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[DoD_China-Report_2024_FACT-SHEET.pdf](#)

Teammates,

This is an out-of-cycle Legal Vigilance Update (13th edition) intended to bring you the key takeaways from the just-released DoD China Military Power Report.

On 18 December, the U.S. Department of Defense released the annual report to Congress on Military and Security Developments Involving the People's Republic of China (aka China Military Power Report). A brief fact sheet is attached; the full report can be found [here](#). Also, [here](#) is a Washington Post article on the Report.

Among other things, the Report details:

- Increasing PRC military coercion, including aggressive PRC enforcement of extraterritorial sovereignty claims across the Pacific;
- Intensifying PRC diplomatic, political, and military pressure against Taiwan; and
- Deepening PRC-Russia ties, including robust PRC support for Russia's war of aggression against Ukraine.

Below are some key excerpts from the Report that you may find valuable for your own counter-lawfare efforts (follow the links in the headers to the precise page in the Report):

- **[U.S.-PRC Defense Relationship.](#)**
 - Despite U.S. and international efforts to encourage the PRC's rise to occur within the rules-based international order, **PRC malign behavior has subsequently cast doubt on its willingness to operate in accordance with international laws, rules, and norms.** As the PLA modernizes toward its goal of producing a world-class force by 2049, the PRC has increasingly turned to the PLA as an instrument of statecraft to advance its foreign policy objectives—adopting more coercive and aggressive actions in the Indo-Pacific region.
- **[Legal Framework.](#)**
 - In recent years, **the PRC has implemented new laws placing further restrictions on foreign firms while creating or strengthening the legal framework for the CCP's national security concepts** and, in some cases, furthering its [Military-Civil Fusion] Development Strategy.
 - The PRC has used **lawfare** to reinforce its claims in the SCS and in the Taiwan Strait.
 - PRC laws include the Coast Guard Law and the Anti-Secession Law. See the link for a full list of PRC laws aimed to restrict foreign firms and advance its coercive national security strategy.
- **[Influence Operations.](#)**
 - The PLA views controlling the information spectrum in the modern battlespace as a critical enabler of information dominance early in a conflict. Beginning in the early 2000s, as part of the PRC's overall influence operations, the PLA began developing **the "Three Warfares" concept**, which calls for the coordinated use of public opinion warfare, psychological warfare, and legal warfare.

- Public opinion warfare creates and disseminates information to guide an adversary's public opinion and gain support from domestic and foreign audiences.
 - Psychological warfare uses propaganda, deception, and coercion to induce pressure and affect the behavior of the target audience.
 - Legal warfare uses domestic and international laws to shape narratives that advance PRC interests and undermine those of an adversary.
- **Information Operations.**
 - Beijing aims to create an information environment favorable to the PRC and its strategic foreign policy objectives. The PRC conducts influence operations targeting media organizations, businesses, academic and cultural institutions, and policy communities of the United States, other countries, and international organizations to achieve outcomes favorable to CCP strategic and military objectives.
 - PRC defense officials have used instances of U.S. freedom of navigation operations in the SCS and transits in the Taiwan Strait to advance the narrative that the United States seeks to violate international law and territorial sovereignty of Indo-Pacific nations to assert regional hegemony. During the 2023 Shangri-La Dialogue, then PRC Defense Minister Li Shangfu issued official statements alleging U.S. Navy freedom of navigation operations were a pretext for Washington to “conduct navigational hegemony” after an unsafe PLA naval maneuver in front of a U.S. warship in the Taiwan Strait likely increased the risk of a collision.
 - **Territorial Disputes.**
 - The PRC's use of force in territorial disputes has varied widely since 1949; however, in the last decade, the PRC has employed a more coercive approach to deal with disputes over maritime features, rights to potentially rich offshore oil and gas deposits, and border areas.
 - **South China Sea.**
 - The SCS plays an important role in security considerations across East Asia because of the region's reliance on the flow of oil and commerce through SCS shipping lanes, including more than 80% of the crude oil to the PRC, Japan, South Korea, and Taiwan. The PRC maintains sweeping sovereignty claims in the SCS, including unlawful maritime claims to waters in an ambiguous “dashed line” circumscribing the vast majority of the SCS. These claims extend over the Spratly and Paracel Islands and other land features, which are disputed in whole or part by Brunei, the Philippines, Malaysia, and Vietnam.
 - In 2016, a unanimous Arbitral Tribunal constituted under the 1982 Law of the Sea Convention determined that the PRC's expansive SCS maritime claims are inconsistent with international law. The arbitral decision is final and legally binding.
 - The PRC continued to employ the PLAN, China Coast Guard (CCG), and China Maritime Militia (CMM) to patrol the region and aggressively enforce the PRC's unlawful claims throughout 2023. In 2023, the PRC frequently adopted unsafe and unprofessional measures, such as firing water cannons, aggressive maneuvers and ramming, and directing military-grade lasers against SCS claimant nation ships—most prominently against the Philippines—lawfully operating in the SCS, resulting in injuries to crew members and damage to government and civilian ships.

- Since December 2019, Indonesia, Malaysia, the Philippines, and Vietnam have explicitly referenced the arbitral ruling in notes verbales to the UN affirming that the PRC's dashed-line claim are unlawful. Beijing, however, categorically rejects the tribunal decision, and the PRC continues to use coercive tactics, including the employment of CCG and CMM ships, with PLAN in overwatch positions, to enforce its illegal claims. The PRC does so in ways calculated to remain below the threshold of provoking conflict.
- Since August 2023, the PRC has harassed and, in some cases, impeded Philippine ships' access to Second Thomas Shoal during at least eight resupply missions. During some of these missions, PRC and Philippine ships have collided, which caused minor damage to PRC and Philippine ships and, in two instances, injured Philippine personnel.
- **Exclusive Economic Zone.**
 - The PRC has long challenged foreign military activities in its claimed EEZ in a manner inconsistent with customary international law reflected in the UNCLOS. The PRC routinely shadows and challenges U.S., allied, and partner military assets operating outside the territorial sea of any SCS claimant and occasionally conducts risky and coercive maneuvers, such as close intercepts of aircraft or dangerous at-sea maneuvering to exert Beijing's extraterritorial sovereignty claims. The PLA has used lasing, aerobatics, acoustic devices, the discharge of objects, and other activities that impinged on the ability of nearby aircraft and vessels to maneuver safely where high seas freedoms apply. PRC survey ships are extremely active in the SCS and frequently operate in the claimed EEZs of other nations in the region, such as the Philippines, Vietnam, Indonesia, and Malaysia.
 - In recent years, the PLA has begun conducting the same types of military activities inside and outside the FIC in the EEZs of other countries, including the United States. This activity highlights the PRC's double standard in the application of its interpretation of international law. Examples include sending intelligence collection ships to collect on military exercises, such as the Rim of the Pacific exercises off Hawaii in 2014, 2018, and 2022, and the TALISMAN SABER exercises off Australia in 2017, 2019, and 2021, as well as operating near Alaska in 2017 and 2021. PRC intelligence collection ships operated near sensitive defense facilities off Australia's west coast in May 2022 and near Japan in July 2022. PRC survey ships are extremely active in the SCS, frequently operating in the claimed EEZs of other nations in the region, such as the Philippines, Vietnam, and Malaysia.
- **China Coast Guard.**
 - The CCG is subordinate to the PAP and responsible for a wide range of maritime security missions, including defending the PRC's sovereignty claims; combating smuggling, terrorism, and environmental crimes; and supporting international cooperation in accordance with relevant international treaties. The Standing Committee of the PRC's NPC passed the Coast Guard Law, which took effect on February 1, 2021. The legislation regulates the duties of the CCG, including the use of force, and applies those duties to seas under the jurisdiction of the PRC. The law was met with concern by other regional countries that perceive the law as an implicit threat to use force, especially as territorial disputes in the region continue. The CCG is the PRC's front-line force for carrying out "rights protection" (weiquan) operations in disputed areas of the PRC's maritime periphery. The PLAN overwatches CCG operations to deter other claimants and provide the PRC an option to rapidly respond with force, if necessary.
 - The CCG continues to operate in alignment with the Coast Guard Law, asserting

the PRC's claims in the East and South China Seas and Taiwan Strait, in what the law considers the "waters under the jurisdiction of China." In these regions, the CCG uses aggressive tactics against foreign vessels, such as ramming, firing water cannons, and performing dangerous maneuvers, frequently working alongside the PLAN and CMM. The CCG annually sends two vessels on a month-long fisheries law enforcement patrol in the North Pacific. These patrols support the PRC's membership in the Convention on the Conservation and Management of High Seas Fisheries Resources in the North Pacific Ocean.

- **Coercive & Risky Operational Behavior.**

- The PLA's coercive and risky activities have included unsafe, unprofessional, and other behaviors that have sought to impinge on the ability of the United States and other nations to safely operate where international law allows.
- The PRC's messaging regarding its forces' operational behavior, such as claiming it is "justified to take forceful countermeasures" against activities that Beijing labels "provocative," suggests centralized coordination, not the behavior of a few isolated PLA officers.
- The goal of the PLA's behavior during these events is to pressure the United States and other nations to reduce or cease lawful operations near areas where Beijing claims territorial sovereignty.

- **Taiwan.**

- U.S. defense engagements with Taiwan, as one element of the unofficial U.S.-Taiwan relationship, remain consistent with our one China policy—as guided by the Taiwan Relations Act (TRA), the Three U.S.-China Joint Communiques, and the Six Assurances.
- U.S. defense engagement with Taiwan has evolved over time in response to the PRC's capacity and willingness to use military coercion against Taiwan.
- The quantity and quality of U.S. defense assistance provided to Taiwan be "conditioned entirely on the threat posed by the PRC."
- The United States opposes unilateral changes to the cross-strait status quo by either side, does not support Taiwan independence, and expects cross-strait differences to be resolved by peaceful means.

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

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