
Australia-Korea Cyber Diplomacy – Advancing Bilateral Cooperation on Cyber and Critical Technologies

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This paper analyzes the bilateral relationship between Australia and South Korea in cyber and technology from a geopolitical perspective, considering the convergence of shared values and principles surrounding the use of Information and Communications Technologies (ICTs). This assesses how ideological influences and subjective geopolitical conditions have shaped national approaches to Cyber Affairs and Critical Technology (CACT). The potential for value-based disagreements surrounding democratic principles, human rights, and ethics in the use of technology arises from subjective national historical contexts, social conditions, and political experiences. These underscore divergent approaches in CACT governance and values across Canberra and Seoul, highlighting the necessity for concordance and cooperation across several areas in driving the responsible, trusted, and transparent use of technology under the elevated Comprehensive Strategic Partnership (CSP). Australia and South Korea face persistent challenges in alignment upon common norms and practices surrounding ICTs. These have manifested in response to the growing influence of Big Tech, differing approaches to human rights, and internet censorship. Premised upon “shared values,” deepened diplomatic relations on CACT is central in advancing democracy and human rights across the region. This is presented through the opportunity to bolster security cooperation from a human rights-based perspective, in supporting liberal-democratic ideals and safeguarding the international rules-based order.

Keywords: Australia, South Korea, Cyber, Technology, Shared Values, Indo-Pacific

Introduction

The ongoing effects of globalization and information and communications technologies (ICTs) upon regional stability underscores the significance of Australian-South Korean bilateral cooperation in advancing the transparent, secure, and resilient use of technology across the Indo-Pacific. Herein, alignment upon the expanded nature of shared values across Cyber Affairs and Critical Technology (CACT) provides a firm foundation for future bilateral relations—upholding the trusted, transparent, and accountable use of technology in: A) supporting liberal democratic values; and B) advancing a free, open, inclusive, and prosperous region.

The sixtieth anniversary of Australian-South Korean relations in 2021 symbolized a critical juncture, noting the mutual desire for intensified bilateral engagement.¹ South Korea's bond with Australia originated from wartime cooperation during the Korean War— recognizing Australia's commitment of 17,000 military personnel toward ensuring South Korea's continued existence, and to protect freedom and democracy on the Korean peninsula.²

This relationship has since blossomed through agreements on energy, mineral resources cooperation, international development, and regional security. In 2021, President Moon Jae-in described Australia as an “eternal friend,” reflecting South Korea's continued interest in collaboration across national infrastructure and defense to support joint contributions to peace across the region.³ As like-minded industrialized middle powers, both nations exist as US allies and significant

1 Embassy of the Republic of Korea to the Commonwealth of Australia, “Ambassador's Greetings,” *Embassy of the Republic of Korea to the Commonwealth of Australia*, last modified 2022, https://overseas.mofa.go.kr/au-en/wpge/m_3301/contents.do.

2 Bae So-hee, “[KESC] 60 years of Australia-South Korea relationship,” *The Korea Herald*, last modified January 3, 2022, <http://www.koreaherald.com/view.php?ud=20220103000687>>.

3 Embassy of the Republic of Korea to the Commonwealth of Australia, “Opening Remarks by President Moon Jae-in at Korea-Australia Summit on Sidelines of G7 Summit,” *Embassy of the Republic of Korea to the Commonwealth of Australia*, last modified June 12, 2021, https://overseas.mofa.go.kr/au-en/brd/m_3312/view.do?seq=761321&page=1.

trading and investment partners linked by a Free Trade Agreement.⁴

While the international trade and proliferation of ICTs has catalyzed economic transformation and disruption across social, legal, and political systems in the Indo-Pacific,⁵ it also presents new and emergent challenges for the future of the bilateral relationship. Within the bilateral relationship this has increasingly manifested around two-way ICT trade and developments in emerging technologies, semiconductors, and critical minerals.⁶ South Korea's reputation as an innovative economy—combined with its high-technology capability across aerospace, automotive, shipbuilding, electronics, machinery—has heightened interest in new opportunities in AI, IoT, healthcare, cybersecurity, and fintech. While Australia can benefit from South Korea's achievements, the foundation for future collaboration must derive from a common understanding of shared and underlying values.⁷

This paper analyzes Australian-South Korean bilateral cooperation in CACT from a diplomatic and geopolitical perspective⁸ by exploring the convergence of shared values and principles in the use of ICTs. This anticipates the continuing potential for divergent ideological principles, and foreign policy responses to geostrategic

4 Bill Paterson, "Missed opportunity: an appraisal of Australia-Korea relations," *Asialink*, last modified March 15, 2021, <https://asialink.unimelb.edu.au/insights/missed-opportunity-an-appraisal-of-australia-korea-relations>.

5 Department of Foreign Affairs and Trade (DFAT), "Australia's International Cyber and Critical Tech Engagement Strategy," *DFAT*, last modified April 2021, https://www.internationalcybertech.gov.au/sites/default/files/2021-04/21045%20DFAT%20Cyber%20Affairs%20Strategy%20Internals_Acc_update_1_0.pdf, 5.

6 Kristen Bondietti, "Trade Opportunities for the Australian ICT Services and Creative Industries sector - Australia's North Asian FTAs," *RMIT*, last modified September 6, 2017, <https://www.rmit.edu.au/content/dam/rmit/documents/college-of-business/industry/apec/aasc-ict-services-handout.pdf>, 4-5.

7 Alice Dawkins and Xiaoyi Kong, Lydekker, "Australia should learn from South Korea's homegrown tech success," *East Asia Forum*, last modified July 1, 2021, <https://www.eastasiaforum.org/2021/07/01/australia-should-learn-from-south-koreas-homegrown-tech-success/>.

8 Department of Foreign Affairs and Trade (DFAT), "Blueprint for Defence and Security Cooperation between Australia and the Republic of Korea 2015," *Department of Foreign Affairs and Trade*, last modified September 11, 2015, <https://www.dfat.gov.au/geo/republic-of-korea/Pages/blueprint-for-defence-and-security-cooperation-between-australia-and-the-republic-of-korea>.

challenges, to spur disagreement and conflict surrounding CACT.^{9 10}

This paper reflects upon the relationship’s shared objectives through analysis of diplomatic exchanges, ministerial statements, and foreign policy documents. This contextualizes bilateral CACT diplomatic engagement across several bilateral initiatives. The paper then focuses upon values-based differences surrounding human rights and the ethics of critical technology. Finally, the paper advances mutual policies in advancing future engagement through the trusted, transparent, and accountable use of technology.

Context

Background

The positive status of Australian-South Korean bilateral relations is attributed to the depth of their trade and diplomatic engagement. This enhanced trading relationship between the two countries emerged following the 2014 Korea Australia Free Trade Agreement—improving market access and tariff liberalization for cross-border merchandise trade. This would be further reinforced during the 2021 2+2 Foreign and Defense Ministers’ Meeting (2+2 Meeting).¹¹

South Korea is Australia’s fourth largest two-way trading partner, with two-way trade increasing from AUD600 million to AUD49 billion from 2003-2018.¹² The scale of common trade interests and mutually beneficial interests spanning manufacturing, defense, and energy demonstrates mutual trust and commitment to joint progress; and emphasizes the need

9 Gilford John Ikenberry, “The Rise of China and the Future of the West,” *Foreign Affairs*, last modified February 2008, <https://www.foreignaffairs.com/articles/asia/2008-01-01/rise-china-and-future-west>.

10 Matt Henry and Matthew Carney, “China and the US are locked in a superpower tech war to win the 21st century,” *ABC*, last modified July 8, 2021, <https://www.abc.net.au/news/2021-07-08/trump-facebook-twitter-china-us-superpower-tech-war/100273812>.

11 Department of Foreign Affairs and Trade (DFAT), “Republic of Korea country brief,” *DFAT*, last modified 2022, <https://www.dfat.gov.au/geo/republic-of-korea/republic-of-korea-south-korea-country-brief#trade-investment>.

12 Australian Trade and Investment Commission (ATIC), “Export Markets – Republic of Korea,” *ATIC*, last modified 2022, <https://www.austrade.gov.au/australian/export/export-markets/countries/republic-of-korea/market-profile>.

for enhanced foresight across anticipated bilateral engagements in CACT.

From a geostrategic perspective, such overlaps in foreign policy and national interests catalyze cooperative relations.¹³ During the 2020 Seventh Australia-ROK Strategic Dialogue, the bilateral relationship was described as “underpinned by shared values, a common strategic outlook, complementary economies, and people-to-people links,”¹⁴ the idea being that enhanced cooperation in security, people-to-people relations, and economic cooperation would facilitate common support for a stable and prosperous region.¹⁵

Consequently, the 2+2 Meeting and its joint statement attest to the strong cooperative bilateral relationship—expressing a common desire for cooperation on shared interests in achieving a “free and rules-based multilateral trading system” wherein “the flow of goods, people and ideas promotes prosperity and stability.”¹⁶ Furthermore, the statement’s strong language on human rights in Afghanistan demonstrates a “strong commitment to promoting and protecting universal human rights, and [agreement] to support the United Nations and other international organizations in their efforts to promote and protect human rights across the Indo-Pacific.”

The Comprehensive Strategic Partnership

In 2021, Australian and South Korean leaders jointly declared the “Australia-ROK Comprehensive Strategic Partnership” (CSP).¹⁷ The CSP joint statement embodied a deepening of the bilateral relationship, predicated upon strong

13 Embassy of the Republic of Korea to the Commonwealth of Australia, “Ambassador’s Greetings.”

14 Department of Foreign Affairs and Trade (DFAT), “Seventh Australia-ROK Strategic Dialogue,” *DFAT*, last modified November 11, 2020, <https://www.dfat.gov.au/news/media-release/seventh-australia-rok-strategic-dialogue>.

15 *Ibid.*

16 Minister for Foreign Affairs, “Joint Statement: Australia-Republic of Korea Foreign and Defence Ministers’ 2+2 Meeting 2021,” *Minister for Foreign Affairs*, last modified September 13, 2021, <https://www.foreignminister.gov.au/minister/marise-payne/media-release/joint-statement-australia-republic-korea-foreign-and-defence-ministers-22-meeting-2021>.

17 Prime Minister of Australia, “Australia-ROK Comprehensive Strategic Partnership – Joint Statement,” *Prime Minister of Australia*, last modified December 14, 2021, <https://www.pm.gov.au/media/australia-rok-comprehensive-strategic-partnership>.

cooperation and trusted dialogue in driving enhanced cooperation across: 1) strategic and security; 2) economic, innovation and technology; and 3) people-to-people exchange. Most relevant within the CSP's contents was its explicit reference to "shared values of democracy and universal human rights." This was further alluded through the CSP's assertions toward "deepening cooperation on human rights", focusing upon gender equality. The CSP thus displays expanded bilateral focus on human rights including economic, social, and cultural matters tied to civil and political issues.

In alluding to shared values and liberal democratic interests, the joint statement also highlights a joint commitment to an international rules-based order where international law/rules/norms would: A) guide cooperation on common challenges; B) drive economic prosperity; C) promote the peaceful resolution of disputes; and D) ensure the sovereignty and territorial integrity of states. Cooperation under this framework would be pursued through multilateral rules and institutions in promoting free and open international trade, particularly in terms of clean energy technology and critical minerals.¹⁸

The CSP thus references the importance of shared values in the context of CACT, underscoring a "shared vision of an open, secure, stable, accessible, and peaceful cyberspace that drives economic prosperity, protects national security, and promotes international stability." This was affirmed in reference to: A) The 2021 Australia-Korea Memorandum of Understanding on CACT (MOU);¹⁹ and B) The 2021 Cyber and Critical Technology Policy Dialogue.

Memorandum of Understanding on Cyber Affairs and Critical Technology

The adoption of the 2021 MOU symbolized a watershed moment for enhanced alignment on technology for Australian-South Korean relations. The MOU underscored the need to expand upon the depth of shared values and common ideals across CACT, a view elevated by the sixtieth

18 Prime Minister of Australia, "Australia and Republic of Korea sign new deals on clean energy tech and critical minerals – Media Release," *Prime Minister of Australia*, last modified December 13, 2021, <https://www.pm.gov.au/media/australia-and-republic-korea-sign-new-deals-clean-energy-tech-and-critical-minerals>.

19 Department of Foreign Affairs and Trade (DFAT), "Australia and the Republic of Korea sign new MoU on Cyber and Critical Technology Cooperation," *Department of Foreign Affairs and Trade*, last modified September 14, 2021, <https://www.internationalcybertech.gov.au/Australia-and-Korea-sign-MoU>.

anniversary of diplomatic ties, and subsequently reaffirmed under the CSP. The MOU set forth a common definition of critical technology: “current and emerging technologies with the capacity to significantly enhance, or pose risks to, the two countries’ prosperity, social cohesion and national security.”²⁰

However, when considering its relevance in relation to common values and principles in technology, the MOU remains silent on shared values, democracy, human rights, or freedom. While the MOU asserts the common desire “to promote an open, secure, stable, accessible, and peaceful cyberspace,” this is only stated in the preamble which points to its relative lack of importance.²¹ These points highlight the MOU’s intentional emphasis upon economic development, security, and multilateralism as leading elements across CACT.

Shared Values

Complementary assertions in diplomatic dialogues emphasize the mutually reinforcing and future-oriented relationship of Australia and South Korea. This can be seen by the proclamation of “shared values” and common interests, referencing alignment across socio-political and ideological outlooks. In exploring continued bilateral cooperation and elevated relations within CACT, stakeholders must determine the precise character and content of such shared values.

Analysis on the prevailing definition of “shared values” focuses upon the contents of diplomatic exchanges. Firstly, the 2014 Vision Statement for a secure, peaceful and prosperous future between the Republic of Korea and Australia outlined common values and a strong commitment to “democracy, the rule of law, and market based economies.”²² Second, the 2+2 Meeting extolled the shared values of freedom, democracy, universal human rights and rule of law.²³ Finally, the 2021 Inaugural ROK-Australia Cyber and Critical Technology

20 Ibid.

21 Ibid.

22 Department of Foreign Affairs and Trade (DFAT), “Vision statement for a secure, peaceful and prosperous future between the Republic of Korea and Australia 2014,” *DFAT*, last modified 2022, <https://www.dfat.gov.au/geo/republic-of-korea/vision-statement-for-a-secure-peaceful-and-prosperous-future-between-the-republic-of-korea-and-australia>.

23 Minister for Foreign Affairs, “Joint Statement: Australia-Republic of Korea Foreign and Defence Ministers’ 2+2 Meeting 2021.”

Policy Dialogue referenced “shared democratic values to achieve common goals of security and prosperity,” in the context of enjoined commitment to an “open, secure, stable, accessible, and peaceful cyberspace.” These exchanges contribute to a definitive definition of shared values as encompassing: ²⁴

- Democracy
- Democratic values
- The rule of law
- Freedom
- Human rights
- Market-based economies

This definition of shared values within CACT is particularly significant in the context of China’s rise.²⁵ Where China’s digital ambitions challenges the realization of an open, secure, stable, accessible, and peaceful cyberspace; the contents of shared values in the bilateral relationship extols the ideological merits of liberal democratic values across CACT.

Second, noting the similarly intimate relations shared by both nations vis-à-vis the US, the scope and character of shared values is crucial toward: A) continued cooperation and coordination with Washington across CACT; and B) upholding the existing rules-based international order. The US’s position as an ideological counterpoint to China evolved from concentrated restrictions and tariffs on the cross-border flow of technology.²⁶ Since positive relations with Washington presents a common concern, continuing values alignment is central for trilateral economic, security, and diplomatic cooperation.

Finally, shared values play a paramount role in national soft power influence. When a common perspective on shared values is applied interoperably across multilateral institutions and foreign policy, this elevates the ability of both nations to exert international influence as like-minded middle powers to facilitate greater economic growth, encourage innovation,

24 Jeffrey Robertson, “More than Old Friends? Narrative in Australia’s Relationship with Korea,” *Australian Journal of Politics & History* 63, no. 1 (2017): 28.

25 Wilson Center, “China vs. Western Values: Xi Jinping’s Ideology Campaign,” filmed at the Wilson Center, posted on April 21, 2015, video, 6:07, <https://www.wilsoncenter.org/article/china-vs-western-values-xi-jinpings-ideology-campaign>.

26 Claudia Canals and Jordi Singla, “The US-China technology conflict: an initial insight,” *CaixaBank Research*, last modified November 5, 2020, <https://www.caixabankresearch.com/en/economics-markets/activity-growth/us-china-technology-conflict-initial-insight>.

and realize the full benefits of ICTs while protecting against the risks of their misuse to regional stability and prosperity.²⁷ Clarity across shared values performs several important functions:²⁸

- In the provision of moral authority and building confidence;
- In reviewing and directing future bilateral cooperation toward common goals;
- In counteracting opposing values and principles advanced by adversaries; and
- In advancing international influence/prestige.

Elevated bilateral engagement and alignment in CACT under the CSP may be pursued through the broader conception of a “free and open” Indo-Pacific. Such a pivot within diplomatic lexicon will: 1) reaffirm the importance of democracy and human rights; and 2) reconceptualize the stated objective of the bilateral relationship within CACT as the common pursuit of a “free”, open, inclusive, stable, and prosperous Indo-Pacific.

Analysis

Comparative Approaches

A. Digital and Online Privacy

South Korea’s CACT policy perspectives may be analyzed through the government’s relationship with digital and online privacy. This follows the conception of privacy as a national security priority and a litmus test for governments—through the treatment of citizens and respect for civil liberties.²⁹ This is reinforced by the advent of data-intensive technologies, which has increasingly driven a digital environment wherein state and non-state actors are increasingly able to track, analyze, predict, and manipulate individual

27 Department of Foreign Affairs and Trade, “Blueprint for Defence and Security Cooperation between Australia and the Republic of Korea 2015.”

28 Jan-Philipp N.E. Wagner, “The Effectiveness of Soft & Hard Power in Contemporary International Relations,” *E-International Relations*, last modified May 14, 2014, <https://www.e-ir.info/2014/05/14/the-effectiveness-of-soft-hard-power-in-contemporary-international-relations/>.

29 Katherine Mansted and Eric Rosenbach, “The Geopolitics of Information,” *The Australian National University*, last modified January 31, 2022, <https://nsc.crawford.anu.edu.au/department-news/14338/geopolitics-information>.

behavior to an unprecedented degree. The increasing pace of technological developments threatens human dignity, autonomy, privacy, and the exercise of human rights.³⁰

South Korea’s approaches to digital and online privacy are informed by Articles 16, 17, and 18 of the Constitution—providing that the privacy of citizens must not be infringed upon, that all citizens must be free from intrusion into their place of residence, and the privacy of the correspondence of citizens must also not be infringed upon.³¹ These align with international human rights standards in tracking Article 12 of the Universal Declaration of Human Rights and Article 17(1) of the International Covenant on Civil and Political Rights. Although data protection is not explicitly stipulated in the Constitution, the nation’s Constitutional Court has recognized the existence of the right to self-determination of personal information as a fundamental right.³²

Issues surrounding data sharing were highlighted in 2021 during an AI project managed by the Ministry of Justice and Ministry of Science. Controversy arose after the government provided 170 million photographs of citizens and foreigners to a private company to train AI algorithms, drawing criticism over the compromise of biometric information and privacy rights. Such indiscriminate biometric data-sharing underscored the government’s lack of consideration for international human rights norms surrounding privacy.³³

South Korea’s COVID response using technology underscores issues surrounding the collection, storage, and distribution of public data. The constant receipt of SMS from local authorities, detailing the places and travel routes of confirmed cases, reinforced public perceptions on the

30 UN Office of the High Commissioner for Human Rights, “OHCHR and privacy in the digital age,” *UN Office of the High Commissioner for Human Rights*, last modified 2022, [ohchr.org/en/issues/digitalage/pages/digitalageindex.aspx](https://www.ohchr.org/en/issues/digitalage/pages/digitalageindex.aspx).

31 World Intellectual Property Organization, “South Korean Constitution,” *WIPO*, last modified 2022, [wipo.int/edocs/lexdocs/laws/en/kr/kr061en.pdf](https://www.wipo.int/edocs/lexdocs/laws/en/kr/kr061en.pdf).

32 Nohyoung Park, “A Korean Approach to Data Localization,” *Carnegie Endowment for International Peace*, last modified August 17, 2021, <https://carnegieendowment.org/2021/08/17/korean-approach-to-data-localization-pub-85165>.

33 Cheon Ho-sung, “S. Korean government provided 170M facial images obtained in immigration process to private AI developers,” *Hankyoreh*, last modified October 21, 2021, https://english.hani.co.kr/arti/english_edition/e_national/1016107.html.

overriding authority of the state to surveil citizens.³⁴ These practices have raised numerous privacy concerns, including the government's surveillance capabilities as well as the increased instances of online bullying.³⁵

An academic study highlighted several examples, including: A) an instance where online rumors circulated that an infected man was having an affair with a woman after their travel routes were made public; and B) where a municipal government leader posted on Facebook that a woman had transmitted the virus to her boyfriend after an evening visit.³⁶ In these cases, transparency in risk communications and unnecessary information disclosure led to privacy concerns and the risk of engendering social unrest. The revealing of too much personal information could result in unexpected social problems and incite political figures craving the media spotlight to echo unfiltered public demand to collect and disclose more personal information.

These concerns were echoed in the 2021 Report of the Special Rapporteur on the right to privacy.³⁷ The report criticized South Korea for its privacy-intrusive approach in handling COVID-19 pandemic, noting the government's invasive efforts to combat the pandemic through massive testing, data-intensive contact tracing, and social distancing. Specifically, concern was raised that the government's use of cell phone location data, CCTV cameras, and its tracking of debit, ATM, and credit cards to identify cases as well as its creation of a publicly available map for people to check whether they have crossed paths with infected individuals, infringed upon the general right to privacy.³⁸ The rapporteur focused on establishing whether the privacy-intrusive

34 Human Rights Watch, "South Korea – Events of 2020," *Human Rights Watch*, last modified 2022, <https://www.hrw.org/world-report/2021/country-chapters/south-korea>.

35 Mark Zastrow, "South Korea is reporting intimate details of COVID-19 cases: has it helped?," *Nature*, last modified March 18, 2020, <https://www.nature.com/articles/d41586-020-00740-y>.

36 Younsik Kim, "Uncertain future of privacy protection under the Korean public health emergency preparedness governance amid the COVID-19 pandemic," *Taylor & Francis Online*, last modified January 4, 2022, <https://www.tandfonline.com/doi/full/10.1080/23311886.2021.2006393>.

37 UN Office of the High Commissioner for Human Rights (OHCHR), "Report of the Special Rapporteur on right to privacy," *OHCHR*, last modified June 25, 2021, [ohchr.org/EN/HRBodies/HRC/RegularSessions/Session46/Documents/A_HRC_46_37_Add_6.docx](https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session46/Documents/A_HRC_46_37_Add_6.docx).

38 *Ibid.*, 5.

measures taken in South Korea during the pandemic fulfilled several best-practice principles: A) being provided for by law; B) being necessary according to the circumstances; and C) being proportionate in a democratic society.

While the privacy intrusive measures employed to counter the pandemic generally did have a legal basis under domestic legislation, it remained unclear whether such measures were necessary and proportionate within a democratic society. The report concluded that a significant amount of personal data collection in the name of combating COVID-19 was neither necessary nor proportionate for certain periods of time, especially in the period between January-June 2020.³⁹

Conversely, Australia's performance during the pandemic underscores divergent approaches across privacy-related issues. The government refrained from the publication of personal contact tracing, only revealing de-identified pieces of information in public notices concerning pandemic exposure sites.⁴⁰ This general sentiment against the public disclosure of personal and identifying information (PII) from contact tracing was also impressed upon businesses, with the Office of the Australian Information Commissioner (OAIC) instructing businesses on the collection of personal information for contact tracing.⁴¹ However, criticism arose over attempts to integrate technology with government contact tracing efforts, such as the proposed use of facial recognition technology and geolocation for home quarantine apps. The government sought to assure the public by stating that any collected data is encrypted on submission and stored on an Australian server, and moreover will not be destroyed until "the conclusion of the COVID-19 pandemic unless required for enforcement purposes for any alleged breach of a direction by [the

39 Ibid., 10.

40 Yasmin Jeffery, "The five hallmarks of successful contact tracing during the coronavirus pandemic," *ABC News*, last modified October 18, 2020, <https://www.abc.net.au/news/2020-10-18/contact-tracing-coronavirus-australia-five-hallmarks-success/12759068>.

41 OAIC, "Guidance for businesses collecting personal information for contact tracing," *OAIC*, last modified May 29, 2020, <https://www.oaic.gov.au/privacy/guidance-and-advice/guidance-for-businesses-collecting-personal-information-for-contact-tracing>.

subject individual] under the Emergency Management Act 2004.”⁴² However, civil society groups questioned the duration for data retention especially since it’s unclear when the government would deem the pandemic as concluded. The government also faced criticism over attempts to access COVID check-in data for law enforcement purposes, which had primarily been gathered for contact tracing purposes.⁴³ However, the OAIC’s decision to restrict data access from law enforcement helped to reinforce public trust in the government.⁴⁴

Analysis of each nation’s approach to digital and online privacy highlights differing approaches in the right to privacy and maintaining public trust. The South Korean government’s unnecessary disclosure of personal information and widespread collection and use of personal data during the pandemic reflects the Korean people’s lack of self-determination around their personal information and stands in opposition to the democratic values of social justice and the rule of law. Understandably, South Korea’s practice of thick communitarianism comes from the government’s desire to avoid the mistakes of previous pandemics.⁴⁵ Conversely, Australia’s demonstrated aversion to the disclosure of PII across contact tracing, informed public submissions process, integration of diverse civil society perspectives, and focus upon maintaining public trust demonstrates adherence to the democratic values of social justice and the rule of law.

42 Josh Taylor, “Home quarantine apps spark privacy fears over facial recognition and geolocation technology,” *The Guardian*, last modified October 13, 2021, <https://www.theguardian.com/australia-news/2021/oct/13/home-quarantine-apps-prompt-privacy-and-racial-bias-concerns-in-australia>.

43 Graham Greenleaf and Katherine Kemp, “Police access to COVID check-in data is an affront to our privacy. We need stronger and more consistent rules in place,” *The Conversation*, last modified September 7, 2021, <https://theconversation.com/police-access-to-covid-check-in-data-is-an-affront-to-our-privacy-we-need-stronger-and-more-consistent-rules-in-place-167360>.

44 Scott Ikeda, “Australian Privacy Watchdog Looks to Ban Police From Accessing Contact Tracing Data for Unrelated Investigations,” *CPO Magazine*, last modified September 10, 2021, <https://www.cpomagazine.com/data-privacy/australian-privacy-watchdog-looks-to-ban-police-from-accessing-contact-tracing-data-for-unrelated-investigations/>.

45 Kim, “Uncertain future of privacy protection under the Korean public health emergency preparedness governance amid the COVID-19 pandemic.”

B. Online Censorship

South Korea's national regulatory bodies have exhibited a failure to operate in a free, fair, and independent manner on censorship when it comes to online activities. Domestic law prohibits the type of content one may circulate through an information and communications network, including "obscene content," which is not defined under the law. Moderated by the Korean Communications Commission (KCC) and the Korean Communication Standards Commission (KCSC), providers of information and communication services may be ordered to reject, suspend, or restrict offending information.⁴⁶ This can be seen in the KCC's restrictions on South Korea.⁴⁷

Following several national high-profile digital sex crime cases, the government has renewed efforts to restrict access to sexually explicit material through blanket bans and regulations.⁴⁸ While this has been viewed as detrimental to free speech and individual freedoms, the government has also been criticized for its failure to address the core issues behind such cases.⁴⁹ This is furthered by the lack of legal grounds to prosecute individuals watching or storing pornography in which only adults appear.⁵⁰

Most recent was the adoption of the "Nth room prevention law," a revision to the Telecommunications Business Act requiring internet platforms with sales over 1 billion won, or over 100,000 daily users, to self-censor and remove illegal content from their servers. The law drew public opposition over its perception as increased government censorship and a violation of free speech online, and from platform companies

46 Human Rights Watch, "My Life is Not Your Porn - Digital Sex Crimes in South Korea," *Human Rights Watch*, last modified June 16, 2021, https://www.hrw.org/report/2021/06/16/my-life-not-your-porn-digital-sex-crimes-south-korea#_ftn149.

47 Korea Bizwire, "South Korea Bans Access to Porn Sites," *Korea Bizwire*, last modified February 20, 2019, <http://koreabizwire.com/south-korea-bans-access-to-porn-sites/132882>.

48 Haeryun Kang, "2021 in Review: South Korea's Battle with Digital Sex Crimes," *Korea Economic Institute*, last modified December 29, 2021, <https://keia.org/the-peninsula/2021-in-review-south-koreas-battle-with-digital-sex-crimes/>.

49 Jason Bartlett, "South Korea's Constant Struggle With Digital Sex Crimes," *The Diplomat*, last modified January 26, 2022, <https://thediplomat.com/2022/01/south-koreas-constant-struggle-with-digital-sex-crimes/>.

50 Korea Bizwire, "South Korea Bans Access to Porn Sites."

struggling with its implementation requirements.⁵¹ Most notable was the law's impact upon chat platform KakaoTalk, subjecting chatrooms to moderation and storing chat records for a mandatory period of three years.⁵²

Likewise, South Korea restricts online access to North Korean content.⁵³ Article 7 of the NSL forbids the distribution and possession of North Korean material with a maximum sentence of seven years imprisonment. Despite assurances that the law would be applied minimally and would refrain from limiting fundamental rights, it has been repeatedly wielded for political purposes by targeting the sale of North Korean books, parodies on social media, and music.⁵⁴ The law has been criticized internationally⁵⁵ for its limitations on freedom of speech and expression, overt censorship, condescending view on the ability of citizens to critically and responsibly manage materials pertaining to North Korea, and as a counterproductive attempt to keep citizens ignorant about North Korea.⁵⁶

Meanwhile, the NGO "Freedom House" noted Australia's increasing restrictions on the internet. This has focused on websites that offer illegal services such as interactive gambling, which may be blocked or filtered

51 Ko Jun-tae, "[Newsmaker] Nth room prevention law draws fire for censorship, invasion of privacy," *The Korea Herald*, last modified December 13, 2021, <http://www.koreaherald.com/view.php?ud=20211213000626>.

52 Fit_Progress_947, "Starting tomorrow, censorship will begin in every Internet community and open chat room on Kakaotalk with more than three people participating. All types of gifs and videos must be checked by AI and the records are kept for 3 years," *Reddit*, last modified December 9, 2021, https://www.reddit.com/r/korea/comments/rcffvi/starting_tomorrow_censorship_will_begin_in_every/.

53 DBpedia, "About: List of north Korean Websites banned in South Korea," *DBpedia*, last modified 2022, https://dbpedia.org/page/List_of_North_Korean_websites_banned_in_South_Korea.

54 Martin Weiser, "South Korea's needless censorship of North Korean material," *East Asia Forum*, last modified June 26, 2021, <https://www.easiaforum.org/2021/06/26/south-koreas-needless-censorship-of-north-korean-material/>.

55 Including by the UN Special Rapporteur on the Promotion and Protection of Freedom of Opinion and Expression.

56 Doug Brandow, "South Korea Should Embrace Liberty in Confronting Pyongyang," *National Interest*, last modified May 10, 2021, <https://nationalinterest.org/blog/korea-watch/south-korea-should-embrace-liberty-confronting-pyongyang-184531>.

under a narrow set of circumstances.⁵⁷ Under the *Online Safety Bill 2021* (Cth),⁵⁸ the government broadened its ability to censor online content by A) ordering websites/apps to remove serious harmful content, B) blocking websites hosting abhorrent, violent and terrorist content, and C) implementing a “restricted access system” which may force citizens to prove their age though identifying documents or facial recognition.⁵⁹ This has been decried by civil society for empowering the government’s moderation of online sexual material, and in promoting self-censorship among various stakeholders.⁶⁰

The growing abuse of Australia’s legal system by individuals and organizations who stifle online speech has also been criticized. Established precedent compels social media companies to limit an offending user’s ability to create accounts/posts, and to proactively monitor and prevent the future publication of offending material on their websites. The practice of censorship under the flag of defamation has also facilitated “libel tourism,” wherein non-citizens file local defamation cases to take advantage of Australia’s favorable legal environment.⁶¹

Reviewing each nation’s approach to online censorship highlights differences surrounding criminal penalties for activities considered protected under international human rights standards. This is exemplified with the NSL’s restrictions on online content praising or expressing sympathy with North Korea, thus threatening liberal democratic principles and fundamental human rights in the form of political debate and freedom of expression. Additional differences are evident within South Korea’s recognition of

57 Freedom House, “Freedom on the Net 2021 – Australia,” *Freedom House*, last modified 2022, <https://freedomhouse.org/country/australia/freedom-net/2021>.

58 Parliament of Australia, “Online Safety Bill 2021,” *Parliament of Australia*, last modified 2022, https://www.aph.gov.au/Parliamentary_Business/Bills_LEGislation/Bills_Search_Results/Result?bId=r6680.

59 Cam Wilson, “Parties unite to deliver greater internet censorship powers to government-appointed official,” *Crikey*, last modified June 23, 2021, <https://www.crikey.com.au/2021/06/23/parties-unite-to-deliver-greater-internet-censorship-powers-to-government-appointed-official/>.

60 Zahra Zsuzsanna Stardust, “New online safety bill could allow censorship of anyone who engages with sexual content on internet,” *UNSW*, last modified February 19, 2021, <https://www.unsw.edu.au/news/2021/02/new-online-safety-bill-could-allow-censorship-of-anyone-who-engage>.

61 Freedom House, “Freedom on the Net 2021 – Australia.”

criminal defamation charges for spreading online rumors,⁶² compared to Australia's treatment of defamation as a civil wrong. Consequently, common respect for fundamental human rights and democratic values surrounding online discussion and content is crucial in facilitating the trusted, transparent, and accountable use of technology under the CSP.

C. Government versus Big Tech

The relationship between democratic governments and Big Tech is a contentious issue. There is conflict between the governmental interest in regulating the activities of private companies in the public/national interest and the objective of businesses to maximize profit and meet shareholder obligations.⁶³ This conflict has fueled debate on competition, content accountability, privacy, cybersecurity, accessibility, and the online protection of civil rights and liberties.⁶⁴ This has only intensified during the pandemic, where intensified public reliance upon Big Tech has contributed to their perception as facets of critical infrastructure.⁶⁵

Highlighted by the 2014 Vision Statement, Australia and South Korea are committed to a market-based economy.⁶⁶ Both countries actively support an economic system uncontrolled by a central authority, based on voluntary exchange, where supply and demand direct the production of goods and

62 Bak Guk-Hui, 현재, 온라인 허위사실 명예훼손 처벌은 합헌(Constitutional Court Says Online Fraud Defamation Punishment Is Constitutional), *Chosun Ilbo*, last modified April 4, 2021, https://www.chosun.com/national/court_law/2021/04/04/N6YWZYCIPFAQNDHFZ62JVI52SI/.

63 Anika Gauja, "Digital Democracy: Big technology and the regulation of politics," *UNSW Law Journal* 44, no.3 (2021): 963, unswlawjournal.unsw.edu.au/wp-content/uploads/2021/09/Issue-443_final_Gauja.pdf.

64 Belfer Center for Science and International Affairs, *Big Tech and Democracy: The Critical Role of Congress*, (Cambridge: Harvard University, April 2019), <https://shorensteincenter.org/wp-content/uploads/2019/04/BigTechDemocracy.pdf>.

65 John Naughton, "Australia shows the way. It's the job of governments not big tech to run democracies," *The Guardian*, last modified February 21, 2021, <https://www.theguardian.com/commentisfree/2021/feb/21/australia-shows-the-way-its-the-job-of-governments-not-big-tech-to-run-democracies>.

66 Department of Foreign Affairs and Trade (DFAT), "Vision statement for a secure, peaceful and prosperous future between the Republic of Korea and Australia 2014."

services.⁶⁷ This reality underscores the importance of responsible and reasonable regulation in facilitating sustainable economic growth, equality of opportunity, and innovation within a free and competitive marketplace.

In South Korea, the presence of *chaebol* business conglomerates and Big Tech presents significant governmental challenges, given their immense political influence and dominant status within the economy.⁶⁸ This complex “pay to play” government-*chaebol* relationship is where the president or their associates receive financial opportunities afforded by their proximity to political power.⁶⁹ Consequently, all presidents of the democratic era have encountered corruption scandals, whether personally or by their close friends and family.⁷⁰ While not all Big Tech companies are necessarily *chaebols*, many *chaebols* may be viewed as Big Tech.

Surprisingly, South Korea has visible steps to regulate Big Tech. Firstly, in November 2020 the South Korean Personal Information Protection Commission (PIPC) fined Facebook USD6.06 million after a probe determined that the PII of 3.3 million South Korean Facebook users was unknowingly provided to third-party operators. The PIPC also sought a criminal investigation over Facebook’s conduct.⁷¹ Secondly, in September 2021, the Korea Fair Trade Commission (KFTC) fined Google USD177 million for forcing Samsung and other manufacturers to use only approved versions of the Android operating system, ruling that the company’s actions restricted

67 National Geographic, “Resource Library | Encyclopaedic Entry – Market Economies,” *National Geographic*, last modified 2022, <https://www.nationalgeographic.org/encyclopedia/market-economies/>.

68 Eleanor Albert, “South Korea’s Chaebol Challenge,” *Council on Foreign Relations*, last modified May 4, 2018, <https://www.cfr.org/backgrounder/south-koreas-chaebol-challenge>.

69 Jaylia Yan, “South Korea’s Moment for Chaebol Reform is Now,” *The Global Anticorruption Blog*, last modified November 16, 2020, <https://globalanticorruptionblog.com/2020/11/16/south-koreas-moment-for-chaebol-reform-is-now/>.

70 BBC, “Why South Korea’s corruption scandal is nothing new,” *BBC*, last modified November 24, 2016, <https://www.bbc.com/news/world-asia-38078039>.

71 Joyce Lee, “South Korean watchdog fines Facebook \$6.1 million for sharing user info without consent,” *Reuters*, last modified November 25, 2020, <https://www.reuters.com/article/us-facebook-southkorea-fine-idUSKBN2850YW>.

market competition and constituted an anti-competitive practice.⁷² Finally, in August 2021 the National Assembly approved a bill which would ban major app store operators (e.g., Google and Apple) from requiring developers to use only their payment systems to process the sale of digital products and services.⁷³ The KCC has indicated plans to impose a monetary penalty of up to two percent of an offending company's South Korean market revenue.⁷⁴

However, South Korea's relationship with *chaebols* has not affected regulatory action against Big Tech.⁷⁵ Both the judiciary and regulatory bodies have demonstrated impartiality when overseeing such cases,^{76 77} with six companies including Microsoft and South Korean Ground1 receiving fines in 2021 for their lax privacy controls and PII leaks.⁷⁸ South Korea's approach has been commended by commentators for striking a balance between

72 Kate Park, "Second, in September 2021 the Korea Fair Trade Commission (KFTC)," *TechCrunch*, September 14, 2021, <https://techcrunch.com/2021/09/14/south-korean-antitrust-regulator-fines-google-177m-for-abusing-market-dominance/>.

73 Saheli Roy Choudhury and Sam Shead, "South Korea passes bill limiting Apple and Google control over app store payments," *CNBC*, last modified August 31, 2021, <https://www.cnbc.com/2021/08/31/south-korea-first-country-to-curb-google-apples-in-app-billing-policies.html>.

74 The Straits Times, "South Korea weighs monetary fines to rein in app store operators like Apple and Google," *The Straits Times*, last modified November 18, 2021, <https://www.straitstimes.com/tech/tech-news/south-korea-weighs-monetary-fines-to-rein-in-app-store-operators-like-apple-and>.

75 William Pesek, "The world should cheer South Korea's battle against Big Tech," *Nikkei Asia*, last modified September 16, 2021, <https://asia.nikkei.com/Opinion/The-world-should-cheer-South-Korea-s-battle-against-Big-Tech>.

76 CNN, "Apple, Samsung both lose in South Korean court," *CNN Business*, last modified August 24, 2012, <https://edition.cnn.com/2012/08/24/business/korea-apple-samsung/index.html>.

77 Jeong-Ho Lee and Sohee Kim, "Big Tech Replaces Chaebol as Enemy No. 1 Before South Korea Vote," *Bloomberg*, last modified October 1, 2021, <https://www.bloomberg.com/news/articles/2021-09-30/big-tech-replaces-chaebol-as-enemy-no-1-before-south-korea-vote>.

78 Jenny Lee, "Microsoft, Kakao's Ground 1, four other companies fined by South Korean regulator for personal data leaks," *mlex*, last modified June 9, 2021, <https://mlexmarketinsight.com/news/insight/microsoft-kakao-s-ground-1-four-other-companies-fined-by-south-korean-regulator-for-personal-data-leaks>.

public and private interests, as well as state and market-based approaches.⁷⁹

Within Australia, government conflict with Big Tech can be observed across new reforms and legislation that seek to control online content.⁸⁰ First, the *Online Safety Act 2021* (Cth) empowered the government to order online content providers to remove offending content within 24 hours, to block websites hosting harmful content, and to adhere to a set of Basic Online Safety Expectations.⁸¹ Second, there is the pending adoption of an online privacy bill which introduces new requirements for social media platforms to verify their users' ages, new requirements for handling PII, and increased fines for serious privacy interferences.⁸² Third, there are ongoing reforms to Australia's defamation laws to hold social media companies liable for defamatory content if the company refuses to identify the responsible party.⁸³ Fourth, there is the introduction of a voluntary code to address disinformation and misinformation which assists users of digital platforms to more easily identify the reliability, trustworthiness, and source of news content.⁸⁴ Finally, ongoing review of online competition under the Australian Competition and Consumer Commission's (ACCC) Digital Platforms Services Inquiry, which

79 Evan A. Feigenbaum and Michael R. Nelson, "Introduction: How Korea Can Unleash the Power of Data," *Carnegie Endowment for International Peace*, August 17, 2021, <https://carnegieendowment.org/2021/08/17/introduction-how-korea-can-unleash-power-of-data-pub-85162>.

80 Josh Taylor, "What is the Australian government doing to crack down on big tech, and why?," *The Guardian*, last modified October 29, 2021, <https://www.theguardian.com/australia-news/2021/oct/30/what-is-the-australian-government-doing-to-crack-down-on-big-tech-and-why>.

81 Melissa Fai, Jen Bradley, and Meaghan Powell, "Online Safety Bill - The Enhanced Regime," *Gilbert + Tobin*, last modified June 9, 2021, <https://www.gtlaw.com.au/knowledge/online-safety-bill-enhanced-regime>.

82 Philip Catania and Viva Swords, "Changes to Australia's privacy laws: what happens next?," *Corrs Chambers Westgarth*, last modified November 8, 2021, https://www.corrs.com.au/insights/changes-to-australias-privacy-laws-what-happens-next#_ftn1.

83 CNBC, "Australia looks to revise laws after court rules publishers can be liable for defamatory comments," *CNBC*, last modified October 7, 2021, <https://www.cnbc.com/2021/10/07/australia-moves-to-update-defamation-laws-after-court-ruling.html>.

84 Lesley Sutton, Samantha Karpes, and Claire Arthur, "Fake News: A look into the Australian Code of Practice on Disinformation and Misinformation," *Gilbert + Tobin*, last modified June 25, 2021, <https://www.gtlaw.com.au/insights/fake-news-look-australian-code-practice-disinformation-misinformation>.

facilitated the News Media and Digital Platforms Mandatory Bargaining Code (NMDPMBC), highlighted anti-competitive practices surrounding web browsers and general search services, and advanced recommendations to limit market dominance/monopolization across online advertisement.⁸⁵

The NMDPMBC sought to force online platforms to pay news media publishers/organizations if they hosted their content on their platform.⁸⁶ This law arose following complaints from Australian news outlets about the role of online digital platforms in the decline of journalism and their business models. Initial response saw several platforms threaten to reduce or remove their services in Australia, with Google threatening to block Australian users from accessing its search engine⁸⁷ and Facebook moving to block news from being shared to Australian users.⁸⁸ This resulted in a negotiated outcome, with the government providing added flexibility in the application of the Code in instances where the digital platform can demonstrate it has signed enough deals with media outlets to pay them for content.⁸⁹

Opportunities for bilateral exchange in regulating Big Tech are evident through the enforcement actions of South Korea's regulatory agencies, curtailing Big Tech's ability to maintain financial monopolies and in penalizing negligent and reckless privacy practices. Conversely, Australia has focused upon legislative approaches toward moderating online content,

85 Jacqueline Downes and Melissa Camp, "The ACCC's Ongoing Digital Platforms Inquiry: Choice Screens and the ACCC's Plan for an Ex Ante Regime for Digital Platforms," *Competition Policy International*, last modified January 24, 2022, <https://www.competitionpolicyinternational.com/the-acccs-ongoing-digital-platforms-inquiry-choice-screens-online-retail-marketplaces-and-the-acccs-plan-for-an-ex-ante-regime-for-digital-platforms/>.

86 Parliament of Australia, "Bills of the current Parliament," *Parliament of Australia*, last modified 2022, parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;page=0;query=BillId:r6652%20Recstruct:billhome.

87 Rahel Klein, "Google vs. Australia: 5 questions and answers," *DW*, last modified January 25, 2021, <https://www.dw.com/en/google-vs-australia-5-questions-and-answers/a-56340697>.

88 Sara Morrison, "Why Facebook banned (and then unbanned) news in Australia," *VOX*, last modified February 25, 2021, <https://www.vox.com/recode/22287971/australia-facebook-news-ban-google-money>.

89 Amanda Meade, Josh Taylor, and Daniel Hurst, "Facebook reverses Australia news ban after government makes media code amendments," *The Guardian*, last modified February 23, 2021, [theguardian.com/media/2021/feb/23/facebook-reverses-australia-news-ban-after-government-makes-media-code-amendments](https://www.theguardian.com/media/2021/feb/23/facebook-reverses-australia-news-ban-after-government-makes-media-code-amendments).

promoting online safety, and reforming online news media. These responses underscore the opportunity for bilateral CACT dialogue and consultation in mitigating the harms inflicted by Big Tech on society, supporting the realization of a free and open market-based economy, and driving the trusted, transparent, and accountable use of technology under the CSP.

Barriers to shared values

A. South Korea's democratic development

The enduring legal and institutional legacies of past military regimes in South Korea continue to influence Seoul's inconsistent application of liberal democratic functions. Combined with the desire of leaders to advance their goals vis-à-vis North Korea, this has contributed to intermittent examples of egregious abuse and rights violations such as 1) limitations on freedom of expression to contain political opposition, 2) the expansion of NSL and use of intelligence agencies for the purpose of political coercion and interference with the political process, and 3) the ongoing corruptive influence of *chaebols* upon politics which leads to frequent mass demonstrations by groups who have been left behind by inept government policies.⁹⁰

Having only democratized in 1988, South Korea has become one of the several leading consolidated democracies in Asia.⁹¹ However, it has been argued that the nation's ideological shift from "right" to "left" takes more time than the shift from "left" to "right,"⁹² and it could be argued that South Korea is not on par with the model of democracy that Australia upholds. While democratization of political institutions is often achieved over a short period of a few years, the democratization of mass political thinking persists

90 Jong H. Pak, "North Korea's long shadow on South Korea's democracy," *Brookings Institute*, last modified January 22, 2021, <https://www.brookings.edu/articles/north-koreas-long-shadow-on-south-koreas-democracy>.

91 Sook-Jong Lee, "The Contentious State of South Korean Democracy: Pitfalls and Hopes," *Council on Foreign Relations*, last modified January 25, 2022, <https://www.cfr.org/blog/contentious-state-south-korean-democracy-pitfalls-and-hopes>.

92 Doh Chull Shin and Byong-Kuen Jhee, "How Does Democratic Regime Change Affect Mass Political Ideology? A Case Study of South Korea in Comparative Perspective," *International Political Science Review* 24, no.4 (2005): 394, <https://journals.sagepub.com/doi/abs/10.1177/0192512105055806>.

as an intergenerational phenomenon that requires decades for realization.⁹³

While South Korea has encountered such stressors as income inequality and deep political divides, overall support for democracy remains strong. Since the mid-2000s, multiple surveys highlight an increasing preference for democracy over authoritarianism among South Korean citizens. Between 2006-2020, the number of South Koreans who prefer democracy unequivocally has increased from 42.7 percent to 69.6 percent. Despite differences, all generations of South Koreans display a strong support for democracy. From a demographic perspective, ensuring inter-generational support for democracy will be contingent upon providing viable economic futures for the youth and meeting the material needs of the older generations.⁹⁴ However, increasingly sluggish economic growth and demographic difficulties in securing the well-being of a rapidly aging society will present significant hurdles to its democratic resilience over the following decades.

South Korea's ability to engage in the trusted, transparent, and accountable use of technology under the CSP faces obstacles amid the nation's democratic transformation. The opportunity to further South Korea's progression as a liberal democracy is thus contingent upon the government's ability to foster democratic resilience in supporting freedom of speech and expression online, to counter the adverse political and economic influence of Big Tech and *chaebols*, and to leverage technology in support of equality, minority rights, and social integration.

B. Foreign Policy Differences vis-à-vis China

Differences in foreign policy vis-à-vis diplomatic engagement with China inhibits the opportunity for CACT engagement under the CSP. South Korea has long engaged in a "balancing" act—a hedging strategy between the US and China. This strategic ambiguity in foreign policy seeks to cope with regional uncertainties and mitigate the downside risks associated with preferring one regional power over the other. As a result, Seoul augments

93 Ibid, 393.

94 Sook Jong Lee, "Generational Divides and the Future of South Korean Democracy," *Carnegie Endowment for International Peace*, last modified June 29, 2021, <https://carnegieendowment.org/2021/06/29/generational-divides-and-future-of-south-korean-democracy-pub-84818>.

its economic and historical cooperation with Beijing, while simultaneously maintaining its close defense and security ties with Washington.⁹⁵

China retains significant influence over South Korea in the form of economic relations, North Korea's ballistic missile and nuclear threats, and the potential for future Korean reunification.⁹⁶ China is South Korea's largest trading partner, comprising 27 percent of its total exports in 2021, during which both countries maintained close economic engagement under the 2014 China-South Korea Free Trade Agreement and Regional Comprehensive Economic Partnership.⁹⁷ This has contributed to ambiguous statements over Hong Kong's National Security Law and Seoul's muted stance on Taiwan during President Moon Jae-in's 2021 visit to the US.⁹⁸ South Korea appears intent on continued neutrality, stepping outside of the China-US rivalry as a non-aligned middle power.⁹⁹

Conversely, Australia's more distanced relationship with China, in favor of closer alignment with Western nations, has caused the Chinese government to sanction Australian trade—costing \$20 billion annually.¹⁰⁰ This has been driven by diplomatic conflict over democracy in Hong Kong and Taiwanese independence, Beijing's hostage diplomacy, Canberra's vocal statements supporting Uyghurs, cancellation of Victoria's Belt and Road MOU, and Australia's probe into the pandemic's origins. Accordingly, Australia has pursued closer alignment with regional democracies and the

95 Jahyun Chun and Yangmo Ku, "Clashing Geostrategic Choices in East Asia, 2009-2015: Re-balancing, Wedge Strategy, and Hedging," *The Korean Journal of International Studies* 18, no.1 (2020): 35.

96 Ibid.

97 Santander Trade Markets, "South Korea Foreign Trade in Figures," *Santander Trade Markets*, last modified 2022, <https://santandertrade.com/en/portal/analyse-markets/south-korea/foreign-trade-in-figures>.

98 Yosuke Onchi, "South Korea's tiptoeing on Taiwan avoids Beijing backlash," *Nikkei Asia*, last modified May 29, 2021, <https://asia.nikkei.com/Politics/International-relations/South-Korea-s-tiptoeing-on-Taiwan-avoids-Beijing-backlash>.

99 Jeffrey Robertson, "Coming soon: A neutral South Korea?," *The Lowy Interpreter*, last modified November 4, 2020, <https://www.loyyinstitute.org/the-interpreter/coming-soon-neutral-south-korea>.

100 Peter Hartcher, "Australia paid a high price for unsatisfying report into global tragedy," *ABC*, last modified April 6, 2021, <https://www.smh.com.au/national/australia-paid-a-high-price-for-unsatisfying-report-into-global-tragedy-20210405-p57gke.html>.

US under the Quadrilateral Security Dialogue (QSD) and the Australia-UK-US (AUKUS) Security Pact, intent upon securing a free and open Indo-Pacific.¹⁰¹

South Korea has faced increasing pressure to realign amid US-China competition. Maintaining both major power relationships without giving offense appears increasingly difficult, particularly as strife and military confrontation increasingly dominate US-China relations.¹⁰² As the room for strategic ambiguity on human rights, security, and technology becomes increasingly smaller, hedging no longer presents a viable strategy, as observed across several CACT matters. First, in the case of semiconductors, China represents South Korea's biggest market for computer chips—accounting for 60 percent of total exports.¹⁰³ While South Korean semiconductor manufacturers expand investment and presence in China, US concerns regarding supply chain cybersecurity has pressured Seoul to decouple its technical cooperation with China on critical technologies.¹⁰⁴ Second, in the case of advanced telecommunications technology, the ongoing US-China conflict over Huawei's 5G networks presents South Korea with a security-trade dilemma. US efforts to restrict Huawei internationally due to security concerns has contributed to China's significant loss in global market share in 5G-related spinoff technologies. Despite national security concerns, South Korean leaders have expressed a reluctance to restrict trade with Huawei. This follows concerns of a potential trade dispute which would jeopardize ICT-related trade between South Korean and Chinese companies, where Huawei accounts for 17 percent of South Korea's electronic parts exports to China.¹⁰⁵

101 Jeffrey Wilson, "Australia Shows the World What Decoupling From China Looks Like," *Foreign Policy*, last modified November 9, 2021, <https://foreignpolicy.com/2021/11/09/australia-china-decoupling-trade-sanctions-coronavirus-geopolitics/>.

102 Doug Bandow, "Which Will South Korea Choose: The U.S. or China?" *National Interest*, last modified December 6, 2021, <https://nationalinterest.org/blog/korea-watch/which-will-south-korea-choose-us-or-china-197568>.

103 Laura Zhou and Eduardo Baptista, "Will South Korea's chip sector have to take sides in the China-US tech war?," *The South China Morning Post*, last modified May 6, 2021, [scmp.com/news/china/diplomacy/article/3132357/will-south-koreas-chip-sector-have-take-sides-china-us-tech](https://www.scmp.com/news/china/diplomacy/article/3132357/will-south-koreas-chip-sector-have-take-sides-china-us-tech).

104 Song Jung-a and Christian Davies, "South Korea's SK Hynix caught in US-China semiconductor battle," *Financial Times*, last modified November 5, 2021, <https://www.ft.com/content/58e68061-5c37-4526-aba0-132d7e5eded5>.

105 John Hemmings and Sungmin Cho, "South Korea's Growing 5G Dilemma," *CS/S*, last modified July 7, 2020, <https://www.csis.org/analysis/south-koreas-growing-5g-dilemma>.

Although faced with such dilemma, South Korea must align with Australia in joining democratic coalitions designed to limit China’s assertiveness, in supporting liberal democratic values, and in advancing the trusted, transparent, and accountable use of technology across the Indo-Pacific. The maintenance of a hedging strategy demonstrates a lack of strategic clarity, and Seoul could experience detrimental effects upon its credibility and the stability of the Australia-US-ROK alliance framework. Since US is building coalitions with like-minded democracies, continued balancing could ultimately leave South Korea isolated from either party and vulnerable to both.¹⁰⁶

C. Human rights diplomacy

Measured against its commitment to shared values and democratic principles under the CSP, South Korea has demonstrated an inconsistent approach to human rights abroad. First, South Korea’s human rights diplomacy underscores its predominant focus on economic, social, and cultural rights. This includes its varied achievements in promoting gender equality and the empowerment of women, the protection of children, upholding refugee rights and protections, and respecting persons with disabilities.¹⁰⁷

While Seoul has adopted a multilateral approach within its international promotion of democracy as a human right, it has pursued the realization of liberal democratic values primarily through economic, social, and cultural means. This is illustrated through its ongoing contributions to the UN Democracy Fund to assist societies in the development of democratic institutions and values, and involvement with the Community of Democracies.

Second, South Korea has refrained from proactive advocacy in support of certain civil and political human rights issues. Recently, South Korea added its name to the Open Societies Statement during the G7 Summit, joining other advanced Western economies in pledging a joint response to “rising authoritarianism” and “politically motivated internet

106 Shin Ji-hye, “[Herald Interview] Balancing act between China-US not in Korea’s interest: Victor Cha,” *The Korea Herald*, last modified January 6, 2022, <http://www.koreaherald.com/view.php?ud=20220105000681>.

107 Ministry of Foreign Affairs, “Human Rights Diplomacy,” *Ministry of Foreign Affairs*, last modified 2022, https://www.mofa.go.kr/eng/wpge/m_5648/contents.do.

shutdowns.”¹⁰⁸ Additionally, South Korea participated in the US-led 2021 Summit for Democracy, where President Moon Jae-in expressed concerns over the rising threat posed by the pandemic, fake news, corruption to democracy, diminished public trust, and the importance of ensuring social transparency. However, Moon’s statement declined to single out any country involved in such violations, and refrained from referencing the right to freedom of speech and expression in terms of political repression.¹⁰⁹

Third, South Korea has refrained from calling out China and North Korea for their human rights violations. Concerning North Korea, while both South Korean conservative and progressive elements emphasize the improvement of human rights, conservatives focus upon political rights and the right to liberty,¹¹⁰ while progressives focus upon economic, social, and cultural rights.¹¹¹ President Moon’s administration has aimed to minimize human rights within diplomatic discussions in the effort to improve North-South relations. This can be seen in Seoul’s refusal in 2019 to cosponsor annual UN resolutions calling for human rights improvements in North Korea, the banning of balloon leaflets sent across the DMZ border, and the involuntary repatriation of North Korean fishermen.¹¹² South Korea’s passive approach has elicited international pressure, with governments and NGOs calling upon President Moon to maintain “a strong and principled approach toward

108 Lee Wan, “S. Korea’s elevated status as G7 observer means more responsibilities are coming, foreign policy experts say,” *Hankyoreh*, last modified June 15, 2021, https://english.hani.co.kr/arti/english_edition/e_international/999495.html.

109 Cheongwadae, “Summit for Democracy Participant Statement by President Moon Jae-in,” *Cheongwadae*, last modified December 10, 2021, <https://english1.president.go.kr/BriefingSpeeches/Speeches/1117>.

110 William Gallo, “S. Korean Conservatives Vow to Get Tougher on China,” *Voice of America*, last modified November 23, 2021, <https://www.voanews.com/a/south-korean-conservatives-vow-to-get-tougher-on-china-/6324216.html>.

111 Yumi Ko, “A South Korean Perspective,” *The ASAN Forum*, last modified August 31, 2020, <https://theasanforum.org/a-south-korean-perspective-7/>.

112 Robert King, “North Korea Human Rights and South Korea’s Upcoming Presidential Election,” *Korea Economic Institute*, last modified January 20, 2022, <https://keia.org/the-peninsula/north-korea-human-rights-and-south-koreas-upcoming-presidential-election/>.

North Korea's grave human rights abuses for the sake of all Koreans."¹¹³

Concerning human rights and China, South Korea has increasingly hedged between China and the US. Concerning Hong Kong's National Security Law, South Korea declined to join 27 countries in a joint statement expressing concerns over the erosion of fundamental human rights and longstanding rights and freedoms of Hong Kong citizens, while continuing to refrain from any potentially offending statements.¹¹⁴ Washington's decision to remove Hong Kong's special trading status has further intensified pressure upon Seoul to reduce its reliance on Chinese supply chains and uphold human rights as a liberal democratic country.¹¹⁵ South Korea's restrained approach has been further illustrated through President Moon's reluctance to take a position on human rights violations in Xinjiang against its Uyghur minority.¹¹⁶

Washington has repeatedly pushed Seoul to publicly criticize China for its human rights violations, and to support Taiwan.¹¹⁷ During President Moon's 2021 visit to the US, Seoul issued a token stance on Taiwan to satisfy Washington and avoid offending Beijing.¹¹⁸ Where the South Korea-US statement saw both parties agreeing on the need for steps to counter China's increasing assertiveness, it refrained from any direct attacks on

113 Human Rights Watch, "South Korea: Promote Human Rights in North Korea," *Human Rights Watch*, last modified December 15, 2020, www.hrw.org/news/2020/12/15/south-korea-promote-human-rights-north-korea.

114 Reuters Staff, "Britain and West urge China to scrap HK security law, open Xinjiang," *Reuters*, last modified July 1, 2020, <https://www.reuters.com/article/uk-china-hongkong-security-britain-un-idUKKBN2412WY>.

115 Park Chan-kyong, "Hong Kong national security law heightens South Korea's painful choice: US or China?," *The South China Morning Post*, last modified May 27, 2020, <https://www.scmp.com/week-asia/politics/article/3086340/hong-kong-national-security-law-heightens-south-koreas-painful>.

116 Ko, "A South Korean Perspective"; Dongwoo Kim, "The Politics of South Korea's 'China Threat'," *The Diplomat*, last modified April 5, 2021, <https://thediplomat.com/2021/04/the-politics-of-south-koreas-china-threat/>.

117 Doug Brandow, "Which Will South Korea Choose: the U.S. or China?," *The Cato Institute*, last modified December 6, 2021, <https://www.cato.org/commentary/which-will-south-korea-choose-us-or-china#>.

118 The White House, "U.S.-ROK Leaders' Joint Statement," *The White House*, last modified May 21, 2021, whitehouse.gov/briefing-room/statements-releases/2021/05/21/u-s-rok-leaders-joint-statement/.

Beijing.¹¹⁹ Seoul has continued to refrain from independent and specific comments on China's internal affairs, in recognition of their "special relationship" and in the maintenance of regional peace and stability.¹²⁰ South Korea's approach is also attributable to ongoing concerns that trade in key and sensitive high-tech sectors, such as semiconductors and batteries, might suffer if the country chooses to align with one side over the other.¹²¹

Recommendations

A. Enhance information sharing, exchange, and consultation

This involves "sharing information on legislation, national cyber and critical technology strategies, policies, and threat assessments."¹²² This alludes to bilateral opportunities in the ethical design, development, and use of critical technologies consistent with international law, and in addressing common concerns across privacy, online censorship, and Big Tech regulation.

Firstly, the notion of sharing best-practice approaches to the ethical design and use of technology centers upon the topic of AI. Outlined within the 2+2 Meeting and MOU,¹²³ both countries are committed to expanding cooperation in AI as a critical technology. Australia's 2019 formation of a voluntary ethics framework for AI¹²⁴ focuses on reducing the negative impact of AI applications and promoting fairer outcomes through eight defined principles. AI systems should respect, protect,

119 Hwang Joon-bum, "S. Korea-US joint statement mentions Taiwan, leaves China out," *Hankyoreh*, last modified May 24, 2021, https://english.hani.co.kr/arti/english_edition/e_international/996426.html.

120 Yonhap, "S. Korea has refrained from comments on China's internal affairs: FM," *Yonhap*, last modified May 25, 2021, <https://en.yna.co.kr/view/AEN20210525005500325>.

121 Global Times, "US attempt to decouple China-S. Korea tech cooperation is doomed to fail: experts", *Global Times*, last modified May 22, 2021, <https://www.globaltimes.cn/page/202105/1224166.shtml>.

122 Department of Foreign Affairs and Trade (DFAT), "Republic of Korea country brief."

123 Minister for Foreign Affairs, "Joint Statement: Australia-Republic of Korea Foreign and Defence Ministers' 2+2 Meeting 2021."

124 Stefan Hajkowicz, "Artificial intelligence in Australia needs to get ethical, so we have a plan," *CSIRO*, last modified April 18, 2019, <https://algorithm.data61.csiro.au/artificial-intelligence-in-australia-needs-to-get-ethical-so-we-have-a-plan/>.

and promote human rights, they should not undermine the democratic process and should enable an equitable and democratic society.¹²⁵

South Korea's approach to AI ethics has guided various policy documents, including the 2016 Robot Ethics Charter and 2018 Ethics Guidelines for the Intelligent Information Society. These advance four positions: 1) the responsibility of users to regulate AI use; 2) the responsibility of AI providers in assessing the negative social impacts of AI; 3) the responsibility for AI developers to eliminate bias and discriminatory characteristics; and 4) the development of AI without antisocial characteristics.¹²⁶ Most recently, the 2020 AI Ethics Standards focused on the three pillars of human dignity, public benefit, and the rightful purpose of technology in guiding AI for humanity.¹²⁷ This was advised by 10 essential factors including human rights, privacy, diversity, infringement, pursuit of greater good, solidarity, data management, responsibility, safeness, and transparency. It was resolved that the development and use of AI must support various democratic values and international standards.¹²⁸

Areas for bilateral cooperation in information sharing and consultation across AI ethics arise in promoting increased alignment across the shared values of democracy, democratic values, the rule of law, freedom, human rights, and market-based economies. There exists the possibility for bilateral exchange on the potentially detrimental effects that AI technology could have on the democratic process. AI could be leveraged to support an equitable and democratic society through the advancement

125 Department of Industry, Science, Energy and Resources (DISER), "Australia's Artificial Intelligence Ethics Framework," *DISER*, last modified 2022, <https://www.industry.gov.au/data-and-publications/australias-artificial-intelligence-ethics-framework/australias-ai-ethics-principles>.

126 Victoria Heath, "Perspectives and Approaches in AI Ethics: East Asia (Research Summary)," *Montreal AI Ethics Institute*, last modified November 10, 2020, <https://montrealetics.ai/perspectives-and-approaches-in-ai-ethics-east-asia-research-summary/>.

127 Kan Hyeong-woo, "Presidential committee lays out first ethical standards for AI," *The Korea Herald*, last modified December 23, 2020, <http://www.koreaherald.com/view.php?ud=20201223000794>.

128 Presidential Committee on the Fourth Industrial Revolution, "사람이 중심이 되는 [인공지능(AI) 윤리기준]," (Human-centered artificial intelligence (AI) ethical standards), *Presidential Committee on the Fourth Industrial Revolution*, last modified December 23, 2020, <https://www.4th-ir.go.kr/article/download/744>.

of social diversity and inclusion, and offset the growing threat of AI to liberal democratic values via misinformation and online censorship. These will prove essential in upholding liberal democratic values through the sharing of best-practice approaches, in driving the application of critical technologies that uphold and protect democratic principles, and in opposing the use of technology to weaken democratic principles and processes.

B. Elevate multilateral coordination on norms and standards

This encompasses the development of government-private sector-academic links in advancing research and development (R&D), and identifying opportunities for engagement with the technology industry in the design, deployment, and use of secure and resilient technology. This focus was referenced during the 2+2 Meeting, where both countries were described as mature, likeminded democracies with shared strategic interests. This recommendation highlights two initiatives in promoting multilateralism in the responsible use of technology.

Firstly, concerning cooperative action on civil and political rights in the use of technology, continued misalignment on North Korea and China hinders the realization of a free, open, inclusive, stable, and prosperous Indo-Pacific. Focus on civil and political rights issues elicits proactive support for democratic values, the rule of law, and human rights. South Korea's continuing indecision and balancing between its human rights and foreign policy priorities risks leaving the country isolated and vulnerable. As can be seen by its endorsement of the Open Societies Statement and commitment to countering rising authoritarianism, Seoul must fulfil its responsibilities as a liberal democracy and mirror Australia's diplomatic engagement across democratic coalitions such as the QSD, Blue Dot Network, and Clean Network.

Second, there is a need to regulate Big Tech and its adverse impact on democratic values, social stability, and the free market. This follows the continuing political and economic influence held by *chaebols* in South Korea, and ongoing disputes between Australia and Big Tech over the regulation of online content. Despite disagreements, the integral role of technology companies within a developed nation's economic development underscores mutual public-private cooperation in promoting economic prosperity, maintaining social cohesion, and upholding national security and sovereignty. This may be addressed through coordinated exchanges on regulatory challenges in maintaining a free and innovative market environment, as well

as reference to the UN Guiding Principles on Business and Human Rights. This provides a global standard and guidance for the private sector on how they can prevent and address the risk of adverse human rights impacts linked to business activity.¹²⁹

The potential for bilateral CACT cooperation across information sharing, civil and political rights issues, and Big Tech governance arises in the context of multilateralism and shared values under the bilateral relationship. This centers upon the need to safeguard democracy, uphold human rights, and maintain the stability of market-based economies by: 1) opposing the use of technology in a coercive manner; and 2) strengthening the economic/diplomatic/political capacity of likeminded democracies to fulfil their human rights obligations.

C. Bilateral cooperation and regional capacity building

This underscores information sharing upon capacity-building initiatives and identifying practical ways to coordinate efforts for building regional capacity in CACT. The ability for both nations to promote CACT, in a manner which upholds and protects democratic principles and processes, is contingent upon close cooperation with regional allies and likeminded democracies. This is predicated upon the following areas of focus: supporting the development of market-based economies, fostering the rule of law, and fostering a stable and prosperous environment conducive for democratic development.

Firstly, concerning CACT capacity building across ASEAN, this follows broad interest in advancing the ASEAN-Australia Strategic Partnership. Under the 2020-2024 Plan of Action, all sides promoted the formation of training centers to elevate law enforcement capabilities via technology transfer, to promote sustainable and inclusive growth and prosperity through digital trade, enhancing cooperation on digital integration, and encouraging cooperation in science and technology. Incidental to this was the commitment to promote the exchange of best practices in promoting democracy and democratic institutions, in furtherance of good governance and human rights in the region.¹³⁰

129 Department of Foreign Affairs and Trade, "Australia's International Cyber and Critical Tech Engagement Strategy," 27.

130 ASEAN, "Plan of Action to Implement the ASEAN-Australia Strategic Partnership (2020-2024)" ASEAN, last modified August 1, 2019, <https://asean.org/plan-of-action-to-implement-the-asean-australia-strategic-partnership-2020-2024/>.

South Korea has similarly pursued closer engagement with ASEAN under its New Southern Policy Plus (NSPP), representing an expansion upon the original 2017 New Southern Policy. Both policies are aimed at advancing ties with both India and ASEAN, and to build and diversify regional export markets. The NSPP focuses upon the three-pillar framework of people, prosperity and peace across seven key agendas including public health cooperation, education, cultural exchange, trade and investment, infrastructure development, future industries, and transnational safety and peace.¹³¹ The NSPP's contents further reference the use of digital technology in facilitating bilateral cultural experiences, cooperative efforts on infrastructure development through the development of Agri-tech, and Seoul's commitment to embracing the common values of democracy, human rights, and the market economy.¹³²

Common threads between Australia-South Korea's engagement with Southeast Asia present opportunities to drive shared values in the bilateral relationship, through cooperative support for regional development using technology. This was affirmed during the 2+2 Meeting, when leaders from both sides "reaffirmed their support for ASEAN centrality, ASEAN-led regional architecture, and the ASEAN Outlook on the Indo-Pacific region."¹³³ This would be expanded during the 2021 *Australia-ROK Senior Officials Policy Dialogue on our support for Southeast Asia and ASEAN*—aligning Australia's investment in regional comprehensive strategic partnerships and the NSPP. Herein, both countries committed to deepened cooperation in promoting a stable, inclusive, and prosperous Indo-Pacific, through a coordinated effort in mitigating the regional impact of COVID-19; in supporting regional health and economic recovery plans; and in reinforcing

131 Sea Young Kim, "How the "Plus" Factor in South Korea's New Southern Policy Plus," *Korea Economic Institute*, last modified September 9, 2021, <https://keia.org/the-peninsula/how-the-plus-factor-in-south-koreas-new-southern-policy-plus-can-ensure-sustainability/>.

132 Presidential Committee on New Southern Policy, "New Southern Policy Plus," *Presidential Committee on New Southern Policy*, last modified 2022, http://www.nsp.go.kr/assets/eng/pds/NSPplus_Policy%20Statement.pdf, 12.

133 Department of Foreign Affairs and Trade (DFAT), "Republic of Korea country brief."

maritime stability and engagement across the Mekong River/Delta.¹³⁴

Second, in promoting cooperation within cybersecurity and cybercrime—the focus could be upon the common threat of ransomware to regional stability and economic prosperity. Herein, Ransomware presents a significant threat to regional economic prosperity and national security, with the incidence of ransomware having increased 600 percent over the COVID-19 pandemic, resulting in total damage costs of \$20 billion over 2021.¹³⁵

Australia response through its 2021 Ransomware Action Plan sought to 1) prevent attacks through building cyber resilience, 2) assist in response and recovery, and 3) disrupt and deter cyber criminals.¹³⁶ South Korea's ransomware policy involves government-led efforts in strengthening cyber resilience across SMEs—offering data back-up, encryption, and restoration systems; in the provision of anti-ransomware software; and in auditing the vulnerability of critical infrastructure sectors.¹³⁷ Both Australia and South Korea participated in the US-led 2021 Counter Ransomware Initiative Meeting—pledging cooperation in boosting network resilience, elevating the capability of law enforcement agencies, and coordinating diplomatic efforts to promote rules-based behavior and encouraging states to take reasonable steps to address ransomware operations originating from within their territory.¹³⁸

134 Department of Foreign Affairs and Trade (DFAT), “Australia-ROK senior officials policy dialogue on our support for Southeast Asia and ASEAN,” *Department of Foreign Affairs and Trade*, last modified February 25, 2021, dfat.gov.au/news/media-release/australia-rok-senior-officials-policy-dialogue-our-support-southeast-asia-and-asean.

135 UNODC, “Ransomware attacks, a growing threat that needs to be countered,” *UNODC*, last modified October 18, 2021, <https://www.unodc.org/southeastasiaandpacific/en/2021/10/cybercrime-ransomware-attacks/story.html>.

136 Department of Home Affairs, “Cyber security – Australia’s Ransomware Action Plan,” *Department of Home Affairs*, last modified 2022, <https://www.homeaffairs.gov.au/about-us/our-portfolios/cyber-security/strategy/australias-ransomware-action-plan>.

137 Chae Yun-hwan, “S. Korea to step up support to fight ransomware attacks,” *Yonhap News Agency*, last modified August 5, 2021, <https://en.yna.co.kr/view/AEN20210805004000320>.

138 The White House, “Joint Statement of the Ministers and Representatives from the Counter Ransomware Initiative Meeting October 2021,” *The White House*, last modified October 14, 2021, <https://www.whitehouse.gov/briefing-room/statements-releases/2021/10/14/joint-statement-of-the-ministers-and-representatives-from-the-counter-ransomware-initiative-meeting-october-2021/>.

South Korea's experience with North Korea's ransomware activities further highlights the potential for bilateral coordination.¹³⁹ This includes information sharing on North Korea's cyber capabilities and activities, elevated cooperation between the Australian Cyber Security Centre and the Korea Internet & Security Agency, the formation of a joint-ransomware working group, and deepened cooperation between law enforcement and intelligence agencies. These advance the rule of law, drive expanded regional cyber capacity building, and elevate resilience within market-based economies.

Areas for bilateral cooperation in the furtherance of regional capacity building are demonstrated through increased alignment on ASEAN affairs and ransomware. This centers upon engagement across multilateral processes to shape global frameworks on critical technologies, and increased stakeholder communication in driving the ethical use of technology. There thus exist added opportunities for bilateral cooperation in driving regional development across various non-traditional areas and in upholding the rule of law through a common focus on countering the destructive and illiberal use of technology.

Conclusion

Aligned understanding on the expanded nature of shared values within the bilateral relationship is crucial for an enhanced bilateral engagement within CACT. Common agreement surrounding the responsible, trusted, and transparent use of technology under the CSP represents a key concern in supporting liberal democratic values and in advancing a free, open, inclusive, and prosperous Indo-Pacific.

Australia and South Korea demonstrate mutual intentions to deepen engagement in terms of strategy, security, innovation, and technology under the CSP. This necessitates added clarification on "shared values" and consideration of contextual differences within foreign policy realities. The analysis of bilateral diplomatic exchanges established a definitive definition of shared values as encompassing democracy, democratic values, the rule of law, freedom, human rights, and advocacy for market-based economies. The consequence of bilateral ideological misalignment on shared values was highlighted across subjective policy

139 Jason Bartlett, "South Korea Commits to Combatting Increased Ransomware Attacks," *The Diplomat*, last modified September 22, 2021, <https://thediplomat.com/2021/09/south-korea-commits-to-combatting-increased-ransomware-attacks/>.

approaches to digital and online privacy, online censorship, and Big Tech.

In acknowledging such comparative differences, ongoing barriers to shared values in CACT were observed. These included South Korea's democratic development, foreign policy differences vis-à-vis China, and the impact of Seoul's continued foreign policy hedging upon its human rights diplomacy.

These conclusions resulted in several recommendations derived from the MOU. First is an enhanced information sharing and consultation on CACT issues such as AI, noting its potential to promote alignment across democratic values, the rule of law, and human rights. Second is multilateral coordination on norms and standards. Herein, support for cooperative action on civil and political rights issues in the use of technology and Big Tech regulation would help to safeguard democracy, uphold human rights, and maintain the stability of market-based economies. Third is driving shared values by supporting the trusted, transparent, and accountable use of technology throughout the region. This focused upon the potential for capacity building in ASEAN—conductive toward upholding the rule of law, supporting market-based economies, and countering the illiberal use of technology.

The evolving bilateral relationship provides a strong foundation for alignment within shared values across CACT and the CSP. Policymakers must reaffirm common support for democratic principles online and in the use of technology, hold states accountable to their international human rights responsibilities, and oppose the use of illiberal use of technology to interfere with democratic principles. As likeminded liberal democracies, both nations could prioritize liberal democratic values and human rights within the CSP—with a view to promoting fairness, equality and accountability across emerging and critical technologies.¹⁴⁰

140 Australian Human Rights Commission (AHRC), "Summary – Overview," *AHRC*, last modified 2022 <https://tech.humanrights.gov.au/overview/summary/#51CdN>.