

# ***USINDOPACOM J06***

## ***Countering Legal Warfare***

### ***“Counter-Lawfare”***



**JULY 2023**

*\*This brief presents a conceptual approach developed at USINDOPACOM and does not necessarily reflect official U.S. government policy positions*



# Countering Legal Warfare (Counter-Lawfare) Overview

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*Counter-lawfare encompasses a range of activities centered on the law and enhancing legitimacy of USINDOPACOM's objectives while exposing and opposing unlawful activities and flawed legal narratives that threaten the rules-based international order.*

*"Legal Vigilance":* The monitoring and assessment of the legal environment. Maintaining legal vigilance ensures USINDOPACOM and its allies and partners are able to identify threats (including PRC "legal warfare"), integrate across the combined joint force, and implement action to uphold the rule of law.

## Objectives

- Build legitimacy through consensus (strength in numbers)
- Deny potential adversaries from gaining legal superiority

## Lines of Effort

### 1 – Information

*Emphasize USINDOPACOM's adherence to the rule of law across the Information Environment.*

*Publicize behavior by adversaries that undermines the rule of law*

### 2 – Partnership

*Integrate with partner nation legal offices on efforts to promote and uphold the rule of law*

*Coordinate with partners in academia to promote and advance the rule of law*

## End-States

- Legal environment is prepared in favor of U.S./ A&P → freedom of action
- Potential adversaries are deterred from undermining RBIO

*USINDOPACOM's counter-lawfare concept supports integrated deterrence in accordance with the National Security Strategy and the National Defense Strategy and is nested under the USINDOPACOM Theater Campaign Plan.*



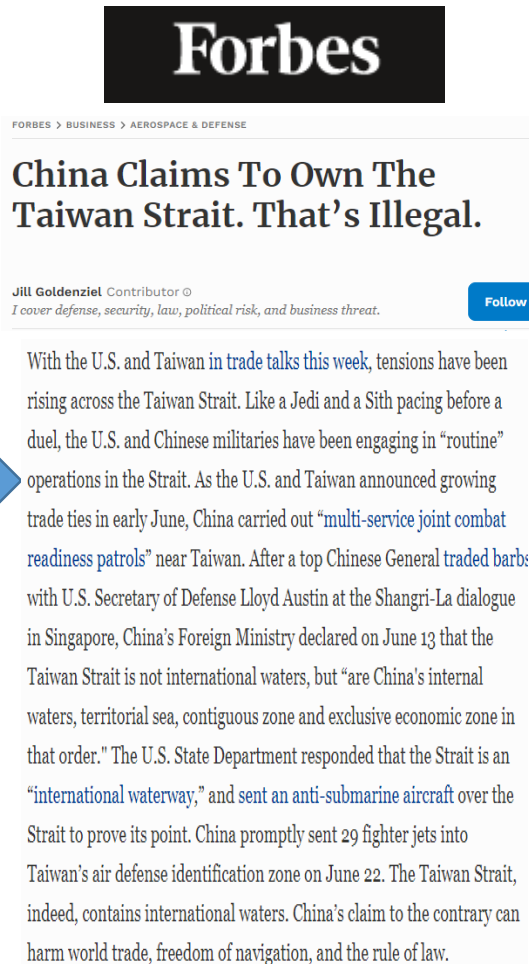
# INDOPACOM Tactical Aids: Building Blocks of Counter-lawfare

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INDOPACOM's Tactical Aids (TACAIDs) are building blocks of the counter-lawfare program.

TACAIDs contribute to deterrence by reinforcing the legitimacy INDOPACOM and A&P objectives and exposing and opposing illegitimate activities. TACAID content informs leadership, staff, and partners, and supports planning and execution of operations and activities consistent with the Theater Campaign Plan.

Each TACAID has a proposed "Counter-Lawfare" section with language that can be used across the information environment, subject to approval by appropriate authorities. TACAIDs are coordinated with experts, posted on INDOPACOM's public webpage, and shared with partners.

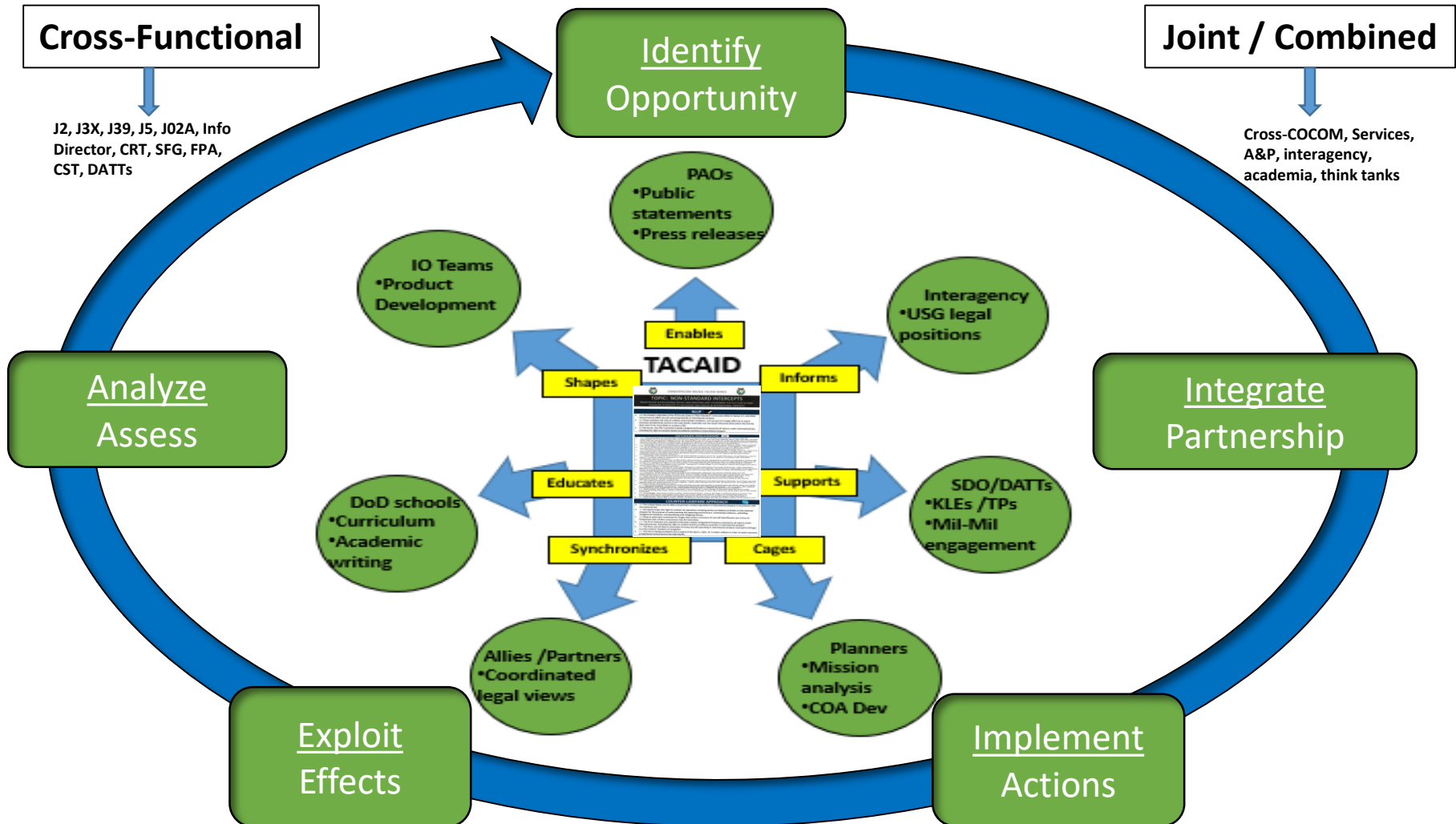




# Legal Vigilance Cycle: Counter-Lawfare in Execution

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**Execution Cycle: Identify, Integrate, Implement, Exploit, Analyze (I3EA)**





# Law as a Domain of Competition

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## Legal Cooperation

- Contact info
- Communication



## Legal Engagement

- Regular dialogue
- Exchange of Ideas



## Legal Collaboration

- Rehearse
- One Team



## Legal Output

- Products
- Advice

***Legal Vigilance - Legal Integration - Legal resilience – Legal Deterrence***





# Way Forward – Current Initiatives

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- Public webpage: [U.S. Indo-Pacific Command > Contact > Directory > J0 > J06 Staff Judge Advocate \(pacom.mil\)](https://www.usindopac.com)
- Expanded Email Distributions
- Legal Vigilance Dispatch Quarterly Newsletters
- Develop doctrine, policy, EXORD
- Expanded partnerships: bilateral, multilateral, NATO
- Leverage assessments tools

**U.S. INDO-PACIFIC COMMAND**  
USINDOPACOM

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## J06 Office of the Staff Judge Advocate

**Key Appointments**

Title	Name
Staff Judge Advocate	Captain Dom Platt, U.S. Navy - <a href="#">click to view bio</a>
Chief National Security Law	Commander Tim Boyle, U.S. Navy
Chief of Administration Law	Colonel Nathan Jacobs, U.S. Army

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**About the Office of the Staff Judge Advocate**  
The Office of the Staff Judge Advocate (OSJA) delivers full-spectrum legal support to integrated deterrence, legal force readiness, and counter-lawfare in support of COMUSINDOPACOM's Theater Campaign Plan. In keeping with COMUSINDOPACOM's objectives, the OSJA upholds USINDOPACOM's commitment to the Rules-Based International Order and a Free and Open Indo-Pacific, and actively seeks to strengthen relationships with Allies and Partners through direct collaboration and information sharing.

**Counter-Lawfare**  
Counter-lawfare is a cross-functional concept managed by the OSJA. It encompasses a range of activities centered on the law and intended to bolster the legitimacy of USINDOPACOM's objectives or weaken the legitimacy of the adversary's objectives. Counter-lawfare features two main lines of effort:

- Information** – Emphasizing USINDOPACOM's adherence to the rule of law across the information environment and publicizing behavior by adversaries that undermines the rule of law.
- Partnership** – Integrating and coordinating with partner-nation legal offices and academia on efforts to promote and uphold the rule of law.

USINDOPACOM's counter-lawfare program supports integrated deterrence in accordance with the National Defense Strategy and is nested under the COMUSINDOPACOM Theater Campaign Plan.

**USINDOPACOM Office of the Staff Judge Advocate**  
**Legal Vigilance Dispatch**  
Promoting the Rule of Law to Ensure a Free and Open Indo-Pacific

Issue 1 | October 2022

**Key points:**

- PRC uses domestic legislation to support military expansion
- Senior legal advisors and operations conceptualize governance in the Indo-Pacific to promote Free and Open Indo-Pacific
- USINDOPACOM's counter-lawfare program supports integrated deterrence
- PRC's "Three Principles" doctrine escalates international law
- USINDOPACOM's counter-lawfare program supports integrated deterrence
- U.S. "Three Principles" doctrine from PRC's "Three Principles"

**The PRC's Anti-Secession Law: What's Behind the Rhetoric**

Chinese Communist Party (CCP) leaders and state media are amplifying rhetoric on the People's Republic of China's (PRC) Anti-Secession Law. During a press conference on September 22, PRC Foreign Minister Wang Yi warned that the PRC would act if the Anti-Secession Law was "eventually violated." Two days earlier, Xinhua reported that Wang Yi told Henry Kissinger that the PRC would take "all necessary measures" if the Anti-Secession Law was violated.

At a September 21 Central Committee Propaganda Department press conference on Taiwan, Chinese Communist Party spokesman Zhu Fenglin reiterated the Anti-Secession Law's importance in providing a "legal guarantee" for the PRC to achieve "reunification."

The Anti-Secession Law and the rhetoric surrounding it are representative of the PRC's use of domestic law as a tool to gain what PRC doctrine on legal warfare refers to as "legal principle superiority." The PRC sees "legal principle superiority" as a way to legitimize its objectives on Taiwan. These objectives are clearly spelled out in the Anti-Secession Law. Enacted in 2005, the Anti-Secession Law consists of only nine short articles. It declares that China and Taiwan belong to "one sovereign territory," establishes "reunification" as a "sacred duty," embraces "one country-two systems" upon "reunification," and states that "peaceful reunification" is "preferred."

Most troubling, however, is Article 8 of the Anti-Secession Law, which sets out the following three conditions under which the PRC "shall" use "non-peaceful means" to force unification: (1) Taiwan "secedes"; (2) "major incidents" entailing "secession" occur; or (3) "possibilities of peaceful reunification" are exhausted.

In effect, Article 8 establishes a domestic legal pretext for the PRC to use force against Taiwan should it be determined that any of these loosely articulated and subjective conditions are met. Given that the PRC may cite the Anti-Secession Law as its domestic legal basis to use force against Taiwan, the rhetoric surrounding the law will continue to be a matter of concern for nations committed to upholding peace and security undisturbed by the longstanding rules-based international order.



# ***Contact Info***

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