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Waning US Leadership

After four tumultuous years of the Donald Trump administration, there is a pervasive belief in the US and abroad that America's role as a global policeman and the common good provider is gone for good.¹ Years of costly war in the Middle East have been rescinded with troop withdrawals; multilateral agreements such as the Paris Climate Accords and the Iran nuclear deal were abandoned; plus, international organizations, including the UN Human Rights Council and UNESCO, were left behind.

Lack of US leadership was particularly salient in the global trade regime, where the administration was bent on leveraging tariffs for "free and fair" trade agreements. Contrary to the stated purpose, the means Washington deployed bordered outright protectionism. The US imposed tariffs on allies to revise trade agreements. The US-China trade war escalated without a clear end-goal, harming the economic interests of US allies dependent on both America and China for trade. While Beijing extends its economic influence through the Belt and Road Initiative, Washington shied away from its traditional role as the architect of the liberal international order buttressed by free commerce and trade.

Significantly, Trumpism was a symptom rather than the cause. The inclination for retrenchment is only growing in Washington.² While Congress disagrees on the specific courses of action, they call for a focus on domestic

1 Thomas Wright, "The Folly of Retrenchment," *Foreign Affairs*, April 16, 2020, <https://www.foreignaffairs.com/articles/2020-02-10/foolly-retrenchment>.

2 Hal Brands, Peter D. Feaver, John J. Mearsheimer, and Stephen M. Walt, "Should America Retrench?" *Foreign Affairs*, November 29, 2016, <https://www.foreignaffairs.com/articles/should-america-retrench>.

issues over foreign adventures.³ The devastating implications of the COVID-19 pandemic increasingly compound their voice. Although President Joe Biden promised America's return to the world stage, his priorities will also presumably lie in domestic recovery from the economic and social impacts of COVID-19. However, as TIME noted, the Biden administration inherits an unprecedented opportunity to "remake American foreign policy"⁴ - it cannot afford to look inward when the world is rapidly transforming against its interests.⁵

President Biden's foreign policy will expectedly focus on two related tasks: prevailing in the Great Power Competition with China and reassuring US allies of America's sustained global leadership. Engaging in the international trade regime could be a first step to address both issues. The Biden administration needs to prevent China from rewriting the norms and rules of global trade. It should also reaffirm its commitment to international free and fair trade, dispelling protectionist tendencies by the previous administration.⁶ To that end, President Biden could begin with joining the Comprehensive and Progressive Agreement for the Trans-Pacific Partnership (CPTPP).

What is the CPTPP?

The Trans-Pacific Partnership (TPP) was a mega trade agreement encompassing 12 nations, representing 40% of the global GDP and one-third of all trades.⁷ Signatories included Japan, Australia, Canada, Malaysia, and Vietnam. The pact focused on removing not only tariffs but also non-tariff trade barriers. By eliminating 99% of all tariffs within the bloc, it was intended

3 Uri Friedman, "The Sanders Doctrine," *The Atlantic*, February 14, 2020, <https://www.theatlantic.com/politics/archive/2020/02/bernie-sanders-doctrine-america-military-foreign-policy/606364/>.

4 Kimberly Dozier and W.J. Hennigan, "Why Trump's Foreign Policy Efforts Give Biden Opportunities," *Time*, December 3, 2020, <https://time.com/5917389/joe-biden-foreign-policy/>.

5 Alexander Cooley and Daniel H. Nexon, "How Hegemony Ends," *Foreign Affairs*, January 31, 2021, <https://www.foreignaffairs.com/articles/united-states/2020-06-09/how-hegemony-ends>.

6 Marcus Noland, "Protectionism under Trump: Policy, Identity, and Anxiety," Peterson Institute for International Economics, July 2, 2019, <https://www.piie.com/blogs/trade-investment-policy-watch/protectionism-under-trump-policy-identity-and-anxiety>.

7 "Overview of TPP," United States Trade Representative, accessed May 4, 2021, <https://ustr.gov/tpp/overview-of-the-TPP>.

to eventually create a “new single market” resembling the European Union.⁸

Given its high trade standards, the TPP was designed to, as President Obama put it, “let America, not China, lead the way on global trade.”⁹ However, in 2017 swiftly after his inauguration, President Trump left the TPP.¹⁰ The original TPP would have increased US output by more than \$130 billion annually by 2030, but domestic opposition revoked its membership.¹¹ As the agreement required that all signatories ratify it, the TPP did not enter into force. Spearheaded by Japan, the remaining parties went ahead with the deal, renaming it the Comprehensive and Progressive Agreement for Trans-Pacific Partnership (CPTPP) in January 2018, retaining two-thirds of the TPP’s provisions while suspending those backed by America but contested by others. The CPTPP currently has 11 signatories, representing 13.4% of the global GDP. The agreement is looking to expand its membership since the UK has formally applied to join,¹² while the Philippines, Thailand, and Taiwan also expressed interest.

Washington’s absence from the CPTPP overlaps with the Regional Comprehensive Economic Partnership (RCEP) initiation, signed in November 2020 by 15 countries, including key US allies such as Korea, Japan, and Australia.¹³ RCEP is expected to precipitate a more unified trading system, “making it easier for the region’s manufacturers to import raw materials from around the bloc without facing high tariffs,” and “export

8 “TPP: What Is It and Why Does It Matter?” *BBC News*, January 23, 2017, <https://www.bbc.com/news/business-32498715>.

9 Barack Obama, “President Obama: The TPP Would Let America, Not China, Lead the Way on Global Trade,” *The Washington Post*, May 2, 2016, https://www.washingtonpost.com/opinions/president-obama-the-tpp-would-let-america-not-china-lead-the-way-on-global-trade/2016/05/02/680540e4-0fd0-11e6-93ae-50921721165d_story.html.

10 “Trump Executive Order Pulls out of TPP Trade Deal,” *BBC News*, January 24, 2017, <https://www.bbc.com/news/world-us-canada-38721056>.

11 Jeffrey J. Noland, “Rebuild the Trans-Pacific Partnership Back Better,” Peterson Institute for International Economics, December 1, 2020, <https://www.piie.com/blogs/trade-and-investment-policy-watch/rebuild-trans-pacific-partnership-back-better>.

12 “UK Applying to Join Asia-Pacific Free Trade Pact CPTPP,” *BBC News*, January 31, 2021, <https://www.bbc.com/news/business-55871373>.

13 Joshua Kurlantzick, “The RCEP Signing and Its Implications,” Council on Foreign Relations, November 16, 2020, <https://www.cfr.org/blog/rcep-signing-and-its-implications>.

finished products throughout the region with lower tariffs.”¹⁴ China organized the pact, leading analysts to speculate if Beijing is leading the restart of globalization in the post-pandemic era. General Secretary Xi Jinping further suggested that China will “favorably consider joining the CPTPP.”¹⁵

China and the CPTPP

The chances of China entering the CPTPP - which requires much more profound economic reforms than the RCEP does - remain slim.¹⁶ Unlike RCEP, CPTPP ensures member states “share information on state-owned enterprises and their subsidization.”¹⁷ It remains highly unlikely that China would make groundbreaking reforms on its state-owned enterprises - and companies with extensive ties with the government - and government subsidies to enter a trade agreement that is not of crucial importance.

Nonetheless, China’s presence in the CPTPP could be strongly favored by signatories hoping to fully utilize the “rules of origin” clause, which grants preferential treatment for products with at least 70% of the components coming from any of the CPTPP parties.¹⁸ As China remains the world’s largest “factory nation,” its inclusion significantly expands the scope of products that can receive a “rules of origin” advantage. Furthermore, developing countries could aspire to bandwagon with China to water down regulations such as health standards, which all signatories must follow. The transition from TPP to CPTPP, with US pressure removed, clearly demonstrated that many members seek to “soften” issues on intellectual property and patent protection. They could see an opportunity in bringing China into the game.

More importantly, Beijing will likely seek to recalibrate the terms of

14 Jon Emont, and Alastair Gale, “Asia-Pacific Countries Sign Major Trade Pact in Test for Biden,” *The Wall Street Journal*, November 15, 2020, <https://www.wsj.com/articles/asia-pacific-nations-sign-major-china-backed-trade-deal-11605434779>.

15 “China to ‘Favorably Consider’ Joining CPTPP,” *Global Times*, November 21, 2020, <https://www.globaltimes.cn/content/1207536.shtml>.

16 Eric Johnston, “What Does RCEP Mean for Japan and Its Asian Neighbors?” *The Japan Times*, November 15, 2020, <https://www.japantimes.co.jp/news/2020/11/15/national/politics-diplomacy/rcep-japan-asia-trade/>.

17 Christian Le Miere, “Commentary: Is It Too Late for the US to Join the CPTPP?” *CNA*, January 29, 2021, <https://www.channelnewsasia.com/news/commentary/us-china-rcep-tpc-cptpp-trade-joe-biden-join-trans-pacific-13635230>.

18 David Dharshini, “UK Wants to Join the Club - but What Is the CPTPP?” *BBC News*, January 30, 2021, <https://www.bbc.com/news/explainers-55858490>.

regional trade by engaging in multilateral projects, agreements, and funds. It hopes to normalize government subsidies, malleable intellectual property rights, and lax environmental regulations. China already has a record of influencing European response to its revisionism through the multilateral “16+1” format, which turned the central and eastern European states against the wealthier western and northern Europe when dealing with Beijing.¹⁹ Given the lucrative access to the Chinese market, certain COVID-19-stricken countries could drop the demands of Beijing’s reform. China does not need an official acceptance of its anti-market practices. A *de-facto* acquiescence to flexible terms in return for improved trade balance is enough to aggrandize its economic influence in the region and obscure the liberal international trade regime.

The US Should Enter the CPTPP

Profoundly wary of such implications, America’s closest allies aspire for Washington’s return to the stage.²⁰ As former Acting Deputy USTR Trade Representative Wendy Cutler noted, having the US in the CPTPP will provide a “stronger sense of purpose” for allies and strengthen the impetus for the remaining members to ratify the deal.²¹

Time is ripe for Washington to return to the game. The US should work with allies to renovate the CPTPP while preventing China from watering down its standards. The Biden administration will need to expand the scope of the agreement to cover issues such as “digital governance, supply chain resilience, and foreign investment reviews.”²² The Peterson Institute for International Economics (PIIE) report recommended advancing new trading rules, covering “subsidies for state-owned enterprises and digital trade.”²³

19 Jonathan E. Hillman and Maesea McCalpin, “Will China’s ‘16+1’ Format Divide Europe?” Center for Strategic and International Studies, April 11, 2019, <https://www.csis.org/analysis/will-chinas-161-format-divide-europe>.

20 Wendy Cutler, “Reengaging the Asia-Pacific on Trade: A TPP Roadmap for the Next U.S. Administration,” Asia Society, September 30, 2020, <https://asiasociety.org/policy-institute/reengaging-asia-pacific-trade-tpp-roadmap-next-us-administration>.

21 Ibid.

22 Charles D. Lake II, “Memo to the CPTPP Countries on How to Take the Agreement to the next Level,” Peterson Institute for International Economics, November 16, 2020, <https://www.piie.com/blogs/trade-and-investment-policy-watch/memo-cptpp-countries-how-take-agreement-next-level>.

23 Jeffrey J. Schott, “Rebuild the Trans-Pacific Partnership Back Better,” Peterson Institute for International Economics, December 1, 2020, <https://www.piie.com/blogs/trade-and-investment-policy-watch/rebuild-trans-pacific-partnership-back-better>.

In the process, America will have to cooperate with its allies, including Korea and Japan. Notably, Korea has not signed on to the CPTPP yet but is considering joining the agreement.²⁴ Seoul shares some of Washington's concerns and could be a valuable partner in requesting additional changes to the agreement for their entrance. Japan has been a champion of digital governance and coined the Data Free Flows with Trust (DFFT) concept during the Osaka G20 meeting in 2019.²⁵ As a report by the Asia Policy Institute argued, US allies with advanced economies can "set high standards, rebuild trust and build momentum."²⁶

However, after America left the TPP, the remaining countries decided to remove provisions added at US insistence. It would take more than just America's economic size and influence to restore them; Washington urgently needs Korea and Japan's cooperation for its entry, potentially by helping other signatories bolster supply chain resilience, severely impacted by COVID-19. They could lead to diversification of supply chains while implementing reforms requested by the US.²⁷

At the same time, the Biden administration must be careful not to leverage its future presence in the CPTPP to put itself in a zero-sum position with China in the global trade architecture. It would be unwise to demonize every China-led economic initiative and agreement. Unlike certain aspects of the security competition, cooperation with China in the global economy is possible and necessary. For example, the Asia Infrastructure Investment Bank (AIIB) provides relatively safe and transparent infrastructure

24 "S. Korea to Actively Consider Joining CPTPP," *Donga Ilbo*, January 12, 2021, <https://www.donga.com/en/article/all/20210112/2364529/1/S-Korea-to-actively-consider-joining-CPTPP>.

25 "G20 OSAKA SUMMIT (SUMMARY OF OUTCOME)," G20 Osaka Summit 2019, Ministry of Foreign Affairs of Japan, June 29, 2019, https://www.mofa.go.jp/policy/economy/g20_summit/osaka19/en/overview/.

26 Cutler, "Reengaging the Asia-Pacific on Trade."

27 Takashi Nakano, "TPP Countries Defy Protectionist Trend to Maintain Supply Chains," *Nikkei Asia*, May 1, 2020, <https://asia.nikkei.com/Economy/Trade/TPP-countries-defy-protectionist-trend-to-maintain-supply-chains>.

loans,²⁸ unlike many of the Belt and Road Initiative (BRI) projects.²⁹

Similarly, the RCEP is expected to eliminate tariffs on 91% of items³⁰ traded by the signatories and increase trade by \$428 billion.³¹ Japan alone will be relieved from tariffs on the nearly \$50 billion worth of auto parts exports to China every year.³² While progress on intellectual property protection, patents, labor, and environmental obligations is modest, the RCEP promotes substantial market liberalization and trade barrier removal. Equally importantly, RCEP presents a valuable chance for growth for US allies and partners. It is no coincidence that Australia, Japan, and New Zealand, some of America's closest allies and vocal critics of China, are all signatories.³³ Instead of outright denying China access to the international trade regime, which would be both impossible and counterproductive, the Biden administration should signal a willingness to help China increase its contribution to international economic institutions.

However, Washington should work with allies to pressure China to anchor its enhanced institutional standing to corresponding domestic reforms. The international community can no longer allow China to exploit its developing country status to avoid higher standards.³⁴ Candor and

28 Niruban Balachandran, "The United States Should Join the Asian Infrastructure Investment Bank," East-West Center, November 29, 2017, <https://www.eastwestcenter.org/publications/the-united-states-should-join-the-asian-infrastructure-investment-bank>.

29 Andrew Chatzky and James McBride, "China's Massive Belt and Road Initiative," Council on Foreign Relations, January 28, 2020, <https://www.cfr.org/backgrounder/chinas-massive-belt-and-road-initiative>.

30 "Eyes on Biden's TPP Move as China Joins Mega Trade Deal RCEP," *Nikkei Asia*, November 15, 2020, <https://asia.nikkei.com/Politics/US-elections-2020/Eyes-on-Biden-s-TPP-move-as-China-joins-mega-trade-deal-RCEP>.

31 Pawel Paszak, "The Regional Comprehensive Economic Partnership (RCEP) and Rivalry in the Indo-Pacific," Warsaw Institute, November 19, 2020, <https://warsawinstitute.org/regional-comprehensive-economic-partnership-rcep-rivalry-indo-pacific/>.

32 Emont and Gale, "Asia-Pacific Countries Sign Major Trade Pact in Test for Biden."

33 Tim McDonald, "What Is the Regional Comprehensive Economic Partnership (RCEP)?" *BBC News*, November 16, 2020, <https://www.bbc.com/news/business-54899254>.

34 David Ahlstrom, "Time for China to Accept It Is No Longer a 'Developing Country'," *Nikkei Asia*, August 25, 2020, <https://asia.nikkei.com/Opinion/Time-for-China-to-accept-it-is-no-longer-a-developing-country>.

reciprocity will be the key.³⁵ As National Security Advisor Jake Sullivan argued, China cannot expect to garner benefits of free trade while “forcing foreign companies to localize their operations and engage in joint ventures, subsidizing state champions, discriminating against foreign companies and stealing intellectual property.”³⁶ The US and its partners should present China with a choice to either adjust its trade practices or face “less favorable terms from more than half of the global economy.”

To assure US allies’ sustained engagement, and as a concession for America’s conditional entrance into the CPTPP, the Biden administration needs to lay out a clear and finite set of areas for renegotiation. The requested revisions should not amount to a wholesale reformation of the agreement. Instead, it should be limited to address the most urgent needs. US allies would warmly welcome America’s return to counterbalance Chinese influence, but “not at any cost.”³⁷ There will be stringent limits on the depth and scope of revisions; America is, after all, hoping to re-enter as a new member of an existing mechanism rather than as an architect. A strategic choice based on the changing global economic landscape is required to prioritize trade agendas over others.

Outside the CPTPP, it should drop the previous administration’s excessive demands on trade. For example, tariffs imposed on washing machines with national security rationale should be rescinded. Section 232 reports by the previous administration’s Commerce Department must be dropped;³⁸ steel and aluminum exports to Japan pose no security threat.³⁹ Such indiscriminate tariffs on US allies and partners significantly hinder the

35 Matthew Pottinger, “The Importance of Being Candid: On China’s Relationship with the Rest of the World,” Policy Exchange, October 23, 2020, <https://policyexchange.org.uk/pxevents/on-chinas-relationship-with-the-rest-of-the-world/>.

36 Kurt M. Campbell and Jake Sullivan, “Competition Without Catastrophe,” *Foreign Affairs*, February 12, 2021, <https://www.foreignaffairs.com/articles/china/competition-with-china-without-catastrophe>.

37 Cutler, “Reengaging the Asia-Pacific on Trade.”

38 “Section 232 Investigation on the Effect of Imports of Steel on U.S. National Security,” U.S. Department of Commerce, January 21, 2021, <https://www.commerce.gov/issues/trade-enforcement/section-232-steel>.

39 Emily Rauhala and Anna Fifield, “As U.S. Allies, Japan and South Korea Feel Particularly Wounded over Steel Tariffs,” *The Washington Post*, March 9, 2018, https://www.washingtonpost.com/world/asia_pacific/as-us-allies-japan-and-south-korea-feel-particularly-wounded-over-steel-tariffs/2018/03/08/ef12b432-2260-11e8-946c-9420060cb7bd_story.html.

prospect of a united front against China on trade. Even domestically, they did not precipitate a “steel renaissance”⁴⁰ that President Trump promised to America’s industrial heartland. As the Wall Street Journal asserted, the tariffs hurt US manufacturers, including those in the automotive and appliance sectors, “by increasing metal costs than what overseas competitors pay.”⁴¹

Subsequently, the Biden administration needs to persuade the domestic constituents on the strong need to re-engage in the free trade regime. While 80% of American adults continue to believe that “trade represents an opportunity for economic growth,”⁴² the allure of protectionism remains strong. President Biden explicitly promised that he would “not enter into any new trade agreements until we have invested in Americans and equipped them to succeed in the global economy.”⁴³ This is not necessarily a protectionist move; domestic agendas will continue to take precedence, particularly considering COVID-19, and consultations with stakeholders across the country are inevitable and required.

It is also worth remembering that both major candidates opposed the original TPP in the 2016 Presidential Election.⁴⁴ Opposition from some Democrats and labor unions was fierce, although the deal was President Obama’s brainchild.⁴⁵ Opposition was primarily concerned with biologics patents, investor-state dispute settlement (ISDS) processes, and labor, environmental obligations.

40 Ed Crooks, “Trump Puts Steel at the Heart of Industrial Policy,” *Financial Times*, December 3, 2016. <https://www.ft.com/content/bca2d4fc-b883-11e6-961e-a1acd97f622d>.

41 Bob Tita and William Mauldin, “Tariffs Didn’t Fuel Revival for American Steel,” *The Wall Street Journal*, October 28, 2020, <https://www.wsj.com/articles/tariffs-didnt-fuel-revival-for-american-steel-11603877400>.

42 Lydia Saad, “Americans’ Vanishing Fear of Foreign Trade,” Gallup, February 26, 2020, <https://news.gallup.com/poll/286730/americans-vanishing-fear-foreign-trade.aspx>.

43 Joseph R. Biden Jr, “Why America Must Lead Again,” *Foreign Affairs*, 2020, <https://www.foreignaffairs.com/articles/united-states/2020-01-23/why-america-must-lead-again>.

44 Jacob Pramuk, “Clinton and Trump Can Agree on at Least One Thing,” *CNBC*, August 11, 2016, <https://www.cnn.com/2016/08/11/trump-and-clinton-now-sound-similar-on-one-key-issue.html>.

45 Jason Margolis, “Labor Unions Remain Steadfastly Opposed To Trans-Pacific Trade Measure,” *NPR*, June 16, 2015, <https://www.npr.org/2015/06/16/414831901/labor-unions-remain-steadfastly-opposed-to-trans-pacific-trade-measure>.

Against such a backdrop, the Biden administration could believe that a wholesale suspension of trade talks is a necessary evil to reunite the country, going through unprecedented levels of division and partisanship. However, as former President of the World Bank Robert Zoellick suggested, “Biden could package openness to trade with assistance to workers and an increase in the minimum wage.”⁴⁶ Entering the CPTPP would open new markets for US exporters since Asia is bouncing back fast from COVID-19.⁴⁷

The idea that protectionism will bring back American jobs is naive.⁴⁸ The Biden administration should persuade domestic constituents that high-quality trade agreements will bring high-paying jobs to the US. New foreign investments in America will enhance the country’s innovative edge. The Biden administration should focus on building a robust safety net and worker adjustment programs in conjunction with its domestic economic revival plan. With or without the CPTPP, the changing industrial structure is driving out workers in the manufacturing industry;⁴⁹ it is essential to help them adjust to changes incurred by both domestic and international trends.

The CPTPP will grant American exporters unprecedented opportunity to expand new markets, particularly as the world recovers from the pandemic. With US inclusion, the CPTPP’s trade area would be larger than that of the North American Free Trade Agreement (now USMCA). The original TPP would have “increased exports by \$305 billion

46 Robert B Zoellick, “Opinion | Biden Can Make American Trade Deals Great Again,” *The Wall Street Journal*, December 10, 2020, <https://www.wsj.com/articles/biden-can-make-american-trade-deals-great-again-11607622762>.

47 Eun-Young Jeong, “‘The Zoom Boom’: Asia Leads the World in Covid-19 Economic Recovery,” *The Wall Street Journal*, November 15, 2020, <https://www.wsj.com/articles/the-zoom-boom-asia-leads-the-world-in-covid-19-economic-recovery-11605445200>.

48 Hans F. Sennholz, “Protectionism and Unemployment: Hans F. Sennholz,” Foundation for Economic Education, March 1, 1985, <https://fee.org/articles/protectionism-and-unemployment/>.

49 “How Trade Did and Did Not Account for Manufacturing Job Losses,” Carnegie Endowment for International Peace, December 10, 2018, <https://carnegieendowment.org/2018/12/10/how-trade-did-and-did-not-account-for-manufacturing-job-losses-pub-77794>.

per year by 2025 and added \$77 billion to American workers' income."⁵⁰

Another advantage is that the US will not have to negotiate separate trade agreements with CPTPP signatories, which would take years to discuss, settle and ratify.⁵¹ As the Obama administration officials relentlessly stressed, "over 80 percent of imports from TPP countries already enter the US duty-free,"⁵² acceding to the CPTPP would help level the playing field.

Conclusion

After years of global leadership abrogation, the US is presented with an opportunity to re-engage the international trade regime through the CPTPP. The Joe Biden administration should join the CPTPP, where it can work with partners to prevent China from rewriting the rules and norms of trade. Domestically, entering the agreement will accelerate, not hinder, economic recovery from COVID-19.

As the case of the CPTPP itself demonstrates, the world will not stop and wait for America to return to the game; regional players will move ahead in shaping trade arrangements, while Washington is excluded in the process. As President Biden himself acknowledged, the TPP was a "good way for countries to come together to curb China's excess."⁵³ It is not too late for him to exploit the CPTPP's potential collective bargaining power vis a vis China.

A post-pandemic China could potentially entrench even further, resisting external demands of reforms.⁵⁴ Beijing, however, will simultaneously reach out to recession-hit nations to enlarge its economic

50 Kimberly Amadeo, "How the TPP Lives on Without the United States," *The Balance*, November 13, 2020, <https://www.thebalance.com/what-is-the-trans-pacific-partnership-3305581>.

51 Hayley Channer and Jeffrey Wilson, "Expanding the CPTPP: A Form Guide to Prospective Members," Lowy Institute, February 22, 2021, <https://www.lowyinstitute.org/the-interpreter/expanding-cptpp-form-guide-prospective-members>.

52 "TPP Economic Benefits Fact Sheet," United States Trade Representative, n.d. <https://ustr.gov/sites/default/files/TPP-Economic-Benefits-Fact-Sheet.pdf>.

53 "The Presidential Candidates on the Trans-Pacific Partnership," Council on Foreign Relations, July 30, 2019, <https://www.cfr.org/article/presidential-candidates-trans-pacific-partnership>.

54 Hosuk Lee, "Biding Time for Biden's New Trade Agenda," Special Issue Brief. Lee & Ko Global Commerce Institute, December 2020, http://www.leeko.com/news/gci/2012/specialissuebrief_dec2020_tradegroup.pdf.

influence.⁵⁵ A new opportunity has arisen with the turnover in the White House. It is in Washington's hands to prevent such outreach from mutating into a disruptive revision of the free and open trade regime.

Given Washington's political climate, President Biden will be pressured to portray himself as "tough on trade,"⁵⁶ with a focus on "Buy American"⁵⁷ to revive US industries and job growth - something the President has constantly pointed out as his predecessor's failure. The US, however, cannot call for synergetic geo-economic policies with slogans such as "America First." Instead of succumbing to the allure of retrenchment, the Biden administration should retain agency in global trade. It is time for America to build the international trade regime back better, starting with rejoining the CPTPP.⁵⁸

55 Brian Padden, "China's Coronavirus Foreign Aid Expands Influence, Shifts Blame," *Voice of America*, April 3, 2020, <https://www.voanews.com/science-health/coronavirus-outbreak/chinas-coronavirus-foreign-aid-expands-influence-shifts-blame>.

56 Aime Williams, "Joe Biden to Remain Tough on Trade While Re-Embracing Partners," *Financial Times*, November 16, 2020, <https://www.ft.com/content/c4e1c0e3-ba5b-46f8-87c7-9a56ca7a0a1a>.

57 Allan Smith, "Biden Signs 'Buy American' Executive Order," *NBC News*, January 25, 2021, <https://www.nbcnews.com/politics/white-house/biden-sign-buy-american-executive-order-monday-n1255487>.

58 Chad P. Bown, "To Build Back Better, Biden Needs to Fix Trade," *Foreign Affairs*, January 22, 2021, <https://www.foreignaffairs.com/articles/united-states/2021-01-21/build-back-better-biden-needs-fix-trade>.

The Ethical and Legal Privacy in the World of Big Data and eHealth: Are the US and the EU Ready for the Big Change in Healthcare?

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Changes in global health care are occurring with the adoption of big data, and the digitization of health and patient data as traditional paper-based medical records are being switched to electronic health records (EHRs). Although the implementation of EHR systems has incredible potential to improve health management, it has raised significant ethical and legal concerns over data privacy and security, with large volumes of health data becoming available and accessible online. What calls for greater attention is that neither the existing legislative nor constitutional law sufficiently protects health information privacy. The privacy rights for healthcare information and data protection laws are different in the US and the EU and are often inconsistent and fragmented across and within states and nations. This essay examines the ethical and legal privacy concerning big data and eHealth in the US and the EU. It looks at the extent to which the legal frameworks have been established to protect health privacy, questioning whether the existing legislative framework comprehensively covers the facilitation, adoption, and use of big data and EHRs in health care.

Introduction

With the rapidly growing amount of medical data in the world, big data in health care has gained greater attention partly due to the adoption of the Electronic Health Record (EHR) in health care. Big data has been defined in several ways, but it generally refers to enormous data sets with sizes beyond what can be managed by traditional software tools. An example of a big data application in health care is the EHR. The US Department of Health and Human Services (HHS) defines the EHR as follows:

An electronic record of health-related information on an individual

that conforms to nationally recognized interoperability standards and that can be created, managed, and consulted by authorized clinicians and staff across more than one health care organization.¹

EHRs enhance the health care process by managing health information electronically, improving data availability, and providing more accurate and complete documentation, mainly through longitudinal health records (LHRs). These can track an individual's health history data over time from numerous data sources across the health system.² Along with the benefits associated with EHR, there are some risks and barriers that raise privacy concerns. A significant challenge regarding the use of big data in health care is that it is difficult to standardize and form a single large-scale database that is compatible across all nations. Linking data about the same individual from multiple sources is another challenge since traditional health records are stored in various institutions. Additionally, switching to EHR and linkages will require identifiers – such as a patient's name and date of birth – which will increase privacy concerns.³

Many national health policies or strategies and data protection laws do not encompass the use of big data and health information in an online environment. Less than one-fifth of countries have reported having a national policy or strategy that regulates the use of big data in health care. Those numbers become smaller when asked about having a national policy or strategy that regulates the use of big data by private companies. Moreover, a survey that asked the EU Member States about barriers to adopting big data for health has shown that a lack of data privacy and security laws is regarded as the top barrier to implementing big data in health care.⁴ Based on the results of a global survey on eHealth conducted by the World Health Organization (WHO) in 2012, 70 percent of the 113

1 “Medline/PubMed Search & Electronic Health Record Information Resources,” National Library of Medicine (NLM), accessed May 8, 2021, <https://www.nlm.nih.gov/services/queries/ehr.html>.

2 Shelley Reynolds, “Making sense of information technology,” *British Journal of Midwifery* 11, no. 3 (2013), <https://doi.org/10.12968/bjom.2003.11.3.11130>.

3 Margaret Foster Riley, “Big Data, HIPAA, and the Common Rule: Time for Big Change?” in *Big Data, Health Law, and Bioethics*, eds. I. Glenn Cohen et al. (New York: Cambridge Univ. Press, 2018), 253-54.

4 Who Regional Office for Europe, *From Innovation to Implementation – EHealth in the WHO European Region*, report for the World Health Organization, 2016, 72.

responding countries reported having general legislation that provides a basic right to privacy.⁵ However, when asked whether the responding countries have legislation that specifically protects the privacy of the EHR, only 30 percent globally reported having such legislation established.⁶

The right to privacy is recognized as a fundamental human right under Article 12 of the Universal Declaration of Human Rights; however, protection of privacy is not universally guaranteed because it is often based on the actions of governments. For example, the United States Constitution does not explicitly state the right to privacy. Only certain aspects are dealt with by the government and law enforcement, and the privacy rights for healthcare information are regulated sector by sector.⁷ The notion of legal privacy can take different forms in different geographical regions and circumstances; however, it can largely be sorted into two scopes. According to William W. Lowrance, the two privacy regimes are (1) broad privacy and data protection regimes and (2) regimes specific to health care, public health, and health research.⁸ This essay focuses on privacy issues regarding big data in eHealth from privacy regimes specific to health care. The essay examines the scope of the legal and regulatory framework supporting health information privacy in the US and the EU and the challenges arising from big data and eHealth not covered by the existing legal framework.

The Ambiguity of Privacy and Confidentiality in Health Care

Defining privacy is complex and challenging. There is no universal consensus that defines privacy and the right to privacy in its legal context. Alan Westin defines privacy as the claim of an individual or group to arbitrate for themselves about how and to what extent information is shared with others.⁹ Lawrence O. Gostin defines privacy as one's claim to limit access by others to some parts

5 WHO Global Observatory for eHealth, *Legal frameworks for eHealth: Global Observatory for eHealth series – Volume 5*, report for the World Health Organization, 2012.

6 Ibid.

7 Mary F. E. Ebeling, *Healthcare and Big Data* (New York: Palgrave Macmillan, 2016), chap.3, 49-66.

8 William Lowrance, *Privacy, Confidentiality, and Health Research* (New York: Cambridge, 2012), 36.

9 Alan F. Westin, *Privacy and Freedom* (New York: Ig Pub., 1967), 7.

of his/her private life.¹⁰ Generally, most definitions of privacy are not adequate to specifically cover privacy in health care or online platforms. For this essay, based on O. Gostin's research, we define privacy as "an individual's claim to control the circumstances in which personal health information is collected, used, stored, and transmitted."¹¹ More often than not, privacy is interpreted as confidentiality, even though the two have essential differences. Confidentiality is an individual's claim to handle information disclosure within relationships of trust between individuals respectfully.¹² Confidentiality is a form of health information privacy that emphasizes the relationships of trust between individuals in an intimate relationship, such as those between a physician and patient.¹³ Confidentiality becomes tied with ethical issues in health care for traditional reasons concerning the role of trust in personal information disclosure, the fear of discrimination, and for contemporary reasons such as greater accessibility to information via the Internet.¹⁴

The Complexity of Privacy with Big Data in Health Care

EHRs complicate the issue of privacy and confidentiality since medical information is shared through the Internet. Additionally, the EHR can exchange patient data outside the healthcare delivery system, which means data sharing across multiple organizations is possible.¹⁵ Although health care information is primarily transmitted between authorized users, mainly healthcare providers, it is essential to note that the collected data may not solely be limited to medical purposes. This implies medical information is electronically stored and is available for purposes other than those it was initially obtained for, that is, secondary uses. Such secondary data uses may involve personal, public, and commercial purposes (e.g., the development of new drugs, treatment, and marketing) by health and non-

10 Lawrence O. Gostin, *Public Health Law: Power, Duty, Restraint* (California: Univ California Press, 2008), 316-7.

11 Ibid.

12 Lowrance, *Privacy, Confidentiality, and Health Research*, 33.

13 O. Gostin, *Public Health Law*, 316.

14 James Anderson and Kenneth W. Goodman, *Ethics and Information Technology: A case-based approach to a health care system in transition* (New York: Springer, 2002), 2.

15 Ramona Nelson and Nancy Staggars, *Health Informatics: An Interprofessional Approach* (St. Louis, Missouri: Elsevier Mosby, 2014), 88.

health providers.¹⁶ With goals specifically including protecting and promoting public health, there will probably be a gradual integration of individuals' health records within an expansive public health information infrastructure.¹⁷ There is no doubt that big data in health care will catalyze this assimilation.

Health Privacy Laws of The US and The EU and Their Challenges

In the US, the legislation relevant to EHRs is the Health Insurance Portability and Accountability Act (HIPAA), signed into law in 1996 by President Bill Clinton. It aims to protect patient's health information from unauthorized disclosure or use in any form. Broadly, the HIPAA privacy rule is designed to establish national standards. Although the US attends to privacy through various methods, its privacy or data protection law is not consistent according to the Constitution, which does not explicitly address information privacy.¹⁸ Thus, apart from the HIPAA, the Privacy Act of 1974 covers the use of personal information collected by federal agencies, and the Freedom of Information Act of 1966 provides public access to the individual's records.¹⁹ However, most health information is collected, stored, and handled by private organizations not subject to these laws. Because of the absence of comprehensive legislation that governs the privacy and security of EHRs, there are fewer incentives for organizations to make investments in enhancing their security. Instead of having a coherent system, privacy protections in the US have referred to statutes, guidance, and professional and business self-regulation that are inconsistent and fragmented across and within states. Furthermore, private health organizations, having competitors in the field, are reluctant to share proprietary information with other entities, as they see little or no incentive when making their database available to others.²⁰

The HIPAA law regulates much from US national standards, but there are still ambiguous and controversial aspects of its coverage at an entity and individual level. In her book, Sharona Hoffman offers a critique of the narrow definition of the "covered entities" as HIPAA does not apply to every person who may monitor or use health information, thus, not

16 Anderson and Goodman, *Ethics and Information Technology*, 64.

17 Roger S. Magnusson, "The Changing Legal and Conceptual Shape of Health Care Privacy," *The Journal of Law, Medicine & Ethics* 32, no. 4 (2004): 686.

18 Lowrance, *Privacy, Confidentiality, and Health Research*, 47.

19 Anderson and Goodman, *Ethics and Information Technology*, 70.

20 Molla S. Donaldson and Kathleen N. Lohr, eds, *Health Data in the Information Age: Use, Disclosure, and Privacy* (National Academy Press, 1994), 31.

protecting all health information.²¹ The HIPAA privacy rule covers entities such as healthcare insurers, providers, clearinghouses, and their business associates. Thus, its jurisdiction does not cover government entities, website operators, and private data collectors.²² This means that HIPAA does not protect personal health data collected by social media firms. Moreover, data collected from unregulated domains, such as de-identified data, patient-generated data, and non-regulated entities (e.g., pharmaceutical companies), are not subject to health information privacy laws.²³

The EU implemented the Data Protection Directive to regulate the processing of personal data.²⁴ Although the EU has taken initiatives to promote big data in health care and develop a comprehensive policy strategy across nations, there are still obstacles; gathering health data across countries is not systematized, nor do they have a shared integrated structure.²⁵

European countries have all adopted EHRs in differing ways, and thus it is challenging to transfer medical data from one country to another within the EU.²⁶ While the US privacy legislation is “sector-specific” within its states, the EU privacy law is rather “omnibus” and coherent within its countries and regions.²⁷ However, there is a notable contrast between the EU and the US privacy laws regarding data mobility across nations and states.²⁸ The EU Data Protection Directive of 1998 requires member states to prevent the transmission of health information to non-EU countries that do not have laws

21 Sharona Hoffman, *Electronic Health Records and Medical Big Data* (New York: Cambridge University Press, 2016), 181.

22 Ibid.

23 Jane H. Thorpe and Elizabeth A. Gray, “Big Data and Public Health: Navigating Privacy Laws to Maximize Potentials,” *Public Health Rep* 130, no. 2 (Mar-Apr 2015): 171-175.

24 Karim Abouelmehdiet al., “Big data security and privacy in health care: A Review,” *Procedia Computer Science*, 113, (2017): 73-80.

25 Sebastian S. Vega, Adria Haimann and Elias Mossialos, “Big Data and Health Care: Challenges and Opportunities for Coordinated Policy Development in the EU,” *Health Systems & Reform* 1, no. 4 (2015): 285-300.

26 Charles Auffray et al., “Making sense of big data in health research: Towards an EU action plan,” *Genome Medicine* 8, no. 71 (2016): 1-13.

27 Ebeling, *Healthcare and Big Data*, chap. 3, 49-66.

28 Ibid.

with an equivalent level of privacy protection.²⁹ This kind of directive eliminates the exchange of data between the US and the EU states. In contrast, under US law, most personal data can be transferred outside national boundaries.³⁰

Collaboration, Combination, and Refinement between the US and the EU privacy laws

Since the notion of what constitutes personal or private information is different from culture to culture and change over time, there is a contextual aspect of privacy that needs to be considered along the conditions in which data has been privatized. Big data contains personal and sensitive data, and, depending on the context, non-sensitive data can turn into sensitive data.³¹ Much of the privacy legislation in the US and the EU may serve as models for other countries, particularly for developing countries. Further research could examine how privacy legislation built around big data and eHealth is carried out in developing countries through the legal architecture of their boundaries.

Big data is challenging existing paradigms for governing, using, and managing data in health care. There is a need to develop and reform policies and laws in health care that can allow synergies between health and data to maximize the potentials of big data. One of the key barriers to developing big data policies and regulations in healthcare is that the US and the EU have different data protection laws. Also, there is no one big data exchange ecosystem that integrates and connects all nations. Existing legislation and legislative infrastructure will require ongoing collaboration, combination, and refinement concerning the health privacy of EHRs and big data to deploy these frameworks in developing countries. There is a definite need for new legislation to establish privacy guidelines ready to face the digital world.

29 Anderson and Goodman, *Ethics and Information Technology*, 72.

30 Ebeling, *Healthcare and Big Data*, chap. 3, 49-66.

31 United Nations Development Group, *Data Privacy, Ethics and Protection: Guidance note on big data for achievement of the 2030 agenda*, report for United Nations, 2017.

The United Nations and the Cholera Pandemic in Haiti

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The United Nations (UN) established the Department of Peace Operations in 1992 to observe and monitor areas in conflict. Since the first peacekeeping missions in 1948, they have assisted in establishing peace agreements and strengthening the law. In 2010, however, infected UN peacekeepers from Nepal were sent to Haiti to give relief after a cataclysmic earthquake. The cholera outbreak occurred shortly after the peacekeepers' arrival and was traced back to the UN. Criticism grew over the legitimacy and abilities of the UN, and distrust also emerged when UN peacekeepers were connected to sexual misconduct during the cholera outbreak. As the UN did not want to lose more control, they originally denied responsibility for the breakout, but later acknowledged that they did contribute to it. In the future, what could the United Nations do to prevent their organization from being contaminated with a disease such as Cholera? This research analyzes which measures can be taken to prevent such occurrences in the future, and how this outbreak affected UN influence in the international community. A descriptive section will also examine the sexual misconduct allegations. This research was mainly conducted through secondary analysis and analysis based on government databases. This analysis presents possible preventive measures to limit infectious diseases and further contamination by UN staff, as well as also to increase accountability within the international organization, to prevent similar or worse outcomes in the future.

Introduction

The United Nations (UN) is an international organization founded shortly after

World War II, in 1945, by 51 countries, and is active across the globe.¹ Its main missions focus on preventing conflict, aid in humanitarian efforts, and peacebuilding. The first UN peacekeeping mission was established in 1948, to observe and monitor conflict areas, assist in setting peace agreements, and strengthening the law. However, in 2010, the legitimacy of the UN was brought into question, when infected UN Peacekeepers from Nepal were sent to Haiti for relief aid after an earthquake, and a cholera outbreak occurred. The cholera outbreak was traced back to the UN, as the bacterial disease swept across Haiti soon after the arrival of the Nepali Peacekeepers. Trust in the UN also declined as allegations of sexual misconduct and exploitation by UN staff arose. This critical multi-layered situation raises the following question: which measures could the UN implement to prevent staff contamination by a disease as well as misconduct? The following analysis suggests possible solutions to prevent the spread of infectious diseases by UN staff, manage potentially disastrous situations, as well as limit sexual exploitation by peacekeepers, to improve accountability within the organization and prevent worse outcomes in the future.

Since its creation in 1945, the UN's main goals have focused primarily on fostering durable partnerships and friendships between countries, maintaining security and peace, and establishing cooperation in the international sector. In February 2013, former UN Secretary-General Ban Ki-Moon stated the UN's main purpose during a speech at a book launch: "The United Nations is counting on each and every one of you to be a global citizen, to do your part to build a better world, and to take up the mantle of global leadership."²

Methodology and Limitations

This research analyzes the cholera outbreak in Haiti and suggests preventive measures for future UN Peacekeeper missions. The section covering the cholera outbreak in Haiti, sexual abuse allegations, and UN accountability, is based on qualitative research. This descriptive breakdown establishes a better understanding of the UN's failure in preventing the cholera outbreak and sexual

1 "History of the UN," *United Nations*, 2015, <https://www.un.org/un70/en/content/history/index.html#:~:text=The%20United%20Nations%20is%20an,living%20standards%20and%20human%20rights>

2 Ki-moon Ban, "Remarks at Launch of 'Building a Better Future for All: Selected Speeches of United Nations Secretary-General,'" *United Nations Secretary-General*, accessed December 19, 2020, <https://www.un.org/sg/en/content/sg/speeches/2013-02-20/remarks-launch-building-better-future-all-selected-speeches-united>

misconduct, mainly due to lack of control. Then, an analysis of preventative measures will be conducted, based on secondary analysis. The main goal of the analysis section is to find helpful preventive measures to keep such issues from occurring in the future and propose measures to prevent a similar outbreak.

The main research method is secondary analysis. Through secondary analysis, this paper gathered information on the cholera outbreak, collected from published primary data resources, government databases, research articles, and medical reports in journal articles. Governmental databases and the United Nations' website were used for focused information on the disaster in Haiti. The United States' national public health agency, the Center for Disease Control and Protection (CDC) is also useful for detailed information on diseases and preventive measures. Additionally, it allowed for the location of medical reports, as well as medical journals, such as *Emerging Infectious Diseases*, giving a more detailed scope of cholera, and accurate information on where the disease originated from in Haiti.

Relying on secondary data allowed for the use of previous research that analyzed the UN's failure to control and prevent the cholera outbreak, as well as the sexual abuse that followed. The graph from Figure 1, in the appendix, is a visual tool to better understand the spread of cholera in Haiti, and how it is connected to the UN peacekeepers. The graph analyzes the time-period during which the first cases were reported to pinpoint the location where the outbreak originally emerged. The map shows the first reported cases near Meille and Mirebalais, and then along the Artibonite river in October 2010. Considering that peacekeepers arrived in the area on October 9, 12 and 16, correlation in time and space can be concluded. However, this research has limitations, due to some audit reports on the epidemic not being released, and conflicting numbers on the infected and death toll victims.

The United Nations and the Peacekeepers

The UN Peacekeepers have operated for over 70 years and performed more than 55 operations that have been considered successful. UN peacekeeping operations were launched to aid the most vulnerable people. According to the UN, the peacekeepers' ultimate purpose is to "protect civilians, actively prevent conflict, reduce violence, strengthen security, and empower national authorities to assume these responsibilities."³ Peacekeeping is considered

3 United Nations Peacekeeping, "What We Do Peacekeeping," *United Nations*, accessed December 19, 2020, <https://peacekeeping.un.org/en/what-we-do>

political, and any success is reliant on sustainable political processes. The Security Council is essential in upholding Peacekeeper's values and objectives, as well as providing mission mandates that are clear and rational.⁴ Despite their ambitions and goals, peacekeeping operations are not without controversy, and the peacekeeping mission that left Haiti in disaster in 2010 contributed to the doubts of their success and abilities.

Cholera Outbreak in Haiti

In October 2010, it was reported by the Haitian Ministry of Public Health and Population (MSPP) that an epidemic of cholera was caused by a particular strain of bacteria known as *Vibrio Cholerae*.⁵ This strain of bacteria derives from a gram-negative strain that spreads through water and is found in saltwater or brackish environments. This strain of bacteria was considered rare, especially in the United States, and an outbreak in Haiti had not been reported in over a century. The outbreak can be linked to Nepali UN Peacekeepers, who arrived around the same time in Haiti for aid relief after an earthquake. During that time, Nepal had a Cholera outbreak from a similar strain of bacteria found in Haiti. The Nepali Peacekeepers were camped along the Meille River, which connects downstream to the Lantern River, and then the Artibonite River, a major water source for the people in Haiti. The Nepali Peacekeepers were illegally dumping waste in the river without treatment, which resulted in the spread of a cholera epidemic. According to the CDC, this cholera outbreak is considered one of the most catastrophic in recent history, with more than 820,000 cases and approximately 10,000 deaths since the initial outbreak occurred in Haiti.⁶ The disease has taken over ten years to eradicate.

Analysis on the cholera outbreak and UN responsibility

The onslaught of cholera in the Haiti outbreak brings into question the UN's ability to control their own personnel. What could the UN do to prevent its staff from being contaminated and spreading diseases such as cholera in the future? Before crafting and implementing measures that can prevent such a disaster from occurring, it is important to first track exactly how the

4 Ibid.

5 Renaud Piarroux et al., "Understanding the Cholera Epidemic, Haiti," *Emerging Infectious Diseases* 17, no. 7 (2011): 1161-1168.

6 "Cholera in Haiti," Centers for Disease Control and Prevention, <https://www.cdc.gov/cholera/haiti/index.html>

Nepali Peacekeepers contaminated the water system. As mentioned earlier, it was found that the root cause of cholera in Haiti was unsuitable waste management and water contamination by the UN peacekeepers' camp. The peacekeepers were dumping inadequately treated sewage into public canals, ignoring laboratory cautions on fecal waste causing water contamination, leaving their camps with trash and toilets overflowing, and lacked inspection of their septic tanks or water treatment plants.⁷ As they did not inspect their septic tanks and lines, pipes leaked sewage and caused more contamination.

One study correlates the arrival of the peacekeepers to the first reported cholera cases at health centers in the area (Figure 1). The peacekeepers arrived on October 9, 12, and 16, and cases were reported by October 20, 2010. Epidemiologists in Haiti reported a pipe discharging sewage directly into the river from the camp as well as other deficiencies in sanitary measures.⁸ The UN's abilities and responsibilities were further questioned when auditors found inadequate measures for sewage disposal three years after the initial outbreak. There are other reports that Haiti is not the only case of waste mismanagement and inadequate treatment by UN staff. There are audits from other missions that reported inadequate waste management in the Ivory Coast, South Sudan, the Darfur region of Sudan, Lebanon, the Democratic Republic of Congo, and Liberia.⁹ This inadequate waste management is a significant issue within the UN framework and shows a lack of accountability within the international organization. Experts and professionals, including Beatrice Lindstrom, a lawyer from the Institute for Justice and Democracy in Haiti, have been pushing for UN accountability for the cholera crisis. Lindstrom states that regarding waste management, "the results are egregious and show that this is a massive problem across the UN missions around the world."¹⁰

Solutions and Preventive Measures for the Future

Some waste management progress was achieved within the UN framework since the initial cholera outbreak. In 2015, the Department of Field Support (DFS) started implementing a stricter Environment Strategy to achieve

7 Rick Gladstone, "Poor Sanitation Persisted at U.N. Missions Long after Haiti Cholera Crisis," *The New York Times*, August 19, 2016, <https://www.nytimes.com/2016/08/20/world/americas/haiti-cholera-sanitation-un-peacekeepers.html>

8 Renaud Piarroux et al., "Understanding the Cholera Epidemic, Haiti."

9 Rick Gladstone, "Poor Sanitation Persisted at U.N. Missions Long after Haiti Cholera Crisis."

10 Ibid.

set goals by 2020. Implemented measures include the development of a strategic coordination role for the office of the Under-Secretary-General, the creation of a three-year partnership with the United Nations Environment Programme (UNEP), closer environmental risk monitoring, and a more secure governing framework for managing waste.¹¹ There was additional progress in July 2016 when the UN purchased over 400 wastewater treatment plants for missions supported within the DFS.¹² Progress has been made and progressive measures have been put in place since the cholera disaster occurred, however, there is still a need for tighter accountability within the missions carried out by peacekeepers.

Even though some success towards managing waste have been implemented, there are still issues that remain within the Peacekeepers' UN framework. Although waste management is being monitored, more regular inspections are necessary. One solution is that inspections (both scheduled and unannounced) could be conducted more than once a month at all facilities or camps used by UN Peacekeepers. This would pressure individuals in charge of waste management to be compliant and up to date on all protocols or procedures for maintaining proper facilities. An internal unit within the UN is responsible for inspecting how waste is managed, but the use of local contractors would help boost community employment and provide more accountability. If waste management violations are found, penalties should be enforced for all those responsible. The case of Haiti shows a lack of accountability and enforcement, as the camps used by peacekeepers were neither closely monitored nor adequately enforced waste management rules.

The DFS could conduct risk assessments and data analysis throughout missionstopreventcontaminationandensureenvironmentallyfriendlymeasures in the disposal of wastewater. To ensure these new protocols are adhered to, another solution is to provide extensive training to peacekeepers regarding sanitation protocols in all countries. Personnel should be trained properly in protocols for disposal of wastewater and garbage. In the case of Haiti, garbage was found littered around the camp. Additionally, local communities can benefit from learning preventive measures to help eliminate the spread of disease.

11 Office of the Under-Secretary-General, *DFS Environment Strategy. Executive Summary*, report for the United Nations, April 2017, https://peacekeeping.un.org/sites/default/files/peacekeeping/en/UNDFS_Environment_Strategy_ExecSum_vF.pdf

12 Ibid.

Another preventive measure that can help limit the spread of cholera and other infectious diseases is daily sanitary practices. The UN could administer education programs to help communities understand daily sanitary measures for proper hygiene, such as regular handwashing before food preparation and eating, as well as the use of sanitation facilities. Appropriate water drinking methods can be implemented into the program. If there is access to bottled water, programs should also teach the importance of unbroken seals and recommend that all water should be boiled for over one minute before drinking. Programs should also teach food health as some bacteria, such as the *Vibrio Cholerae* strain, can attach to shrimp and other species of shellfish. This means seafood should be handled with care and properly cooked to ensure that no bacteria linger.¹³ Proper disposal of fecal matter is also important in a teaching program, by including information on how to build simple sanitation systems, such as latrines. Protocols on proper distances for waste disposal should also be implemented, to ensure facilities are far enough from residential homes and located over 30 meters away from any body of water.¹⁴ For example, the Ethiopia Public Health Training Initiative (EPHTI) conducts missions that include the prevention of any possible contamination that could leak into a water source. Programs like this could not only help the peacekeepers, but also the local community in the area.

One factor behind the cholera epidemic in Haiti is the absence of proper screening of peacekeepers assigned to the area. There should be proper physical and health reviews before peacekeepers (or other personnel) travel to a mission area. Health checks should follow a strict protocol that is strongly adhered to as a preventive measure to halt the possibility of spreading a disease to another country. All personnel in the monitored area should undergo monthly health and physical medical checks to ensure that there are reduced possibilities of contamination.

The UN received criticism for the cholera outbreak and for not taking responsibility. Additionally, the UN also faced criticism over reconstruction efforts being slow and even sidestepping business and governments. While the UN has made progress toward more accountability, the organization has not accepted legal responsibility for the cholera epidemic in Haiti. However, steps

13 Aaron Sidder, "How Cholera Spread So Quickly Through Haiti," *National Geographic*, August 18, 2016, <https://www.nationalgeographic.com/news/2016/08/haiti-cholera-crisis-united-nations-admission/>

14 Ibid.

were taken in 2016, when the UN Secretary-General, Ban Ki-moon, publicly apologized for the UN's role in the epidemic and declared that there would be a fund of USD\$400 million set up to help Haitian victims affected by the epidemic.¹⁵

Sexual Misconduct Allegations

UN responsibility in the cholera outbreak is also accompanied by allegations of sexual misconduct and sexual exploitation by UN peacekeepers. Paired with criticism over the peacekeepers' behavior resulting in the cholera outbreak, the additional sexual misconduct allegations raise concerns regarding the lack of supervision and control that the UN has over its personnel. The outbreak of cholera caused a distraction and enabled the peacekeepers to take advantage of the system. The UN expects every peacekeeper to adhere to a strict code of behavior and conduct; including respecting local customs and laws, treating the inhabitants of the host country with respect, and acting with integrity.¹⁶ However, those rules were ignored and, instead, UN peacekeepers in Haiti were accused of rape.

When sexual abuse by several UN peacekeepers in Haiti was brought forward, there was even more questioning over the ability and control of the international organization. In 2011, Jose Mujica, former Uruguayan President, made a public apology on behalf of Uruguayan UN peacekeeping troops who allegedly raped an eighteen-year-old Haitian young man. Additionally, less than a year later, the military court in Pakistan found two Pakistanis guilty for the rape of a fourteen-year-old Haitian boy who was 14 years old.¹⁷ More reports leaked in 2015 expressed those women were being exploited for sex by UN Peacekeepers in Haiti. At least 229 women were traded goods (such as medicine or food) and money in exchange for sex.¹⁸ In response to these sexual misconduct allegations, the UN established a fund that has

15 Andres Martinez Casares, "U.N. Peacekeeping Mission to Haiti Ends after 15 Years with Mixed Legacy," *Reuters*, October 15, 2019, <https://www.reuters.com/article/us-haiti-politics-idUSKBN1WU2SP>

16 United Nations Peacekeeping, "Standards of Conduct Peacekeeping," *United Nations*, accessed December 19, 2020, <https://peacekeeping.un.org/en/standards-of-conduct>

17 Andres Martinez Casares, "U.N. Peacekeeping Mission to Haiti Ends after 15 Years with Mixed Legacy."

18 "UN peacekeepers leave Haiti: What is their legacy?" *Al Jazeera*, October 6, 2017, <https://www.aljazeera.com/news/2017/10/6/un-peacekeepers-leave-haiti-what-is-their-legacy>

grown to over USD\$1.5 million to help sexual abuse survivors worldwide. The international organization has set tighter protocols, investigations, and appropriate actions whenever an allegation is made. The current UN Secretary-General António Guterres treats sexual exploitation seriously and states:

As we serve the world's people and work for peace and the advancement of humanity, the United Nations must be a source of inspiration and a beacon of hope for all. Together, let us solemnly pledge that we will not tolerate anyone committing or condoning a crime, and in particular, crimes of sexual exploitation and abuse. **Let us make zero tolerance a reality.**¹⁹

Conclusion

The legitimacy of the UN was questioned due to the cholera outbreak in Haiti and the recent accusations of UN Peacekeepers' misconduct of sex exploitation. What could have been done to prevent workers in this international organization from being contaminated with a disease or carrying out misconduct? The United Nations has yet to take legal responsibility for the cholera outbreak, but there has been some improvement towards their accountability, waste management practices, and tightened restrictions on UN Peacekeeping conduct. *In this research*, possible solutions are suggested for managing disasters that have potentially destructive outcomes, preventive measures are introduced, and accountability within the organization to prevent worse outcomes are put forward.

While there are still issues regarding waste management protocols being ignored in some UN facilities, more awareness and procedures have been put in place to prevent further disasters. Mismanagement of fecal waste was found to be the root cause of the cholera outbreak and updated physical waste disposal measures could prevent the spread of disease in the future. It was suggested that the UN could administer education programs to increase awareness related to proper hygiene. Another prevention method is that all UN Peacekeepers must go through a medical physical and health assessment before deploying them to their mission country.

The UN received more criticism because several peacekeepers were accused and convicted of sexual exploitation in Haiti and other countries. The organization has since established funds for cholera victims in Haiti and victims

19 United Nations, "Standards of Conduct Peacekeeping."

of sexual exploitation. Convicted UN Peacekeepers have gone through the appropriate legal processes and issued public apologies towards the people of Haiti. Strict protocols were put in place for codes of conduct. Furthermore, the international organization has set even tighter protocols when accusations are made, to take appropriate actions as soon as allegations are charged.

The measures suggested in this research, if implemented, could help prevent diseases from exacerbating into future pandemics and could provide some useful ways for the UN to achieve higher levels of accountability. Additionally, if the UN publicly apologized for their part in the epidemic, they could set a precedent of taking responsibility for their actions, holding themselves accountable, as well as showing resolve in mitigating problems in the future.

Appendix

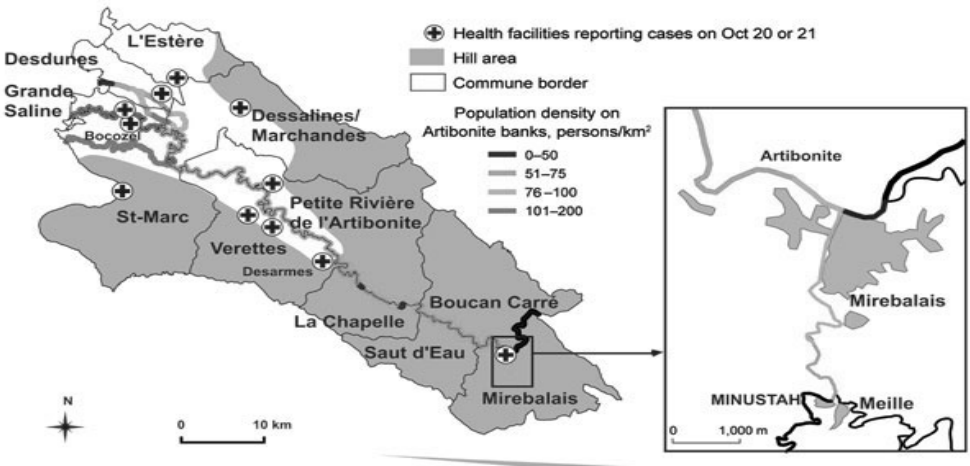


Figure 1: This is a map showing the first reported cases of Cholera soon after the peacekeepers arrived in October on the 9th, 12th, and 16th days. Source acquired Hanyi Piarroux et al., "Understanding the cholera epidemic, Haiti," *Emerging infectious diseases* 17, no. 7 (2011): 1161-1168.

Rhetoric or Reality? An Assessment of Korea-Africa Relations So Far

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Africa Insights

This essay seeks to assess Korea's relationship with sub-Saharan Africa so far and make a case for future change as the Korean government continues to increase engagement with countries in the region. The Republic of Korea (hereafter Korea) had a unique experience as a developmental state and has much development experience to offer African states. As African states move to diversify their exports and foster entrepreneurship, Korea will also be a favorable economic partner, as Korea is strong in many areas valued by African states, such as technology. Similarly, African states have much to offer Korea. African states are traditional natural resource exporters and are moving to gain space in the agricultural export market. In addition, as a new urban middle class begins to rise in many African states, a new market for the Korean manufacturing and technology sectors emerges. This will be particularly helpful as these sectors continue to face increased competition from China and Japan. As this essay will argue, however, Korea has not yet fully utilized its unique development experience and has fallen into typical Global North-Global South relationships. This essay examines the rhetoric surrounding Korea's approach and conducts policy analysis to highlight the gaps in current Korea-Africa relations. The overfocus on Korea's needs, which prevents economic diversification and skews the relationship, is discussed; ideas for how Korea can develop its still-young Africa relations will be presented to achieve truly mutually beneficial partnerships.

Introduction

Following the Korean War (1950-1953), Korea entered the twentieth-century

state system as an economically weak aid recipient.¹ Indeed, in 1956 the East Asian country shared a GDP per capita with newly independent Ghana, a mere \$500.² This statistic pales compared to Korea's present-day \$42,000 GDP p/c,³ one of the many marks of its "miracle" transformation into a formidable middle power.⁴ In its development policies, Korea emphasizes the uniqueness of its trajectory to set itself apart as a development partner.⁵ As this essay will highlight, however, this is not the case, and Korea's policies so far have fallen into the same pattern as the rest of the global North (and now emerging China)—assistance in exchange for resource access and beneficial trade agreements. These relationships prevent the natural and effective development of policy and economy in recipient African states. At the same time, historically, aid-resource partnerships have not significantly advanced any African state and often resulted in aid rentiers, misuse of funds, and continued problems. This does not mean, however, that Korea cannot develop these relations. This essay will identify the areas in which Korea can be an ideal partner, based on its own unique state experience and the many areas in which African states have much to offer. This essay's thesis argues that the influence of Korea's legacy as a developmental state is visible in its development discourse and the reality of its policies. However, this influence does not exempt Korea from criticism or improvement. The first section of this essay will briefly outline Korea's unique development experience and Korea-Africa relations so far to provide the necessary background information. The second section will offer an in-depth analysis of Korea's development cooperation rhetoric and establish that while Korea's unique experience does influence its policies, the idea of Korean exceptionalism is a myth. Next, the positives and negatives of the current approach to the Korea-Africa relationship will be assessed. The final section will make a case for improvement and suggest areas and case studies where Korea's relations with African states could be improved.

1 Mi Yung Yoon and Chungshik Moon, "Korean Bilateral Official Development Assistance to Africa Under Korea's Initiative for Africa's Development," *Journal of East Asian Studies* 14, no.2 (2014), 279.

2 Françoise Nicolas, "Korea in Africa: Between Soft Power and Economic Interests" Paris: *Études de l'Ifri*, January 2020, 28.

3 "Korea – OECD Data," OECD Data, Countries. Accessed March 2, 2021, <https://data.oecd.org/korea.htm>

4 David Shim and Patrick Flamm, "Rising South Korea: A Minor Player or a Regional Power?" Hamburg: *German Institute of Global and Area Studies* (GIGA) 2012, 9.

5 Nicolas, "Korea in Africa," xii.

Background

Korea's history must be understood to analyze the discourse surrounding Korea-Africa relations. This discourse centers around the idea that Korea has a shared experience with African states due to its trajectory from a poor state to an economic powerhouse. By extension, Korea offers something different from other development partners. This rhetoric presents itself to export policies modeled on Korea's development experience to African states. This is promoted primarily by the Ministry of Strategy and Finance (MOSF) through its 'Knowledge Sharing Program' established in 2004.⁶ Members of parliament had also promoted this idea, as Park Geun-Hye did when she defended the idea of Korea as a bridge between developed and developing countries.⁷ The clearest example of this discourse's impact can be seen through the introduction of the "Global *Saemaul Undong*" (New Villages) movement for rural development in developing countries, including African states such as Kenya and Rwanda,⁸ which directly imitates the "*Saemaul Undong*" movement implemented to develop Korea in the 1970s.

Throughout the second half of the twentieth century, the Korean government multiplied industrialization efforts, focusing heavily on stimulating the supply side of industrial activity. The state provided support until the private sector was stable and profitable on its own, allocating resources to encourage comparative advantage in targeted export industries.⁹ This began in industries such as cement and petroleum and was later followed by goods like steel and petrochemicals.¹⁰ Support came through direct tax reductions, preferential interest rates for business loans, and privileged access to import licenses for specific industries. In return, government departments set export quotas and requirements for corporate performance, smoothly overseeing Korea's transformation. The policy of state intervention undoubtedly facilitated Korea's rapid industrialization,¹¹ as is most clearly evidenced by Korea's monopolistic business conglomerates, the *Chaebols*, such as Samsung and Hyundai.¹²

6 Ibid., 28.

7 Ibid.

8 Ibid., 29.

9 Garth Shelton, "Korea & South Africa: Building a Strategic Partnership," Johannesburg: *Institute for Global Dialogue* 2009, 8, 11.

10 Ibid., 10.

11 Ibid., 8.

12 Nicolas, "Korea in Africa," 30.

This growth can be accredited to apt state policies, assisted by the \$12 billion in official development assistance (ODA) the Korean government received.¹³

On paper, Korea should have much to offer the African continent as an example of effective aid utilization and state intervention to achieve economic transformation. Unlike other dominant global powers who achieved their status through industrialization and colonization in the nineteenth century, Korea entered the global system in the mid-twentieth century in a similar position to many African states today. Utilizing these strategies to transform that situation into one of economic prosperity in the twenty-first century places Korea in an optimal position to offer advice to African states. Until 2006 however, Korea had limited economic relationships with countries in sub-Saharan Africa. In the 1970s and 1980s, Korea interacted with Africa along Cold War lines, with support being offered to key states, including Kenya, Senegal, and Uganda, based on the Pyeongyang-Seoul rivalry. Following the end of the Cold War, Seoul pursued “Northern Diplomacy,” focusing foreign policy on the Korean peninsula, pushing African relations to the periphery until 2006, when “Korea’s Initiative for Africa’s Development” was launched.¹⁴ This initiative proclaimed a focus on “win-win cooperation,” championing Korea’s unique development experience as an example and presenting Korea as a bridge between the developed and developing worlds.¹⁵ Since 2006, Korea has strengthened its policy approach and official relations with Africa, with the African continent seeing increased heads of state visits, increased Korean interaction with the African Union, and various forums and foundations aimed at improving cooperation.¹⁶ In addition, Korea has continued to increase aid flows, trade, and foreign direct investment (FDI) to Africa. Despite these increases, neither trade nor FDI exceeds 1.5 percent of the Korean total;¹⁷ nevertheless, those efforts demonstrate continued Korean interest in the African continent. As this essay will argue, however, the construction and integrity of this relationship deserve further scrutiny, and in the next decade, improvement.

Rhetoric or Reality?

13 Yoon and Moon, “Korean Bilateral Official Development Assistance to Africa Under Korea’s Initiative for Africa’s Development,” 279.

14 Ibid.

15 Ibid.

16 Ibid.

17 Nicolas, “Korea in Africa,” xii.

Korea's legacy as a developmental state influences its discourse surrounding development cooperation policies and affects the reality of its policies to a certain extent. Korea presents its relationships with Africa as a variant of its developmental state policy, championing the Korean trajectory as the path to success for African states. This emphasis aims to distinguish Korea from other African development partners, depicting Korea as a friendly helper offering the solution to facilitate a strong, independent Africa, in comparison to the greedy neocolonial actions of other partners, with Korea being a "South-South" bridge as opposed to a "North-South" trade partner.¹⁸ This emphasis is based upon the foreign policy idea that Korea's unique development trajectory sets it apart. While it is correct that Korea and Africa share experiences of colonialism, independence timings, and to a certain extent, conflict,¹⁹ there are several features of this discourse that bear discussion.

First is the claim that Korean-African interactions promote the Korean development trajectory. Kalinowski and Park highlight the continued importance of institutional support in Korea's cooperation with the developing world. Case studies and investment projects suggest that state initiative and strong state-business partnerships define development cooperation elements.²⁰ Kalinowski and Park also suggest that developmental state policies have lost domestic relevance, as *chaebols* have grown beyond the need for state assistance. Therefore, "institutional retreat" occurs, whereby the goals of industry expansion and investment facilitation are now being pursued internationally, as there is no longer domestic policy space for them.²¹ South Korean development cooperation, therefore, does utilize the same rationale as Korea's experiences as a developmental state. This can be seen most clearly in the attempt to transport the "*Saemaul Undong*" (New Villages) movement to the African continent. In the 1970s, the original "*Saemaul Undong*" Movement encompassed a set of government policies focused on building rural infrastructure and improving community income to ensure that rural communities were not left behind following rapid urban industrialization,

18 Ibid., 19.

19 Youngho Park and Yejin Kim, "The Strategic Value of Africa as the New Market and Korea's Economic Cooperation with Africa," *Outlines of Global Transformations: Politics, Economics, Law* 11, no.5 (2018): 236-48, 243.

20 Thomas Kalinowski and Min Joung Park, "South Korean Development Cooperation in Africa: The Legacy of a Developmental State," *Africa Spectrum* 51, no.3 (2016): 61-75, 61.

21 Ibid., 62-63.

as is now occurring in several growing African states.²² In 2013, The Korea International Cooperation Agency (KOICA) launched the “Global *Saemaul Undong*” Movement in Ethiopia, Rwanda, Uganda, and Kenya.

Interestingly, information about the outcomes of these projects is not easily accessible beyond what is available on the official website of the movement, leaving this essay with limited scope to assess the efficacy of these projects. The *Saemaul Undong* Foundation has also been established in various countries, with the stated aims of helping locals diversify sources of income and contribute to community development.²³ This movement is founded on the belief in the utility of Korean state-interventionist policies and attempts to transport those policies to the African continent. Thus, “Global *Saemaul Undong*” highlights how the legacy of Korea’s experiences influences Korean developmental cooperation policies in Africa as a developmental state. Policies such as “*Saemaul Undong*” have significantly been championed by KOICA and the Korean Ministry of Strategy and Finance.²⁴ Thus, this essay confirms its argument that the influence of Korea’s legacy as a developmental state is visible in both its development discourse and the reality of its policies.

The second facet of Korea’s development cooperation rhetoric is that Korea exemplifies the South-South partnership and offers an alternative to self-centered Western assistance. Due to the exceptional nature of the Korean economic trajectory, Korea is portrayed to be theoretically different from traditional donors. However, this essay rejects this claim, as Korea-Africa relations have typically followed only Korean interests. In the twentieth century, this is best highlighted through Seoul’s abandonment of the “One Korea” policy in 1973 in favor of African support at the United Nations (UN), as newly independent African states now represented a large voting bloc.²⁵ Support to Africa to achieve diplomatic objectives has continued in the twenty-first century, most notably during the 2006 campaign to elect Ban Ki-Moon as UN Secretary-General, which included a marked increase in aid disbursements.²⁶ Korean-African relations have also been directed to counter North Korean influence on the African continent. This was particularly clear during the Lee

22 Nicolas, “Korea in Africa,” 29.

23 Ibid.

24 Ibid.

25 Yoon and Moon, “Korean Bilateral Official Development Assistance to Africa Under Korea’s Initiative for Africa’s Development.” 282.

26 Nicolas, “Korea in Africa,” 31.

Myung-Bak administration (2008-2013), which focused on developing ties with the Democratic Republic of Congo and Ethiopia, two states with high levels of cooperation with Pyongyang in particular.²⁷ When visiting both countries, Lee discussed issues African leaders had previously discussed with Pyeongyang, demonstrating an interest in developing commercial and geopolitical ties to counter decades-old North Korean cooperation with these states.²⁸ This continued in the Park Geun-Hye era (2013-2017), which saw several visits to Uganda and meetings with Ugandan President Yoweri Museveni, a long-time North Korean co-operator, to discuss commercial ties, security cooperation, and education assistance – fields where Uganda had a history of cooperation with North Korea.²⁹ This successfully culminated in Uganda suspending military cooperation with Pyeongyang in 2016.³⁰ This change was even emphasized by Korean news agencies in 2016, with the visit cited as “an important opportunity to enhance cooperation between Uganda and other major African countries in resolving the North Korean nuclear issue.”³¹ Korea’s diplomatic needs have influenced Korea-Africa relations in the twenty-first century.

Resource needs have also been a clear driver of Korea-Africa relations. Korea is pursuing “resource diplomacy,” actively using development cooperation to secure resource access and open African markets to Korean businesses.³² This can be seen most clearly through Korea’s oil field project in Mozambique, which opened the door for state-owned Korea Gas (KOGAS) to secure Korea’s natural gas needs – KOGAS’s 10 percent stake Mozambican project is equivalent to Korea’s five-year demand.³³ Following their analysis, Yung Yoon and Moon conclude that Korean bilateral ODA does not significantly

27 R. Maxwell Bone and Matthew Minsoo Kim, “South Korea’s Africa Outreach,” *The Diplomat*, August 2, 2019, <https://thediplomat.com/2019/08/south-koreas-africa-outreach/>

28 Ibid.

29 Ibid.

30 Samuel Ramani, “North Korea’s African Allies,” *The Diplomat*, June 4, 2016, <https://thediplomat.com/2016/06/north-koreas-african-allies/>

31 Kim Hanyoung, “President Park Geun-hye visits Africa... Prospects for North Korean Nuclear Pressure Diplomacy,” *Voice of America: Korea*, May 25, 2016, <https://www.voakorea.com/korea/korea-politics/3345306>.

32 Kalinowski and Park, “South Korean Development Cooperation in Africa,” 63, 65.

33 Ibid., 66.

differ in approach from conventional donors.³⁴ Similarly, Nicolas concludes that Korea-Africa relations reflect traditional North-South relationships, overwhelmingly seeking raw materials for manufactured products.³⁵ This rejects the discourse of South-South partnership or Korean exceptionalism.

Furthermore, rhetoric can be rejected based on elite opinions as well. Seoul can publicly declare itself as an altruistic benefactor; however, research on the policymaking elite's argument highlights the importance of Korean aims. When surveyed, policy and government elites expressed support for development assistance to enhance overall peace and stability in the international society.³⁶ However, they also expressed motivations to improve Korea's international image and diplomacy and motivations to serve national interests, such as increasing trade.³⁷ This exemplifies the nature of Korean-African relations: while they may seek to help develop the African continent, they are also grounded in self-serving motivations. Thus, this section concludes that while Korea's experiences as a state have affected its development cooperation policies, Korea's espoused rhetoric of development exceptionalism or a South-South partner does not hold when the facts are examined.

The Hidden Negatives

As this essay has established, Korea's stated and actual aims differ significantly. The question that must be asked next is, is this a bad thing? There is a case to be made for the policies so far. In Mozambique, Korean investment improved infrastructure and has led to an increase in Mozambican gas exports while meeting Korea's gas import needs.³⁸ Korean involvement in Rwanda established a 4G LTE network across the country, ensuring that 95 percent of Rwandans have access to fast wireless and broadband services while fitting into the Rwandan government's preexisting development framework.³⁹ Therefore, there are broad material benefits from ODA and Korea-Africa cooperation. However, an examination of the details is vital.

34 Yoon and Moon, "Korean Bilateral Official Development Assistance to Africa Under Korea's Initiative for Africa's Development." 279.

35 Nicolas, "Korea in Africa," xii.

36 J. James Kim et al., "The Giving Mind: Analysis of South Korean Public and Elite Attitudes on ODA," Seoul: *ASAN Institute for Policy Studies* 2017, 20.

37 *Ibid.*, 20, 25.

38 Kalinowski and Park, "South Korean Development Cooperation in Africa," 65.

39 Nicolas, "Korea in Africa," 24.

In Mozambique, the creation of oil fields could be detrimental to long-term economic development, as it is overwhelmingly based on raw materials and prevents economic diversification.⁴⁰ Gas extraction creates relatively few jobs, and profits are usually divided among foreign investors and a small local elite, negatively impacting local fishermen's income, already affected by ecological changes.⁴¹ Therefore, Korean investment may benefit Mozambique in the short term. However, the choice of an oil field to fulfill Korean resource criteria may harm the Mozambican economy in the long term. This is not solely blaming Korea for a mutual agreement but highlight the gaps in Korea's current resource-focused approach to African states.

Conversely, investment in Rwanda may have more positive outcomes. Projects in Rwanda, especially an ICT-related project involving the Korean telecommunication company KT, had a significant degree of ownership by the Rwandan government and assisted in the technology sector, an area in which Korea excels.⁴² This model presents a more promising framework for future Korean engagement with other African states. Korean influence has had a mixed impact, then positives are found despite Korea-Africa relations diverging from their stated aims.

Despite the positives, Korea-Africa relations still warrant some criticism. As established, these relations mimic other typical North-South relations. Conventional donor-recipient relations and aid flows have been responsible for a loss of policy space in sub-Saharan Africa.⁴³ These relations limit policy space for local governments to innovate and contribute to the growing marginalization of sub-Saharan African countries from international capital flows.⁴⁴ In addition, projects and aid that only seek to serve donor interests are ineffective and detrimental at worst. At best, only provide benefits with longer-term drawbacks, as the case of Mozambique shows. Therefore, the disparity between Korea's stated aims and actual

40 Kalinowski and Park, "South Korean Development Cooperation in Africa," 65.

41 *Ibid.*, 67.

42 *Ibid.*, 70, 68.

43 Carlos Oya, "The Political Economy of Development Aid as Main Source of Foreign Finance for Poor African Countries: Loss of Policy Space and Possible Alternatives from East Asia," Paper Presented at International Forum on Comparative Political Economy of Globalisation, Beijing, China. September 1-3, 2006, 3.

44 *Ibid.*

policies is detrimental to the African continent. The possibility of African countries' needs being overlooked in favor of Korean diplomatic and material conditions hinders Korea-Africa relations from developing into a mutually beneficial partnership, relegating them into the same category as the conventional, borderline neocolonial relationships by Western states.

Furthermore, the disparity between stated and actual aims also prevents accountability. If Korean influence in Africa is presented as a South-South partnership and as an exception from Northern relationships, appropriate criticisms and scrutiny cannot be applied – the discourse prevents accountability. Therefore, the disparity between Korea's described and actual interactions can be seen as unfavorable and should be altered to ensure prosperous relations in the next decade.

Improving the Relationship

The case for improvement can be made on several grounds, the first of which is timing. Both Korea and the African continent are poised to interact with each other as Korea moves towards a global outlook and African states diversify their economies, indicating promising economic growth. Seoul aims to achieve a "Global Korea"⁴⁵ and recognize global issues, both inside and outside of Africa.⁴⁶ Nicolas suggests that Korea is still in its learning stage. Now is the ideal time to improve relations with KOICA and the Economic Development Cooperation Fund (EDCF) to implement a consistent approach towards Africa.⁴⁷ President Moon Jae-in (2017-) has emphasized more diversified diplomacy, with a global outlook and commitments rather than a Korean-peninsula-focused approach,⁴⁸ and in addition, does not seem to view Africa as a venue for competition with North Korea⁴⁹ divergence from past presidents. If the cards are played right, the next decade could be a game-changer for Korea to provide an alternative form of development cooperation. In addition, the African continent is primed to become an ideal trade partner for Korea.

Furthermore, the African continent has significantly in the past two decades, maintaining an average economic growth rate above five percent

45 "Information on the Region: The ROK-Africa Relations."

46 Shim and Flamm, "Rising South Korea," 3-4.

47 Nicolas, "Korea in Africa," xiii.

48 J. James Kim and Hong Sanghwa, "Moon's Foreign Policy Priorities in Words and Deeds," Seoul: *ASAN Institute for Policy Studies* 2020, 9.

49 Bone and Minsoo Kim, "South Korea's Africa Outreach."

since the early 2000s.⁵⁰ Africa is a promising market and offers Korean companies the opportunity to expand when the domestic market is stagnating.⁵¹ As the continent develops further, it will continue to grow into a promising partner for Korea. This makes the next decade the perfect time to iron out any creases in the relationship and develop truly mutually beneficial partnerships.

Improving the Relationship: Trade and the Economic Relationship

Beyond timing, there are various ways the economic relationship between Korea and the African continent could be expanded. From a trade perspective, rapid economic growth on the continent has strengthened the purchasing power of African consumers, particularly those in the swiftly growing urban centers.⁵² These consumers represent a growing African middle class from a new urban culture that demands household appliances such as washing machines, refrigerators, and air conditioners, in addition to mobile phones and computers.⁵³ This is a perfect match for Korean appliance manufacturers facing international competition, particularly as China expands. Furthermore, Korea's technology brands have a strong reputation in Africa, with Samsung and LG placing among the top 10 most admired brands in Africa in 2020 (2nd and 10th, respectively).⁵⁴ It is clear, therefore, that Africa represents a budding market for Korean production. The state should continue to foster this relationship and encourage Korea-Africa economic cooperation. With the establishment of several conferences and events, such as the Korea-Africa Economic Co-operation Conference, this has already begun. This establishes a permanent framework for cooperation between the African Development Bank and the Korean Ministry of Strategy and Finance, and the wider Korean private sector, focusing on discussing opportunities for Korean companies and furthering trade links.⁵⁵ This forum and other forums such as the Korea-Africa Forum and the Korea-Africa Forum for Industrial Co-operation are steps in the right direction. They suggest that Seoul is paying attention to the potential the African continent has to offer. This essay hoped to see the continued

50 Park and Kim, "The Strategic Value of Africa as the New Market and Korea's Economic Cooperation with Africa," 237.

51 Nicolas, "Korea in Africa," 27.

52 Park and Kim, "The Strategic Value of Africa as the New Market and Korea's Economic Cooperation with Africa," 237.

53 Ibid., 238.

54 Nicolas, "Korea in Africa," 11.

55 Ibid., 11.

expansion of these programs and continued Korean-African trade in the next decade to realize a mutually beneficial partnership between the two thoroughly.

Improving the Relationship: Knowledge and Experience

Outside of the direct economic relationship, Korea has much to offer Africa development knowledge and experience beyond rhetoric. Indeed, Africa generally seeks technology transfer and education techniques from Korea.⁵⁶ This call has been answered through forums such as the Korea-Africa Youth Forum and the Seoul Dialogue on Africa in 2020, which provided African graduate students with the opportunity to present their research to experts and the opportunity for entrepreneurs to establish networks with industry professionals.⁵⁷ The Korean government should continue to foster these relations and work to make its discourse a reality. Recent smart city development projects in Africa, most notably in Kampala, Uganda, are an excellent example of a new direction; however, Korean expertise must be catered to local contexts in each African country rather than imported as a blanket solution. This could be further fostered by increasing the number of researchers working in the region and increasing academic and policy knowledge of Africa, as both general and professional knowledge of Africa remains low in Korea.⁵⁸

Korea could also offer a framework for cultural export. Korea is the only country that successfully exports across all cultural sectors⁵⁹ because of the government's focus on creative industries. The drive to diversify exports will be critical to African development.⁶⁰ African countries could offer the world much culturally, from music to food to other creative industries, such as the arts. In South Africa, music is thriving, with styles such as *gqom*, *afrohouse*, and *amapiano* beginning to receive wider international attention.⁶¹ Nigeria is already home to a strong domestic film industry (colloquially referred

56 Park, "Korean ODA Strategies for Resource Diplomacy Towards Africa," 26.

57 Emilia Columbo, "South Korea's Evolving Role in Sub-Saharan Africa," *Centre for Strategic and International Studies: Analysis*. January 2, 2020. <https://www.csis.org/analysis/south-koreas-evolving-role-sub-saharan-africa>

58 Nicolas, "Korea in Africa," 34.

59 Dal Yong Jin, *New Korean Wave* (Chicago: University of Illinois Press, 2016), 5.

60 Chris Alden, "Emerging Powers and Africa: From Development to Geopolitics," London: Istituto Affari Internazionali (IAI) 2019, 3.

61 "It Speaks to an Ancient History': Why South Africa Has the World's Most Exciting Dance Music," *The Guardian*, December 21, 2020, <http://www.theguardian.com/music/2020/dec/21/south-africa-dance-music-afrohouse-gqom-amapiano>.

to as *Nollywood*). Since 2008, the Korean state has renewed its focus on creative exports, working for the “intensification of the commodification and capitalization of cultural products”⁶² through investment and subsidization, with the express intent of economic benefit.⁶³ This has been wildly successful, mainly due to the cultural and financial success of K-Pop. For example, the hit group *BTS* generates an estimated KRW4 trillion (US\$3.54 billion) in added economic value to the country per year.⁶⁴ The success of K-Pop combined with the global success of the 2020 film *Parasite* moved Korea to 10th place on the Global Innovation Index last year.⁶⁵ Therefore, Korea’s interventionist cultural policies have greatly benefited the Korean economy and Korea’s reputation as a state and offer a framework from which other African states could benefit. This is an area that the Korea-Africa relationship has not yet prioritized. This essay argues that it presents an opportunity for Korea to provide the exceptionalism it seeks in its relationships with African states.

Improving the Relationship: Individual and Diaspora-Level Support

Finally, Korea could offer much in terms of migration and individual level support to African people. As previously mentioned, projects such as the Korea-Africa Forum already exist, establishing linkages between African entrepreneurs and industry professionals in Korea. These projects should, and likely will, continue to expand. In addition, the African diaspora could be better fostered in Korea. Diaspora communities greatly benefit the African continent, with Africans remitting more than development aid funds in 2012.⁶⁶ There are various advantages to remittance funds, including the fact that they leave less room for misappropriation and usually come without

62 Yong Jin, *New Korean Wave*, 28.

63 *Ibid.*, 32.

64 “K-pop Group BTS Induces Production Worth 4 Tril. Won per Year,” *Businesskorea*, December 19, 2018, <http://www.businesskorea.co.kr/news/articleView.html?idxno=27583>.

65 “Economic Effect of BTS’ Conquest of Billboard Hot 100 Chart,” *KBS World*, September 14, 2020, http://world.kbs.co.kr/service/contents_view.htm?lang=e&menu_cate=business&id=&board_seq=390930.2021, http://world.kbs.co.kr/service/contents_view.htm?lang=e&menu_cate=business&id=&board_seq=390930.

66 Adams Bodomo, “African Diaspora Remittances Are Better than Foreign Aid Funds: Diaspora-Driven Development in the 21st Century,” *World Economics Journal* 14 (December 1, 2013), 21-29.21

conditionalities to satisfy individual and community needs.⁶⁷ A few programs to foster African migration to Korea exist, such as programs and opportunities to study abroad. However, support following the completion of a migrant's program is limited.⁶⁸ Furthermore, the Korean immigration system is strict with high entry requirements for migrants,⁶⁹ and Korean society is homogenous and often opposed to foreign residents, particularly those of African origin.⁷⁰

Overcoming these barriers to African migration to Korea would benefit the African continent and wider Korean society, as African individuals have much to offer. Korea is currently facing an aging population and a low birth rate,⁷¹ which will present problems for its workforce. Improving Korea-Africa migration links, increasing awareness, and combatting anti-African prejudice in society would offer a partial solution to this problem and help invigorate Korea's labor force. This is a new avenue for the Korea-Africa partnership.

Conclusions

In summary, this essay has analyzed Korea's relationships with African countries, companies, and institutions so far and suggested areas for improvement. In the post-2006 era of renewed Korean-African cooperation, Korea has attempted to present its relations with Africa as a cut apart from traditional relations, emphasizing its unique development trajectory as a model for African states. While Korea's developmental experiences have been shown to influence its development cooperation policies, the idea that Korea-Africa relations are unique to other North-South relationships is just that, an idea. This prevents the full realization of Korea-Africa relations, hindering policy space development and often trapping African states in economic relationships that do not fully benefit them. Improvement of these relations would provide a mutually beneficial opportunity to fully achieve the potential of both Korea and its African partner states. However, there is great space for improvement

67 Ibid., 21, 25.

68 Seongyong Heo, "Measures to Raise African Awareness and Implications for Our Foreign Policy Against Africa," Seoul: *Ministry of Foreign Affairs* November 2020.

69 Young-bum Park, "South Korea Carefully Tests the Waters on Immigration, With a Focus on Temporary Workers," Migration Policy Institute, March 1, 2017. <https://bit.ly/3xrqfED>

70 Heo, "Measures to Raise African Awareness and Implications for Our Foreign Policy Against Africa."

71 Park, "South Korea Carefully Tests the Waters on Immigration, With a Focus on Temporary Workers."

as Korea and Africa have much to offer one another and are poised at a prime time to do so. The economic relationship could be tweaked, and Korea's developmental policies could be altered to transport its experiences to the continent in both traditional economic spaces and cultural spaces.

Furthermore, awareness and acceptance could be improved in Korean society to help foster African migration and diaspora communities, again for the mutual benefit of both communities. Ultimately, Korea will have to entrench the importance of African relations into its foreign policy and public consciousness to achieve a focused, long-term African policy that avoids the influences of diplomatic considerations, material needs, and administration changes. In the next decade, it can be hoped, expected with reasonable certainty, that this will occur.