



**OPERATIONALIZING DETERRENCE  
IN THE INDO-PACIFIC: SOFT  
DETERRENCE AND FOREIGN  
INTERFERENCE LEGISLATION**

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Australia has become a major focus for foreign interference and grey zone warfare. Over the past year, the country has been challenged with political scandals, cyberattacks, disunity between State and Commonwealth governments, and pitched battles in its universities. As [said](#) by former head of the Australian Secret Intelligence Organisation, Australia is facing unprecedented levels of foreign interference.

Its adversaries are patient actors and understand the risks associated with kinetic state-on-state warfare and therefore more likely to engage in grey zone warfare. Australia and the US must be prepared to battle foreign interference and hybrid threats with a [modern deterrent](#) capability, ideally by blending both traditional deterrence with societal resilience. However, because of the vulnerabilities that democratic societies must accept in defending against this type of warfare, soft deterrence via countering foreign interference legislation is one of the best approaches that the US and Australia can implement today.

In 2018, Australia followed the US example of the Foreign Agents Registration Act (FARA) by introducing a series of bills attempting to counter foreign interference. These included the Foreign Influence Transparency Scheme (FITS) and the National Security Legislation Amendment (Espionage and Foreign Interference) Act. While

FARA was introduced to challenge Fascism during WWII, Australia pushed through this legislation for two reasons: as a pre-emptive measure before Australia's 2019 election, and as a response to a Labor politician's supportive statements of China's position on the South China Sea. The legislation represents an unconsidered shared deterrent between the US and Australia.

As Australia's economic, cultural, and political circumstances make it untenable to consider sanctions, FITS can be used as a soft deterrent measure that can be country agnostic. The introduced [legislation](#) encapsulated the Australian government's Counter Foreign Interference Strategy, which was based upon the pillars of 'sunlight', enforcement, deterrence, and capability. In comparison to the US, Australia's foreign interference legislation was narrower and tried to fix some of the structural problems of FARA that were based on the fact that FARA was written during wartime and that it did not address a hybrid threat.

Considering the strategic convergence regarding foreign interference, there are several key lessons for Australian and US policy in the Indo-Pacific.

First, when considering the ability to withstand foreign interference, we must be realistic about limitations in countering it and must soberly assess the challenges that face our foreign interests.

Australia's accepted vulnerability has been hedged over the last 70 years with its conventional deterrent capability and the ANZUS alliance. As the Australian anti-Communist politician B.A. Santamaria said, Australia moved from "behind the skirts of Queen Victoria to behind the coat-tails of Uncle Sam." Its complex and multi-dimensional political systems forbid it from developing a system of 'whole-of-society' and complete resilience like Sweden. Therefore, countering foreign interference through legislation may be one of the only non-kinetic attempts to deter, or at least mitigate and visualize attempts to subvert our political systems and societies.

Second, a prudent counter foreign interference policy is about balancing the search for security with the democratic necessity of an independent and empowered media. Both the US and Australia have

struggled to position their media organisations within an era of increased securitization. The media, as [said](#) by the head of Australian National University's National Security College is a "magic weapon for democracies," as they can investigate and call out instances of foreign interference. In particular, the efforts of [Nick McKenzie](#), [Nathan Hondros](#) and others in the Australian Broadcasting Company, The Sydney Morning Herald, The Age, WA Today, 60 Minutes have been indispensable. For example, the ABC, has been able to report on political interference by [Huang Xiangmo](#) and the activities of the United Front Work Department in Australia. The soft deterrent of foreign interference legislation is formed when the media can work with the government to address and display incidents of foreign interference and influence on Australians.

Third, foreign interference legislation demonstrates that Australia and the US are embroiled in a battle of values in the Indo-Pacific. Different from the Cold War, where the spread of Communist values to countries was followed by technological development by the Soviet Union, the values of the Chinese Communist Party are being transmitted through technology that extends the reach of China's technologically enforced authoritarianism. For example, China has been [working](#) with the Zimbabwean government to provide a mass-facial recognition program in the country – allowing them to replicate parts of China's Orwellian surveillance infrastructure.

While foreign interference legislation cannot ensure that we keep this technology out of the region, it allows the government and Australian people to think critically about our own values and what we consider to be a vision for good governance. Australia used FARA to synthesise its own approach to countering foreign interference and influence before the 2019 election. It showed that Australia considered the subversion of its election and influence of its politicians as an intolerable and insidious feature of state contestation.

As [said](#) by our former Prime Minister Malcolm Turnbull upon the introduction of the foreign interference bills in December 2017, the purpose of legislation is to "reinforce the strengths of our open

democratic systems while shoring up our vulnerabilities." Santamaria's praise for Sweden's deterrent capability and defence policy does not account for the constrained tool kit that must be used to mitigate foreign interference. Australia and the United States may not be able to militarize all factors of their societies, so foreign interference legislation builds a modern form of deterrence that can counter our non-kinetic war.

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