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Sent: Monday, December 9, 2024 6:44 PM
To: Santicola, Ian CDR USN INDOPACOM PCJ0 (USA)
Subject: INDOPACOM Legal Vigilance Update #11 (9 Dec 2024)
Signed By: [REDACTED]

Teammates,

Below please find the 11th edition of INDOPACOM's Legal Vigilance Update.

- 9 December 2024: PRC postures for potential provocative military drills in the Taiwan Strait and around Taiwan.
 - **Bottom-line:** the PRC has reportedly deployed nearly 90 Navy and Coast Guard vessels near Taiwan, likely as part of a provocative and coercive pressure campaign in response to Taiwanese President Lai Ching-te's recent routine trip to the Pacific which included brief stopovers in Hawaii and Guam.
 - References:
 - [Yimou Lee and Ben Blanchard, Taiwan raises alert as China deploys 90 ships in likely exercises \(Reuters, Dec. 9, 2024\)](#)
 - [Wayne Chang, Simone McCarthy, Eric Cheung, and Necter Gan, China begins military movements around Taiwan as the island braces for potential drills \(CNN, Dec. 9, 2024\)](#)
 - Key legal points:
 - A spokesperson for the U.S. Department of State said: "We continue to call on the PRC to act with restraint and avoid actions that may undermine peace and stability across the Taiwan Strait and in the broader region. **A routine transit by President Lai should not be used as a pretext for military pressure.**"
 - The PRC's provocative posturing mirrors its actions earlier this year in Joint Sword 2024A and 2024B, in which it engaged in irresponsible, destabilizing, and escalatory exercises in response to routine domestic Taiwan matters.
- 4 December 2024: PRC warships and Coast Guard vessels harass lawful Philippine patrol near Scarborough Reef.
 - **Bottom-line:** People's Liberation Army Navy (PLAN) and China Coast Guard (CCG) vessels rammed and fired water cannons at a Philippine maritime patrol near Scarborough Reef, coincident with PRC's submission to the United Nations of geographic coordinates establishing straight baselines around Scarborough Reef.
 - References:
 - [Pinghui Zhuang, Chinese coastguard uses water cannon, blocks Philippine vessels near Scarborough Shoal \(South China Morning Post, Dec. 4, 2024\)](#)
 - [Alyssa Chen, South China Sea: Beijing submits Scarborough Shoal baseline documents to UN \(South China Morning Post, Dec. 4, 2024\)](#)

- [Aaron-Matthew Lariosa, *Philippine Coast Guard Deploys Two Cutters to Protect Fisherman from Chinese Forces at Iroquois Reef* \(USNI News, Dec. 2, 2024\)](#)
- [Neil Jerome Morales, Joe Cash, and Liz Lee, *Philippines, China trade accusations on new South China Sea confrontation* \(Reuters, Dec. 4, 2024\)](#)
- Key legal points:
 - Scarborough Reef sits within the Philippines' exclusive economic zone (EEZ).
 - The 2016 Arbitral Tribunal ruling determined that the PRC's expansive South China Sea maritime claims are inconsistent with international law, and firmly rejected any PRC territorial or maritime claim to areas determined by the Tribunal to be part of the Philippines' EEZ and continental shelf.
 - The Philippines filed a diplomatic protest against the PRC over the December 4 incident, and US Ambassador to the Philippines MaryKay Carlson decried the PRC's unlawful and dangerous actions at Scarborough Reef, saying that they put lives at risk.
 - Ambassador Carlson's comments were echoed by like-minded partners, including the ambassadors of the EU, Japan, and Australia.
 - ***The actions of the PLAN and CCG form a pattern of coercive, dangerous, and unlawful behavior in the South China Sea.*** The PRC has a documented pattern of operating its Coast Guard vessels in a dangerous manner in the South China Sea—a pattern that is expanding to every corner of the Philippine EEZ.
- 28 November 2024: U.K. House of Commons rejects PRC lawfare and its mischaracterization of United Nations General Assembly Resolution (UNGAR) 2758.
 - **Bottom-line:** the U.K. House of Commons adopted a motion affirming that UNGAR 2758 does not resolve Taiwan's international status or prevent its participation in global organizations. This counters PRC's deliberate mischaracterization of the resolution to justify its "one-China principle."
 - References:
 - [U.K. House of Commons Debate \(Vol. 757, Nov. 28, 2024\)](#)
 - [Chen Yun-yu and Teng Pei-ju, *U.K. parliament rejects China's U.N.-related claims on Taiwan* \(CNA English News, Nov. 29, 2024\)](#)
 - Key legal points:
 - UNGAR 2758 (adopted on October 25, 1971) recognized the PRC's representatives to the UN as "the only legitimate representatives of China to the United Nations," expelling Taiwan from the UN.
 - Contrary to PRC assertions, however, UNGAR 2758 did not support the PRC's claim of territorial sovereignty over Taiwan. Nevertheless, the PRC conflates its "one-China principle" (and the contention that it maintains territorial sovereignty over Taiwan) with UNGAR 2758 to provide a veneer of legitimacy to its sovereignty claims.
 - The U.K. joins a growing global chorus denouncing the inaccuracy and illegitimacy of the PRC's interpretation of UNGAR 2758. During a U.S. House of Representatives Foreign Affairs Committee [hearing](#) on September 18, 2024, U.S. Deputy Secretary of State Kurt Campbell noted that Beijing has exploited UNGAR 2758 diplomatically to assert that Taiwan's status is illegitimate under the PRC's "one-China principle"

framework. Other legislative bodies, such as those in Canada, the European Parliament, the Netherlands, and Australia, have also opposed PRC's mischaracterization of UNGAR 2758.

- ***International articulation of the facts of UNGAR 2758—i.e., that it does not establish or affirm the PRC's claim that Taiwan is an inalienable part of China's territory, nor does it bar Taiwan from membership in international organizations where statehood is not a requirement—can serve an important function in countering PRC lawfare.***
- ***Update* 17/18 November 2024:** investigation continues into the severing of two undersea cables in the Baltic Sea.
 - **Bottom-line:** Finnish and Swedish authorities continue to investigate the severing of two undersea fiber-optic cables, with attention still focusing on the Chinese-flagged vessel *Yi Peng 3*. Reports suggest that *Yi Peng 3* may have dragged its anchor for 100 miles after departing a Russian port. Sweden has requested PRC cooperation in the investigation.
 - References:
 - [Bojan Pancevski, Chinese Ship's Crew Suspected of Deliberately Dragging Anchor for 100 Miles to Cut Baltic Cables \(The Wall Street Journal, Nov. 29, 2024\)](#)
 - [Sophia Besch and Erica Brown, A Chinese-Flagged Ship Cut Baltic Sea Internet Cables. This Time, Europe Was More Prepared \(Carnegie Endowment for International Peace, Dec. 3, 2024\)](#)
 - [Anne Kauranen and Sabine Siebold, As sabotage allegations swirl, NATO struggles to secure Baltic Sea \(Reuters, Dec. 4, 2024\)](#)
 - [Christy Cooney, Sweden asks China to co-operate over severed cables \(BBC, Nov. 28, 2024\)](#)
 - [NATO to boost efforts to counter Russian, Chinese sabotage acts \(Reuters, Dec. 3, 2024\)](#)
 - Key legal points:
 - The 1884 International Convention for the Protection of Submarine Telegraph Cables makes it an offense to damage submarine cables (willfully or by culpable negligence) and permits a State that suspects a violation to demand that the responsible ship produce official documents proving the nationality of the vessel.
 - In discussing Sweden's communications with the PRC, Prime Minister Ulf Kristersson stated that "we have additionally sent a formal request to work together with Swedish authorities to get clarity about what has happened" and that Swedish authorities "expect China will choose to work together as we have requested."
 - *Yi Peng 3* is the second PRC-flagged vessel implicated in Baltic cable cutting in the past 12 months.
 - *Yi Peng 3* remains in international waters in the Kattegat (approaches to Baltic Sea), with naval and coast guard vessels from Germany, Denmark, and Sweden closely monitoring its movements.
 - The response to *Yi Peng 3*'s suspected involvement in the cable cutting highlights the opportunities and limitations of the existing international legal regime designed to safeguard critical undersea infrastructure, as well as the increased importance of maritime patrols and enhanced information sharing to protect these vital assets.

- In remarks on December 3, 2024, NATO Secretary General Mark Rutte committed to stepping up intelligence sharing and improving the protection of critical infrastructure in the face of “hostile” acts of sabotage, cyberattacks, disinformation, and energy blackmail by Russia and the PRC.

Thank you for your continued participation in our Counter-Lawfare community of interest.
V/r Ian

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