

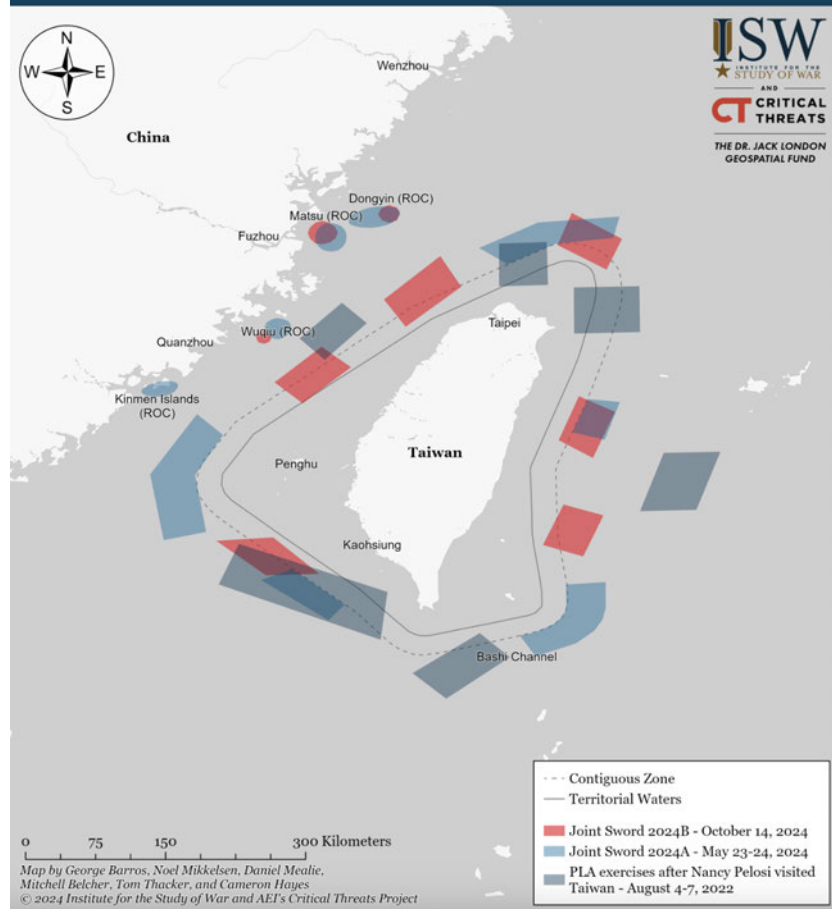
From: [REDACTED]
Subject: INDOPACOM Legal Vigilance Update #7 (19 October 2024)
Date: Saturday, October 19, 2024 8:14:20 AM
Attachments: [image.png](#)
[image.png](#)

Teammates,
Below please find the seventh edition of INDOPACOM's Legal Vigilance Update.

- **14 October 2024:** PRC launches provocative and escalatory military drills (Joint Sword 2024B) in the Taiwan Strait and around Taiwan in response to routine address by Taiwan president marking 10/10.
 - **Bottom-line:** the PRC's provocative military pressure operation—a response to a domestic-focused address that has historically prompted little response from the PRC—was irresponsible, destabilizing, and escalatory, especially in light of the operation's scale and the PRC's aggressive rhetoric accompanying the drills. See graphic below for display of PRC exercises areas and comparison to previous PRC large-scale coercive pressure operations around Taiwan.
 - References:
 - [Statement From Pentagon Press Secretary Maj. Gen. Pat Ryder on PRC Military Drills Near Taiwan](#)
 - [Statement of State Department Spokesperson Matthew Miller on PRC Military Drills Near Taiwan](#)
 - [Katrina Northrop and Vic Chiang, China launches large military drills as 'stern warning' to Taiwan \(The Washington Post, October 14, 2024\)](#)
 - [David Pierson and Amy Chang Chien, With Jets and Ships, China is Honing Its Ability to Choke Taiwan \(The New York Times, October 16, 2024\)](#)
 - [China-Taiwan Weekly Update \(Institute for the Study of War, October 18, 2024\)](#)
 - Key Legal Points:
 - The PRC's rhetoric and actions in connection with Joint Sword 2024B were highly escalatory and destabilizing, exceeding even the provocativeness of the two-day Joint Sword-2024A that followed President Lai's inauguration in May 2024.
 - The PRC reportedly flew 153 aircraft—a record—toward Taiwan, 111 of which crossed the so-called median line in the Taiwan Strait.
 - In addition to escalatory maneuvers by the PRC military vessels and aircraft, Joint Sword 2024B featured a significantly expanded role for the Chinese Coast Guard (CCG) in blockade operations. At least 17 CCG vessels participated in Joint Sword 2024B—the most of any exercise to date—with at least two CCG vessels sailing far closer to Taiwan-administered Matsu Island than is usual.
 - The PRC's Eastern Theater Command spokesman said the exercises would provide “a stern warning to the separatist acts of ‘Taiwan independence’ forces” and that they were *designed to test “sea-air combat-readiness patrol, **blockade on key ports and areas**, assault on maritime and ground targets, as well as joint seizure of comprehensive superiority.”*
 - The PRC's Joint Sword 2024B undermines peace and stability across the Taiwan Strait and in the broader region, which is essential to regional peace and prosperity and a matter of international concern.
 - The U.S. remains committed to its longstanding one China policy, guided by the Taiwan Relations Act, the Three Joint Communiqués, and the Six Assurances. The U.S. opposes any unilateral changes to the status quo and expects cross-Strait differences to be resolved by peaceful means.

■

PRC-announced Areas of Military Exercises around Taiwan (October 14, 2024)



- **16 October 2024:** pursuing full implementation of the UN Security Council Resolutions (UNSCRs) regarding the Democratic People's Republic of Korea (DPRK).
 - **Bottom-line:** the U.S. and a number of its Allies announced their intention to establish a Multilateral Sanctions Monitoring Team (MSMT), a multilateral mechanism to monitor and report violations and evasions of the sanction measures stipulated in the relevant UNSCRs.

- References:

- [Joint Statement on Establishing Multilateral Sanctions Monitoring Team for Implementation of UN Security Council Resolutions Regarding the DPRK](#)
 - [USINDOPACOM TACAID: DPRK United Nations Security Council Resolutions](#)

- Key legal points:

- The Governments of the United States of America, Australia, Canada, France, Germany, Italy, Japan, the Netherlands, New Zealand, the Republic of Korea, and the United Kingdom all expressed their intention to participate in the MSMT.
 - In a joint statement, the Governments said:

"We, the participating states of the [MSMT], are aligned in our commitment to uphold international peace and security and to safeguard the global non-proliferation regime and address the threat arising from the DPRK weapons of mass destruction (WMD) and ballistic missile programs, which are in violation of [UNSCRs]."

*In light of the veto which disbanded the UN Security Council's 1718 Committee Panel of Experts this year, we hereby express our intention to establish a Multilateral Sanctions Monitoring Team (MSMT), a multilateral mechanism to monitor and report violations and evasions of the sanction measures stipulated in the relevant UNSCRs. **The goal of the new***

mechanism is to assist the full implementation of UN sanctions on the DPRK by publishing information based on rigorous inquiry into sanctions violations and evasion attempts.

We underscore our shared determination to fully implement relevant UNSCRs regarding the DPRK, reaffirm that the path to dialogue remains open, and call on all states to join global efforts to maintain international peace and security in the face of the ongoing threats from the DPRK.”

- **17 October 2024:** DPRK reportedly revises constitution to define Republic of Korea (ROK) as “hostile state,” two days after destroying roads and rail lines that linked it with the South.
 - **Bottom-line:** the DPRK’s steps to sever inter-Korean ties and redefine the ROK as a separate, hostile enemy state are destabilizing and counterproductive to the maintenance of peace on the Korean peninsula.
 - **References:**
 - [Hyung-Jin Kim, North Korea says its revised constitution defines South Korea as ‘hostile state’ for first time \(Washington Post, October 17, 2024\)](#)
 - **Key legal points:**
 - The DPRK poses a persistent threat and growing danger to the U.S. homeland and the Indo-Pacific region as it expands, diversifies, and improves its nuclear, ballistic missile, and non-nuclear capabilities, including its chemical weapon stockpile.
 - The Korean War concluded in 1953 upon the signing of an armistice; a peace treaty has never been signed.
 - At the conclusion of the Korean War, the U.S. and the Republic of Korea signed a Mutual Defense Treaty, the foundation of a comprehensive alliance that endures today.
- **9 October 2024:** Southeast Asian leaders call for swift agreement on a code of conduct for the South China Sea based on international law.
 - **Bottom-line:** at the 44th and 45th Summits of the Association of Southeast Asian Nations (ASEAN), the member States discussed activities in the South China Sea that have “eroded trust and confidence, increased tensions, and may undermine peace, security, and stability in the region,” and stated that they “looked forward to the early conclusion of an effective and substantive [Code of Conduct] that is in accordance with international law, including the 1982 UNCLOS.”
 - **References:**
 - [ASEAN Chairman’s Statement of the 44th and 45th Summits \(9 October 2024\)](#)
 - [Panu Wongcha-um, ASEAN urges early accord on South China Sea code, end to Myanmar violence \(Reuters, October 12, 2024\)](#)
 - **Key legal points:**
 - The ASEAN Chairman’s statement—which represents the consensus from meetings of the 10-member Association—**“reaffirmed the importance of maintaining and promoting peace, security, stability, safety, and freedom of navigation in and overflight above the South China Sea and recognised the benefits of having the South China Sea as a sea of peace, stability, and prosperity.”**
 - At the summit, the ASEAN member States shared concerns “on the land reclamation and activities in the [South China Sea], including actions that put the safety of all persons at risk, damage to the marine environment, which have eroded trust and confidence, increased tensions, and may undermine peace, security, and stability in the region.”
- **11 October 2024:** PRC vessel (reportedly part of its maritime militia) sideswipes Philippines fisheries vessel in the vicinity of Thitu Island.
 - **Bottom-line:** the PRC continues to use its Coast Guard and maritime militia to engage in

increasingly dangerous and escalatory actions in the South China Sea.

- References:

- [Philippines says Chinese 'maritime militia' boat sideswiped fisheries vessel \(Reuters, October 14, 2024\)](#)

- Key legal points:

- The PRC's repeated, deliberate, and dangerous collisions with Philippine vessels in the South China Sea jeopardizes the safety of crews at-sea and is detrimental to regional peace and stability.

- 12 October 2024: report details PRC encroachment on Nepal land territory.

- **Bottom-line:** the PRC seems to be incrementally and systematically advancing territorial claims along its land border with neighboring States to gain favorable access routes through the Himalayas.

- References:

- [Hannah Beech and Bhadra Sharma, *China's 'New Great Wall' Casts a Shadow on Nepal* \(The New York Times, October 12, 2024\)](#)

- Key legal points:

- An in-depth and interactive report by The New York Times details reported encroachments by the PRC into Nepal land territory.
- The report states that "China's fencing along the edge of Nepal's Humla District is just one segment of a fortification network thousands of miles long that Xi Jinping's government has built to reinforce remote reaches, control rebellious populations and, in some cases, push into territory that other nations consider their own."
- The report goes on to say: "China borders 14 other countries by land. Its vast frontier, on land and at sea, remained largely peaceful as China's economy grew to become the world's second-largest. But amid Mr. Xi's tenure, Beijing is redefining its territorial limits, leading to small skirmishes and outright conflict."
- For more on the PRC's use of coercion and lawfare to acquire land territory, see INDOPACOM's TACAIDS on the [PRC's Land Borders Law](#) and the [PRC's border dispute with Bhutan](#).

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

CDR Ian Santicola, JAGC, USN
U.S. Indo-Pacific Command
Chief, National Security Law
Director, Counter-Lawfare Center



The U.S. Indo-Pacific Command's Office of the Staff Judge Advocate delivers full-spectrum legal support to integrated deterrence, legal force readiness, and counter-lawfare in support of COMUSINDOPACOM's Theater Campaign Plan. For more information, including USINDOPACOM's counter-lawfare TACAIDS, please visit <https://www.pacom.mil/Contact/Directory/Jo/Jo6-Staff-Judge-Advocate/>.