGINT as well. Chairman Xi Jinping expressed the criticality of space, cyber, and intelligence, and in 2015 directed the creation of the PLA's Strategic Support Force (SSF) to converge, control, and further empower those strategically important functions.<sup>18</sup>

The SSF's profound surveillance network of sensors and operators across the space and cyber domains is both impressive and concerning, but that network is also connected and integrated with a multitude of systems and sensors in the air, land, and sea domains, increasing its threat to nations located or operating in the Indo-Pacific throughout competition and conflict.

In the air domain, the People's Liberation Army Air Force (PLAAF) and People's Liberation Army Navy Air Force (PLANAF) operate a fleet of manned and unmanned ISR aircraft – with the latter growing in quantity annually – capable of covering the South China Sea.<sup>19</sup> The PLAAF has deployed long-ranging over-the-horizon (OTH) radars along China's eastern coastline, adding necessary redundancy to its capability to “see the air.”<sup>20</sup> Additionally, the SSF directs operations for the now infamous high-altitude balloons – the size of three school buses with an exquisite multi-spectral intelligence collection suite – that can travel across the globe.

China is developing an even more layered and multi-modal surveillance network in the sea domain. In terms of surface surveillance alone, the PLAN has an estimated 340 warships plus several intelligence collection ships. China's warships and intel collectors largely operate in the South China Sea, but the PLAN is rapidly expanding its ability to deploy around the world. China has additional surface surveillance capabilities with OTH radars on its eastern coastline, the Chinese Coast Guard (CCG) that patrols territorial waters, and through the People's Armed Forces Fishing Militia (PAFFM), a militia comprised of mostly privately-owned fishing and commercial vessels trained by the PLAN and CCG and conducting maritime surveillance, reconnaissance, and sometimes blocking maneuvers and ramming in support of Chinese territorial claims and objectives.<sup>21</sup> In the undersea realm, the PLAN is assessed to operate 66 submarines, with only 12 of those being nuclear-powered. This submarine fleet gives the PLAN overlapping surface and undersea surveillance coverage

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<sup>17</sup> A. Banerjee, “Chinese Space Assets Double in Four Years,” *The Tribune – India*, 14 April 2022, <https://www.tribuneindia.com/news/world/chinese-space-assets-double-in-four-years-386379> (accessed: 19.05.2023).

<sup>18</sup> A.J. Nelson, G.L. Epstein, “The PLA's Strategic Support Force and AI Innovation,” *Brookings Institute*, 23 December 2023, <https://www.brookings.edu/techstream/the-plas-strategic-support-force-and-ai-innovation-china-military-tech/> (accessed: 19.05.2023).

<sup>19</sup> T. McCabe, “Chinese Intelligence, Surveillance, and Reconnaissance Systems,” *Air University (AU)*, 8 March 2021, <https://www.airuniversity.af.edu/JIPA/Display/Article/2528263/chinese-intelligence-surveillance-and-reconnaissance-systems/> (accessed: 20.05.2023).

<sup>20</sup> *Ibidem*.

<sup>21</sup> *Ibidem*.



across the South China Sea and in the future may even extend out beyond the Second Island Chain.<sup>22</sup> In addition to its manned submarine force, the PLAN has developed and deployed unmanned underwater vehicles (UUVs) capable of long endurance and relatively autonomous undersea and surface surveillance with very little maintenance or operational cost. Finally, China is building a comprehensive sea surveillance system throughout its claimed territorial waters in the South China Sea and beyond named the “Blue Ocean Information Network,” but elements of this system have been dubbed the “Underwater Great Wall” in Chinese media.<sup>23</sup> The Chinese government has claimed that both the UUVs and the Blue Ocean Information Network are purely for scientific research purposes.

The growth and advancement of technology and approaches in each of these surveillance and intelligence areas cannot be viewed in their own silos. Through concerted force design, organizational restructuring, strategic directives, and hundreds of billions of dollars of investment, China has emerged as a true intelligence superpower with global reach, capable of conducting surveillance and reconnaissance across all domains and dimensions.<sup>24</sup> With this wide array of collection capabilities, China is amassing obscene amounts of data. Due to some systems and approaches being military or clandestine, it is difficult to accurately gauge how much data China is truly collecting. However, the CCP-controlled big data and AI company GTCOM has claimed that just one of their products alone collects 10 terabytes of data a day.<sup>25</sup>

Despite China’s collection of a monumental amount of data, there are daunting challenges in storing, collating, and processing all of it. Senior Party leadership, especially Chairman Xi, recognize this problem and in the CCP’s 14<sup>th</sup> Five-Year Plan (2021–2025) authorized a “national integrated big data system, including national hub nodes and supercomputing facilities.”<sup>26</sup> China is also pursuing artificial intelligence (AI) and machine learning (ML) applications to process data at a speed and capacity that could never be achieved with even armies of data scientists and engineers. China’s enforcement of new data governance policies and application of AI/ML may

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<sup>22</sup> D. Axe, “China’s Submarine Fleet Is Huge. The U.S. Navy Plans to Whittle Away at It with Mines,” *Forbes*, 8 June 2021, <https://www.forbes.com/sites/davidaxe/2021/06/08/chinas-submarine-fleet-is-huge-the-us-navy-plans-to-whittle-away-at-it-with-mines/?sh=1e3d2e9a297a> (accessed: 20.05.2023).

<sup>23</sup> L.J. Goldstein, “China Is Building a ‘Undersea Great Wall’ to Take on America in a War,” *The National Interest*, 27 October 2019, <https://nationalinterest.org/blog/buzz/china-building-under-sea-great-wall-take-america-war-90601> (accessed: 20.05.2023).

<sup>24</sup> Through its data governance and strategic plan, the CCP has asserted that there is no distinction between corporate and government data.

<sup>25</sup> M. Hvistendahl, “How China Surveils the World,” *MIT Technology Review*, 19 August 2020, <https://www.technologyreview.com/2020/08/19/1006455/gtcom-samantha-hoffman-tiktok/> (accessed: 22.05.2023).

<sup>26</sup> “Translation: 14th Five-Year Plan for National Informatization – Dec. 2021,” *DigiChina*, 24 January 2022, <https://digichina.stanford.edu/work/translation-14th-five-year-plan-for-national-informatization-dec-2021/> (accessed: 20.05.2023).

lead to massive progress in data processing, but there are still uncertainties about how proficiently China can visualize and understand the data ocean it is creating. Additionally, the highly centralized and hierarchal nature of the CCP, coupled with the persistent political filter through which information flows through the Party, raise doubts about how and at what quality, even well-communicated and understood, data and intelligence will be delivered to and utilized by Chinese senior leadership. Despite the data processing and intelligence flow challenges the CCP faces, this enormous assemblage of data still gives China outstanding capabilities to surveil its adversaries and other nations around the world, presenting a severe threat to the likes of the United States, NATO, and allies and partners throughout the Indo-Pacific.

### **3. Threats to the U.S. and its Oceania partners in great power competition**

The Chinese global surveillance system is an acute threat to the security of the U.S. and its Oceania States partners throughout competition, crisis, and conflict in four distinct areas:

A) Technology and Intellectual Property (IP) Theft – One of China’s primary objectives in reforming and upgrading its intelligence services, among other major strategic initiatives, was to obtain Western emerging and disruptive technology secrets and intellectual property to drive its own revolutionary economic and military growth. Even with incredible success in that objective over the last two decades, China is still determined to obtain as much sensitive and technical information it possibly can through any means necessary. The U.S.’ government, defense, and commercial technology sectors remain a primary target of Chinese intelligence and surveillance operations, but the threat surface has grown with commensurate increases in technology – especially military tech – transfers to Oceania States allies such as Australia and New Zealand. Even the presence of U.S. military personnel and platforms forward deployed or training in the Oceania region is a vulnerability China will look to exploit for the opportunity to conduct further transfer and theft of critical information, technologies, and IP. Multiple technologies and information targeted are vital to the full spectrum of competition with China, integrated deterrence against Chinese aggression, and vital defensive capabilities in the event of conflict.

B) Insights into Government–Population and Government–Allied Relations of China’s Adversaries – China seeks to leverage all the intelligence and surveillance operations it executes to understand the status and dynamics of relationships between its adversaries (and even neutral nations) and their own populations as well as those with their allies and partners – especially the United States. China’s next objective is to use that deeper understanding to precisely target those governments, their populations, and their alliances that China views as a threat, at the strategic, operational, and tactical (down to personal) levels, at scale, through cyber espionage and attack,

diplomatic coercion, information warfare or “cognitive domain operations” (CDO), and hard military power. The aim of this multi-layered targeting is to erode the trust and confidence populations have in their governments, which will subsequently weaken the population’s will to fight and awareness and vigilance against disinformation and influence operations as well as exacerbate domestic societal fractures and divides. In targeting alliances, China is trying to sever or at least degrade ties between nations that will be far stronger in competition and defense when working as a coalition or united front than on their own. Nations in the Indo-Pacific that have strong or increasing ties with the United States – i.e., the Philippines, the Federated States of Micronesia, Palau – are a high-level threat to China’s self-determined regional hegemony and status as the supreme power in its “sphere of influence.”

C) Targeting Data (Kinetic and Non-Kinetic) – Outside of the information environment, China will also use its global intelligence and surveillance apparatus to develop targeting data and profiles for governments, their populations, and military forces and installations to engage in both competition and potential conflict through kinetic and non-kinetic means. The PLA, MSS, and other Chinese governmental and CCP-affiliated groups are already highly active in the space and cyber domains in the competition phase.<sup>27</sup> China will leverage that targeting information to try and degrade, disrupt, or deny allied efforts in competition and integrated deterrence, pushing the security advantage in their own direction. In the event of conflict, China wants to have a detailed understanding and targeting quality data on U.S. and Indo-Pacific allies’ command and control (C2) networks, comms infrastructure and networks, logistics and sustainment systems and operations, and operational and support armed forces.

D) Secrets and Surprise – China is using the copious amounts of intelligence it has amassed to degrade or deny the U.S. and Indo-Pacific allies’ ability to maintain secrecy of sensitive capabilities, capacities, and especially operational and contingency plans to defend against Chinese aggression. The ability to break or weaken security around this crucial information severely hinders the U.S.–Indo-Pacific alliance’s ability to achieve strategic or operational surprise.

## **4. Opportunities to defend, mitigate, and counter the threat**

Despite the substantial threat against the U.S. and its Indo-Pacific allies and partners – including those in Oceania – posed by China’s global surveillance network, there are ample opportunities to deter, mitigate, and even defeat that threat in competition. In this chapter, there are four feasible opportunities presented that on their own would not serve as a panacea but could have notable success in countering the menace of China’s global intelligence and surveillance system:

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<sup>27</sup> China likely already sees itself in conflict in the cyber and space domains with the U.S. and its partners and allies.

A) Physical Domain Countermeasures – There are a plethora of kinetic and non-kinetic capabilities in the physical domains – land, air, sea, space – that the U.S. and Indo-Pacific allies possess or that can be acquired in a period of several years, that, if employed, could cause large, detrimental effects against China’s exquisite global surveillance network and disrupt senior Chinese leadership’s situational awareness, confidence in intelligence, and strategic planning and decision-making. Lasers, directed energy weapons, and electronic warfare (EW) systems – or jammers – are highly effective tools capable of blinding, scrambling, or otherwise impairing the SSF’s formidable multi-INT satellite constellations.<sup>28</sup> The U.S. and Indo-Pacific partners’ naval vessels – manned and unmanned – can execute aggressive maneuvering and freedom-of-navigation patrols to disrupt Chinese maritime surveillance activities. The employment of unmanned aerial swarms could disjoint Chinese multi-platform air surveillance. Ground-based EW systems can also contribute to countering Chinese intelligence and surveillance across the electromagnetic spectrum.

B) Cyber Security and Data Protection – Chinese official and state-affiliated cyber forces are relentless in their cyber espionage and attack activities throughout competition. Increased cyber security defenses and countermeasures by the U.S. and its allies that are capable of protecting digital vulnerabilities and seams between government and private sector networks can help stymie the massive loss of sensitive data and technology information and IP to China. Improved data governance and encryption are critical to reducing technology and IP theft as well. With the speed of cyber offensive operations being increased by self-replicating viruses or malware and the use of AI/ML, cyber defense is becoming too much of a cognitive overload and too fast for human cyber operators. There is a promising opportunity to employ AI/ML cyber defense “operators” to metaphorically fight fire with fire. Reshoring of critical data storage and servers is already occurring and is a promising step in the right direction.

C) Defensive Disinformation – Winston Churchill once said: “In wartime, truth is so precious that she should always be attended by a bodyguard of lies.”<sup>29</sup> While the U.S. and its allies and partners would be unwise to churn out the kind of disinformation that their adversaries, China and Russia, perpetually do, not every aspect of operational planning and activities in competition needs to be out in the open or merely classified. These allied nations should consider what defensive disinformation – even if it is fairly innocuous – they can deploy to “flood the zone” against the wide net of Chinese intelligence and surveillance while maintaining their core values and ethics and not losing the trust of their own populations. While spurts of dis/misinformation

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<sup>28</sup> T. Hitchens, “Satellite Jamming ‘Normal’ by Militaries during Conflict, Not Peacetime: State Dept. Official,” *Breaking Defense*, 21 March 2022, <https://breakingdefense.com/2022/03/satellite-jamming-normal-by-militaries-during-conflict-not-peacetime-state-dept-official/> (accessed: 19.05.2023).

<sup>29</sup> “Remarks before the Nazi War Criminals Interagency Working Group,” *National Archives and Records Administration*, n.d., <https://www.archives.gov/iwg/research-papers/weitzman-remarks-june-1999.html> (accessed: 22.05.2023).

will likely not fully deceive China, they could cause Chinese intelligence services to spread their resources too thin or misdirect focus and priorities.

D) Ambiguity and Openness – A majority of the U.S.’ partner and ally nations in the Indo-Pacific follow a model of ostensibly free and open societies, which can make ambiguous strategic and operational posturing and messaging very challenging. However, a level of ambiguity that does not disillusion or harm those nations’ populations can be significantly detrimental to Chinese intelligence prioritization leading to analytic delays or degradation. Conversely, the declassification and overt messaging of certain U.S. and allied intelligence – especially that which illuminates nefarious and belligerent Chinese activities – can have a deterring effect that concurrently motivates other nation-states to oppose expanded Chinese intelligence and influence efforts in their own countries or would at least give nations pause before allowing Chinese telecommunication and security systems to reside or operate in their countries.

## **5. Conclusion**

The world is waking up, albeit slowly, to the threat posed by the global surveillance giant that China has purposefully and laboriously built over the last two decades. The United States and its vital allies and partners in the Indo-Pacific region cannot turn back time and, in the case of the colossal data theft they have suffered, cannot put the proverbial toothpaste back in the tube. However, the U.S. and its allies recognizing the problem is a crucial first step in countering this perilous threat.

If they want to deter and counter the threat from invasive Chinese intelligence and surveillance, the U.S. and free nations throughout the Indo-Pacific and Oceania must come together and present a united front. This united front is not just about diplomatic partnership but will also require unity of effort in data security and governance, physical domain countermeasures, and even defensive disinformation and information warfare campaigns aimed at countering Chinese aggression in all these spaces. A strong, unified front requires partnership and cooperation through technical, procedural (doctrine and concepts), and human (relationships) means.

While a major shooting war between China and the United States may be several years if not decades away, the veritable fight in competition is happening right now. Every day that passes without implementing significant countermeasures and proactive information protection plans and operations is a day that the gargantuan global Chinese surveillance system gains more advantage and infiltrates its adversaries’ most sensitive systems, networks, and communities. Failure to deter and counter this threat rapidly will quickly degrade the security of the United States and its partners and allies in the Indo-Pacific in competition and maybe even in conflict one day. The best possible time to act was decades ago. The next best time to act is immediately.

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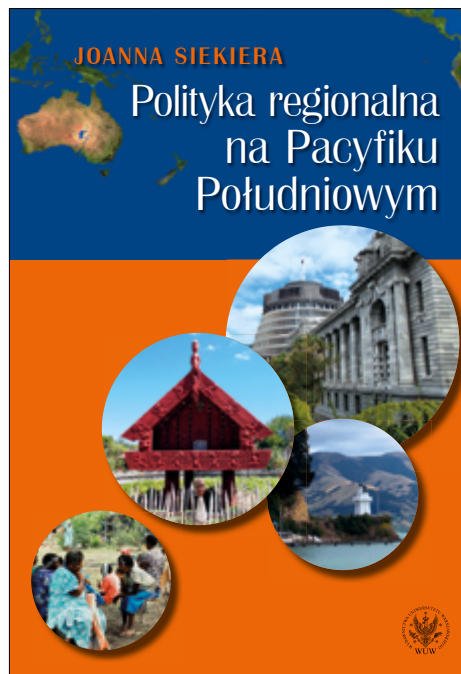
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*We are witnessing rapidly evolving strategic dynamics in the region, now a focal point of great powers rivalry and an area of paramount importance for the future of multilateral cooperation and rules-based international order. The Indo-Pacific has become the epicenter of both global opportunity and strategic competition.*

*Poland actively participated in the development of the European Union Strategy for the Indo-Pacific region with a particular focus on building stronger partnerships with our allies and partners aimed at promoting stability and security in the Indo-Pacific, addressing common global challenges, and defending our shared interests and values.*

Mr. Michał Kołodziejcki  
Deputy Head of the Department of Asia & Pacific,  
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*Christian missionaries, British and American soldiers, and Western aid workers have been transforming culture of I-Kiribati on Christmas Island for decades to the present day, but recent years have shown how much of the atoll comes from Asia. [...] Especially at the beginning of the 21st century, Kiribati's growing cooperation with Asian countries (Japan, Taiwan, the Republic of Korea, and mainland China) became indeed intense. In addition to their funds, Asian countries have been shipping equipment, products, and human capital, while Asian visitors teach I-Kiribati about their cultures, cuisine, and way of thinking, including problem-solving.*

Dr. Dariusz Zdziech  
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