



U.S. INDO-PACIFIC COMMAND INTERNATIONAL MILITARY LAW AND OPERATIONS CONFERENCE
35th ANNUAL CONFERENCE | RECORD OF PROCEEDINGS

- Staff Judge Advocate MILOPS Reflections -

I was truly honored and grateful to convene the largest ever MILOPS in the Philippines, with participation from 29 nations and over 220 key legal professionals, academics, Commanders, advisors and senior leaders shaping today's global security environment.

MILOPS continues to be the premiere international forum for "legal diplomacy" promoting open and transparent dialogue on legal issues, strengthening legal partnerships and countering 'lawfare', the abuse or misuse of the law to achieve a military strategic, operational or tactical advantage. I am thankful for the contributions of all participants, which have reiterated our shared values, most notably, the sovereign equality of all nations regardless of size or economic power, that no nation should be subjected to illegal, coercive, aggressive and deceptive actions and that we must promote commitment to the rule of law and reject efforts to transition to rule by law.

There has never been a more critical time to openly discuss the complex challenges facing our nations and the Indo-Pacific region, and MILOPS has proven to be the perfect venue for dialogue and identifying opportunities for partnerships, collaboration and development of strategies for a peaceful and prosperous future for all. This year's MILOPS theme and agenda reinforced strengthening the rules-based international order, promoting freedom of navigation and commerce, encouraging the peaceful resolution of disputes in accordance with international law, and empowering nations to partner together on enhancing maritime domain awareness, increasing climate resiliency and combatting illegal, unregulated and unreported fishing. While participants may not always agree, we are agreeable. We can understand differing perspectives and facilitate peaceful resolutions through open communication and active listening.

This Record of Proceedings is a summary of the discussions, key takeaways and resolutions that we will pursue together. I look forward to further cooperation and collaboration, as we further build and enhance our enduring partnerships, strengthen the rules-based international order, and pursue efforts that expose and oppose malign actors who misuse and abuse the law in attempt to coercively impose their will on other nations.



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MILOPS24 "The Future of the Indo-Pacific: Partnering to Defend Sovereignty"

Supporting a Free and Open Indo-Pacific and Strengthening the Rules Based International Order

From 27-30 August 2024, over 220 military and civilian leaders from 29 nations and international organizations gathered in Manila, Philippines to participate in the U.S. Indo-Pacific Command's 35th annual International Military Law and Operations strategic engagement (MILOPS 24). Recognizing the diminishing global security environment, and in pursuance of integrated deterrence, enhanced multilateral co-operation and increased interoperability, the Theme for MILOPS 24 was, *"The Future of the Indo-Pacific: Partnering to Defend Sovereignty"*.

Keynote speakers included the Philippine Secretary of National Defense **Gilbert C. Teodoro Jr.**; U.S. Ambassador to the Philippines **MaryKay Carlson**; Chief of Staff of the Armed Forces of the Philippines **General Romeo S. Brawner Jr.**; Commander of the U.S. Indo-Pacific Command **Admiral Samuel J. Paparo** and former President of the Federated States of Micronesia, **David W. Panuelo**.

KEYNOTE SPEAKERS

MILOPS24 advanced legal diplomacy by building consensus through partnerships, transparent dialogue, and good faith discussions on key international security issues. This year nearly 40 percent of MILOPS attendees were female, reinforcing the principle of equal opportunity, meaningful engagement, participation and representation of both men and women of the Indo-Pacific.

Ambassador Marykay Carlson: The foundations of the rules-based international order (RBIO) are crucial for ensuring every nation, regardless of its size, power, or influence, can enjoy sovereign equality under international law. The Philippines has emerged as a global leader in fighting for the rights and interests of all nations under international law. The People's Republic of China (PRC) engages in dangerous, escalatory behavior to enforce its unlawful maritime claims and the Philippines is showing a model for resisting.

Secretary Gilbert Teodoro: The Philippines is at the forefront of defending international law. The Philippines encourages all nations to join them in denouncing the PRC's unlawful and dangerous actions in the South China Sea. We cannot let the Philippines be a victim for standing up and upholding the RBIO. Countries can help by generating enough international noise to stimulate collective action worldwide and oppose those who seek to undermine international law. The PRC's challenge to the RBIO deserves greater international attention and



criticism. The Mutual Defense Treaty Between the United States and the Republic of the Philippines should be interpreted "dynamically," where required, to meet evolving threats to peace and security. The PRC's hypocrisy by which it engages the Global South, while "coercing and bullying" its neighbors in Southeast Asia, needs to be exposed. ASEAN member states must resist PRC efforts to divide them and must "forge general principles" to protect their collective interests.

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LEGAL DIPLOMACY

General Romeo Brawner: The Philippines is utilizing a strategy of “assertive transparency” to expose the PRC’s intensified and consistent “illegal, coercive, aggressive, and deceptive” actions (ICAD) in the South China Sea. The PRCs ICAD actions undermine the Philippines rightful and exclusive territorial claims, as reflected in the

2016 Permanent Court of Arbitration [arbitral ruling](#).

The PRC’s refusal to accept this ruling has significantly harmed the livelihoods of all Filipino people, caused significant national economic loss, exacerbated food security challenges and heightened regional tensions. The PRC’s actions are not only a Philippines issue, but an issue of global concern in which all countries have a responsibility to work together to amplify the rule of law, maintain a shared commitment to the RBIO and use the power of multilateralism. The Philippines has shown maximum tolerance and restraint in the face of the PRC’s aggressive actions in order to avoid escalation and miscalculation. The Philippines will continue to take peaceful actions in accordance with international law. The Philippines dubs their strategy “assertive transparency.” This strategy informs domestic and international popular support, to bolster legitimacy and to defend “Our Seas, Our Rights and Our Future.” The Armed Forces of the Philippines seeks to position themselves as a vital and trusted source of information on PRC ICAD actions.

Admiral Samuel Paparo: Emphasized that adherence to the law is vital to successful military operations. Noting that “the just warrior fights with tears in his eyes” the United States sees the use of force as a tool of last resort, as reflected in the UN Charter. Philippine action to oppose ICAD actions promotes the sovereign rights of all nations. The RBIO, agreed to by all countries after World War II, is fundamental to the protection of sovereign rights of all nations, the protection of human rights, the preservation of freedom of navigation and the suppression of naked aggression. Yet, it is currently at risk. Current examples demonstrating risk to the RBIO include Russia’s continued war of aggression in Ukraine, the DPRK’s continued pursuit of ballistic missile and nuclear capability, and the PRC’s blatant disregard of the 2016 ITLOS arbitral ruling, demonstrated by continued ICAD actions in the South China Sea directly violating the sovereign rights of the Philippines and others. Preserving the RBIO is not the responsibility of any one nation, but the obligation of all nations. It is a team effort that demands action from all of us. All legal advisors in both military and policymaking arenas, have a critical role towards protecting the RBIO, and must work to ensure adherence to the law, to pursue legal

diplomacy and consensus. These partnerships can expose and oppose any misuse of the law and other malign behavior. The PRC have shown they believe in “might makes right,” that their size and economic strength should allow them to make their own rules thereby undertaking “rule by law.” Alternatively, the US believes in the sovereign equality of all nations, big and small. Together our deep and meaningful Alliances and Partnerships offer a strategic advantage over authoritarian regimes and increasing threats to the RBIO.

“The PRC’s actions are not only a Philippines issue, but an issue of global concern in which all countries have a responsibility to work together to amplify the rule of law”



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DAY ONE

Following Keynote remarks, Day One provided valuable perspectives from lead operators of Joint Operational Commands (JOC) around the region. **Major General Jimmy D. Larida** of the Armed Forces of the Philippines described how the conventional military threats in the South China Sea were intertwined with non-traditional security issues (e.g. climate change disasters) and that addressing these challenges required deliberate, comprehensive and combined military cooperation. Exercises such as RIMPAC, KAMANDAG, and BALIKATAN provide valuable opportunity to prepare and test cooperation and interoperability as well as demonstrate unwavering alliance to like-minded nations while promoting combined capabilities. **First Admiral S.T. Frandinanto**, from Indonesia's Maritime Security Agency BAKAMLA, emphasized the importance of increased maritime domain awareness. Regional information exchange opportunities and international partnerships serve to develop a clear maritime picture and integrated response options to contemporary maritime threats. **Commodore Aaron Nye and Commodore Matthew Bowen** shared perspectives from the Australian Defence Force and the US Indo-Pacific Command, respectively, on how both JOCs are increasing ally and partner cooperation and interoperability through multilateralism and increasingly operating together in military operations, exercises, and activities. The embedding of foreign military officers and liaison officers within the JOC HQs is critical for better integration, interoperability and communication across multiple armed forces.

Markus Garlauskas of the Atlantic Council led a panel which contemplated potential strategic futures of the Indo-Pacific. Most notably, whether open war could be avoided through deterrence and diplomacy in the face of escalating grey zone and aggressive actions. **Colonel Grant Newsham** (USMC, ret.), Senior Fellow at the Center for Security Policy warned that there is urgency to acting now against PRC grey zone tactics. Grey zone tactics must be treated as what they are, "acts of war at the low end of the spectrum." **David Andrews** from the National Security College at the Australian National University highlighted that global politics is increasingly important in national security matters, and that the US election is sparking a fear of abandonment by countries in which the US has developed strong bilateral and multilateral relations; countries need to build partnerships and alliances with like-minded nations independently of the US to overcome this, as well as detangling their economic reliance from the PRC. **Cleo Paskal**, a Non-Resident Senior Fellow at the Foundation for Defense Democracies, emphasized that a fight is already underway consisting of PRC political warfare, bribery, and action within countries in the Indo-Pacific. An effective response is the "Block and build approach" ie. block the malign influence while building independence. However, this is difficult in practice while states continue to receive significant financial support from the PRC.



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DAY TWO

On Day Two, MILOPS took an operational lens, exploring how states are cooperating to defend sovereignty, sovereign rights, and the rules-based international order. U.S. Department of State analyst **Ms. Jessica Drun** led the panel where Philippines Coast Guard (PCG) **Commodore Jay Tarriela** shared the PCG's three-prong response to the PRC in the South China Sea. One, building consensus among all states to promote equality and mutual respect for sovereignty; two, publicly exposing states who violate international law; and three, building collective action to compel states to follow international law and norms. **Rear Admiral Katsuya Yamamoto** (ret.) of the Japan Sasakawa Peace Foundation provided unique insight on the non-military organizational hierarchies of the PRC, including the Chinese Coast Guard (CCG) and People's Armed Police (PAP) Forces. Noting their shift in recent years to direct control by the Armed Forces. This supports the PRC's efforts to paint the South China Sea as a domestic issue by using "law enforcement" units, while taking advantage of more military-like tactics and command and control. **Commander Nuwan Hewahakmanage** shared valuable insights into the Sri Lankan Navy's establishment of a sovereign maritime hydrographic survey capability, citing examples of technical support from other countries, as well as discussing how this capability clarifies and reinforces his country's sovereignty and sovereign rights.

A stalwart of MILOPS, **Professor Dale Stephens** of the University of Adelaide explored how legal manuals can assist in shaping customary law and are being increasingly used in growing areas of international law, such as cyber and space law. Self-declared and non-binding, legal manuals could be accepted as legal and normative if states adopt them as correct interpretations of the law.



Ray Powell, Founder and Director of Sealight, led a lively discussion on increasing maritime domain awareness (MDA) in the Indo-Pacific. **Captain Kentaro Furuya**, Adjunct Professor of the National Graduate Institute for Policy Studies, shared Japan's growing MDA collaborative efforts which shares maritime information for safety, security, disaster relief, marine environmental protection, industry promotion, and technological development. **Captain KS Vikramaditya** of the National Maritime Foundation highlighted the criticality of the maritime domain for the societal well-being, and prosperity of all countries of the region. He specifically emphasized India's efforts to improve regional MDA, as well as India's crucial role in the Quad's



Indo-Pacific Partnership for MDA, the Indo-Pacific Oceans Initiative (IPOI), and most notably, in setting up an effective regional maritime security and response mechanism through the expansion and synergizing of "Information Fusion Centers." **James Movick**, the Director of the Pacific Fusion Centre, highlighted that Pacific Island Countries (PICs) are 'large ocean states' with their own agency and equal voice. Increasing militarization of the region is a deep concern and outside offers of assistance can be met with skepticism. IUU fishing (mainly under-reporting) and climate change effects however, represent existential threats to the PICs.

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Ms. Anne Lopez, the Attorney General of Hawaii, led a panel on Strengthening the RBIO in the Indo-Pacific. U.S. State Department legal advisor **Mr. Jeffrey Bae**, stressed that if support for the RBIO is to continue, then RBIO, as a concept, should be framed around principles of reliability, trustworthiness, transparency and respect. **Professor Kuyoun Chung** of the Kangwon National University in the Republic of Korea recommended changes to the international security architecture to better address the variety of threats in the Indo-Pacific,

including grey zone and asymmetric aggression. The existing, hub-and-spoke, treaty-based alliance system is inefficient at responding to rapidly changing regional competition or accommodating diverse distributions of interests. The U.S. Army General Counsel **Carrie F. Ricci** remarked on the power of multilateralism in

strengthening the RBIO through consensus. She especially highlighted that compliance with the rule of law reinforces legitimacy and sovereign rights of all.

“Compliance with the rule of law reinforces legitimacy and sovereign rights of all”

Ukraine. **Colonel Viktor Masliuk** from the Ukraine Ministry of Defence demonstrated the importance of compliance (and recording compliance) with the Laws of Armed Conflict (LOAC). Real-world experience has shown Ukraine the power of documenting and publicizing not only breaches of LOAC by the enemy, but also, documenting and publicizing their strong compliance with LOAC to maintain legitimacy and international support. **Dr. Manuel Poêjo Torres** of the University of Lisbon's School of Law presented empirical data showing a global decline of democratic institutions since 2006, and a rise of one-party autocracies surmising that a future “mosaic world order” might be forthcoming. In such a new world, the rule of law is likely to be, broadly, much less reliable. The International Committee of the Red Cross' **André Smit** examined how contemporary military conflict operations could impact civilians/civilian objects, most notably in the maritime domain. Modern supply chains create major questions in how we view merchant shipping under more traditional legal regimes. Operators and legal advisors should consider these changes in circumstances in the event of a modern state on state conflict.



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DAY THREE

Day Three provided a tactical level perspective and reviewed actions by states in responding to territorial disputes, climate resiliency, IUU fishing and the protection of civilian shipping and critical undersea infrastructure. Given more than 80 percent of global trade occurs by sea and more than 95 percent of data moves via undersea cables, it is crucial to understand the legal issues impacting these areas.

University of Philippines' **Neil Silva** moderated a discussion on territorial disputes in the South China Sea, which highlighted that while Malaysia, Philippines, and Vietnam all have shared interests, they have disparate views on how to respond to the PRC's increasing aggression. **Lan-Anh Nguyen** of the Diplomatic Academy of Vietnam recommended additional regional and functional cooperative and collaborative efforts to respond to the PRCs increasingly aggressive tactics to exert its claims in the South China Sea. Such examples could include trilateral South China Sea cooperation, improved cooperation in fields



of environment, maritime economy, increasing joint patrols, and the development of Codes of Conduct. **Dr. Nur Shahadah Jamil**, from the University of Malaya, provided that Malaysia adheres to a low-key, low-profile, behind the scenes diplomatic approach and is cognizant that a public and confrontational approach may generate internal disturbance, given that 20% of its population is ethnic Chinese, and that China is its largest trading partner. Malaysia is also working with other countries on economic opportunities, demonstrating a



neutral and non-alignment foreign policy. **Dr. Jay Batongbacal** of the University of Philippines detailed the PRC's tactics and techniques in exerting its unlawful claims in the South China Sea. In particular, the PRC has increased its persistent presence to exercise sea control, and effectively excludes other claimants from fishing and exercising petroleum exploration activities. It is predicted that within the next two years, if unchecked, the PRC will continue to expand and consolidate control within the unlawful 'ten-dash line' forcing the Philippines, Malaysia, and Indonesia out of their own Exclusive Economic Zones (EEZs).

Commodore Ian Park of the United Kingdom's Royal Navy explored the practical and legal challenges on protecting civilian shipping and critical undersea infrastructure. Highlighting the ongoing attacks on civilian shipping in the Red Sea by the Houthi rebels, he remarked on the differing interpretations of legal basis for collective self-defense of civilian shipping. He also demonstrated the prominent reliance of states on undersea fiber optic cables for national security and stability, their extreme vulnerability, encouraging the exploitation of early warning systems, inspection regimes and legal frameworks to ensure their protection.

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Cleo Paskal, Non-Resident Senior Fellow at the Foundation for Defense of Democracies led a panel discussion on Partnering to Defend Against Climate Change Effects and Illegal Unreported and Unregulated Fishing with **Mr. Joe Martin**, the Director of U.S. Indo-Pacific Command's Center for Excellence in Disaster Management and Humanitarian Assistance, **Allan Rahari**, Director of Fisheries Operations Division at the Pacific Islands Forum Fisheries Agency, and **Ernestine Rengiil**, Attorney General of Palau. Panelists provoked a lively discussion on proactively building national resilience against a variety of transnational issues. Misreporting by

authorized or licensed fishing fleets was identified as the dominant problem of IUU fishing in the Pacific. Proposed solutions included, possible electronic monitoring on fishing vessels, strengthened analytical capacity at the national and regional level, and an increase in quality inspections at sea and in port. Panelists noted that climate change and IUU fishing are often called non-traditional security challenges, but for many island states and developing states these are very central, core security challenges that other states must recognize and prioritize.

Professor Stuart Kaye of the University of Wollongong in Australia and **Ms. Dita Liliansa** from the Centre for International Law at the National University of Singapore examined the challenges of applying the laws of neutrality and laws of naval warfare in a contemporary international armed conflict. Evident are the many practical limitations, including varying flag and registration structures, the use of unmanned vessels, the ability to determine the status of personnel onboard, the ability to search large vessels for contraband, and confused modern legal frameworks surrounding the transport of war materiel.



“ [the PIC’s] must work together to generate their own organic economic security, so as not to fall trap to the PRC’s illusive tactics, which eventually have the price of eroding sovereignty ”

Former President of the Federated States of Micronesia, **His Excellency David W. Panuelo** spoke on the power of good governance and transparency, and cautioned states against accepting the PRC’s financial ‘good will’, a common tool for economic coercion. MILOPS24 participants were referred to his [letter](#) of March 9, 2023 that outlined the “Political Warfare” that he and the Federated States of Micronesia have been subjected to by the PRC, including: bribery, political interference, and direct threats. The vulnerability of the PICs is evident, and they must work together to generate their own organic economic security, so as not to fall trap to the PRC’s illusive tactics, which eventually have the price of eroding sovereignty.

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DAY FOUR

MILOPS24 saw record participation from leading **Judge Advocate Generals or national equivalents**, from Australia, Canada, Fiji, Indonesia, Japan, New Zealand, the United Kingdom, and the United States Navy, Air Force, Marines and Coast Guard. These leading military legal experts provided candid assessments of the unique challenges impacting their individual armed forces, and how they were addressing these issues. Discussion included how to modernize, prepare, and train militaries to face new threats of the Twenty-First century, including in the grey-zone; how to surge military efforts and continue legal support at a sustainable pace; the changing military cultures of the past (e.g. neutrality roles, culture of silence, etc); how to achieve a country's strategic and operational goals while also being a good regional partner to others; integrating civilian agencies to address security issues such as natural disasters and climate change; including and responding to new technological developments including artificial intelligence and the role legal professionals play in these endeavors.



USINDOPACOM would like to thank all the participants for their contributions in presenting, questions, discussions and the many bilateral and multilateral meetings which took place on the sidelines. Special thanks to the Armed Forces of the Philippines for Co-Hosting the strategic engagement and providing incredible senior leadership and support to the event; it is a clear demonstration of the strong and unwavering partnership and friendship of the United States and the Philippines.



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- KEY TAKEAWAYS -

The following represent key take-aways that were repeated throughout discussions and had significant support from the audience (in no particular order):

1. The rules based international order (RBIO) provides an equal voice and equal standing to all nations, regardless of size or economic power;
2. Assertive transparency and public opinion are effective deterrents against illegal, coercive, aggressive and deceptive actions (ICAD);
3. Increased collaboration and integration with allies and partners through bilateral and multilateral agreements and activities, strengthens relationships and provide a valuable integrated deterrent effect.
4. Multilateralism does not erode sovereignty, but rather provides effective opportunity for collective voices and positions to be understood, aligned and promulgated; ASEAN is a key multilateral institution for regional cooperation/ coordination on shared objectives.
5. The PRC blatantly ignores international law and disregards commonly accepted normative behaviors to continue its expansive and unlawful claims in the South China Sea at the expense of all states, not just those whose sovereign rights are being infringed.
6. PRC ICAD activities in the South China Sea are not only the concern of disputing parties; they affect all states due to the undermining of sovereignty and territorial integrity as well as the impacts on peace, security, stability and the global economy.
7. Consensus through public collective voice, such as in Legal Manuals and joint statements, creates commonly acceptable normative behavior or oppose poor behavior, even when not legally codified.
8. ASEAN has a central role in the region and has a vested interest in the activities in the South China Sea and in particular, deterring conflict.

- KEY RESOLUTIONS -

The following represent resolutions that could be pursued by all countries who support strengthening the Rules-Based International Order (RBIO), promoting freedom of navigation and commerce, encouraging peaceful resolution of disputes in accordance with international law.

1. We appreciate that the international order based on the rule of law promotes the maintenance of peace and stability across the dynamic Indo-Pacific region, and is an indispensable element of global security and prosperity.
2. We recognize the value of upholding the RBIO, with its strong support for human rights, the principle of freedom, rule of law, democratic values, sovereignty, territorial integrity, peaceful settlement of disputes and prohibition on the threat or use of force.
3. We emphasize the importance of adherence to international law, particularly as reflected in the United Nations Convention on the Law of the Sea which sets out the legal framework within which all activities in the oceans and the seas must be carried out.
4. We re-emphasize the importance of maintaining and upholding freedom of navigation and overflight, and other lawful uses of the sea, and unimpeded commerce consistent with international law.
5. We resolve to collaboratively practice legal vigilance, monitoring emerging threats to the RBIO and build a shared understanding of the legal environment in the Indo-Pacific region.
6. We will engage in legal diplomacy by strengthening relationships and interoperability, including through increased communication and participation in Exercises and activities.
7. We will remain vigilant to 'lawfare' and be prepared to expose and oppose any efforts to misuse or abuse the law.
8. We recognize that IUU Fishing and Climate Change effects represent an existential threat to many Indo-Pacific countries, and we commit to closer cooperation and assistance in defending their sovereignty and sovereign rights.

