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Countering Chinese lawfare in the Indo-Pacific

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New geostrategic thinking for a more competitive age

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Foreword

The Indo-Pacific region benefits from an established set of rules and norms which can govern interactions between countries in the region and manage tensions between them. International law ought to constrain governments, particularly those of powerful nations, for the common good. The People's Republic of China (PRC), however, is weaponising law to advance its expansionist geopolitical interests in the Indo-Pacific.

Chinese lawfare is being waged in the South China Sea, East China Sea and across the Taiwan Strait on a routine basis. Beijing's approach is systematic, and looks to reap rewards as the rules of the region are rewritten. Without fighting, the PRC is attempting to take the territory of its neighbours and upend the United Nations Convention on the Law of the Sea (UNCLOS).

This Policy Paper, written by Deniz Güzel, Associate Fellow at the Council on Geostrategy, outlines this challenge. It calls for the United Kingdom (UK) to adopt a systematic and sophisticated whole-of-government lawfare strategy able to monitor, anticipate and manage lawfare by the PRC and other hostile actors. These malign actions, it is argued, should be countered with the institutionalisation of legal resilience and vigilance, and the instrumental use of law to safeguard British interests, uphold international norms and prevent the reshaping of the legal and physical landscape.

This study from the Council on Geostrategy's Indo-Pacific Programme will advance the understanding of Chinese activity in the Indo-Pacific region, and will be of interest to policymakers in Whitehall and key stakeholders alike.

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Executive summary

CONTEXT

- Lawfare, initially defined as using law to achieve battlefield objectives, has now evolved into a potent tool in geopolitical competition. Lawfare has been used by revisionist actors instrumentally to support and legitimise their geopolitical objectives.
- The People's Republic of China (PRC), whose strategic culture is conducive to the instrumentalisation of law, is the most sophisticated practitioner of lawfare. Institutionalised in its strategic doctrine – the 'three warfares' – the PRC systematically uses law as a tool to support its strategic objectives.
- His Majesty's (HM) Government is committed to ensuring a free and open Indo-Pacific, and safeguarding international legal frameworks which protect sovereignty and territorial integrity. The PRC's increasing aggression in the region, which is facilitated by lawfare, threatens to undermine these principles.
- The consequences of the PRC achieving its long-term objectives in the Indo-Pacific region has significant implications for the United Kingdom's (UK) economic security, military capability and core interests, as well as those of its allies and partners. As lawfare is integral to these objectives, an effective British response to growing Chinese aggression in the Indo-Pacific requires greater acknowledgement of the legal environment as a growing strategic arena of competition in which the PRC is manoeuvring freely.

QUESTIONS THIS POLICY PAPER ADDRESSES:

- How does lawfare support the PRC's long-term strategic objectives in the Indo-Pacific?
 - What is Britain's current policy towards Chinese lawfare?
-



- Going forwards, how should Britain counter Chinese lawfare in the Indo-Pacific?

KEY FINDINGS

- In the South China Sea, the PRC uses lawfare to assert expansive jurisdictional claims contrary to the United Nations Convention on the Law of the Sea (UNCLOS). Using legal mischaracterisations, enforcement powers, coercive legal instruments and domestic legislation, Beijing seeks to normalise its own narratives and PRC-created legal positions over time, and establish de facto, irreversible control.
- In the East China Sea, the PRC has used lawfare to challenge Japan's administrative control of the Senkaku Islands. Through an attritional strategy, Beijing has normalised its presence and intensified enforcement, seeking to usurp Japan's administered control without military conflict.
- The PRC has used lawfare effectively to isolate Taiwan, legitimise its 'One China' principle and build a legal pretext for 'unification', a key PRC aim. Lawfare is integral in constraining Taiwan and creating a passive international environment in the event of a military invasion.
- Britain's current approach to lawfare is sporadic and reactive. To address the reality that law is a growing competitive arena where hostile actors are manoeuvring, it should systematically monitor, anticipate and respond effectively to hostile lawfare. This is critical to safeguard British interests, uphold international norms and systems and prevent the PRC from reshaping the legal and physical landscape in the Indo-Pacific.

RECOMMENDATIONS

To counter Chinese lawfare effectively, HM Government should:

1. **Establish a national lawfare strategy:** Develop a systematic, whole-of-government lawfare strategy, institutionalised through a dedicated central office to coordinate doctrine, research, operations



and educational functions, and ensure inter-departmental and allied integration. A strategy should be rooted in legal resilience, legal vigilance and developing a legal arsenal to identify, manage and respond to active and future Chinese lawfare threats.

- 2. Recognise lawfare as a systemic challenge:** Acknowledge the legal environment as a critical arena of strategic competition and the risks which hostile lawfare poses to British interests, and dedicate resources to tackling lawfare. It should also recognise Chinese lawfare as central to Beijing's ambitions in order to appreciate fully the nature of threats the UK faces in the Indo-Pacific.
- 3. Ensure resilience of legal frameworks:** Conduct rigorous stress testing of domestic and international legal frameworks and allied legal positions in order to identify and register vulnerabilities exploitable by the PRC, informing policy and international coordination.
- 4. Deepen understanding of Chinese lawfare:** Promote in-depth research, translation and analysis of Chinese legal viewpoints, academic texts, legal judgements and legal narratives to anticipate future Chinese lawfare manoeuvres.
- 5. Enhance legal vigilance:** Institute sophisticated monitoring for early detection and assessment of Chinese legal manoeuvring, and empower the central lawfare office to coordinate internal and allied responses to identified threats by leveraging all instruments of national power in the diplomatic, intelligence, military, economic, financial, information and legal spectrum.
- 6. Develop a legal arsenal which can be used against the PRC:** Support regional allies and partners in their future legal claims against the PRC, reinforce British leadership in international institutions by delegitimising Chinese narratives and actions, and evaluate and expand UK and allied lawfare to leverage against the PRC.

1.0 Introduction

‘Defeating the enemy without fighting is the pinnacle of excellence’. Sun Tzu’s often-cited adage holds today, as the People’s Republic of China (PRC) has become the largest and most sophisticated practitioner of lawfare, systematically using law as a weapon to advance its strategic interests.

This assessment of the PRC’s lawfare programme arrives at a critical period of intensifying geopolitical tension in the Indo-Pacific region. Emboldened by a rapid growth in national power since 2000, the PRC has little interest in abiding by an international framework it perceives as ‘Western-designed’ and tailored to ‘Western’ interests. This is no novel concern – the North Atlantic Treaty Organisation’s (NATO) 2022 Strategic Concept, influenced heavily by the United Kingdom’s (UK) 2021 Integrated Review, warns of the PRC’s ambitions to ‘subvert the rules-based international order’, which ‘challenge our interests, security and values’.¹

Through the PRC’s lens, however, there are ‘no rules, with nothing forbidden’.² Britain and its allies and partners should anticipate that there will not be any limits to how the PRC will weaponise or exploit existing law, create new law, or disregard law entirely to serve its interests. This is most evident in the Indo-Pacific, where PRC lawfare is a fundamental tool in projecting its power and legitimising its actions in the South China Sea and East China Sea, as well as over Taiwan.

The sheer sophistication of the PRC’s lawfare programme further demonstrates that law is now a key instrument in sub-threshold operations, and a critical domain of strategic competition. In response to this paradigm, the UK should develop a systematic lawfare strategy. This will ensure that it can monitor and respond to Chinese lawfare, and ensure domestic and international frameworks are resilient to exploitation, while delegitimising the PRC’s actions. Failure to transform from a passive legal actor to a proactive one will have serious repercussions for Britain’s economic security, military capability and core interests, as well as those of its allies and partners.

¹ ‘NATO 2022 Strategic Concept’, North Atlantic Treaty Organisation, 29/06/2022, <https://www.act.nato.int/> (checked: 09/06/2025).

² 乔良 and 王湘穗 [Qiao Liang and Wang Xiangsui], *超限战* [Unrestricted Warfare] (Beijing: PLA Literature and Arts Publishing House, 1999).

2.0 Understanding lawfare

Lawfare was first defined as ‘the strategy of using – or misusing – law as a substitute for traditional military means to achieve a warfighting objective’. The term was then used to refer to the tactics of non-state actors, such as Hamas, Daesh and al-Qaeda, which exploited free and open countries’ compliance with international humanitarian law to place their armed forces at risk of inflicting collateral damage and receiving negative media attention.³

As Box 1 shows, lawfare is now being employed with significant creativity beyond the confines of the battlefield, becoming a major competitive tool. This growth is largely due to the expanded scope of international laws and tribunals, the rise of influential non-governmental organisations (NGOs) focused on the law of armed conflict, the information technology revolution and increased leverage points caused by globalisation and economic interdependence.⁴

BOX 1: DEFINING LAWFARE

While there is no agreed-upon definition of lawfare, it has evolved to be generally understood to mean:

The strategic creation or use of law (international or domestic) by a geopolitical actor (state or non-state) to further (directly or indirectly) a geopolitical objective (offensive, defensive or reconstitutive) against an (actual or anticipated) adversary and any of their (identifiable or potential) assets.⁵

³ Charles J. Dunlap Jr., ‘Lawfare Today...and Tomorrow’, *International Law Studies*, 87 (2011).

⁴ Orde Kittrie, ‘Lawfare, China and the Grey Zone’, in Mitt Regan and Aurel Sari (eds.), *Hybrid Threats and Grey Zone Conflict: The Challenge to Liberal Democracies, Ethics, National Security and the Rule of Law* (New York: Oxford Academic, 2024).

⁵ This definition is constructed from Patrick S. Nash and Deniz Güzel, *Total Lawfare: New Defence and Lessons from China’s Unrestricted Lawfare Programme*, (Abingdon: Routledge, 2024). For other appropriate definitions, see also: Jill Goldenziel, ‘Law as a Battlefield: The US, China and Global Escalation of Lawfare’, *Cornell Law Review*, 106 (2020), which takes into account the information environment, and Orde Kittrie, *Lawfare: Law as a Weapon of War* (Oxford: Oxford University Press, 2016), which highlights the need for a lawfare definition to include intention and effects.



Lawfare utilises the law's function of legitimacy, enforcement and order to achieve strategic effects. Law can be weaponised in the form of domestic legislation, legal pronouncements on international law, strategic litigation, law enforcement and legal education. States such as the PRC and Russia, and non-state actors such as Hamas – which are naturally drawn to asymmetric tools – have found law an increasingly effective instrument to inflict economic, indirect physical and reputational damage on adversaries while achieving their objectives, both alongside and beyond armed conflict. While this has given lawfare negative connotations, it is neutral and can also be waged by democratic states.

Lawfare also extends to the manoeuvring within the broader legal system, whereby law has become a critical domain of strategic competition in which states compete to impose their long-term strategic interests. This could include promoting norms and standards as well as legal interpretations, or establishing the legal high ground before the outbreak of hostilities. In today's era of geopolitical tension, multipolarity, and the frailty of the prevailing international order, the legal domain is poised to remain a competitive arena in which the PRC and Russia are already navigating freely to advance their strategic interests. The UK and its allies and partners should therefore become proactive actors in this arena to combat legal challenges when they threaten the integrity of prevailing international legal frameworks.



3.0 The PRC's lawfare programme

The PRC has adopted lawfare as a core component of its strategic doctrine. 'Legal warfare', or *falu zhan*, was codified into the PRC's Political Work Regulations in 2003 as part of its 'three warfares' (media, psychological and legal warfare) to support the People's Liberation Army's (PLA) political and information operations. It can be understood, in the most basic sense, as the use of international and domestic laws to gain international support for the PRC's military actions and delegitimise the actions of enemies.

The strategic basis for *falu zhan* can be seen in *Unrestricted Warfare*, a 1998 strategy document written by two PLA colonels. They argued that the PRC, vis-à-vis an asymmetric power, should wage warfare in a 'limitless' range of arenas beyond the kinetic battlefield, such as economic, trade, information and legal arenas. They viewed the prevailing international legal order as serving free and open nations' interests, and believed that the PRC should instrumentalise law and shape it to impose its own. In practice, *falu zhan* complements traditional PRC military operations, and is also used instrumentally to shape the legal context by legitimising and reinforcing the PRC's sovereignty claims in the Indo-Pacific. It is crucial to long-term goals of achieving 'legal principle superiority' and preconditioning key areas of regional tension in the PRC's favour to gain the upper hand in the perceptual domain, giving the PRC greater scope to operate advantageously with minimal retaliation. Therefore, Chinese lawfare is often not a standalone tool, but part of the larger military or public opinion or media operation.

The PRC's systematic approach to *falu zhan* is embodied by the investment in its legal capacity to bolster the sophistication of its legal claims and outmanoeuvre the legal counterparts of adversaries. This includes increasing the number of groomed civilian and military lawyers and expanding their expertise, improving performance in international moot competitions, encouraging Chinese participation at international conferences, funding research and training in key areas such as international economic, maritime, humanitarian and environmental law, and using English-language journals to disseminate Chinese viewpoints.

The instrumentalisation of law is entirely congruent with the strategic culture of the PRC, which never adopted a rule of law concept akin to common law jurisdictions. Rather, law has historically served as



an instrument of politics and public order, where statespeople would rule by law. In a 2021 speech, Chen Yixin, then Secretary General of the Central Political and Legal Affairs Commission of the PRC, exemplified the continuation of this approach, declaring that ‘the rule of law serves politics’, whereby the PRC should use ‘legal tools to protect the country’s dignity and core interests.’⁶ The PRC has achieved considerable success in translating this into practice in the Indo-Pacific.

⁶ Quoted in: Manoj Kewalramani, ‘On Xi Jinping Thought on Rule of Law’, *Tracking People’s Daily*, 04/04/2021, <https://trackingpeoplesdaily.substack.com/> (checked: 09/06/2025).

4.0 The PRC's lawfare activities

4.1 South China Sea

For several decades, the PRC has engaged in sophisticated lawfare in the South China Sea by asserting and enforcing a variety of claims of exclusive jurisdiction, inconsistent with the United Nations Convention on the Law of the Sea (UNCLOS), and rejected by Britain and other nations.

Following the rejection of the PRC's 'Nine dash line' argument in 2016 by an arbitral tribunal in a claim made by the Philippines, the PRC shifted its primary legal basis for its claims to the purported sovereignty over four island groups in the South China Sea, claiming exclusive jurisdiction over an area of sea to the same effect as the Nine dash line and thereby extending its territorial sea and exclusive economic zone (EEZ).

The PRC's sovereignty claims collectively cover actual islands as well as hundreds of maritime features – either fully submerged or only exposed at high tide – which do not entitle the PRC to territorial sea under UNCLOS. It has drawn 'straight baselines' enclosing the islands and submerged features to extend its reach, despite not fulfilling the geographical criteria under UNCLOS. Its claims cover PRC-constructed artificial islands on submerged reefs, which do not qualify for territorial seas or EEZ, as UNCLOS requires islands to be natural. Additionally, it falsely extends PRC jurisdiction over the EEZ and continental shelf, insisting that the PRC must consent to the entry of foreign vessels and aircraft.

Through lawfare, the PRC applies aggression and coercion to assert its purported rights, to secure acquiescence and ultimately shape the legal environment in the South China Sea to its favour:

- The Chinese Coast Guard (CCG) and other cargo ships and ferries trained and directed by the PLA consistently harass, ram and intercept foreign vessels, intending to circumvent use of force thresholds. This includes the People's Armed Forces Maritime Militia (PAFMM), who engage in 'salami slicing' to assert Chinese claims gradually without escalation. Some enforcement actions



arguably amount to a use of force under Article 2(4) of the United Nations (UN) Charter.⁷

- The PRC has constantly harassed vessels owned by the Philippines, including those which are exempt from judicial process and enforcement action (such as boarding or arrest) due to sovereign immunity under international law.
- The PRC has ordered foreign military planes to exit its purported airspace, and on one reported occasion released flares near foreign aircraft.⁸
- Domestic legislation grants the CCG strong enforcement and detention powers over foreign vessels and personnel who enter ‘jurisdictional waters’, and authority over island protection and marine research.
- The PRC imposes trade restrictions and tourism bans against Vietnam and the Philippines when they challenge Chinese claims. The PRC has also used diplomatic and economic coercion to prevent the Philippines from enforcing the 2016 decision.
- The PRC advances its interpretations of maritime law contrary to UNCLOS. For example, the use of selective interpretations of international law from a UN position paper in 2016 to support an oil rig placed in Vietnam’s claimed territorial waters faced no challenges.⁹

Chinese lawfare focuses on interpreting the law to widen its sovereignty claims, enact supportive domestic laws, enforcing its claims and publicising its claims as internationally accepted. By enforcing and reinforcing its narratives and Chinese-created legal positions over time, the PRC is targeting the perceptual domain. It aims to precondition the South China Sea by establishing a new normal, and ultimately gaining

⁷ Aurel Sari, ‘Choppy Waters: Is China in Breach of the United Nations Charter?’, Lawfire, 18/09/2024, <https://sites.duke.edu/> (checked: 09/06/2025).

⁸ Josh Butler and Ben Doherty, ‘Australia condemns “unsafe” airspace encounter and rejects Chinese allegations RAAF plane “deliberately intruded”’, *The Guardian*, 13/02/2025, <https://www.theguardian.com/> (checked: 09/06/2025).

⁹ ‘Position Paper of the People’s Republic of China at the 71st Session of the United Nations General Assembly’, United Nations, 2016, <https://www.mfa.gov.cn/> (checked: 09/06/2025).



long-term influence over the prevailing international order to shape customary international law and UNCLOS interpretation. If insufficiently challenged, the PRC will achieve legal principle superiority and potentially establish a *fait accompli* which becomes increasingly difficult to reverse over time.

4.2 East China Sea

The PRC has intensified lawfare in the East China Sea to support its claims to the Senkaku Islands. Japan asserts control over the uninhabited islands based on administrative control, citing discovery and occupation since 1895 – which the PRC has rejected since 1971.

Since 2012, following Japan’s purchase of three of the Senkaku Islands from a private owner, the PRC has increased and normalised its maritime activities around the islands’ territorial waters and contiguous zones. In the last five years, the PRC has shifted to a more aggressive attritional strategy to challenge Japanese administrative control and impose its own effective control. Effective control is seen as the shibboleth of a strong territorial claim in international law, and the PRC has used several instrumental tools and legal enforcement to legitimise its narrative of effective control towards the islands:

- The PRC proclaimed territorial sea baselines and a restrictive air defence identification zone (ADIZ) around the islands, overlapping with those of Japan.
- The PRC has fostered a normalisation of Chinese military jets entering Japan’s ADIZ, including the deployment of a helicopter from a CCG vessel into the islands’ airspace.
- The CCG has entered the islands’ territorial waters for more extended periods, most recently in March 2025 for over 92 hours, the longest for a single ship since 2012.¹⁰

¹⁰ Maroosha Muzaffar, ‘China accused of “two-faced diplomacy” after entering Japanese waters following high-level talks’, *The Independent*, 25/03/2025, <https://www.independent.co.uk/> (checked: 09/06/2025).

- The CCG has increasingly exercised enforcement rights, pursuing Japanese fishing boats on several occasions and imposing a fishing ban.
- The PRC has created expansive enforcement powers through the 2021 Coast Guard Law, which enables the CCG to create temporary maritime security zones (generally prohibited by UNCLOS), evict foreign military and government vessels from jurisdictional waters, use weapons against ‘foreign organisations or individuals’ who infringe the PRC’s sovereignty, and stop and board foreign vessels.¹¹

By normalising its presence in territorial waters and gradually exercising law enforcement rights, the PRC seeks to precondition the environment to demonstrate permanent presence and control, develop regional customs and potentially achieve a *fait accompli* by usurping Japan’s administered control without military conflict. As the islands are uninhabited, it is not implausible, given PRC attrition, that it could dispatch land maritime militia units or unilaterally declare shared administrative control as a stepping stone to full control if Japan fails to reinforce its own control. Irreversible Chinese effective control would set a dangerous precedent regarding the PRC’s sovereignty claims elsewhere, and would undermine the stability of the international maritime order which the UK and its allies and partners rely upon.

4.3 Taiwan

The PRC has routinely employed lawfare to isolate Taiwan, legitimise its ‘One China’ principle and build the legal groundwork to legitimise future aggression and unification with the mainland.

The ‘One China’ principle is rooted in the PRC’s distortion of UN General Assembly Resolution 2758 (1971), which Beijing insists affirms its undeniable right to Taiwan. Britain, like other free and open nations, acknowledges but does not accept the principle, which the PRC interprets to suggest acceptance of it. The PRC seeks for Taiwan to be perceived as an internal matter, and to deter and delegitimise foreign intervention. It

¹¹ ‘The Coast Guard Law of the People’s Republic of China’, Japanese Ministry of Defence, No date, <https://www.mod.go.jp/> (checked: 09/06/2025) and Arran Hope, ‘New China Coast Guard Regulation Buttresses PRC Aggression in the South China Sea’, *China Brief*, 24:13 (2024).

has aggressively sought international legitimacy for its ‘One China’ principle to create a more permissive legal and information environment ahead of future military action, through methods including:

- Blocking Taiwan’s ascension to, and interaction with, international institutions and agencies, and denying Taiwanese nationals entry to their buildings.
- Seeking endorsements from international organisations, such as agreeing an unpublished 2005 Memorandum of Understanding (MOU) with the World Health Organisation (WHO).¹²
- Punishing states (such as Lithuania) with coercive tools for maintaining or strengthening ties to Taiwan and successfully reducing the number of countries with formal diplomatic relations with Taiwan from 22 in 2016 to 12 in 2025.¹³

The PRC has also used lawfare to erode Taiwan’s sovereignty and territorial claims, intimidate Taiwanese society, and build a domestic and international pretext for unification. The Anti-Secession Law (2005) mandates the use of non-peaceful means in the event of unspecified major incidents, or if the PRC deems peaceful ‘reunification’ unachievable. The law was strengthened in 2024 with the publication of the ‘22 Opinions’, which criminalises support for Taiwan’s independence, allowing prosecution for vaguely defined activities of ‘separatists’ with the death penalty to intimidate Taiwan’s leaders, businesses and civil society.¹⁴ Further PRC legal tools to precondition the legal and physical environment include:

- Broad jurisdictional and enforcement powers through the Coast Guard Law and Maritime Traffic Safety Law, engagement in joint patrol and inspection operations, and joint blockade simulations permitting the CCG to board and inspect vessels in the Taiwan Strait.

¹² Jacques deLisle, ‘Taiwan in the World Health Assembly: A Victory, With Limits’, Brookings, 13/05/2009, <https://www.brookings.edu/> (checked: 09/06/2025).

¹³ ‘Lawfare: Varying national approaches to the recognition of Taiwan’, International Institute for Strategic Studies, 17/01/2025, <https://www.iiss.org/> (checked: 09/06/2025).

¹⁴ ‘Opinions on Punishing Crimes of Separatism and Inciting Separatism by “Taiwan independence” Die-hards in Accordance with Law’, China Law Translate, 21/06/2024, <https://www.chinalawtranslate.com/> (checked: 09/06/2025).



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- Modification of civilian flight routes over the Taiwan Strait, potentially allowing military aircraft to operate under the cover of civilian traffic in the air.
- Alleged deliberate severing of undersea cables near Taiwan and developing a ship capable of cutting such cables, exploiting gaps in international law regarding cable cutting.
- Arresting Taiwanese nationals and encouraging civilians to report specific ‘diehard secessionists’.¹⁵
- Implementing legal initiatives to promote cross-strait integration and create conditions for peaceful reunification and the assertion of Beijing’s sovereignty without hostilities. This includes providing legal protections for Taiwanese businesses and opening cross-strait arbitration and maritime-focused dispute resolution mechanisms for cross-strait related maritime disputes.¹⁶

The PRC will continue to assert advancement of its ‘One China’ principle internationally and punish dissenters, while aggressively using lawfare to constrict Taiwan’s military capabilities and normalise Chinese activity in the Taiwan Strait. In future, this could include the publication of further straight baselines around Taiwan, establishing unlawful exclusion zones, developing further cross-strait legal and regulatory links, the use of cross-strait dispute centres to adjudicate Chinese Communist Party (CCP) manufactured disputes to justify future unification or military action and providing a legal basis for subsequent intervention, strengthening enforcement powers and even potentially proposing a basic law, modelled on Hong Kong.

¹⁵ ‘Lawfare: China’s legal initiatives against Taiwan’, International Institute for Strategic Studies, 27/01/2025, <https://www.iiss.org/> (checked: 09/06/2025).

¹⁶ Erik Green and Meia Nouwens, ‘China’s Taiwan-related legal initiatives: Actors and strategic implications’, International Institute for Strategic Studies, 30/01/2025, <https://www.iiss.org/> (checked: 09/06/2025).

5.0 British policy towards Chinese lawfare

Given the sophistication of Chinese lawfare, Britain should grasp the legal threat landscape and institutionalise its own lawfare and counter-lawfare capabilities. Developing a systematic lawfare strategy would empower His Majesty's (HM) Government to adjust to the new paradigm where the legal environment is a critical arena of strategic competition. Insufficient action will allow the PRC to continue undermining the rules and norms of the free and open international order, and legitimise its policies at the expense of the UK and its allies and partners.

Britain has no known established practice, no widespread interest in and no advanced institutionalisation of lawfare. Lawfare has been sporadically addressed in British policy documents, with most attention being focused narrowly on the use of human rights legislation against British soldiers and libel suits by Russian oligarchs against journalists.¹⁷ Lawfare was not alluded to in the Strategic Defence Review, and it is unclear if it will be cited in the National Security Strategy or China Audit, which are yet to be published. It is time for PRC lawfare to be addressed as a key geopolitical challenge. A comprehensive lawfare framework would ensure the UK is proactive in a competitive legal environment, and can understand and counter Chinese lawfare.

5.1 What should a British lawfare strategy look like?

The UK requires a sophisticated whole-of-government lawfare strategy able to monitor, anticipate and manage lawfare by the PRC and other hostile actors, while also waging lawfare when necessary. It should be driven by strategic intent aligned with national interests, institutionalised in government with integration across departments, and coordinated with allies and partners to optimise effectiveness.

Lawfare could be institutionalised through an interdisciplinary 'central lawfare office' within the Cabinet Office or another department,

¹⁷ 'Legal Protections for Armed Forces Personnel and Veterans serving in operations outside the United Kingdom', Ministry of Defence, 22/07/2019, <https://assets.publishing.service.gov.uk/> (checked: 09/06/2025) and Victoria Moffatt, 'SLAPPs and reputational risks', The Law Society, 18/04/2025, <https://www.lawsociety.org.uk/> (checked: 09/06/2025).

such as the Ministry of Defence or the Foreign, Commonwealth and Development Office (FCDO). This would be tasked with developing and coordinating a lawfare doctrine, and combining research, operations and educational functions, while interfacing with existing departments and intelligence and providing recommendations.¹⁸ Dedicated sections could be implemented within each ministry overseen by the central office. All pertinent aspects of HM Government should be integrated fully within the strategy, extending to those with close connections to information operations to counter Chinese narratives. Britain should collaborate with domestic and foreign practitioners and scholars (including local experts and scholars from allied nations) to leverage collective expertise and enhance global coordination against shared threats.

A systematic lawfare strategy should include three integral pillars: **legal resilience**, **legal vigilance** and a **legal arsenal**. This would ensure that the UK adopts a proactive posture, and is better positioned to navigate the legal environment and limit the PRC's hold of the legal initiative in the Indo-Pacific. While a framework should manage all hostile actors to Britain's national interests as well as a variety of domestic and international legal threats, this Policy Paper focuses specifically on its applicability concerning Chinese lawfare in the Indo-Pacific.

5.1.1 LEGAL RESILIENCE

Developing legal resilience ensures that the domestic and international legal systems of rules, actions and institutions which have served the prevailing international order for decades are resistant and adaptable to shocks or disturbances by revisionist actors which seek to exploit or shape them.¹⁹ Integrating legal resilience will ensure that HM Government can better understand and remedy legal vulnerabilities of domestic and international systems, and develop an in-depth understanding of how the PRC manoeuvres across the legal domain.

By analysing the objectives, capabilities and legal perspectives of the PRC in conjunction with the vulnerabilities of existing legal

¹⁸ The proposed central lawfare office originates from Jill Goldenziel, albeit for an American context. See: Jill Goldenziel, 'Law as a Battlefield: The US, China and Global Escalation of Lawfare', *Cornell Law Review*, 106 (2020). Aurel Sari also suggested establishing a separate 'Centre of Excellence' dedicated to legal resilience. See: Aurel Sari, 'Hybrid threats and the law: Building legal resilience', *Hybrid Centre of Excellence*, 11/2021, <https://www.hybridcoe.fi/> (checked: 09/06/2025).

¹⁹ Aurel Sari, 'Legal resilience in an era of grey-zone conflicts and hybrid threats', *Cambridge Review of International Affairs*, 33:6 (2019).



frameworks, HM Government can anticipate future actions aimed at disrupting or exploiting them and subsequently fortify legal frameworks. HM Government could:

- ‘Red team’ proposed and existing legal domestic and international frameworks, such as UNCLOS, and legal positions of allies and partners to understand legal vulnerabilities, gaps and fault lines among allies which could be exploited by the PRC. For example, the PRC’s alleged cutting of undersea cables near Taiwan and recent alleged cable cutting by Russia in the Baltic Sea have highlighted significant gaps in international law governing cable cutting, as well as a lack of uniformity regarding enforcement among free and open countries.²⁰
- Integrate within its policy objectives a bottom-up review of maritime rights and legal positions of allied nations in the Indo-Pacific to support capacity building assistance to regional allies and partners, and identify risks and fault lines between allies which the PRC can exploit.
- Adopt a ‘risk register’ to identify vulnerabilities in domestic and international legal systems to feed into policy/legislative activity and initiate greater international coordination.
- Promote the understanding and translation of Chinese legal viewpoints, including academic legal texts on *falü zhan*, all facets of international law (such as international maritime, economic and environmental law), domestic judgements, Chinese media narratives and Chinese statements regarding issues in the Indo-Pacific. For example, Chinese scholars have proposed a ‘Taiwan Basic Law’ similar to Hong Kong, which could foreshadow future legal actions against Taiwan.²¹ Despite the lack of definition of ‘jurisdictional waters’ in the Coast Guard Law, an earlier draft of the law and a domestic court decision have indicated a potentially broad application.

²⁰ Jill Goldenziel, ‘Law Can’t Stop Submarine Cable Sabotage. Russia And China Know It’, *Forbes*, 13/02/2025, <https://www.forbes.com/> (checked: 09/06/2025).

²¹ Yiyao Alex Fan and Bonnie S. Glaser, ‘Interpreting Xi Jinping’s “Two Systems’ Taiwan Plan”’, German Marshall Fund, 21/08/2024, <https://www.gmfus.org/> (checked: 09/06/2025).



- Partner with academia, research institutions, NATO and regional allies to support lawfare knowledge sharing and capacity building efforts, and to integrate lawfare concepts into training for partner nations' militaries and coastguards.
- Understand and identify risks of Chinese lawfare and legal perspectives in underdeveloped legal domains such as space, cyberspace and the Arctic, where the PRC has a growing interest in shaping the legal frameworks and instrumentalising them to serve its national interests.²²

5.1.2 LEGAL VIGILANCE

Not all legal vulnerabilities can be anticipated in advance. Hostile lawfare can be unpredictable and require a reactive response. Therefore, HM Government should engage in continuous monitoring and assessment of the legal environment to identify, assess and mitigate active legal threats. Given the creativity of Chinese lawfare, maintaining legal vigilance is critical in understanding and countering the PRC's strategic preconditioning efforts in the Indo-Pacific. Sophisticated monitoring would require interdisciplinary cooperation and cooperating with subject matter experts and regional allies.

Sophisticated monitoring should ensure early detection of the PRC's manoeuvring in the legal landscape, including:

- Chinese publication of legal arguments and legal submissions to international institutions and courts.
- Invocation of various laws from the PRC's 'legal toolbox', such as the Anti-Secession Law or Foreign Relations Law, and passing of new domestic laws which may harm British and allied interests.²³
- Chinese legislation and actions which precondition domains and support the PRC's narratives, such as Chinese sea and air

²² Camilla T. N. Sørensen, 'The Evolving Chinese Strategy in the Arctic: Entering the Grey Zone?' in Mitt Regan and Aurel Sari (eds.), *Hybrid Threats and Grey Zone Conflict: The Challenge to Liberal Democracies, Ethics, National Security and the Rule of Law* (New York: Oxford Academic, 2024).

²³ Jill Goldenziel, 'China Built A Legal Great Wall. Congress Can't Break It With PowerPoint', *Forbes*, 28/12/2024, <https://www.forbes.com/> (checked: 09/06/2025).

manoeuvres, enforcement powers, resource exploration and cross-integration initiatives in Taiwan.

In developing an appropriate response, a central lawfare office adopting a whole-of-government approach would leverage all instruments of power in the diplomatic, intelligence, military, economic, financial, information and legal spectrum.²⁴

In practice, this could involve developing counterarguments and engaging appropriate intermediaries to disseminate them, publish and coordinate with like-minded countries' diplomatic statements to delegitimise Chinese actions, impose sanctions, and exercise freedom of navigation rights alongside allies and partners.

5.1.3 LEGAL ARSENAL

The UK should also identify opportunities to wage lawfare to delegitimise Chinese actions. While the PRC's strategic tradition is conducive to waging lawfare instrumentally, the function of the law as an instrument of power is not as embraced in free and open nations. In response to the changing strategic environment, allies and partners such as the United States (US) and Ukraine have successfully waged offensive lawfare.²⁵ Britain should also conduct a thorough examination of its potential legal arsenal and ability to use domestic and international instruments. HM Government should:

- Seek opportunities to support legal actions on the international stage to delegitimise the PRC's actions in the Indo-Pacific. The 2016 arbitration substantially damaged the legitimacy of the Nine dash line argument, which likely reduced the frequency of proclamations of the line as the primary legal basis for the PRC's claims in the South China Sea. The Philippines is now considering a new 'foolproof, solid case' against the PRC, which the UK should support through providing expertise, evidence gathering or coordinating support from allies.²⁶

²⁴ Rodrigo Vázquez Benítez, 'Legal Operations: The Use of Law as an Instrument of Power in the Context of Hybrid Threats and Strategic Competition', *NATO Legal Gazette*, 41 (2020).

²⁵ Jill Goldenziel, 'Law as a Battlefield: The US, China and Global Escalation of Lawfare', *Cornell Law Review*, 106 (2020).

²⁶ Kathrin Hille, 'Philippines considers new UN case against Beijing over South China Sea activity', *Financial Times*, 12/12/2024, <https://www.ft.com/> (checked: 09/06/2025).



- Remain proactive in international institutions (such as the UN General Assembly and UN Human Rights Council), to coordinate motions and statements to delegitimise Chinese actions concerning the Indo-Pacific as well as the PRC's human rights abuses in Hong Kong and Xinjiang.
- Continue to advocate for Taiwan's involvement in international organisations and counter 'One China' narratives on the global stage.
- Support the Philippines in the event it brings the PRC's coercive manoeuvres to the UN Security Council or UN General Assembly.
- Identify and use legal tools against the PRC and its proxies. Britain has shown the capability to use legal tools against Chinese proxies through sanctions, but this has often been reactive and fraught with political debate.²⁷
- Evaluate British and allied points of lawfare leverage, such as Chinese industries dependent on British, American, European or Japanese technology (such as aerospace) and Chinese companies facilitating the PRC's lawfare (such as construction companies carrying out island construction), broader financial sanctions, restrictions on bilateral trade and visa restrictions for responsible individuals. This should be coordinated with allies and partners to compound impact by pooling unique leverage points.

²⁷ Sam Francis and Jennifer McKiernan, 'UK imposes sanctions after Chinese-backed cyber-attacks', *BBC News*, 26/03/2024, <https://www.bbc.co.uk/> (checked: 09/06/2025) and Rowena Mason and Dan Sabbagh, 'Johnson faces Tory rebellion after allowing Huawei 5G role', *The Guardian*, 29/01/2020, <https://www.theguardian.com/> (checked: 09/06/2025).

6.0 Conclusion

The sophistication of Chinese lawfare indicates that every imaginable instrument, in every imaginable forum, at every imaginable stage of the legal process in domestic and international legal systems, can be weaponised to serve its interests. Its most significant impact is felt in the Indo-Pacific, where lawfare is strengthening Chinese territorial claims.

The PRC understands that disrupting and reshaping the global order is a long-term game, and *falun zhan* is critical in its long-term strategy to precondition strategic arenas and influence the evolution of the international legal system. In the event of a *fait accompli* – whether unobstructed sovereign control of the South China Sea, effective control of the Senkaku Islands or international passivity towards an invasion of Taiwan – Euro-Atlantic security will be deeply affected. Success will embolden the PRC’s ability to shape and instrumentalise the legal landscape, including underdeveloped legal frameworks, such as space, cyberspace and the Arctic, which could pose further risks for the UK’s interests.

The PRC’s lawfare programme underscores that the legal environment is a growing arena of strategic competition. Britain should be able to navigate the legal landscape and protect its national interests effectively while delegitimising the narratives and actions of the PRC. This requires the UK and its allies and partners to engage in the monitoring, anticipating and countering of Chinese lawfare in the Indo-Pacific. A systematic lawfare strategy rooted in legal resilience, legal vigilance, an enhanced legal arsenal and allied cooperation would place Britain in a strong position to counter Chinese lawfare and maintain the legal initiative.

6.1 Policy recommendations

- 1. Develop and institutionalise a national lawfare strategy:** This strategy should be systematic, whole-of-government and driven by strategic intent aligned with the UK’s national interests. It should be institutionalised through a dedicated interdisciplinary central lawfare office or appropriate department to coordinate doctrine,



research, operations and educational functions, ensuring inter-departmental integration and allied coordination.

- 2. Develop the resilience of legal frameworks:** Conduct rigorous stress-testing of proposed and existing domestic and international legal frameworks and allied positions to identify vulnerabilities, gaps and potential fault lines which the PRC could exploit, and inform policy development, legislative action and international coordination efforts through a risk register.
- 3. Enhance understanding of Chinese lawfare:** Promote in-depth research, translation and analysis of legal viewpoints and strategies of Chinese academic legal texts on Chinese lawfare and all domains of international law, domestic judgements, media narratives and official statements to anticipate future lawfare manoeuvres.
- 4. Enhance legal vigilance:** Institute sophisticated monitoring to ensure early detection and assessment of Chinese legal manoeuvring and preconditioning domains for future military operations.
- 5. Develop a methodological framework to respond to lawfare threats by leveraging all instruments of national power:** Foster collaboration with academia, research institutions, NATO, and allies and partners to support lawfare knowledge sharing and enhance capacity building efforts.
- 6. Identify opportunities for lawfare against the PRC:** Seek opportunities to support or initiate legal challenges on the international stage to counter and delegitimise Chinese actions, such as backing the Philippines in future claims regarding the South China Sea. Continue coordinating motions and statements within international institutions to challenge Chinese narratives and actions. Evaluate and expand British points of lawfare leverage which can be waged against the PRC, coordinating with allies and partners for maximum impact.



About the author

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