

Oxford Programme on International Peace and Security, Institute for Ethics, Law and Armed Conflict, Blavatnik School of Government of Oxford – Written evidence (TRC0013)

**Written Evidence by
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Introduction

The Oxford Programme on International Peace and Security (IPS) is a research programme of the University of Oxford’s Blavatnik School of Government, housed under the Institute for Ethics, Law, and Armed Conflict. We provide a space for research on the critical challenges facing the law, norms, and institutions affecting the maintenance and enforcement of international peace and global security. We believe UK-China relations, and the many issues they affect at the policy level, are crucial pieces of the international peace and security puzzle. For this reason, we leverage our researchers’ collective insight on many of the issues of interest to the Parliamentary Inquiry by responding to its call for evidence through this submission.

Executive Summary

This evidence submission addresses the United Kingdom’s (UK) security and trade interests vis-à-vis China and how Her Majesty’s Government (HMG) can support the UK’s fundamental values and strategic interests. We recommend that HMG incorporate an atrocity prevention lens as a basis for all strategies to promote the rule of law, strengthen good governance, and ensure an international order where open societies can flourish. Specifically, we recommend HMG adopt the following four approaches to China. First and foremost, HMG must design its foreign relations with China in a way that prioritises both UK values and interests. Second, the UK should adopt a ‘flexible approach’ to China, one that prioritises harmonious relations, but allows for cooperation, competition, and confrontation where necessary. Third, HMG should increase the UK’s presence in the region by way of diplomacy, capacity building, economic investment, and support for Indo-Pacific, Asia-Pacific, Commonwealth, and transatlantic alliances and partnerships. Fourth, but not last, HMG should address allegations of international crimes perpetrated in Xinjiang as an integral and unavoidable part of its overall review of UK relations with China.

Submission Overview

In general, we submit that there is a need to recommit to deeply held UK values (notably the protection and promotion of human rights, democracy, and open societies) as the lodestar of UK foreign policy, as well as to balance the promotion and protection of such values with UK interests (principally national security and economic interests) as overarching objectives. This ought to be at the forefront of HMG's approach to China.

In regard to HMG's relations with China, evidence indicates that a non-confrontational approach is more likely to yield positive outcomes; however, a flexible approach that allows for cooperation, competition, and confrontation (where needed to protect UK interests) is the most advisable. Because of the significant shift in public opinion regarding China,¹ HMG should be proactive in articulating the rationale of this 'baseline' policy towards China to the UK public. UK-Chinese cooperation is possible (and needed) on many fronts, and HMG may pursue this in its bilateral relations with China. At the same time, the promotion and protection of UK interests and values in the bilateral relationship with China is crucial to anchor and balance this approach. Economic incentives (targeting both Chinese trade and investment into the UK, and vice versa) can be instrumental to give 'teeth' to this strategy.

This proposed strategy is compatible with — and needs to be rooted in — a deepening of HMG's presence and investment in the Indo- and Asia-Pacific regions. A deepening of regional presence (through soft power tools like diplomacy, capacity building, and investment directly to small island nations, as well as indirectly through support for regional allies such as Japan and South Korea, as well as Commonwealth nations like Australia, India, and New Zealand) is not only *functional* to protect UK interests (national security, commercial and trade) and support like-minded allies in the region; it is *necessary* for multilateral approaches to effectively confront Chinese action that might threaten UK interest and values.

Examples of such actions, requiring coalition-building and multilateral response, are: Chinese action in the South China Sea and Chinese claims in the Arctic, which threaten UK security and commercial interests; Beijing's leveraging of financial incentives — including direct foreign investment and development aid — as soft power tools to exert regional hegemony and compel compliance from UK regional

¹ "China is seen as [a] distinctively hostile global actor [alongside Russia], and concern about China is hardening, with only a fifth of Britons now supporting any form of UK-China economic relationship." <https://bfpq.co.uk/2021/02/2021-annual-survey/>

allies; Chinese authoritarian governance and human rights violations in autonomous and special administrative regions, such as Tibet, Hong Kong, and Xinjiang; China's challenge of international legal and normative frameworks protecting UK interests and values, such as human rights law, maritime law, and other areas of law concerned with digital and emerging technology.

Last but not least, HMG's review of its bilateral relationship with China cannot occur without a review of allegations of atrocities in Xinjiang in particular. Independent legal analysis indicates there is substantial grounds to believe that the on-going nature of the grave human rights violations being alleged against the Uighurs amount to international crimes.² This has, and must have, direct implications on UK trade and security policy in relation to China. It requires the development of both a bilateral and multilateral strategy to confront the Chinese government and induce compliance with its human rights obligations in Xinjiang. Perhaps most profoundly, the UK's strategy toward China must incorporate an 'atrocities prevention lens' in its development and operationalisation stages.

I. Security

Q. What are the UK's security interests vis-à-vis China, and what are the potential threats to these interests?

(i) Atrocities prevention and human rights protection

Respect for human rights is a fundamental UK value. UK values and interests are closely aligned on the issue of human rights, as free and open societies are crucial to maintaining UK sovereignty, security, and prosperity.³ For this reason, the prevention of – and protection from – the worst forms of human rights violations, including mass atrocities, must form a core tenet of HMG's approach to foreign policy.⁴ Atrocities prevention efforts can be thought of as complementary to core UK national security and commercial interests, as unchecked human rights abuses may destabilise other regions and disrupt international trade.⁵ HMG's recently conducted Integrated Review of Security, Defence, Development and Foreign Policy (Integrated Review) addresses the importance of atrocities prevention in the context of conflict prevention and instability.⁶ However, the allegations in Xinjiang

² https://14ee1ae3-14ee-4012-91cf-a6a3b7dc3d8b.usrfiles.com/ugd/14ee1a_3f31c56ca64a461592ffc2690c9bb737.pdf

³ "Global Britain in a Competitive Age, The Integrated Review of Security, Defence, Development and Foreign Policy," 14.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/969402/The_Integrated_Review_of_Security_Defence_Development_and_Foreign_Policy.pdf

⁴ Ibid, 6.

⁵ <https://www.justsecurity.org/75281/changing-the-narrative-on-atrocities-prevention/>

⁶ According to the Integrated Review: "To establish a more integrated approach to government

illustrate the need to conceptualise atrocity prevention as an independent policy framework, given that not all atrocities will occur in conflict necessarily. Indeed, recent atrocities, including and especially the allegations in Xinjiang, have galvanised the need to reassess the tools in the UK's atrocity prevention toolbox.

There are two main ways in which Chinese action and policy directly affect the commission of atrocities and impact UK interests and values. First, by shielding its allied governments in the region from international scrutiny and accountability, China has extended a veil of impunity to states perpetrating or condoning the commission of atrocities, such as Myanmar, North Korea, the Philippines, and Sri Lanka. In addition, China's own track record with respect to human rights in places such as Tibet and Hong Kong, among others, poses a direct challenge to UK interests and values. It is, however, the allegations of atrocities arising out of Xinjiang that is most alarming. Given the scale and severity of the allegations, as well as China's economic and political influence, current atrocity prevention tools and strategies have failed to induce any real change of behaviour in Chinese government authorities.⁷ This necessarily forces HMG – and the international community – to re-think its approach.

HMG's review of its bilateral relationship with China cannot occur without a review of allegations of abuse in Xinjiang, as this has direct implications on UK trade and security policy. Furthermore, it requires the development of both a bilateral and multilateral strategy to confront the Chinese government and induce compliance with its human rights obligations in the province. Bilateral approaches, including imports restrictions, trade negotiations, and the building of human rights enforcement mechanisms within trade and financial instruments may be used as ways to influence China's human rights practices.⁸ At the same time, HMG should continue to work with allies – especially Five Eyes and regional Commonwealth allies, as well as transatlantic and European allies – to pursue multilateral action around issues such as targeted sanctions and regional enforcement of human rights obligations. For example, in response to human rights abuses in Xinjiang, the UK, the US, Canada, and the EU recently imposed Magnitsky-style sanctions against senior Chinese officials.⁹ Beyond sanctions, the UK should consider adopting recommendations in the recent Business, Energy and Industrial Strategy Committee report on forced labour in Xinjiang and UK value chains, such as

work on conflict and instability, placing greater emphasis on addressing drivers of conflict (such as grievances, political marginalisation and criminal economies), atrocity prevention and strengthening fragile countries' resilience to external interference." Supra 3, 79.

⁷ <https://www.usip.org/publications/2020/12/china-international-community-failing-xinjiangs-uyghurs>

⁸ <https://committees.parliament.uk/writtenevidence/13696/pdf/>

⁹ <https://www.gov.uk/government/news/joint-statement-canada-uk-and-us-statement-on-xinjiang>

encouraging private sector actors to diversify supply chains away from Xinjiang-linked entities and strengthening protections by amending the 2015 Modern Slavery Act.¹⁰ Alongside other allies, HMG should also leverage the full range of international legal tools to ensure international scrutiny of the allegations, and uphold China's human rights obligations.¹¹

Finally, the UK should engage in a proactive defence of international human rights by working with allies and within international institutions. Although China has increased its provision of personnel to UN peacekeeping operations,¹² evidence suggests that China has actively sought to undermine international human rights protections – notably, by pushing to defund and interfere with the UN Human Rights system,¹³ and by contesting the universality and content of international human rights laws and norms.¹⁴ China's investment and development policies abroad also appear to have provided sufficient financial incentives for certain states to abstain from condemning China's human rights abuses.¹⁵ Such lack of human rights scrutiny and punitive measures taken against China has potentially emboldened other authoritarian states, especially in the region.¹⁶ The UK can resist the Chinese government's efforts to undermine human rights norms by: utilising its position at the UN Security Council to raise public awareness of China's human rights abuses, continuing to fund (as well as, where necessary, increasing funding to) existing international human rights instruments, and strengthening international consensus that rejects and counters Chinese disinformation and influence.¹⁷ By virtue of this position, the UK has a key opportunity to leverage its transatlantic and Commonwealth relationships to counter Chinese influence at the UN, as well as through multilateral fora including the EU, G7 and G20.

(ii) Cyber-security

There are growing concerns around China's ability to gain access to critical and sensitive information through cyber-espionage, putting UK national security

¹⁰ <https://committees.parliament.uk/committee/365/business-energy-and-industrial-strategy-committee/news/152803/government-should-get-tough-on-use-of-forced-labour-in-xinjiang/>

¹¹ Supra 8.

¹² <https://www.brookings.edu/articles/chinas-pragmatic-approach-to-un-peacekeeping/>;
<https://www.cfr.org/blog/what-motivates-chinese-peacekeeping>

¹³ <https://www.ibanet.org/Article/NewDetail.aspx?ArticleUid=e0fd1a4a-e3e7-4f80-aefb-31eb339bf045>; <https://foreignpolicy.com/2018/05/16/on-chinas-new-silk-road-democracy-pays-a-toll/>

¹⁴ <https://thediplomat.com/2017/12/china-promotes-human-rights-with-chinese-characteristics/>

¹⁵ <https://thediplomat.com/2019/07/which-countries-are-for-or-against-chinas-xinjiang-policies/>

¹⁶ Such as the Philippines and Sri Lanka, among others. https://www.brookings.edu/wp-content/uploads/2020/09/FP_20200914_china_human_rights_richardson.pdf;
<https://asia.nikkei.com/Politics/International-relations/Sri-Lanka-assured-of-China-s-help-in-burying-post-war-obligations>

¹⁷ <https://una.org.uk/leading-example-practical-proposals-uk-action-bolster-un-human-rights-pillar>

interests at risk. There is substantial evidence of Chinese cyber-espionage, including commercial cyber-espionage, both within the Asia-Pacific region and the UK.¹⁸ There is also potential evidence of China's willingness to employ malicious cyber-attacks as retaliation. For instance, in February 2021, China allegedly launched a malicious cyber-attack against India's power grid, disconnecting power to approximately 20 million people – an event now being regarded as a 'warning' from Beijing amidst feuding border-claims.¹⁹ Moreover, independent analyses conclude (with a great degree of certainty) that China was behind recent large-scale cyber-attacks in Australia that targeted businesses, government organisations, critical infrastructure, and essential services including healthcare. It is believed that this is retaliation for Australia's push for an international inquiry on China's initial handling of the pandemic.²⁰ Despite a UK-China statement²¹ that both countries would not conduct or support "cyber-enabled theft of intellectual property, trade secrets or confidential business information," there is evidence that Chinese hackers have targeted the Scottish parliament,²² UK based think tanks,²³ and major UK companies during the coronavirus pandemic.²⁴ European Commission President von der Leyen has also called out China for targeting EU hospitals²⁵ and public international law experts have stated that cyber-attacks against medical facilities may constitute international crimes.²⁶

The Integrated Review established science and technology (including cyber-capabilities) as an "integral element of national security and international policy."²⁷ As a responsible cyber-power, the UK should continue to advocate that international law applies to cyberspace, and to help shape norms governing cyberspace, data, and emerging technologies through existing international fora and institutions.²⁸ The UK should also continue to promote innovation, strengthen cyber-resilience, and (despite difficulties with attribution) publicly hold states or other actors accountable for offensive cyber-activities. HMG's ban on Huawei from UK 5G networks by 2027 is a positive move in this direction.²⁹ The UK should also: increase investment in existing resources like the National Cyber Force and

¹⁸ <https://www.gov.uk/government/news/uk-and-allies-reveal-global-scale-of-chinese-cyber-campaign>

¹⁹ <https://www.nytimes.com/2021/02/28/us/politics/china-india-hacking-electricity.html>

²⁰ <https://www.reuters.com/article/us-australia-cyber-idUSKBN23P3T5>

²¹ <https://www.gov.uk/government/news/uk-china-joint-statement-2015>

²² <https://www.heraldscotland.com/news/15540166.china-accused-of-being-behind-recent-cyber-attack-on-scottish-parliament/>

²³ <https://www.bbc.co.uk/news/uk-43172371>

²⁴ <https://www.wired.co.uk/article/china-coronavirus-hacking-uk-us>

²⁵ https://ec.europa.eu/commission/presscorner/detail/en/statement_20_1162

²⁶ <https://www.elac.ox.ac.uk/the-oxford-statement-on-the-international-law-protections-against-cyber-operations-targeting-the-hea>

²⁷ Supra 3, 18.

²⁸ <https://www.un.org/disarmament/open-ended-working-group/>

²⁹ <https://www.gov.uk/government/news/huawei-to-be-removed-from-uk-5g-networks-by-2027>

National Cyber Security Centre; develop even stronger response mechanisms to cyber-attacks; address existing vulnerabilities in critical infrastructure and essential services; and invest in cyber-security science and technology (including developing cyber-security talent by enhancing existing pipelines).³⁰ For example, following recent cyber-attacks, Australia has invested over 1.35 billion Australia dollars (£750 million) to strengthen cyber-defence.³¹ In order to improve cyber-capabilities, the UK should continue to work with Five Eyes partners to share intelligence, invest in cyber-security, and coordinate cyber-defence strategies (e.g. implementing a joint rapid-response mechanism to limit the spread of malicious cyber-activity). Closer collaboration between HMG and the technology sector will also improve innovation and increase the UK strategic advantage.

(iii) Surveillance and censorship enabled by new technologies

The UK denies the rule of sovereignty as a self-standing primary rule in international law. As the Attorney General stated in 2018: "Online as well as everywhere else, the principle of sovereignty should not be used by states to undermine fundamental rights and freedoms."³² Therefore, the UK must strive to ensure China does not continue to employ its cyber-capabilities in a way that infringes on privacy and respect for human rights. This view of sovereignty often conflicts with China's understanding of 'digital sovereignty' as implying 'non-interference' into its cyberspace affairs, including around human rights issues such as freedom of information and speech, the extensive online censorship resulting from 'The Great Firewall of China,' and new surveillance technologies such as AI-enabled facial recognition in Xinjiang.³³

China's employment of AI-enabled facial recognition has also emboldened surveillance practices throughout the mainland in an attempt to nationalise a Social Credit System – a system designed to 'award and punish' by blacklisting citizens' ability to (for instance) travel, purchase a house, or have access to assets.³⁴ Increasingly, these technologies have also been exported to other countries; in 2019, over 80 countries had reportedly adopted Chinese surveillance and public security technologies, often developed by private firms with potential links to state-owned enterprises and China's defence industry.³⁵ Chinese use of

³⁰https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/567242/national_cyber_security_strategy_2016.pdf

³¹ <https://www.pm.gov.au/media/nations-largest-ever-investment-cyber-security>

³² <https://www.gov.uk/government/speeches/cyber-and-international-law-in-the-21st-century>

³³ <https://www.theguardian.com/news/2018/jun/29/the-great-firewall-of-china-xi-jinpings-internet-shutdown>; <https://www.nytimes.com/2019/05/22/world/asia/china-surveillance-xinjiang.html>

³⁴https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/927547/GOS_The_Future_of_Citizen_Data_Systems_Report_2_.pdf

surveillance and censorship technology alerts us to the potential of misuse and abuse of such technology.³⁶ UK leadership is necessary to protect international laws pertaining to human rights and develop trade and import agreements and regulatory frameworks surrounding technologies that might be susceptible to abuse (such as facial recognition technologies in Xinjiang).

While there may be opportunities for dialogue on artificial intelligence safety and security, the UK must strongly condemn China's current uses of AI and facial recognition to target ethnic minorities, as well as its use of cyber-capabilities in ways that may be contrary to international law.³⁷ Given the emerging consensus on the role of cyber-weapons in the context of international arms control, HMG has an opportunity to lead discussions related to international norms and agreements on cyber-weapons and cyber-surveillance.³⁸ Recently, China's citizens have attempted to resist political censorship³⁹ and the UK should continue to support a globally open and widely accessible Internet.⁴⁰

There are also normative questions regarding China's approach to new technologies, especially in their attempt to push for a "Digital Silk Road" (DSR). DSR refers broadly to a set of efforts to promote Chinese telecommunications and data-related business operations. While the approach is not necessarily an attempt to export China's techno-authoritarian model of Internet regulation, Chinese officials might use the DSR to develop technologies that are in line with China's conception of data and digital sovereignty. Chinese notions of digital sovereignty (where nations have significant autonomy over digital governance within their own borders) might be a threat to the UK's interest in promoting human rights and democracy. For the UK, countering China's challenges to existing legal and normative frameworks requires working with allies and engaging multilaterally within international institutions. Moreover, the UK should continue to condemn China's suppression of freedom of media and speech. This is a priority especially following Beijing's allegations that the BBC disseminated "false information" regarding its treatment of Uighurs and its subsequent recent ban of BBC World News in China in February 2021.⁴¹

³⁵ https://www.brookings.edu/wp-content/uploads/2020/04/FP_20200428_china_surveillance_greitens_v3.pdf

³⁶ Supra 34.

³⁷ <https://cset.georgetown.edu/wp-content/uploads/CSET-AI-Safety-Security-and-Stability-Among-the-Great-Powers.pdf>

³⁸ <https://www.sipri.org/node/361>

³⁹ <https://www.nytimes.com/2021/02/09/technology/china-clubhouse.html>;
<https://www.bbc.com/news/world-asia-china-53077072>;

⁴⁰ https://rusi.org/sites/default/files/20190220_chinese_interference_parton_web.pdf

⁴¹ HMG and its partners should continue to support the High-Level Panel of Legal Experts on Media Freedom, <https://www.ibanet.org/IBAHRISecretariat.aspx>

(iv) *Chinese influence operations*

The UK should be wary of Chinese influence operations against allies both within the Asia-Pacific region, as well as globally. Australia's government has distinguished legitimate public diplomacy from illegitimate interference, with interference constituting behaviour to influence a country's political system in a manner that is "covert, coercive, or corrupting."⁴² Chinese influence operations have been especially prevalent in Australia because of Australia's efforts to counter Chinese influence in the Indo- and Asia-Pacific. China's use of influence operations in Australia specifically has included: campaign donations and monetary inducements to politicians; sinecures to former politicians; financial support for pro-China research institutes; threats to mobilise Chinese Australian voters to punish anti-China political parties; and other efforts to silence or side-line critics of China.⁴³ Since Australia called for a World Health Organisation (WHO) inquiry into the COVID-19 pandemic, China has also instituted a series of trade bans and tariffs on Australian sugar, barley, beef, coal, wine, lobsters, and timber, costing Australia billions in trade.⁴⁴ On March 21st, the US Secretary of State claimed Beijing's actions against Australia are "economic coercion."⁴⁵ This provides an example of the range of tools that China may use to exercise illegitimate influence in the UK. Already, China has engaged in influence operations that include: control of Chinese nationals in the UK; intimidation of journalists who left Hong Kong for the UK; and intelligence and influence activities carried out with respect to academic institutions and commercial activities.⁴⁶

Given the UK's stated intention of deepening its engagement in the Indo- and Asia-Pacific regions,⁴⁷ it is important to address current vulnerabilities to Chinese influence. Domestic efforts to increase transparency around funding or affiliations and safeguard freedom of speech can help counter Chinese interference. More generally, the UK should signal its support of allies in the Indo- and Asia-Pacific regions, especially its 19 Commonwealth allies, in order to adopt unified countermeasures against political interference and economic coercion.⁴⁸ In

⁴² <https://www.malcolmturnbull.com.au/media/speech-introducing-the-national-security-legislation-amendment-espionage-an>

⁴³ <https://www.csis.org/analysis/countering-chinas-influence-operations-lessons-australia>

⁴⁴ As of October 2020, estimates put the bans at costing \$19 billion per year; see <https://www.theguardian.com/australia-news/2020/oct/28/how-much-is-chinas-trade-war-really-costing-australia>

⁴⁵ <https://www.abc.net.au/news/2021-03-20/us-has-our-back-says-trade-minister-dan-tehan-on-china-relations/100019392>

⁴⁶ <https://rusi.org/publication/occasional-papers/china-uk-relations-where-draw-border-between-influence-and>

⁴⁷ Supra 3.

⁴⁸ https://rusi.org/sites/default/files/20190220_chinese_interference_parton_web.pdf;

general, the UK should lead multilateral coalitions (to support regional allies through a mix of diplomatic, financial, and – where necessary – military means). HMG ought to lead the ‘counter-narrative’ against China’s international normative institutional pushback as a way of furthering the UK’s soft power reach, and uphold and protect UK values and interests. The UK can give its approach the necessary ‘bite’ by enforcing compliance with human rights and other legal norms through trade restrictions and the coordinated and strategic use of hard power tools.

Another avenue for mitigating the negative potential of illegitimate Chinese influence operations, while constructively cooperating with Beijing to address a global need, is UK-China cooperation on the COVID-19 crisis. The COVID-19 pandemic has placed extreme, multifaceted social, economic, and health pressures on all states. The Chinese government has reacted with hostility to a proposed WHO inquiry into the origins, and initial handling, of the pandemic.⁴⁹ Nevertheless, the UK government could seek to cooperate with China in pandemic preparedness and public health moving forward. Relatedly, the UK should actively cooperate with China to prevent, condemn, and punish xenophobia and racially charged violence that has resulted from the COVID-19 pandemic against Asian minorities.⁵⁰ At the same time, as influence operations have increasingly targeted ethnic Chinese communities in Western states, the UK government can resist state coercion by reaffirming the rights of Chinese heritage citizens, journalists, and civic leaders. Finally, the pandemic may also open an opportunity to think about the trade-off between privacy and civil liberties. China, for example, has used the phrase “prevention and control” to define its public health pandemic response.⁵¹ Tools originally employed for public health monitoring purposes may nevertheless also be used for repressive purposes. And so, while cooperation on public health is possible and desirable, incorporating a flexible strategy to reaffirm UK values and interests, including by properly regulating the use of technology in this domain, remains crucial.

(v) Developments regarding China (including Hong Kong)

Recent patterns of events leading to stricter and more concentrated power within mainland China have rightly been of concern to HMG. Chinese President Xi Jinping

<https://thecommonwealth.org/member-countries>

⁴⁹ <https://www.theguardian.com/world/2020/dec/29/australia-insists-who-inquiry-into-covid-origin-must-be-robust-despite-china-tensions>

⁵⁰ <https://www.hrw.org/news/2020/05/12/covid-19-fueling-anti-asian-racism-and-xenophobia-worldwide>

⁵¹ The same phrase has formerly been used to describe China’s political censorship strategy.

https://www.brookings.edu/wp-content/uploads/2020/04/FP_20200428_china_surveillance_greitens_v3.pdf

consolidated power in 2018 through a constitutional amendment that removed term limits.⁵² In 2020, the Hong Kong national security law was passed, giving Chinese authorities substantial power to imprison activists and intervene in Hong Kong's legal system.⁵³ In November 2020, in response to Beijing's dismissal of four legislators on national security grounds, Hong Kong pro-democracy lawmakers resigned en masse.⁵⁴ China has also deepened its crackdowns in Tibet, engaging in disproportionate force against protestors and continued surveillance of civilian populations.⁵⁵ In response to the Hong Kong national security law, the UK announced a programme of expedited visas for Hong Kong residents (approximately 70% of the territory's population) and called on other countries to mobilise in defence of democracy and the rule of law.⁵⁶ Australia, one of the UK's most important allies in the region, has also introduced a similar visa: this highlights the UK's unique position in influencing like-minded states in the region to follow suit in response to China's overreach in Hong Kong.⁵⁷ HMG should continue to condemn Beijing's suppression of democratic expression within Hong Kong, accept Hong Kong residents into the UK, and encourage allies to adopt similar policies.

(vi) *Maritime security*

China has made sweeping claims of sovereignty over various maritime zones in the South China Sea, where it has constructed artificial islands and military installations.⁵⁸ China has sought to shape international maritime law to justify its territorial claims,⁵⁹ and has also used domestic law to expand its authority in disputed maritime zones.⁶⁰ This includes authorising its coastguard to "use all necessary means" – including firing "on foreign vessels in the disputed waters of East China and South China Seas." The bill, passed by the National People's Congress standing committee, also enables Chinese coastguard to "demolish other countries' structures built on Chinese-claimed reefs," board and inspect foreign

⁵² <https://www.nytimes.com/2018/02/25/world/asia/china-xi-jinping.html>

⁵³ <https://www.theguardian.com/world/2020/jun/30/controversial-hong-kong-national-security-law-comes-into-effect>

⁵⁴ According to the Democratic Party chairman Wu Chi-wai: "We can no longer tell the world that we still have 'one country, two systems,' this declares its official death."

<https://www.bbc.com/news/world-asia-china-54899171>

⁵⁵ <https://www.theguardian.com/world/2019/mar/10/they-took-everyone-from-me-anger-lingers-60-years-after-tibet-crackdown>

⁵⁶ <https://www.theguardian.com/politics/2020/jun/02/raab-calls-for-alliance-to-force-china-to-step-back-over-hong-kong>; <https://www.bbc.com/news/world-asia-china-55357495>

⁵⁷ <https://www.theguardian.com/australia-news/2021/jan/10/australia-faces-fresh-calls-to-aid-hong-kong-people-amid-mass-pro-democracy-arrests>

⁵⁸ <https://rusi.org/publication/rusi-newsbrief/%E2%80%98short-war%E2%80%99-no-peace-south-china-sea>

⁵⁹ <https://www.lawfareblog.com/countering-chinas-actions-south-china-sea>

⁶⁰ <https://www.csis.org/npfp/chinese-domestic-law-south-china-sea>

vessels, and prevent vessels from entering waters “as needed” via temporary exclusion zones.⁶¹

China’s aggressive actions in the South China Sea may put UK commercial and security interests at risk, including the UK’s interests in upholding freedom of navigation, regional stability, and international laws and norms.⁶² 12% of the UK’s trade, representing about £97 billion, passes through the South China Sea.⁶³ Potential disruptions to major transit routes in the South China Sea, like the Strait of Malacca, would result in billions of additional shipping costs. Critically, the South China Sea also represents a gateway for UK trade with ASEAN, South Korea, Japan, and Australia. After Brexit, the UK has also been interested in deepening economic ties to the region through regional trade agreements like the CPTPP.⁶⁴ From a geostrategic perspective, the UK military also holds important defence interests in the region including: a regional defence and naval logistics facility in Singapore; the British Army’s jungle warfare training station in Brunei; military facilities in Nepal and the British Indian Ocean Territory.⁶⁵ The UK has renewed its commitment to, and focus, on the region: the Integrated Review, in particular, recognises that the Indo-Pacific region is “critical to our economy, our security and our global ambition to support open societies.”⁶⁶

A rare joint US-UK naval exercise in 2019 was the first time the UK directly challenged China’s dominance in the region since China built island bases.⁶⁷ The UK’s new aircraft carrier, the HMS Queen Elizabeth, (as well as a submarine, two destroyers, and two frigates) is set to deploy on a route through the South China Sea later in 2021, in what will likely be perceived as a show of force by China.⁶⁸ The UK is moving in the right direction, as a number of allies – including the US, Japan, Australia, and the Netherlands – are set to join the carrier group later this year. Increasing multilateralism may also be a more effective way to uphold maritime norms without risking confrontation with China.⁶⁹ Beijing has expressed strong opposition to the exercise, with the spokesperson of the Defence Ministry

⁶¹ <https://www.abc.net.au/news/2021-01-23/china-authorises-coast-guard-to-fire-on-foreign-ships-if-needed/13084754>

⁶² <https://publications.parliament.uk/pa/cm201719/cmselect/cmcaff/2362/236202.htm>

⁶³ <https://chinapower.csis.org/much-trade-transits-south-china-sea/>

⁶⁴ <https://rusi.org/commentary/uk-and-cptpp-creating-asian-option-future>

⁶⁵ <https://henryjacksonsociety.org/wp-content/uploads/2019/01/HJS-South-China-Sea-Report-web-1.pdf>; <https://isdp.eu/publication/british-navy-south-china-sea/>

⁶⁶ The Indo-Pacific region has over 1.7 million British citizens (with the vast majority located in Australia), accounts for 17.5% of UK global trade and 10% of inward FDI, contains important trade routes through the South China Sea, and borders 26 Commonwealth network states. Supra 3, 66.

⁶⁷ <https://www.reuters.com/article/uk-usa-britain-southchinasea-idUKKCN1PA0PJ>

⁶⁸ <https://edition.cnn.com/2021/01/05/europe/uk-aircraft-carrier-strike-group-intl-hnk-mil/index.html>

⁶⁹ <https://rusi.org/commentary/charting-britain-s-moves-south-china-sea>

stating “the South China Sea should not become a battleground for big power competition, or a sea full of roaming warships.”⁷⁰ In support of the UK’s maritime security goals, working with allies and Commonwealth nations can counter China’s attempts to establish naval supremacy in the region.

Another region that is potentially relevant to the UK’s maritime security interests is the Arctic. In 2018, China published its Arctic policy, calling itself as a “Near Arctic state” and claiming legitimate resource exploration and exploitation in accordance with UNCLOS, the Spitsbergen Treaty, and general international law.⁷¹ China’s attempts to conduct scientific research could however be considered “dual purpose” activity that could support increased military activity in the region.⁷² Potential tensions arising from Chinese and Russian activities in the region may present security threats to the UK, as well as opportunities for multilateral cooperation.⁷³ Nevertheless, China’s interest in the Arctic provides HMG with a key opportunity for leadership and cooperation with China on issues related to climate change. The Arctic serves as both an important indicator of global warming and sea level rise, and the UK as a near-Arctic state (400km south of the Arctic circle at the northernmost point) has an opportunity to conduct research and lead climate change negotiations.⁷⁴ In cooperating with China on climate change issues, the UK should continue to consider its security challenges and appropriate ways of engagement that prioritise UK values and interests.

(vii) *Economic statecraft*

China’s major strategic initiatives may represent threats to UK interests by fuelling debt dependency, undermining human rights, and expanding China’s influence.⁷⁵ At the centre of this concern is China’s Belt and Road Initiative (BRI). Africa occupies much of China’s BRI focus: 39 African countries, spanning from Tunisia to South Africa, are listed as being part of the initiative.⁷⁶ As of 2020, Chinese debt is reportedly highest in: “Angola (US\$25 billion), Ethiopia (US\$13.5 billion), Zambia (US\$7.4 billion), the Republic of Congo (US\$7.3 billion) and Sudan (US\$6.4 billion).”⁷⁷ Concerns surrounding the BRI relate to the possibility of ‘debt trap

⁷⁰ <https://www.afr.com/politics/federal/australian-navy-to-join-uk-carrier-in-regional-show-of-strength-20210210-p57150>

⁷¹ http://english.www.gov.cn/archive/white_paper/2018/01/26/content_281476026660336.htm

⁷² <https://www.defensenews.com/opinion/commentary/2020/05/11/chinas-strategic-interest-in-the-arctic-goes-beyond-economics/>

⁷³ <https://www.gov.uk/government/publications/beyond-the-ice-uk-policy-towards-the-arctic>

⁷⁴ <https://polarconnection.org/uks-arctic-interests/>

⁷⁵ <https://foreignpolicy.com/2018/05/16/on-chinas-new-silk-road-democracy-pays-a-toll/>

⁷⁶ https://eng.yidaiyilu.gov.cn/info/iList.jsp?cat_id=10076, cited in <https://www.csis.org/give-and-take-bri-africa>

⁷⁷ <https://www.forbes.com/sites/harrybroadman/2020/10/31/africas-governing-elite-share-the-blame-for-chinas-belt-road-debt-crisis/?sh=5d155e6d783c>

diplomacy'.⁷⁸ For instance, in the Asia-Pacific, China dismissed Sri Lanka's \$8 billion debt in exchange for a 99-year lease of a strategic port in 2017.⁷⁹ Sri Lankan officials were eager to re-orient their country towards India, Japan, and Western nations but debt dependence forced the government to pivot more towards China. The concern, then, is that China will resort to forcing economic interests to gain access to strategic ports, thereby further enabling China's dominance over vital sea-trading routes in the region (see above).⁸⁰ Concerns have also been raised about the possibility of China leveraging the economic interests of Islamic states (such as Pakistan) to silence criticisms of its abuses of Muslim minorities in Xinjiang.⁸¹ Alternative development financing, such as through the UK's involvement in the Asian Infrastructure Investment Bank, may present an opportunity to raise governance standards and resist China's uses of economic statecraft. More generally, the UK should be aware of the extent to which the BRI enables the expansion of China's influence and consider creative ways to resist Chinese economic coercion.

II. Trade and Human Rights

Q. What considerations should underpin the Government's trade agenda with China (for example intellectual property protection, human rights et cetera)?

The UK continues to demonstrate its invigorated commitment to bolstering its legal arsenal to combat atrocities and ensure clean foreign investment, including through the proposed amendments to the Modern Slavery Act 2015, the broad parliamentary support for the Genocide Determination Bill, and the National Security and Investment Bill. With the passing of this legislation (contemporaneous with the UK's departure from the EU), the UK's trade arena will feel a distinct shift. As the UK looks to a future in which it balances championing free trade and attracting investment with expanded powers to impose criminal sanctions for violations of trade laws, the UK should seek to ensure that all routes to illegitimate foreign investments be foreclosed. More robust governmental oversight, based on the framework above (discussed in more detail below), also brings the UK into closer alignment with other major economies and allows for greater protection of UK businesses and intellectual property.

With respect to China, the National Security and Investment Bill marks a crucial evolution of the modern legislative scaffolding to deal with the ever-increasing

⁷⁸ Whereby China invests infrastructure loans to developing states under opaque return rates, in return for economic, military, or political support in the event those states fail to repay the loan.

⁷⁹ <https://www.csis.org/give-and-take-bri-africa>

⁸⁰ <https://www.nytimes.com/2018/06/25/world/asia/china-sri-lanka-port.html>

⁸¹ <https://www.nytimes.com/2019/09/25/world/asia/china-xinjiang-muslim-camps.html>

scale and complexity of cyber-threats and other national security concerns.⁸² As the UK seeks to protect its business and security interests in, especially, the military, public health, computing, AI, advanced technologies and materials, and cryptographic sectors, these enhanced government powers of scrutiny, intervention and enforcement will help allay concerns over investment from China. It will be important that HMG is prepared to handle the anticipated enormous leap in notifications in order that it is indeed able to deliver swift and proportionate review.

The Genocide Determination Bill is another important demonstration of the UK's trade values.⁸³ Genocide can be quiet and insidious. The UK's obligations under the Genocide Convention⁸⁴ mandate far greater proactivity in preventing – as well as punishing – acts of genocide. More generally, trade standards can and should be leveraged directly to encourage better labour practices and the protection of fundamental rights. In this context, heed must be paid to the long-running abuses in Xinjiang, long known to HMG. Trade can also be leveraged as a strategy, but China's dominant economic position makes it difficult for the UK to apply economic pressure unilaterally, which is why the UK must pursue coalition-building and multilateral approaches. Still, it might be important to ensure accountability through trade negotiations and restrictions. The UK should seek to lead the international community in this regard. To this end, the UK can actively promote human rights by incorporating an atrocity prevention strategy in the government's trade agenda.⁸⁵ The UK should approach all commercial relations with China in a way that does not compromise human rights. In fact, when engaging China (and any other country) in trade-relations, HMG should ascertain that human rights protections are in no way being "diluted", and that human rights enforcement mechanisms are fully and effectively integrated into trade agreements.

III. Alliances and strategic partnerships

Q. Which are the UK's principal partners and allies with regard to its engagement with China?

The UK's relationships with its allies and partners are crucial for addressing global and regional security challenges. Below, we outline the specific allies and partners that the UK should seek to engage in order to address some of the issues outlined above.

⁸² <https://bills.parliament.uk/bills/2801>

⁸³ <https://www.reuters.com/article/us-britain-china-trade-idUSKBN2A022S>

⁸⁴ <https://www.ohchr.org/en/professionalinterest/pages/crimeofgenocide.aspx>

⁸⁵ <https://committees.parliament.uk/writtenevidence/13696/pdf/>

(i) Commonwealth

As noted earlier, there are 19 Commonwealth nations in the Asia-Pacific region, including a number of smaller-island nations that are at risk of economic pressure and even coercion, as they are debtors to China under BRI (Fiji, Tonga, Vanuatu, Samoa, Papua New Guinea).⁸⁶ HMG should aim to sure-up close relations with all fellow Commonwealth states. In particular, the UK would be best served by strengthening ties with the following states with regard to China.

First and foremost, the UK should continue to prioritise its alliance and strategic partnerships with New Zealand and Australia. Not only are these nations Commonwealth states united by shared values (including a common respect for and prioritisation of democracy and human rights), they also form part of the unique Five Eyes intelligence-sharing alliance, and actively act 'like-minded' counter-balancing forces in the region.⁸⁷ In addition to New Zealand and Australia, HMG should consider orienting more strongly toward India, Malaysia, and Singapore. Each of these three states have dynamic and growing economies: India, in particular, has the third largest economy in Asia after China and Japan, and is projected to have the world's fifth largest economy in 2024 (at USD 4.9 trillion).⁸⁸ As a member of the Five Power Defence Arrangements (Australia, Malaysia, New Zealand and Singapore), the UK retains legitimate interests with allies in the region. Existing UK defence interests (e.g., the defence and logistics support unit⁸⁹ in Singapore) can also be utilised to strengthen UK ties to the region.⁹⁰ The UK should explore avenues to further engage with these states on trade, as well as to promote maritime security by ensuring freedom of navigation. As with its trade relationship with China, human rights should anchor HMG's approach to these partnerships.

(ii) Asia-Pacific

In addition to HMG's allied, commonwealth nations in the Asia-Pacific region, the UK should seek to increase economic and diplomatic relations with other like-minded states in the region. In particular, the UK would benefit from strengthening its alliances, security relationships, and economic ties (such as through the CPTPP) with Japan, South Korea, and Indonesia, as these states have the second, fourth, and fifth biggest economies (respectively) in Asia (after China and India).⁹¹ By 2024, Japan is also predicted to become the globe's third largest

⁸⁶ <https://www.lowyinstitute.org/publications/ocean-debt-belt-and-road-and-debt-diplomacy-pacific>

⁸⁷ <https://ukdefencejournal.org.uk/the-five-eyes-the-intelligence-alliance-of-the-anglosphere/>

⁸⁸ <https://www.focus-economics.com/blog/the-largest-economies-in-the-world>

⁸⁹ <https://www.gov.uk/government/publications/permanent-joint-operating-bases-pjobs/fd>

⁹⁰ <https://thediomat.com/2018/06/singapore-uk-defense-relations-in-focus-with-new-pact/>

economy (with USD 5.6 trillion). Examining how best to protect vital sea trading routes and to negotiate trade deals with China is likely to benefit substantially from engaging those states in the region who stand to benefit most. HMG should foster tighter relations with Japan, South Korea, and Indonesia so as to ensure a united diplomatic and economic front. Attempts to strengthen the UK defence presence in the region, such as the multinational strike group led by HMS Queen Elizabeth set to deploy later this year, can help forge strong partnerships with regional allies (especially Japan, described as “a key security partner for the UK, and a close, enduring friend”⁹²), and address risks posed in the South China Sea as well as regarding North Korea. With Europe taking a greater interest in the Asia-Pacific region, the UK can also work with the EU to challenge China’s claims of maritime sovereignty. As above, human rights, as embodiment of UK values, should anchor HMG’s approach to all of these partnerships.

(iii) *Transatlantic*

Perhaps most notably, HMG should continue to work closely with transatlantic partners such as the United States (US) and Canada. The UK should continue to rely on its close relationship with the US, described in the Integrated Review as the “UK’s most important strategic ally and partner.”⁹³ In light of the on-going trade war between the US and China, as well as its recent comments in support of Australia in regard to China’s series of trade bans, the US is well placed to work collaboratively with HMG on all matters pertaining to China and trade. This is especially relevant when it comes to navigating questions of human rights and trade, as noted above. Closer cooperation between the UK and the US in the Indo-Pacific region can also allow HMG to engage in multilateral action on a variety of issues discussed above.⁹⁴ Furthermore, HMG should seek to deliberate with the European Union, as recent, coordinated sanctions against China in response Xinjiang suggests a clear overlap of values and like-minded strategy.

IV. Conclusions

To conclude briefly, HMG should consider the following approaches to the UK’s security and trade relationship with China:

- I. UK values (especially respect for human rights) and interests should sit at the forefront of HMG’s deliberations and negotiations with China;

⁹¹ <https://tradingeconomics.com/country-list/gdp?continent=asia>

⁹² <https://www.gov.uk/government/news/uk-commits-to-deeper-defence-and-security-cooperation-with-japan>

⁹³ Supra 3, 60.

⁹⁴ <https://rusi.org/commentary/uk-should-align-biden-indo-pacific>

- II. A harmonious, flexible approach that allows for cooperation, competition, and confrontation, is both necessary and feasible;
- III. An increased focus on the Indo- and Asia-Pacific regions is necessary to protect UK interests and values in the region, by strengthening UK alliances and partnerships – chiefly by way of diplomacy, capacity building, and economic investment;
- IV. An atrocity prevention lens should be incorporated into all integral aspects of the UK's relationship with China (as well as its foreign, trade, and security policies more generally). In particular, HMG must prioritise reviewing the allegations in Xinjiang as an integral part of its overall review of UK relations with China.

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