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**Subject:** INDOPACOM Legal Vigilance Update #8 (28 October 2024)  
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Teammates,

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

- **24 October 2024:** European Parliament adopts resolution “on the misinterpretation of UN resolution 2758 by the People’s Republic of China and its continuous military provocations around Taiwan.”
  - **Bottom-line:** the European Parliament condemned “China’s continued military provocations against Taiwan;” rejected “China’s attempts to distort history and international rules;” and underlined “that UN resolution 2758 does not take a position on Taiwan.”
    - **References:**
      - [Press Release, China is trying to distort history and international law in Taiwan, MEPs warn \(European Parliament, October 24, 2024\)](#)
      - [European Parliament resolution of 24 October 2024 on the misinterpretation of UN resolution 2758 by the People’s Republic of China and its continuous military provocations around Taiwan](#)
      - [UN General Assembly Resolution 2758 \(October 25, 1971\)](#)
    - **Key legal points:**
      - The European Parliament declared (among other things) that it:
        - “Opposes the PRC’s constant distortion of UN Resolution 2758 and its efforts to block Taiwan’s participation in multilateral organisations;”
        - “Strongly condemns the PRC’s unwarranted military exercises of 14 October 2024, its continued military provocations against Taiwan and its continued military build-up, which is changing the balance of

- power in the Indo-Pacific, and reiterates its firm rejection of any unilateral change to the status quo in the Taiwan Strait;”
  - “Highlights that the PRC’s various actions in the field of cognitive and legal warfare are slowly undermining the status quo, as well as intensifying grey-zone activities that are intended to circumvent detection, existing laws and response thresholds;” and
  - “Applauds the increase in freedom of navigation exercises conducted by several EU countries, including France, the Netherlands and Germany.”
- UNGAR 2758—which recognized the PRC’s representatives to the UN as “the only legitimate representatives of China to the United Nations”—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.
- 24 October 2024: Memorandum on Advancing the United States’ Leadership in Artificial Intelligence; Harnessing Artificial Intelligence to Fulfill National Security Objectives; and Fostering the Safety, Security, and Trustworthiness of Artificial Intelligence.
  - **Bottom-line:** President Biden issued the first-ever National Security Memorandum (NSM) on Artificial Intelligence (AI), setting out goals to enable the U.S. Government to harness cutting-edge AI technologies and to advance international consensus and governance around AI.
    - References:
      - [NSM on AI \(The White House\)](#)
      - [Gregory C. Allen and Isaac Goldston, \*The Biden Administration’s National Security Memorandum on AI Explained\* \(CSIS, October 25, 2024\)](#)
    - Key legal points:
      - The NSM on AI sets out three objectives:
        - “the United States must lead the world’s development of safe, secure, and trustworthy AI;”
        - “the United States Government must harness powerful AI, with appropriate safeguards, to achieve national security objectives;”
        - “the United States Government must continue cultivating a stable and responsible framework to advance international AI governance that fosters safe, secure, and trustworthy AI development and use; manages AI risks; realizes democratic values; respects human rights, civil rights, civil liberties,

and privacy; and promotes worldwide benefits from AI.”

- The NSM states that “[a]s the United States Government moves swiftly to adopt AI in support of its national security mission, it must...ensure that AI is used in a manner consistent with the President’s authority as Commander in Chief to decide when to order military operations in the Nation’s defense; and ensure that military use of AI capabilities is accountable, including through such use during military operations within a responsible human chain of command and control.”
- 21/23/25 October 2024: three times in one week, Indonesia’s Coast Guard reportedly drives away PRC Coast Guard vessel that interrupted survey in the Natuna Sea portion of the South China Sea.
  - **Bottom-line:** the PRC once again used its Coast Guard to assert its ambiguous and legally baseless “dashed line” claim in the South China Sea.
    - References:
      - [Edna Tarigan, Indonesia says its coast guard drove away Chinese ship that interrupted survey in disputed sea \(The Washington Post, October 24, 2024\)](#)
      - [Edna Tarigan, Indonesian coast guard drives away a Chinese vessel in disputed waters for a third time in a week \(The Washington Post, October 26, 2024\)](#)
    - Key legal points:
      - Indonesian patrol ships drove away a PRC Coast Guard vessel that was interrupting a seismic data survey being conducted by Indonesia’s state energy company PT Pertamina in a part of the South China Sea claimed by both countries.
      - China’s “dashed line,” which it uses to roughly demarcate its claim to most of the South China Sea and which the 2016 Arbitral Tribunal rejected as contrary to UNCLOS, overlaps with a section of Indonesia’s exclusive economic zone that extends from the Natuna Islands.
      - In a video distributed by Indonesian authorities, a PRC Coast Guard vessel can be heard warning the Indonesia Coast Guard that “China has indisputable authority over Nansha islands and the adjacent waters...Chinese Coast Guard regular patrol in and above these domestic jurisdictional waters is unquestionable.”
      - The international community, including littoral States of the South China Sea, has consistently made clear that it rejects the PRC’s historic rights claim in the South China Sea as vague and legally baseless.

- 19 October 2024: Joint Declaration by G7 Defense Ministers to reaffirm common determination to address security challenges.
  - **Bottom-line:** the Defense Ministers of Canada, France, Germany, Italy, Japan, the United Kingdom, and the United States met in Naples, Italy, where they strongly reaffirmed their “commitment to promote respect for the United Nations charter, to implement tangible measures to help safeguard peace and security, and to oppose any action aimed at undermining the free and open rules-based international order.”
    - References:
      - [Joint Declaration by G7 Defense Ministers to reaffirm common determination to address security challenges \(October 19, 2024\)](#)
    - Key legal points:
      - The G7 Defense Ministers condemned the PRC’s support to Russia’s illegal war in Ukraine and the continued development of DPRK’s nuclear and ballistic missile programs.
      - The Ministers expressed “serious concern about the situation in the South and East China Seas” and “reiterate[d] our strong opposition to any unilateral attempts to change the status quo by force or coercion.”
      - The said “[t]here is no legal basis for China’s expansive maritime claims in the South China Sea, and we are strongly opposed to China’s repeated obstruction of freedom of navigation, militarization of disputed features and coercive and intimidating activities, as well as the dangerous use of Coast Guard and maritime militia vessels in the South China Sea.
      - Reaffirming “the universal and unified character of the UN Convention on the Law of the Sea,” the Ministers “reiterate[d] that the award rendered by the Arbitral Tribunal on July 12, 2016, is legally binding upon the parties to those proceedings.”
      - The Defense Ministers reaffirmed that “maintaining peace and stability across the Taiwan Strait is indispensable to international security and prosperity.”
- 13 October 2024: DJI sues U.S. Department of Defense over "Chinese military company" designation.
  - **Bottom-line:** Chinese drone maker DJI has filed a lawsuit against the U.S. Defense Department, challenging its designation as a "Chinese military company." This is part of a broader trend where the PRC exploits U.S. legal systems to undermine national security measures, aligning with the PRC’s "rule by law" strategy as highlighted in the U.S.-

China Economic and Security Review Commission's 2023 report.

▪ References:

- [David Shepardson, \*Drone maker DJI sues Pentagon over Chinese military listing\* \(Reuters, 13 Oct. 2024\)](#)
- [U.S.-China Economic and Security Review Commission 2023 Annual Report](#)

▪ Key legal points:

- DJI's lawsuit seeks to overturn its designation, which restricts U.S. business dealings with firms tied to the PRC military.
- This follows growing U.S. efforts to counter PRC-linked technology, with Congress voting to bar future DJI drones from operating in the U.S.
- The PRC's "rule by law" uses legal mechanisms to push its interests, as seen in DJI's challenge to U.S. national security designations. According to the U.S.-China Economic and Security Review Commission's 2023 report, this tactic is a deliberate effort to undermine international legal norms while reinforcing the PRC's geopolitical goals.
- The PRC's exploitation of U.S. legal frameworks continues to threaten national security, reinforcing the need for vigilance against such lawfare tactics.

Thank you for your continued participation in our Counter-Lawfare community of interest.

V/r Ian

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