



Weaponised Trade: Mapping the Issues for Australia

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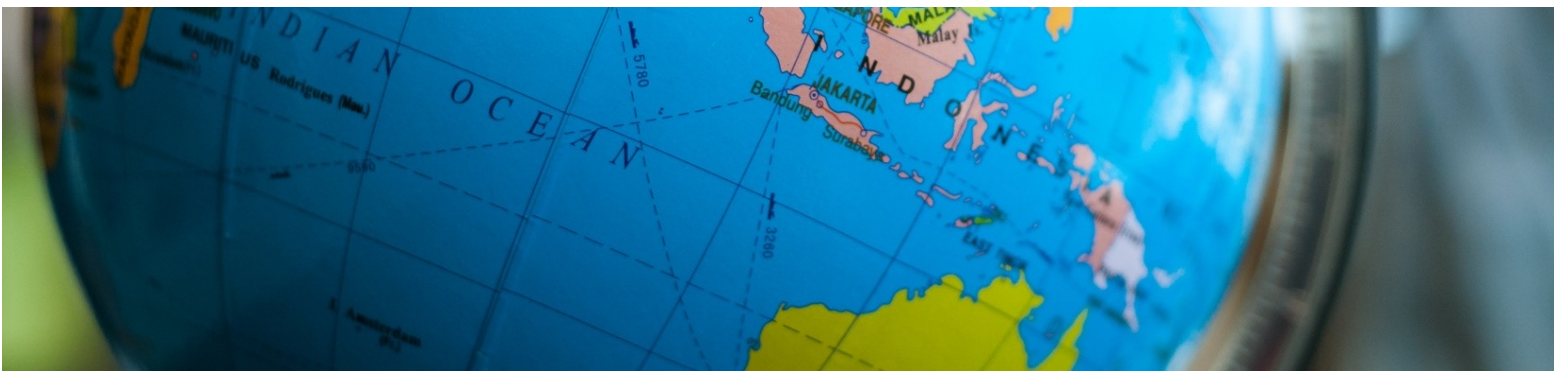
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ISBN: 978-0-7334-4039-7

A catalogue record for this publication
is available from the National Library
of Australia.

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Acknowledgements



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Funding for this project has been provided by a grant from the Australian Government Department of Defence Strategic Policy Grants Program led by the University of Newcastle (G2001128).

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This publication represents the views of the individual authors and not the views of any organisations unless expressly indicated.

Introduction

The 2020 *Defence Strategic Update* recognises that Australia's interests are corroded where states evade the rules-based order to carry out subversive 'grey-zone' activities in pursuit of interests contrary to Australia's. Weaponised Trade is a grey zone activity of particular concern for Australia insofar as it challenges Australia's economic prosperity and security, as well as the rules-based international order on which Australia depends.

It is well understood that international trade is essential to Australia's national prosperity and security. International trade rules help to advance Australian interests by promoting trade relations that are non-discriminatory, predictable, and transparent. In this context, the use of trade measures as weapons to disrupt the flow of goods and services and advance broader political agendas represents a real and present danger.

While Weaponised Trade can inflict major harm on any country, it has always held particular risks for smaller, relatively trade-dependent countries like Australia. In recent years, a number of factors have served to amplify those risks, including geostrategic rivalries, the erosion of multilateral institutions, and changing political dynamics.

In this context, there have been growing concerns in Australia and globally about Weaponised Trade. There is an urgent need to better understand the scope of the problem and formulate appropriate policy responses.

The concept of Weaponised Trade allows proper contextualisation of predatory economic activity. It highlights the fact that – in an economically interdependent world – some governments may seek to manipulate trade relations to intentionally harm other countries and advance broader geostrategic objectives. It is therefore important for governments to be aware of the security challenges posed by Weaponised Trade and to be cognisant of the range of diplomatic and policy responses available.

While it is important to be attentive to Weaponised Trade and its security risks, it is also important to carefully distinguish between Weaponised Trade and other trade-related activities that might disadvantage Australian firms but that nonetheless simply constitute the "rough and tumble" of competitive commercial relations.

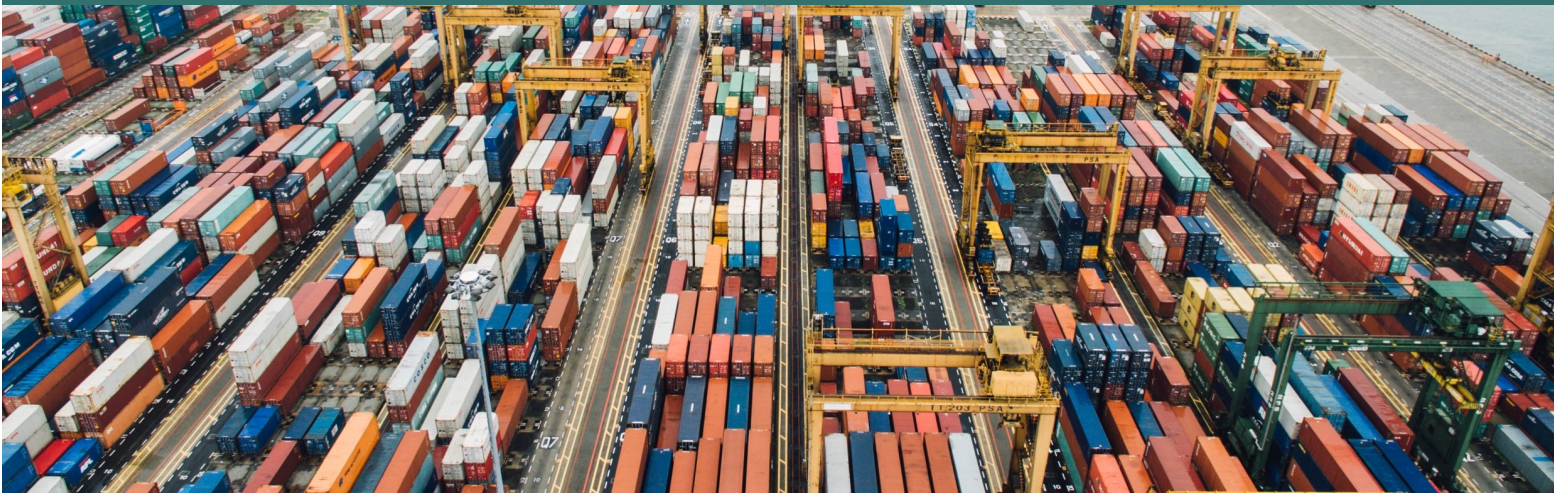
Misdiagnosing Weaponised Trade and overstating its incidence can be problematic insofar as it can heighten the perceptions of conflict and exacerbate international tensions. Moreover, not all analysts agree that Weaponised Trade is a security issue. Some argue that responsibility for addressing it should rest solely with trade lawyers and diplomats.

The purpose of this report is to provide an introduction to the concept of Weaponised Trade and its growing relevance to Australia, and to provide an overview of key responses, including a new research project funded by the Australian Government Department of Defence.



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Section 1: Understanding Weaponised Trade



What is “Weaponised Trade”?

There is no formal definition of the term Weaponised Trade and it is often used by different stakeholders in a range of ways.

This report defines it as follows:

Weaponised Trade is the manipulation of existing trade relations to advance (geo)political objectives.

By deploying Weaponised Trade, a government seeks to change its target’s behaviour in potentially unrelated policy arenas. As the following pages demonstrate, Weaponised Trade comes in many different guises, encompassing both formal and informal measures. The use of informal measures means that Weaponised Trade can be difficult to diagnose, and aggressors often deny that they are engaging in offensive actions using a veneer of legal plausibility.

Weaponised Trade is more than a commercial and/or trade policy issue. It is a security issue insofar as it is both motivated by **geostrategic objectives** and can have serious **geostrategic consequences**.



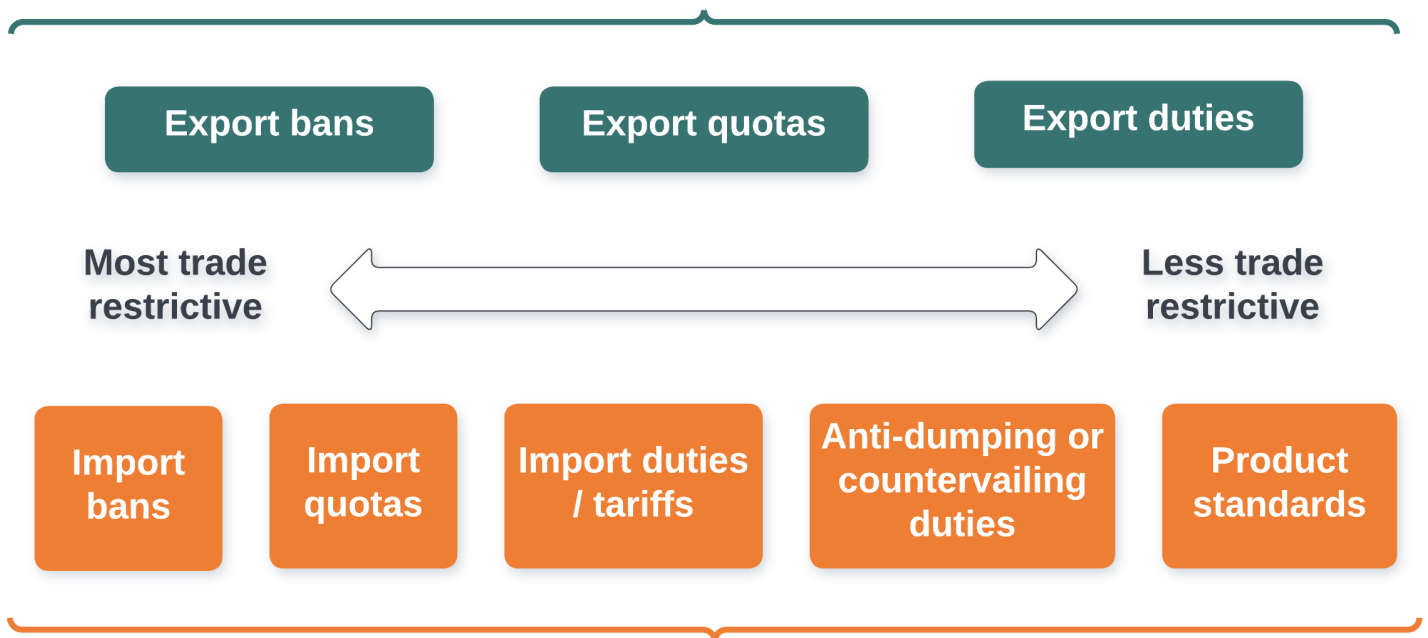
Classifying Weaponised Trade:

Formal measures

These measures usually apply to all (or the majority of) relevant goods from the same place of origin, are transparent and implemented through formal legislation or regulation.

Export restrictions

Usually apply to goods which are important to supply chains or have wider economic impact in target country, e.g. critical minerals, fuels.



Import restrictions

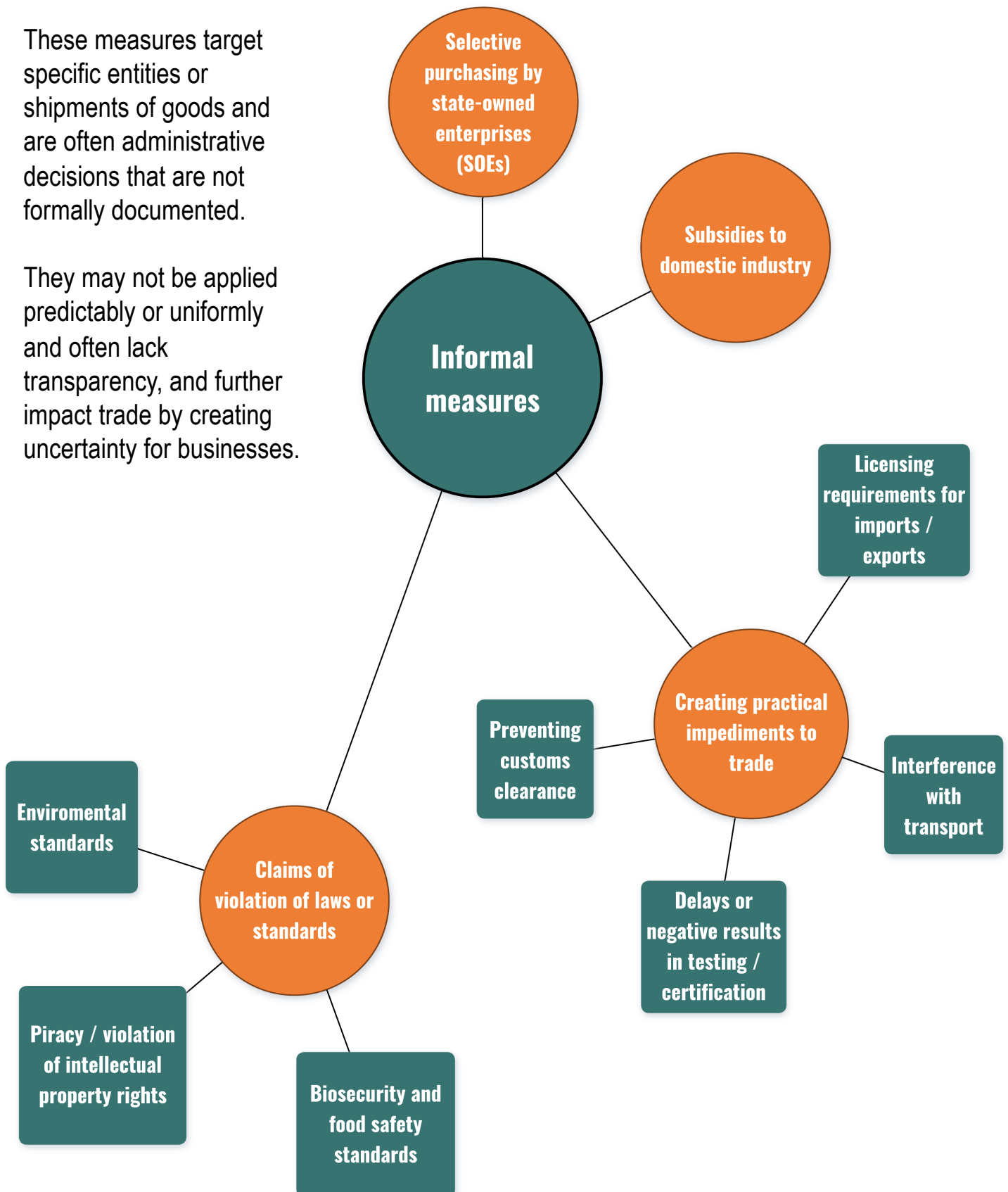
Usually apply to goods that will have strategic impact in target country without causing significant harm to domestic economy.

Classifying Weaponised Trade:

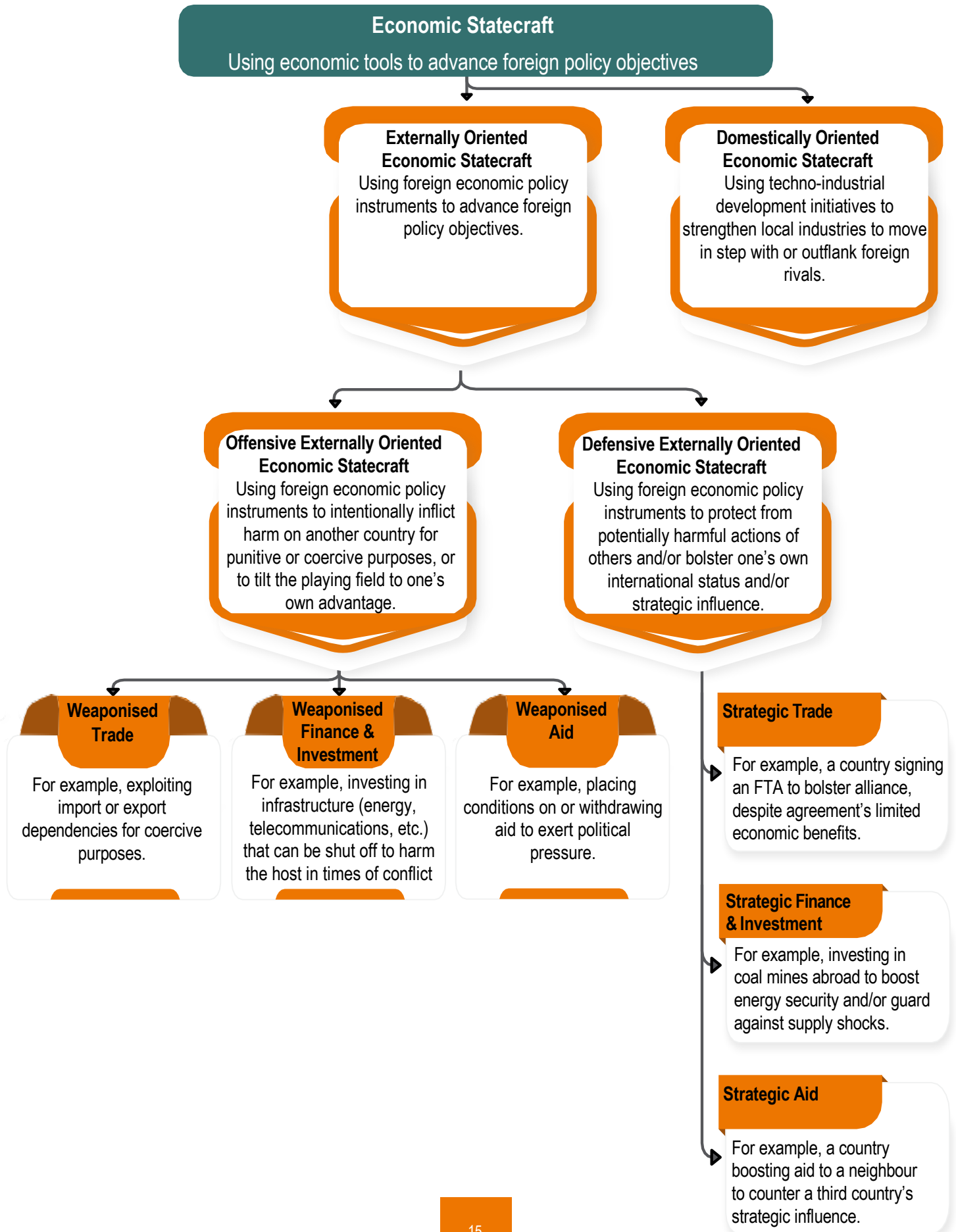
Informal measures

These measures target specific entities or shipments of goods and are often administrative decisions that are not formally documented.

They may not be applied predictably or uniformly and often lack transparency, and further impact trade by creating uncertainty for businesses.



What is the relationship between Weaponised Trade and economic statecraft?



Blurring the lines: Defensive vs offensive statecraft



As the previous diagram illustrates, Weaponised Trade is a form of externally-oriented economic statecraft that is offensive in nature, i.e. that is aimed at coercing or punishing another actor with a view to changing that actor's behaviour, often in unrelated policy arenas. In recent times, a variety of actors – both governmental and private – have accused other governments of engaging in Weaponised Trade.

While the diagram on the previous page depicts a neat distinction between offensive and defensive economic statecraft, in reality the lines between the two can be blurred. For example, when it comes to aid and investment, intentions can change over time. A government may extend aid or invest in the infrastructure of another country without any malign intention whatsoever, only for the intention to evolve as political circumstances change.

Moreover, what is interpreted as an 'offensive' act can depend on the eye of the beholder. In times of heightened geostrategic competition, or in the context of unresolved historical disputes, defensive acts may be deemed offensive by parties involved – leading to unnecessarily heightened tensions.

For this reason, care must be taken when both discussing and analysing Weaponised Trade and offensive economic statecraft more broadly.

Blurring the lines: Private vs public actors

Weaponised Trade is the manipulation of existing trade relations by a government to advance (geo)political objectives.

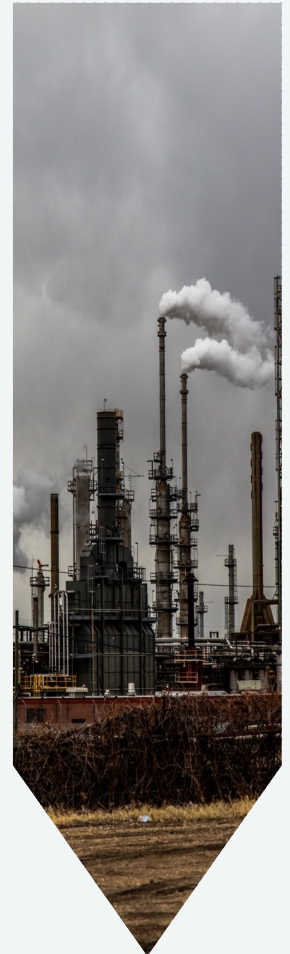
However, this definition becomes blurred when private actors are encouraged by a government, either explicitly or tacitly, to engage in offensive activities.

For example, commercial fishing fleets are typically private actors, but they can be enlisted to help advance state objectives by interfering with the national fish stocks of another nation or by undertaking commercial activities in disputed territories.

At the same time, while Weaponised Trade is intended to coerce or punish a target government, it has direct impact on businesses and consumers.

For example, if an import ban is imposed on Australian products, it is the Australian exporter's business that will be directly impacted. In the case of an export ban interrupting supply chains of critical production inputs, Australian manufacturers can have their business operations put at risk. Both impact price and availability for consumers.

Any consideration of Weaponised Trade needs to take account of this public/private overlap, both in terms of assessing impact and formulating responses.





Trade and security: Clarifying the legal issues

International law recognises that trade has an important security dimension and can be legitimately deployed for strategic purposes in certain situations.

For example, the United Nations Charter recognises that economic pressure can play an important security role. Article 41 gives the Security Council power to authorise “measures not involving the use of armed force” which are economic in nature. This includes the “complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio and other means of communication, and the severance of diplomatic relations”.

Similarly, the World Trade Organization (WTO) recognises that countries have the right to restrict or manage trade where it compromises national security objectives and provides a legal framework for doing so. WTO rules provide a means to challenge measures that are political or protectionist in nature and cannot be reasonably justified on national security grounds.

Weaponised Trade is distinctive because it falls outside the boundaries of the acceptable use of trade for security purposes. It raises security concerns because it bypasses international law and unilaterally applies economic mechanisms as a form of political pressure. However, as Section 3 explains, there is not always scope to deal with Weaponised Trade under WTO rules.

Weaponised Trade thus has the potential to undermine the existing systems of economic and security governance. By bypassing established rules and norms of behaviour, it has significant national security implications.

Beyond the boundaries of international law: Weaponised Trade as grey zone warfare

“Grey zone refers to the contemporary spectrum of conflict, where clear distinctions between peacetime and declared warfare are rapidly evaporating, replaced instead by a foggy continuum spanning cooperation - competition - confrontation - conflict.”

Australian Government Department of Defence, Modelling in the Grey Zone

The idea of grey zone warfare captures the reality that the world is rarely in a state of 'war' or 'peace'. Even in times of apparent 'peace', governments often seek to advance their geostrategic objectives through non-military – yet still potentially aggressive – means.

Grey zone warfare is becoming increasingly prominent in the contemporary security environment as a means of advancing geostrategic objectives while avoiding outright conflict and war. The inherent ambiguity of grey zone warfare tactics discourages adversarial responses and generally does not elicit the involvement of the United Nations Security Council or attract international penalties or economic sanctions. The complexities of grey zone warfare arguably demand a re-think of traditional strategic approaches.

The traditional DIME model identifies four components of national power - Diplomatic, Informational, Military, and Economic – that countries can draw on to shape their strategic environment. The more recent MIDFIELD model provides an enhanced understanding of the broader range of policy arenas and related instruments that can be mobilised to address today's more complex strategic challenges, adding Financial, Legal, Intelligence and Development to the DIME matrix. Taken together, the MIDFIELD matrix forms the basis of a unified strategic approach to advancing geopolitical objectives and protecting national security.

Weaponised Trade is a manifestation of the economic aspect of national power that may be used separately or in conjunction with other instruments as part of a country's broader geopolitical strategy.

In responding to Weaponised Trade, the MIDFIELD model should be given consideration by strategic analysts to understand the current national security environment and the balance of power dynamics in a given region.



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Section 2:

The Growing Problem of Weaponised Trade



Why does Weaponised Trade appear to be increasing? Systemic perspectives

Since the end of World War II, international trade has been governed by a system of rules established under the General Agreement on Tariffs and Trade (GATT). Upon its establishment in 1947, a key purpose of the GATT was to foster stable and predictable trading relations, and to prevent the unilateral, discriminatory trade actions that could fuel political hostility; in 1947, it was widely accepted that such actions had helped to create the conditions for war.

In 1995, the system of international economic rules was revised and significantly expanded with the creation of the World Trade Organization (WTO). The WTO absorbed the GATT and created a suite of additional economic rules covering, amongst other things, trade in services and intellectual property. For the first time, the WTO also introduced a rigorous dispute resolution and enforcement mechanism.



Over the past decade, there have been mounting pressures on the WTO, which, for many reasons, has struggled to advance the trade liberalisation agenda and resolve disputes to the satisfaction of its members – not least the United States. As a result, many countries have sought to bypass the WTO and engage in bilateral or plurilateral trade negotiations and agreements, in many ways undermining the centrality of WTO rules to international economic life.

Simultaneously, structural changes to the global economy have raised questions about whether the WTO is sufficiently equipped to manage an international economic system characterised by seismic power shifts. As China has sought to exert its influence on the global stage, both it and other countries have increasingly engaged in economic statecraft of both the offensive and defensive varieties to offset challenges and generate strategic advantages.

While many of these actions and reactions have fallen foul of WTO rules, the WTO's capacity to respond has been compromised by faltering support for its mandate. Under President Trump's 'trade war' on China, rapidly escalating tensions between the two superpowers helped to fuel more widespread protectionist sentiments across the world. It was during this period that Weaponised Trade became a frequently used catchphrase in both policy and media circles.

It is important to clarify that the US and China are by no means the only actors to deploy Weaponised Trade measures, as the selected examples in this report demonstrate. Even under a new US administration, there is little evidence to suggest that instances of Weaponised Trade will decline. China's growing strategic ambitions and Russia's recent aggression are but two factors likely to sustain strategic competition and influence patterns of Weaponised Trade into the future.



Selected examples

China-Canada:

In December 2018, at the request of the USA, Canadian authorities arrested Huawei CFO Meng Wanzhou. In response, ten days later, China arrested two Canadian diplomats. In March 2019, China **banned imports** of Canadian canola seeds. While China cited the discovery of 'hazardous pests' in Canada's canola as justification, Canada maintained that the ban is linked to their detention of Wanzhou.

EU-USA:

In 2002, the USA imposed a **tariff** on steel imports to protect domestic producers. In response, members of the European Communities (now the EU) publicly contemplated imposing **tariffs** on specific US products from certain states to 'leverage a change of decision'. The products were targeted to impact swing states that the then-existing Republican majority needed to retain the House of Representatives.

USA-China:

In March 2018, then-President Trump singled out China as the US's major economic competitor. He then imposed **import tariffs** on certain Chinese imports, such as medical devices. He justified these measures as retaliatory actions against China's IP violations and investments that 'impaired the interests of the USA'. These Weaponised Trade measures kick-started the US-China 'trade war'.

Russia-Ukraine (pre-2022):

Russia has long Weaponised Trade of its energy supplies to coerce Ukraine. Russia has often threatened **export bans** of its gas to exert political influence over the Ukrainian government, particularly as Ukraine signed the Association Agreement with the EU in 2014, edging closer to EU membership.

Japan-Korea:

In 2019, Japan **banned exports** of three vital chemicals to Korea and removed Korea from its 'white list' of trusted trading partners. While Japan cited 'national security concerns', Korea alleged Japan's actions were political retaliation against a Korean court ruling that Japan must compensate Korean plaintiffs for forced labour during WWII.

China-EU (Lithuania):

In August 2021, China imposed **informal, ad hoc measures** against Lithuania, such as **the interference in the transport of goods** between the countries, the removal of Lithuania from **customs clearance** and **pressuring** EU companies to remove Lithuanian imports from their supply chains when exporting to China. These measures were imposed one month after a Taiwanese Representative Office was opened in the Lithuanian capital, Vilnius.

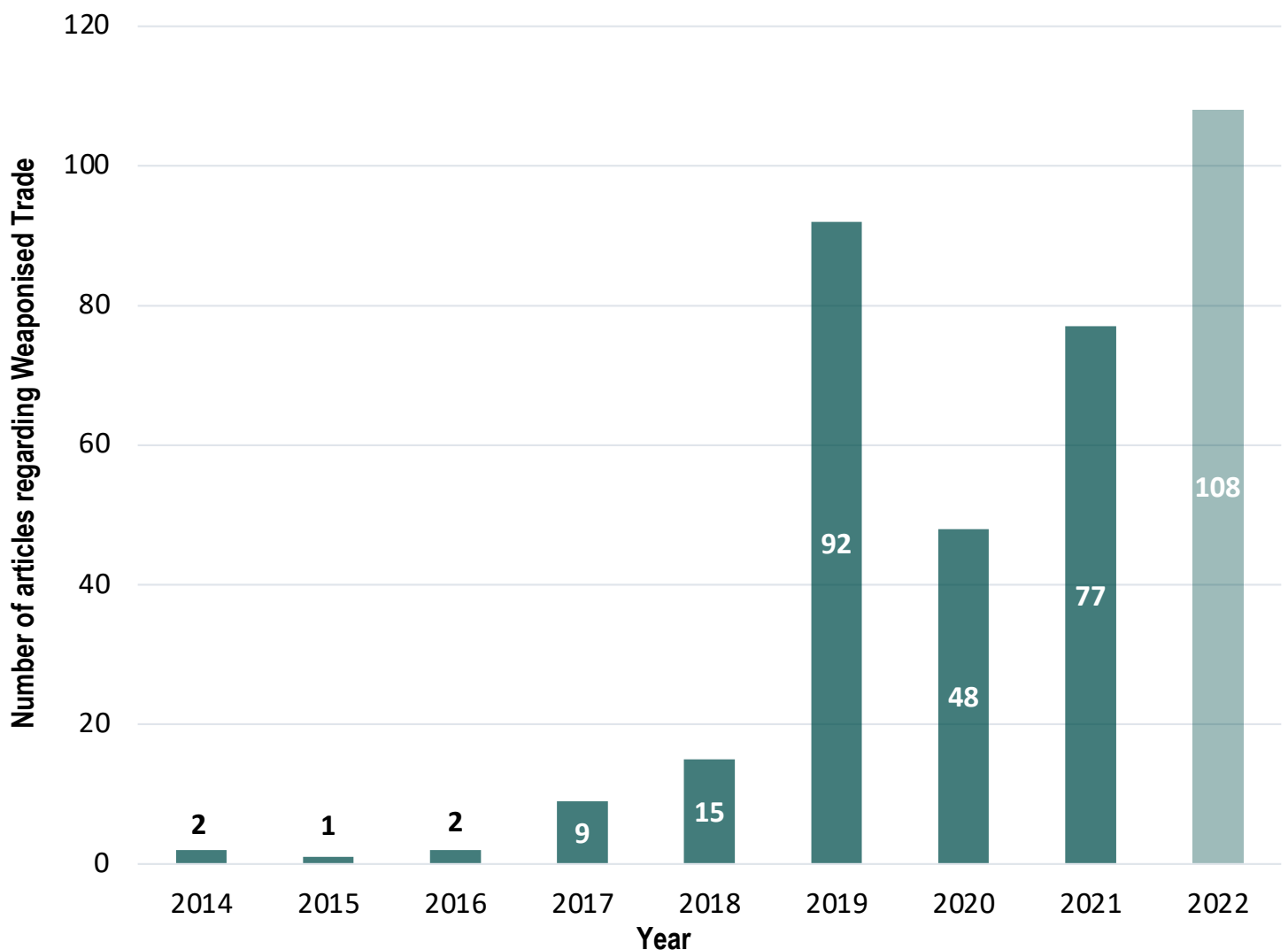
China-Australia:

In 2020, China imposed **tariffs** on Australian barley and wine, and **informal, ad-hoc measures** against other products e.g. **delays** for clearing Australian coal imports through customs. These measures were allegedly in response to various actions by the Australian government, outlined in the list of '14 grievances', where political tensions had been building in the years prior to 2020.

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Growing interest in Weaponised Trade

Phase one of data collection for this project included examination of the Factiva database to assess how Weaponised Trade is represented in international mass media. The graph below shows an increase in references to Weaponised Trade in international mass media articles found in the Factiva database since 2017.



References to 'Weaponised Trade' in international mass media 2014-2021
(including projected data for 2022. Source: Factiva)

International media analysis

“It is wrong for him [then-Japanese Prime Minister Shinzo Abe] to weaponize trade for political reasons. It is a sheer violation of WTO rules.”

The Korea Times, Korea, 5 July 2019

“Weaponisation of trade policy to achieve economic and geopolitical objectives [is] weakening the global trade order – especially the multi-lateral rules-based order.”

The Financial Express, India, 18 September 2020

“At a time of rising geopolitical tensions, trade is increasingly being weaponised and the EU and its member states are becoming targets of economic intimidation. We need proper tools to respond.”

Reuters, Canada, 8 December 2021

“In the short run, weaponizing trade may serve the U.S. interest. But in the long run, it could do the opposite, by emboldening everyone to ignore international conventions that reserved tariffs and sanctions for specific purposes.”

Wall Street Journal, USA, 3 June 2019

“Politics and trade have always been intertwined – it would have been naïve to say otherwise. But the weaponisation of trade that we are seeing at present is something different.”

The Telegraph, UK, 19 April 2018

“Leaders of some of the world’s most powerful nations are posing new threats to the global economy by using trade sanctions to punish and coerce other countries on issues that have no substantial connection to trade or economics.”

The Los Angeles Times, USA, 21 July 2019

“The fact that Canberra’s allegations that Beijing is using ‘economic coercion’ and ‘trade weaponization’ and taking ‘discriminative trade measures’ do not stand up to scrutiny and shows Australian politicians are trying to confuse the public by blaming the victim.”

China Daily, China, 20 November 2020

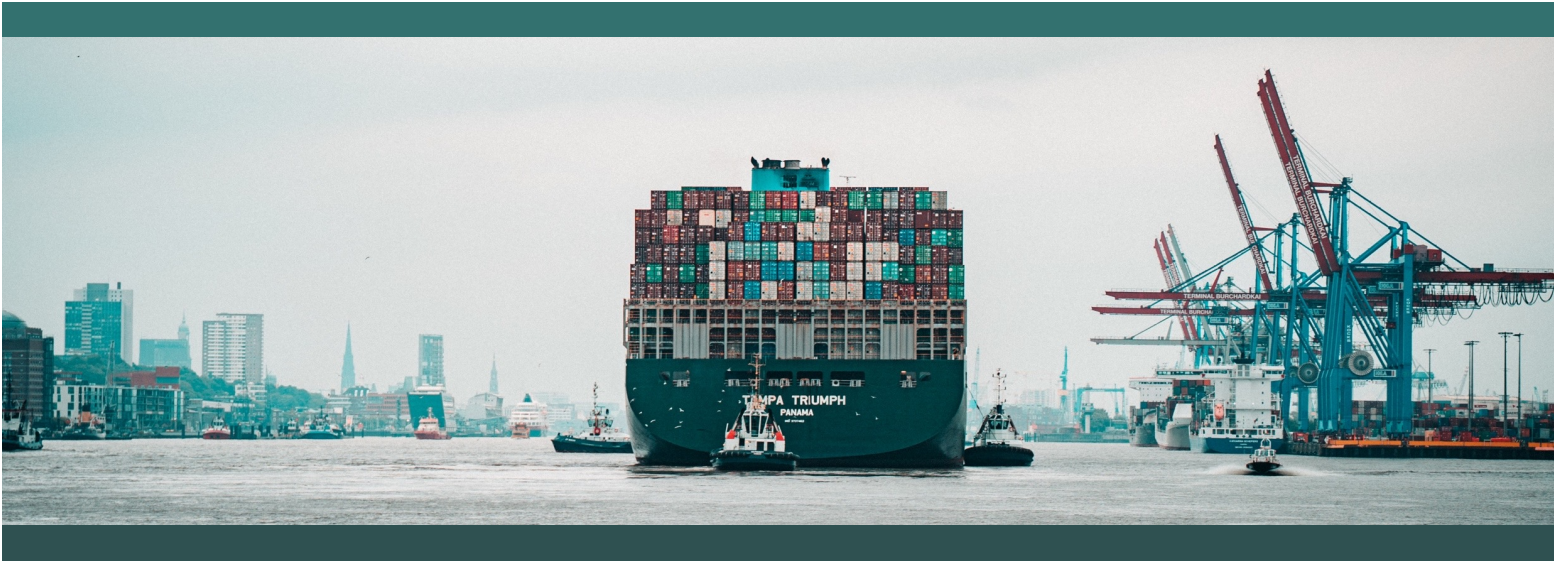
“If China pulls the tariff trigger, this will be a further example of Beijing’s authoritarian, and geo-strategically assertive willingness to weaponise trade and the welfare of Chinese producers and consumers.”

The Australian Financial Review, Australia, 12 May 2020



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Section 3: Responding to Weaponised Trade



What can be done about Weaponised Trade?

As Weaponised Trade comes in a range of guises, a 'one size fits all' response to the challenge is not viable.

Current responses to Weaponised Trade across the world vary considerably. For example, the USA and China have tended to respond aggressively through official and unofficial tit-for-tat measures (i.e they have responded to Weaponised Trade with further Weaponised Trade measures). For their part, middle powers like Korea and Australia have responded to Weaponised Trade with more defensive measures, seeking to reduce their trade dependence on China by diversifying their import and export markets.

A number of countries have also commenced proceedings at the WTO, as discussed on the following page.



Dispute settlement pathways:

The World Trade Organization

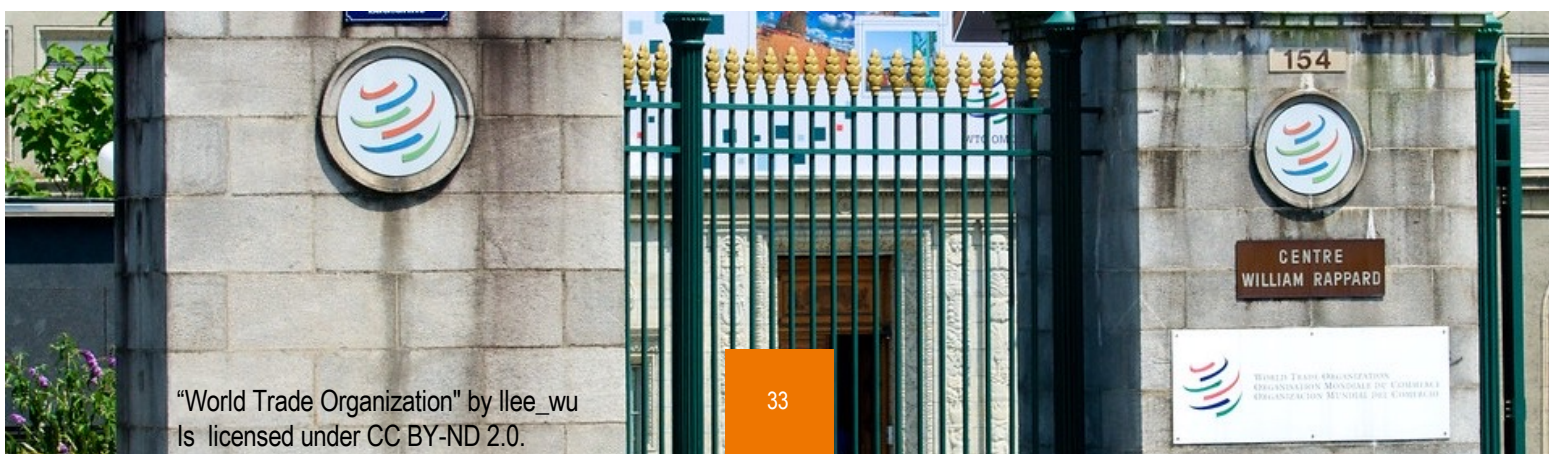
In response to Weaponised Trade, several countries have raised concerns in WTO Committee settings, while others have brought formal claims against alleged aggressors under the WTO's dispute settlement processes.

Australia and China have raised multiple disputes against each other in recent years. In 2020 and 2021, Australia raised two WTO disputes against China (DS598 – barley tariffs and DS602 – wine tariffs), while China initiated one case in 2021 against Australia (DS603 – anti-dumping and countervailing duty measures on certain products from China).

Other notable international disputes related to incidences of Weaponised Trade include:

- USA-China (DS542 and DS543)
- US steel and aluminium tariffs (DS544, DS548, DS550, DS551, DS552, DS554, DS556 and DS564)
- Russia-Ukraine (DS499 and DS512)
- Japan-South Korea (DS590)
- China-EU (DS610)
- Qatar-Saudi Arabia (DS567)
- USA-Japan (superconductors), which dates back to 1988 (GATT Report L/6309)

Understanding the role of the WTO and the limits of its dispute settlement mechanisms is vitally important. As the primary locus of international trade governance, the WTO's role includes the promotion of trade liberalisation and the resolution of disputes. To develop appropriate policy initiatives, it is necessary to better understand how target countries interpret Weaponised Trade mechanisms, how the WTO settles related disputes, and the response of industry stakeholders to WTO processes.



Responding to Weaponised Trade: Australian Government initiatives

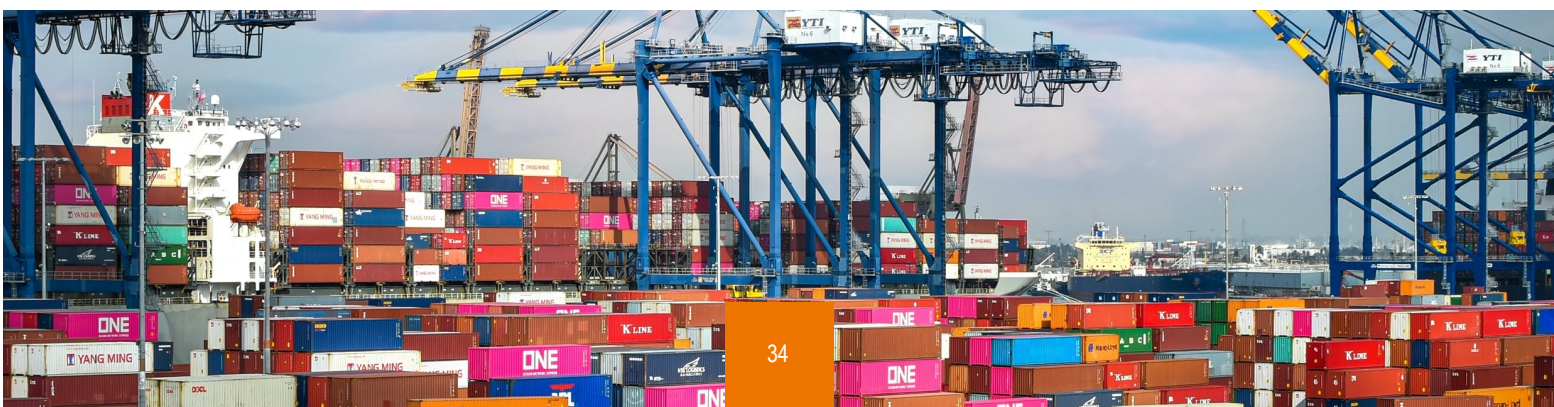
The COVID-19 pandemic has highlighted the vulnerabilities in global supply chains and demonstrated the profound impact of trade disruption on Australia.

A number of recent reports highlight the major economic costs and security risks posed to Australia by interruptions to global supply chains, including the Australian Industry Group's *Australian Supply Chain: State of Play* report (2021), the Australian Government's *Sovereign Capability Manufacturing Plan* (2021), and the Productivity Commission's report on *Vulnerable Supply Chains* (2021). By providing insight into the massive economic and security costs associated with supply chain disruption, the COVID-19 experience has highlighted the seriousness of the risks posed to Australia by Weaponised Trade, and the importance of developing a coherent whole-of-government response.

The *Sovereign Capability Manufacturing Plan* identifies specific goods that are critical to national resilience, such as pharmaceuticals, agricultural production chemicals, and personal protective equipment. However, even when these goods are manufactured locally, their supply can still be compromised by Australia's reliance on supply chain inputs, such as manufacturing equipment and packaging. Even if Australia improves its manufacturing capabilities, the complex nature of modern manufacturing will leave Australia vulnerable to the deliberate interruption of supply chains, should Weaponised Trade increase.

These complexities were acknowledged in the Productivity Commission's *Vulnerable Supply Chains* report. That report discusses the vulnerability of Australia's external supply chain as a result of geopolitical risks, which include the US-China trade war and escalating trade tensions between Australia and China.

Although their focus is slightly different, this project will leverage insights from these existing studies in developing its recommendations for responding to Weaponised Trade.





The Weaponised Trade project: An initiative funded by the Australian Government Department of Defence

This project plays an important role in the Australian Government's response to the global increase in Weaponised Trade.

Informed by scholarly analysis, this project will provide practical advice to the Department of Defence to assist them in understanding Weaponised Trade and its strategic consequences, and in developing appropriate responses.

This project first focusses on conceptualising Weaponised Trade and explains its growing prevalence in contemporary international relations.

It then examines the extent of Weaponised Trade and its impacts on Australian stakeholders, and maps and assesses existing government responses, drawing on qualitative and quantitative research methods. To determine the efficacy of Australia's responses to Weaponised Trade, data will be collected from industry representatives as well as government and academia. This broad range of stakeholder voices is important to inform an appropriate whole-of-government approach.

Adopting a Delphi technique, the project will then assemble a group of experts to formulate key recommendations for Australian policymakers. This methodology brings together experts from a range of sectors and disciplines in a facilitated process to distil effective, consensus-based recommendations.

Systematic analysis of Weaponised Trade and its implications

WHAT

What is Weaponised Trade?

HOW

How does Weaponised Trade relate to economic statecraft and broader security issues?

WHY

Why is Australia experiencing an increase in Weaponised Trade?

WHICH

Which sectors are more vulnerable to Weaponised Trade?

WHAT

What are the geo-economic and geo-strategic implications of Weaponised Trade for Australia?

WHO

Who are the stakeholders that need to be involved in a policy response to Weaponised Trade?



Data from this project will provide policy guidance for a whole-of-government approach to the challenges posed by Weaponised Trade.

Project plan

1.



Phase 1: Comprehensive mapping exercise

2.



Phase 2: Quantitative and qualitative research

3.



Phase 3: Delphi process

4.



Phase 4: Final report and briefings

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Comments and Feedback

The Weaponised Trade Project team welcomes comments, feedback and expressions of interest to participate in the project.

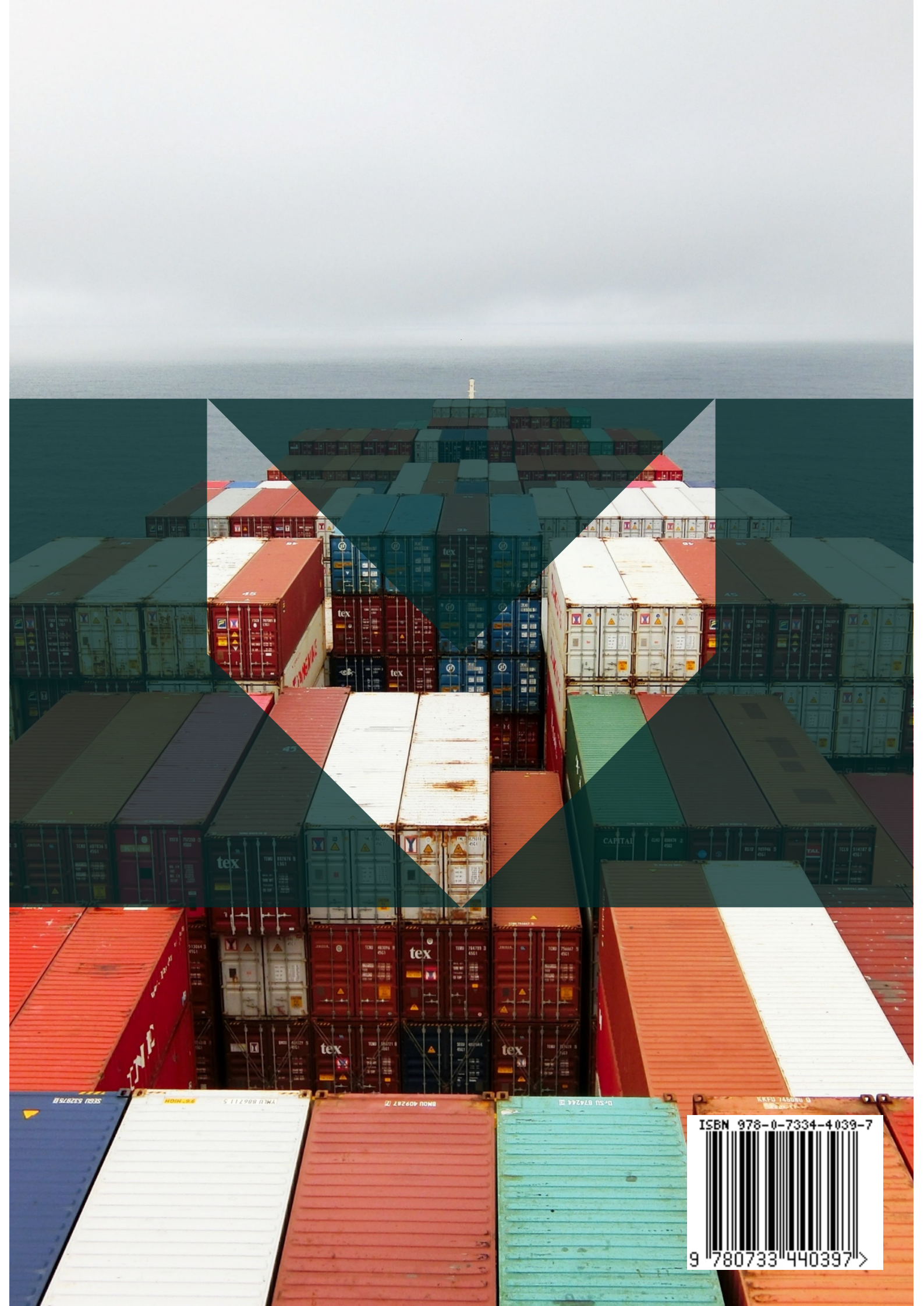


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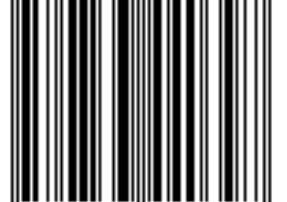


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ISBN 978-0-7334-4039-7



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