

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

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Australia has become a major theatre for Chinese interference and grey zone warfare. Over the last year, the country's political system has been wracked with political scandals, cyberattacks, disunity between State and Commonwealth governments and pitched battles in our universities. As said by former head of the Australian Secret Intelligence Organisation, Australia is facing unprecedented levels of foreign interference.<sup>1</sup>

For this paper I want to do three things: identify what constitutes modern deterrence, to consider Australia and the US' deterrent capability and

capacity, and to offer some sober analysis about why US and Australia should use legislation as a modern deterrent. I argue that China is a patient actor and understands the risks associated with kinetic state-on-state warfare and is therefore more likely to engage in grey zone war. I conclude that in fighting the grey zone and foreign interference, one of the best tools for soft deterrence in the US and Australia is countering-foreign interference legislation.

Deterrence was defined by Henry Kissinger as the 'policy of preventing an action by confronting the opponent with risks he is unwilling to run'.<sup>2</sup> In considering the defence of Australia and US interests in the Indo-Pacific, Australia and the US must be prepared to battle Chinese interference and hybrid threats with a modern deterrent capability: blending both traditional deterrence with societal resilience.<sup>3</sup> Resilience relates to the ability of states and societies to withstand and recover from internal and external crises.<sup>4</sup>

In the Australian case, our conventional deterrent leverages both our alliance with the US and our conventional military capability. However in the Australian anti-Communist politician B. A. Santamaria's book *The Defence of Australia*, he states that it is a 'folly to rely on the US' for defence, and he lauds the 'Swedish' approach to national defence planning as the 'most effective prototype' for Australia.<sup>5</sup>

After World War II, Sweden instated a system of whole of society defence planning that considered the military, civil, economic and psychological aspects of war and societal resilience to make war an 'unacceptable cost' to their adversaries.<sup>6</sup> Santamaria focuses on the 'Psychological

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<sup>1</sup> Bevan Shields, 'ASIO Chief Duncan Lewis sounds fresh alarm over foreign interference threat', *Sydney Morning Herald*, May 24 2018  
<https://www.smh.com.au/politics/federal/asio-chief-duncan-lewis-sounds-fresh-alarm-over-foreign-interference-threat-20180524-p4zhdk.html>

<sup>2</sup> Henry Kissinger, *American Foreign Policy*, (Ann Arbor: Norton, 1977): 15.

<sup>3</sup> <https://rusi.org/projects/modern-deterrence?page=2>

<sup>4</sup> Piret Pernik & Tomas Jermalavičius, 'Resilience as Part of NATO's Strategy: Deterrence by Denial and

Cyber Defense, *Forward Resilience: Protecting Society in an Interconnected World Working Paper Series*, 2016, 2.

<https://archive.transatlanticrelations.org/wp-content/uploads/2016/12/Resilience-forward-book-pernik-jermalacivius-final.pdf>

<sup>5</sup> B. A. Santamaria, *The Defence of Australia*, (Melbourne: The Hawthorn Press, 1970): 110.

<sup>6</sup> *The Total Defence of Sweden*, published by the Press Department of the Swedish Defence Staff, *Stockholm*, 1963.

Defence' facet of Swedish defence planning, which refers to the 'definite determination of the people to defend the country and its national values at all cost'.<sup>7</sup> Santamaria also quotes the Swedish Defence Staff's 1963 publication '*The Total Defence of Sweden*', which recognises that '[p]sychological warfare will be an important factor in a future war...'<sup>8</sup> He goes on further to argue that the application of the principles underlying Sweden's defence philosophy is 'most appropriate' to Australia.<sup>9</sup>

The 'Swedish prototype' is recognised as having viable lessons for other democracies - not only by Santamaria in the 1970s, but also recently by Australian commentator Ross Babbage, the United Kingdom's Royal United Services Union and the US' Atlantic Council.<sup>10</sup> While Sweden's establishment of Total Defence predates our considerations of hybrid threats and grey-zone warfare, Sweden considered the psychological front of war so important to their overall strategy that Psychological Defence became a pillar of their defence planning.

I introduce Swedish Total Defence as an example of comprehensive and complete defence planning that is engineered to counter grey zone warfare. However, while the concept may be intoxicating to defence and national security planners in Australia and the United States facing Chinese grey zone tactics, the concept of Total Defence is predicated upon unpopular policies in our countries and geopolitical differences between us and Sweden. The concept is facilitated by

Sweden's national service and bears a significant economic cost for their low population of 10 million. Sweden is also non-aligned and is bordered by a growingly aggressive Russia. Total Defence planning would fit uneasily with declining levels of trust of Australians for our politicians and our political system, and citizen's dwindling care for defence.<sup>11</sup> It is also hard to believe that such divided behemoth like the United States would be able to seamlessly bind to counter hybrid threats.

Therefore, Australia and the US national security planners accept a degree of vulnerability in our systems. However, we still characterise foreign interference and grey zone warfare as serious challenges in our era of strategic competition. Our deterrent capability leaves us with a few tools for national defence - our conventional armed forces, nuclear and extended nuclear deterrence, multilateral institutions, soft power and geo-economic tools. The use of these tools to offer any form of psychological defence or deterrence, however, is very limited. To build a modern deterrent capability, the best tool that both Australia and the United States share to mitigate foreign interference is legislation.

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

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<sup>7</sup> Ibid, 113.

<sup>8</sup> *The Total Defence of Sweden*, 15.

<sup>9</sup> Santamaria, 114.

<sup>10</sup> Ross Babbage, "Strategic Decision Making: Optimising Australia's National Security Planning and Coordination for 2015", *Kokoda Paper No. 8*, Canberra Kokoda Foundation 2008, 1-46. [https://www.regionalsecurity.org.au/Resources/Files/KP%208%20Strategic%20Decision%20Making\\_FinalJoinedUp.pdf](https://www.regionalsecurity.org.au/Resources/Files/KP%208%20Strategic%20Decision%20Making_FinalJoinedUp.pdf), Elizabeth Braw, 'Scandinavia's Homeland Defence: A model for other countries', *RUSI Commentary*, 13 March 2018, <https://rusi.org/commentary/scandinavia%E2%80%99s-homeland-defence-model-other-countries>, Seminar: "Resilience: Re-inventing the Total Defence Concept, *SwedeninUSA*, YouTube, <https://www.youtube.com/watch?v=juxoARtOK8c>.

<sup>11</sup> Lee Rainie and Andrew Perrin, 'Key Findings for Americans' declining trust in government and each other', *Pew Research Centre*, July 22 2019 <https://www.pewresearch.org/fact-tank/2019/07/22/key-findings-about-americans-declining-trust-in-government-and-each-other/>, Mark Evans, Gerry Stoker and Max Halupka, Australia's trust in politicians hits an all-time low: new research, *The Conversation*, December 5 2018, <https://theconversation.com/australians-trust-in-politicians-and-democracy-hits-an-all-time-low-new-research-108161>, Marcus Hellyer, *The Cost of Defence: ASPI Budget Brief 2019-2020*, Australian Strategic Policy Institute, 2019. <https://s3-ap-southeast-2.amazonaws.com/ad-aspi/2019-06/Cost%20of%20Defence%202019-2020.pdf?uqufiNTeLLIPMY8obDeem3JiRcGBBwyy>

introduced to challenge Fascism during WWII, Australia pushed through this legislation for two reasons: one, as a pre-emptive measure before Australia's 2019 election, and two, 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 lacks the resolve and political appetite for sanctions and geo-economic tools against Chinese interference, foreign interference legislation can be used as a soft deterrent measure which can be tastefully 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.<sup>12</sup> In comparison to the US, Australia's foreign interference legislation was narrower and tried to fix some of the structural issues of FARA.<sup>13</sup>

Considering our strategic convergence concerning foreign interference, I consider the key lessons regarding Australian and American policy in the Indo-Pacific.

Firstly, when considering our ability to withstand foreign interference, we must be realistic about our limitations in countering it, and must soberly assess the challenges that face our foreign interests. I began this paper referring to B.A Santamaria's *The Defence of Australia* and Swedish Total Defence to illustrate that foreign interference and societal resilience have been considered by Australian politicians since the 1970s.

Australia's accepted vulnerability has been hedged over the last 70 years with our

conventional deterrent capability and ANZUS alliance. As Santamaria said, Australia moved from 'behind the skirts of Queen Victoria to behind the coat-tails of Uncle Sam'.<sup>14</sup> Our complex and multi-dimensional political systems forbid us 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 visualise attempts to subvert our political systems and societies.

Secondly, a prudent counter-foreign interference policy is about balancing our 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 securitisation. The media, as said by the head of ANU's National Security College is a 'magic weapon for democracies': as they can investigate and call out instances of foreign interference.<sup>15</sup>

As some examples, our state broadcaster the ABC has been able to report on political interference by Huang Xiangmo and the activities of the United Front Work Department in Australia.<sup>16</sup> 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 to Australians.

Third, foreign interference legislation demonstrates the fact that Australia and the US are embroiled in a battle of values in the Indo-Pacific. As different to 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

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<sup>12</sup> Parliamentary Joint Committee on Intelligence and Security, *Advisory Report on the Foreign Influence Transparency Scheme Bill 2017*, 6.

<sup>13</sup> These included the fact that FARA was written during wartime and was unprepared to address hybrid threat.

<sup>14</sup> Santamaria, 16.

<sup>15</sup> Finbar O'Mallon, 'Spooks should brief journalists: expert', *The Canberra Times*, September 19 2019,

<https://www.canberratimes.com.au/story/6396281/spooks-should-brief-journalists-expert/>.

<sup>16</sup> Nick McKenzie, [Chris Uhlmann](#), Richard Baker, Daniel Flitton, Sashka Koloff, 'ASIO investigation targets Communist Party links to Australian political system', *ABC News* 6 June 2017, <https://www.abc.net.au/news/2017-06-05/asio-china-spy-raid/8589094>.

Communist Party are being transmitted through technology which 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.<sup>17</sup>

While foreign interference legislation cannot ensure that we keep this technology 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 our own approach to countering foreign interference and influence before the 2019 election. It showed that Australia considered the subversion of our election and influence of our politicians as an intolerable and insidious feature of state contestation. Australia's cognition of the importance of our values was evidenced by the Australian Joint Parliamentary Committee on Intelligence and Security's rejection of laws introduced to establish a national facial recognition database two weeks ago.<sup>18</sup>

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'.<sup>19</sup> 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 militarise all factors of our societies, so foreign interference legislation builds a modern form of deterrence which can battle our non-kinetic war.

*Disclaimer: All opinions in this article are solely those of the author and do not represent any organization.*

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<sup>17</sup> Amy Hawkins, 'Beijing's Big Brother Tech Needs African Faces', *Foreign Policy*, July 24 2018, <https://foreignpolicy.com/2018/07/24/beijings-big-brother-tech-needs-african-faces/>.

<sup>18</sup> Sarah Martin, 'Committee led by Coalition rejects facial recognition database in surprise move', *The Guardian*, 24 October 2019, <https://www.theguardian.com/australia->

[news/2019/oct/24/committee-led-by-coalition-rejects-facial-recognition-database-in-surprise-move](https://www.theguardian.com/australia-news/2019/oct/24/committee-led-by-coalition-rejects-facial-recognition-database-in-surprise-move).

<sup>19</sup> Malcolm Turnbull, *Speech Introducing the National Security Legislation Amendment (Espionage and Foreign Interference) Bill 2017*, December 7 2017, <https://www.malcolmturnbull.com.au/media/speech-introducing-the-national-security-legislation-amendment-espionage-an>.