



USINDOPACOM Office of the Staff Judge Advocate

Legal Vigilance Dispatch

Promoting the Rule of Law to Ensure a Free and Open Indo-Pacific

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Special points of interest:

- MILOPS 24 demonstrates a strong, collaborative commitment to the RBIO.
- Increasing PRC aggression in the SCS risks stability in the region.
- PRC institutions are dominating deep sea mining.
- Quad leaders share experience during maritime legal dialogue.

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U.S. INDO-PACIFIC COMMAND INTERNATIONAL MILITARY LAW & OPERATIONS CONFERENCE

MILOPS

35TH ANNUAL CONFERENCE | 27 - 30 AUGUST 2024 | MANILA, PHILIPPINES

Admiral Sam Paparo, Commander of U.S. Indo-Pacific Command (INDOPACOM), convened the largest ever MILOPS in the Philippines. In August 2024, 29 nations and over 220 key lawyers, academics, senior leaders, military leaders and policy advisors contributed to shaping today's global security environment under the MILOPS24 banner "The Future of the Indo-Pacific: Partnering to Defend Sovereignty."

MILOPS continues to be the premiere international forum for "legal diplomacy," promoting open and transparent dialogue on legal issues, strengthening partnerships, and countering "lawfare," the abuse or misuse of the law to achieve a military strategic, operational, or tactical advantage.

Participants reiterated their 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 a commitment to the rule of law, not rule by law.

The Indo-Pacific region faces complex challenges, and MILOPS has proven to be an effective avenue for open dialogue and identifying opportunities for partnerships, collaboration, and development of strategies for a peaceful and



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 Rules Based International Order.
- Admiral Samuel Paparo

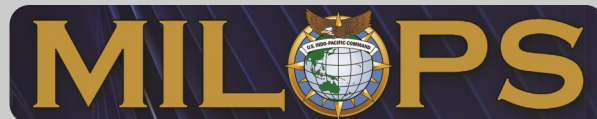
prosperous future for all. This year's MILOPS theme and agenda reinforced strengthening the rules-based international order (RBIO), promoting freedom of navigation and commerce, encouraging the peaceful resolution of disputes in accordance with international law, empowering nations to partner together on enhancing maritime domain awareness, increasing climate resiliency, and combatting illegal, unregulated, and unreported fishing.

U.S. INDOPACOM looks forward to further cooperation and collaboration as it builds and enhances enduring partnerships, strengthens the rules-based international order

(RBIO), and pursues efforts that expose and oppose malign actors who misuse and abuse the law in an attempt to impose their will on other nations.



Check out MILOPS record of proceedings, as well as many other great counter-lawfare-products at the Staff Judge Advocate's office online!



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.

- U.S. Ambassador to the Philippines Marykay Carlson

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.

- Philippine Secretary of Defense Gilberto Teodoro Jr.

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.

**- Philippine Armed Forces Chief of Staff
General Romeo Brawner**

Former Micronesia President Exposes PRC's Political Warfare

In a powerful address at the recent Military Law and Operations Conference (MILOPS24) in Manila, the former President of the Federated States of Micronesia (FSM), His Excellency David W. Panuelo, illuminated the profound and enduring ties between FSM and the Republic of the Philippines, emphasizing their shared commitment to defending sovereignty against external threats.

He delivered a stark warning about the People's Republic of China (PRC) aggressive tactics, describing their political warfare as a calculated effort to erode local governance across the Pacific. Panuelo's remarks build upon his March 2023 open [letter](#), where he detailed PRC's multifaceted political warfare in FSM, encompassing overt activities like political alliances, economic measures, and public propaganda, as well as more clandestine tactics including bribery, psychological warfare, and blackmail.

Panuelo's encounters with PRC officials paint a disturbing picture of coercion and manipulation. Panuelo described how infrastructure and development projects are not merely

negotiations; they are influenced through intimidation and deceit. This revelation serves as a call for Pacific leaders, urging them to remain vigilant in the face of these insidious external pressures that threaten their sovereignty and democratic integrity.

Highlighting the alarming methods employed by the PRC, Panuelo asserted that transparency and good governance are vital defenses against such interference. He recalled decisive actions taken during his tenure, including a moratorium on PRC research activities within FSM's exclusive economic zone



and resisting coercive pressure to accept PRC vaccines amid the COVID-19 pandemic.

Panuelo also discussed the manipulation of multilateral engagements, where private citizens were used to represent FSM without government consent, a blatant affront to national sovereignty. He revealed the corrupting influence of PRC interactions, where bribery compromises officials, leading to decisions that prioritize PRC interests over those of Micronesia.

Panuelo urged Pacific leaders to forge alliances grounded in shared democratic values, stressing that economic security is essential to counteract PRC influence. "Do not just give us money," he implored; instead, he called for partnerships that nurture sustainable development and empower local economies.

Advocating for unified action—not only for the benefit of FSM but for the stability and integrity of the entire region—Panuelo's comments should resonate deeply among Pacific nations that cherish the rule of law.

PRC's Push for Dominance in the South China Sea Threatens Regional Stability

In recent months, the People's Republic of China (PRC) has further escalated its campaign to assert control over the South China Sea, employing increasingly irresponsible and dangerous tactics that risk destabilizing the region. The most recent incidents, involving direct confrontations between PRC vessels and those of the Republic of the Philippines, reveal a reckless PRC that is willing to test the limits of international law and risk a dangerous escalation.

In the summer of 2024, PRC Coast Guard and "maritime militia" vessels repeatedly harassed Philippine ships in the Philippines' exclusive economic zone (EEZ), [using illegal and dangerous tactics that pose severe threats](#) to regional security. The frequency and similitude of the PRC's reckless behavior suggests that the incidents are part of a concerted strategy to gradually drive the Philippines out of critical areas like Sabina Shoal, a low-tide elevation inside the Philippines' EEZ. However, while likely designed to wear down the Philippines, the PRC's vessel ramming and water cannoning is having the opposite effect, as it is fortifying Philippine resolve and international consensus against PRC coercion.

China has sent more ships to harass Philippine resupply missions.



Source: [The New York Times](#)



The broader implications of the PRC's power play cannot be overstated. By claiming nearly all of the South China Sea, including areas recognized as part of the Philippines' EEZ under the United Nations Convention on the Law of the Sea (UNCLOS), the PRC defies the 2016 ruling by the Permanent Court of Arbitration in The Hague, which declared that the PRC's "dashed line" has no legal basis. Despite widespread international demands for the PRC to adhere to the 2016 arbitral tribunal ruling, the PRC has doubled down on enforcing its claims through militarized intimidation.

The South China Sea is one of the world's busiest waterways, carrying a significant portion of the world's shipping traffic. The PRC's attempts to control these waters pose a direct threat to the freedom of navigation that all nations depend on. For the Philippines, a U.S. treaty ally, the PRC's increasing provocations are not just a threat to regional trade and security, but to the Philippines' sovereign rights in its own EEZ.

In response to the PRC's dangerous and destructive actions, the U.S. has consistently reaffirmed its commitment to its mutual defense obligations with the Philippines and strongly condemned the PRC's illegal maneuvers. Article IV of the 1951 United States-Philippines Mutual Defense Treaty extends to armed attacks on Philippine armed forces, public vessels, or aircraft – including those of its Coast Guard – anywhere in the South China Sea.

The consequences of the PRC's irresponsible, illegal, and dangerous behavior in the South China Sea could be dire—not only for Southeast Asia but for the international community. What is at stake is not just Philippine access to its own EEZ, but the future of freedom of navigation, and rights under international law that all states enjoy equally. The world must continue to call on the PRC to abide by the 2016 arbitral ruling, to cease its dangerous and destabilizing conduct, and to change its conduct to accord with UNCLOS.

Sanctions:

A Strategic Tool in Global Power Competition

As conflicts and geopolitical tensions escalate across the globe, the use of economic sanctions has emerged as a critical instrument for the U.S. and its allies to impose costs on malign state and non-state actors. Sanctions, once primarily reserved for combatting terrorism and narcotics trafficking, are now being deployed to address a wide range of security concerns, including ballistic missile development and arms proliferation. Whether applied unilaterally by the U.S., or multilaterally through the UN, sanctions are increasingly seen as part of a coordinated effort to maintain global peace and stability.

The U.S. and its allies exercise care to ensure that sanctions effectively target their intended objectives without inadvertently destabilizing global markets. To maximize their impact, sanctions must be part of a comprehensive strategy that includes diplomatic, informational, and military measures.

On July 24, 2024, the U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) [announced sanctions](#) on six individuals and five entities based in the People's Republic of China (PRC). These sanctions targeted actors involved in the procurement of items supporting North Korea's ballistic missile and space programs. According to the U.S. Treasury, OFAC "administers and enforces economic sanctions programs against countries and groups of individuals, such as terrorists and narcotics traffickers." In practice, the scope of sanctions has expanded significantly, reflecting the growing complexity of global threats.

In [another instance](#), on September 12, 2024, the Federal Register issued a notice imposing missile proliferation sanctions on three PRC entities, one PRC individual, and a Pakistani entity for engaging in activities that violate the Arms Control Act. These sanctions underscore a broader trend in U.S.

policy: leveraging economic measures to combat the spread of weapons of mass destruction.

The Expanding Role of Sanctions in U.S. Strategy

Sanctions are not a standalone tool; they are part of the broader framework of U.S. national security strategy. The DIME model—Diplomatic, Information, Military, and Economic—is a conceptual framework used by the U.S. government to wield its national power effectively. Sanctions fall under the economic component of DIME, serving as a non-kinetic means of limiting trade, weakening malign state actors' economies, and ultimately, promoting peace.

The strategic application of sanctions has broadened significantly in recent years. For example, a simple search on the OFAC website shows that sanctions against China yield 769 results. A search for North Korea produces 208 results, while Russia's sanctions list is so extensive that the system advises users to refine their search criteria.

It must be said that sanctions face significant challenges in enforcement, as seen in the context of Russia's oil trade. Russia has successfully evaded restrictions by using a fleet of shadow tankers—unmarked, poorly maintained vessels that continue to transport nearly 70% of Russia's oil exports. According to a report by the Kyiv School of Economics Institute, over 75 million barrels of Russian oil are transported monthly on these ships, just one example of how malign state actors are developing complex mechanisms to circumvent sanction regimes.

Sanctions as a Global Tool

The U.S. is not alone in its reliance on sanctions as an instrument of statecraft. Under Chapter VII of the United Nations Charter, the UN Security Council can impose sanctions to maintain or restore international peace and security. Article 41 of the Charter enables the Council to implement a wide range of measures that do not involve the use of force,

such as trade restrictions, financial freezes, and travel bans. Currently, there are 14 ongoing UN sanctions regimes, aimed at supporting political settlements of conflicts, enforcing nuclear non-proliferation, and countering terrorism.

Sanctions can therefore be seen as part of a broader multilateral effort to shape international behavior and resolve conflicts. While they are often viewed as punitive, sanctions can also be used to create leverage in negotiations, promote compliance with international norms, and serve as a means of avoiding direct military engagement. However, as the situation with Russia's shadow fleet demonstrates, the effectiveness of sanctions depends on robust enforcement and coordination among the international community.

One new model that the U.S. and its allies are testing is the establishment of a multilateral sanctions monitoring team, involving numerous international partners, to ensure the effective implementation of United Nations Security Council resolutions regarding North Korea. This initiative, which includes members from the U.S., South Korea, Japan, Australia, Canada, New Zealand, and several European countries, aims to strengthen enforcement, prevent sanctions evasion, and ensure compliance with the global sanctions regime. By bringing together a diverse coalition of nations, this effort enhances monitoring and accountability mechanisms and reflects a shared commitment to addressing North Korea's illicit weapons programs and destabilizing actions in the Indo-Pacific region. The model offers a potential blueprint for future multilateral sanctions efforts.



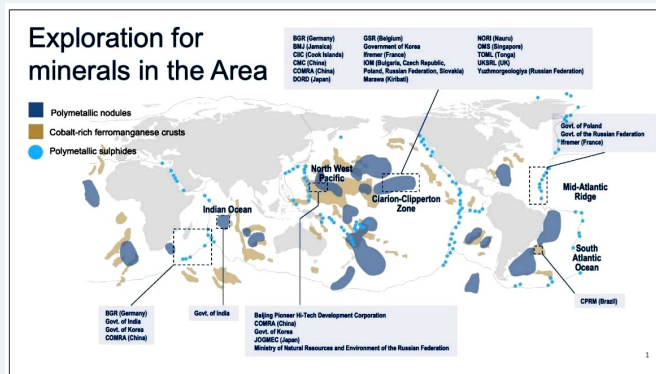
PRC's Legal Maneuvering in Deep-Sea Mining

As the demand for critical minerals skyrockets—driven by the push for renewable energy technologies—deep-sea mining has emerged as the latest frontier in the global competition for resources. While many nations are just beginning to explore this untapped resource pool, the [PRC has been rapidly advancing its deep-sea mining capabilities](#), with significant investments in technology, exploration rights, and strategic influence within international rule-making bodies.

What's at Stake?

Deep-sea mining offers access to critical minerals like cobalt, nickel, and copper, essential for the manufacturing of batteries, electric vehicles (EVs), and renewable energy technologies. [According to the International Energy Agency](#), the critical minerals market is expected to grow from \$40 billion in 2020 to \$400 billion by 2050.

The International Seabed Authority (ISA) is responsible for issuing licenses and regulating deep-sea mining activities in international waters. So far, the ISA has issued 31 exploration contracts, including five to the PRC, covering nearly 400,000 square miles of seabed. However, final exploitation regulations have yet to be established, with many nations calling for stricter environmental protections before any mining begins. Despite this, the PRC has been pushing to expedite the rule-making process and secure its long-term dominance in the sector.



Source: ISA, "Exploration Areas," at <https://www.isa.org/jm/minerals/exploration-areas>.

PRC's Legal Maneuvering and Strategic Investments

The PRC's strategic dominance in deep-sea mining can be traced to its position within the United Nations Convention on the Law of the Sea (UNCLOS) and the ISA. Unlike the U.S., which has not ratified UNCLOS and is therefore not eligible for ISA-issued licenses for

seabed mining, the PRC has been active in influencing deep-sea mining regulation to benefit its strategic objectives. The PRC holds exclusive exploration and priority mining rights in vast areas of the seabed, bolstered by state-owned enterprises like the China Ocean Mineral Resource R&D Association. As part of its 14th Five-Year Plan, the PRC aims to further accelerate its development of deep-sea mineral resources.

The PRC's seabed mining activities are mainly focused in the Clarion-Clipperton Zone, the Indian Ocean, and the Pacific Ocean. The PRC has made significant investments in developing technologies that allow for deeper and more efficient extraction, making it a leader in this rapidly growing industry.

Global Opposition and Environmental Concerns

While the PRC pushes forward, concerns about the environmental impact of deep-sea mining have grown. Pacific Island countries like the Marshall Islands and Palau have voiced strong opposition to rapid mining developments, citing potential irreversible damage to fragile marine ecosystems. Palau's President, Surangel Whipps Jr., has called for a [moratorium](#) on deep-sea mining, warning that exploiting the ocean floor without proper regulations would be catastrophic. Chile has echoed President Whipps' calls, advocating for a 15-year moratorium.

The Future of Deep-Sea Mining

Looking ahead, the ISA is under increasing pressure to finalize regulations. In 2021, [Nauru triggered a clause](#) requiring the ISA to permit seabed mining within two years, regardless of whether a regulatory framework is in place. This will potentially force the ISA to reconcile the demands of nations like the PRC and Russia, which seek rapid development, with the many calls for environmental protections.

As the PRC continues to expand its influence over the seabed and the technologies needed for its extraction, the stakes for the international community grow higher. The dual-use potential of deep-sea exploration for military purposes has only added to the geopolitical tensions, with the PRC increasingly treating the ocean floor as a strategic asset. For nations that support the rules based international order, the path forward requires developing a regulatory framework that balances economic ambition with environmental stewardship.

For an in-depth look at deep-sea mining issues you can view a recent [60 Minutes segment](#) here.

Beneath the Surface



Quad Maritime Legal Dialogue

Capitalizing on shared expertise to uphold the rules-based maritime order

On September 21, 2024, the leaders of the Quad—Prime Minister Anthony Albanese of Australia, Prime Minister Narendra Modi of India, Prime Minister Kishida Fumio of Japan, and President Joseph R. Biden, Jr. of the United States—met for the [fourth in-person Quad Leaders Summit in Wilmington, Delaware](#). In addition to reaffirming their steadfast commitment to the international order based on the rule of law and a free and open Indo-Pacific that is inclusive and resilient, the leaders also declared their support for the new “Quad maritime legal dialogue.”

The Quad maritime legal dialogue is designed to focus the shared expertise on international law of the sea issues in support of the Quad’s efforts to uphold the rules-based maritime order in the Indo-Pacific. The dialogue will be nested under the Quad Maritime Security Working Group and underscores the important place that law and legal consensus-building holds for the future of security the Indo-Pacific.

In addition to the maritime legal dialogue, other key outcomes of the July and September Quad meetings included a reaffirmation of the group’s commitment to the U.N. Charter, the identification of humanitarian assistance and disaster relief as a critical area for future collaboration, and an emphasis on the importance of upholding the existing international legal framework for outer space activities (including the Outer Space Treaty). The leaders also expressed serious concern about the “coercive and intimidating maneuvers” in the East and South China Seas and highlighted the importance of maintaining and upholding freedom of navigation and overflight, other lawful uses of the sea, and unimpeded commerce consistent with international law.

Ulchi Freedom Shield 2024: Coalition Exercises Defense of ROK

Annual combined, joint, interagency exercise Ulchi Freedom Shield (UFS) 24 was conducted by Combined Forces Command, United Nations Command and United States Forces Korea from 19 to 29 Aug 2024.

This year’s exercise featured live, virtual, constructive and field-based training, involving personnel from the Republic of Korea, the United States and UN Member States, as well as incorporating other federal agencies across the government of the Republic of Korea for a whole-of-government response. These exercises highlight the longstanding military partnership between United Nation Command Member States and the Republic of Korea.

The annual exercise is designed to strengthen the combined defense posture and Alliance response capabilities based on scenarios that

reflect diverse threats within the multi-domain security environment.

ROK and US forces were joined by military forces in support of the



2nd Infantry Division/ROK-US Combined Division Sustainment Brigade, stood for a group photo with Republic of Korea Army Gen. Park An-su, the Chief of Staff of the South Korean Army, and soldiers of the ROK 5th Logistics Brigade, during Freedom Shield 24. Photo by Spc. Dakota Bradford.

United Nations Command from Australia, Canada, France, Belgium, Great Britain, Greece, Italy, New Zealand, Philippines, and Thailand. In addition, the Neutral Nations Supervisory Commission (Sweden and Switzerland) observed and monitored the exercise, fulfilling duties prescribed by the Armistice Agreement. The legal office of CFC was augmented by two attorneys from the U.S. Army, two from the U.S. Air Force, one from the U.S. Navy, while the UNC legal office was augmented by one legal advisor (LEGAD) from New Zealand, one LEGAD from Italy, and two LEGADs from Belgium.

UFS 24 demonstrates allies and partners resolve to work together to ensure peace, security and prosperity throughout the region and continue efforts for a free and open Indo-Pacific.

PRC Distortion of UNGAR 2758 Not Going Unnoticed

The People's Republic of China (PRC) frequently distorts and misrepresents United Nations General Assembly Resolution 2758 (UNGAR 2758) to bolster its [coercive campaign against Taiwan](#), but increasingly states are countering the PRC's lawfare on this issue.

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 attempt to provide international legitimacy to its sovereignty claims.

There is now a growing move to call out the inaccuracy and illegitimacy of the PRC's claims. During a U.S. House of Representatives Foreign Affairs Committee [hearing](#) on September 18,

2024, Deputy Secretary of State Kurt Campbell noted that Beijing has exploited UNGAR 2758 diplomatically to assert that Taiwan's status is illegitimate under a "one China principle" framework. He emphasized that the U.S. continues to stand by its commitments to Taiwan, as outlined in the Taiwan Relations Act, the three U.S.-PRC Joint Communiques, and the Six Assurances, which together provide

2758 (XXVI). Restoration of the lawful rights of the People's Republic of China in the United Nations

*The General Assembly,
Recalling the principles of the Charter of the United Nations,*

Considering that the restoration of the lawful rights of the People's Republic of China is essential both for the protection of the Charter of the United Nations and for the cause that the United Nations must serve under the Charter,

Recognizing that the representatives of the Government of the People's Republic of China are the only lawful representatives of China to the United Nations and that the People's Republic of China is one of the five permanent members of the Security Council,

Decides to restore all its rights to the People's Republic of China and to recognize the representatives of its Government as the only legitimate representatives of China to the United Nations, and to expel forthwith the representatives of Chiang Kai-shek from the place which they unlawfully occupy at the United Nations and in all the organizations related to it.

*1976th plenary meeting,
25 October 1971.*

a strategic framework for U.S. policy on Taiwan. This approach has contributed to peace and stability in the region for over 40 years, though Campbell acknowledged the increasing challenges in maintaining this balance.

Deputy Secretary Campbell's comments echo similar positions taken within the legislative bodies of key U.S. allies. For example, in August 2024, [Australia's Senate](#) adopted a motion affirming that UNGAR 2758 does not establish the PRC's sovereignty over Taiwan, nor does it determine Taiwan's future status within the UN or its participation in international organizations. The [Dutch parliament](#) adopted a similar measure in September 2024.

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.



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Free and Open Indo-Pacific*

What is Legal Vigilance?

Legal vigilance refers to the monitoring and assessment of the legal environment. Maintaining legal vigilance ensures the United States Indo-Pacific Command (USINDOPACOM) and its allies and partners are able to identify threats (including "legal warfare" by the People's Republic of China), integrate across the combined joint force, and implement action to uphold the rule of law.

The Legal Vigilance Dispatch is an informal, non-comprehensive survey of open-source information on the legal environment. Unless otherwise noted, all content is produced by the USINDOPACOM Office of the Staff Judge Advocate (OSJA) and does not necessarily reflect official positions of the U.S. government.

In addition to identifying threats in the legal environment, the Legal Vigilance Dispatch highlights cooperative efforts by the United States and its allies and partners to uphold the rule of law. USINDOPACOM OSJA is committed to building legal partnerships and working with allies and partners to preserve peace and stability in the Indo-Pacific. If you have comments, feedback, or vignettes to share, please contact us.