



The USS *Chung-Hoon* observes People's Liberation Army (Navy) LUYANG III DDG 132 execute unsafe maneuvers while conducting a routine south-to-north Taiwan Strait transit alongside the HMCS *Montreal* on 3 June 2023. (Credit: MC1 Andre T. Richard, U.S. Navy)

Practice Notes

Countering Lawfare of the People's Republic of China Starts with “PRC,” Not “China”

By Lieutenant Colonel Richard J. Connaroe II

Every time an American or a potential partner nation refers to the People's Republic of China (PRC) as “China,” the PRC is winning strategic legal warfare—or lawfare.¹ Every quip and offhand reference about “China” unwittingly yields to PRC lawfare tactics and furthers the PRC's agenda. Not only do we legitimize the PRC's “One-China Principle,”² but we also delegitimize strategic ambiguity while we otherwise strive to compete internationally.³ We are helping the PRC to win.

This article explains how commanders, Service members, citizens of the United States, and partner nations everywhere can counter PRC lawfare by using proper terminology. First, this article introduces the concept of lawfare. It then provides a common scenario of lawfare in action. Critical to understanding the scope

of PRC lawfare is the historical context of the word “China,” which is at the heart of one of PRC's most prevalent lawfare tactics. After understanding the PRC's method and scope of its lawfare, this article describes how properly referring to the PRC as “the PRC,” not as “China,” is essential to countering PRC lawfare.

What Exactly Is Lawfare?⁴

While not explicitly defined in Department of Defense doctrine, lawfare is commonly defined as the use of the law to achieve a policy objective.⁵ Academics postulate overlapping types of lawfare.⁶ First, “battlefield exploitation lawfare is the exploitation of an adversary's law-abidingness.”⁷ Second, instrumental lawfare is the use of legal tools, like sanctions or bans, to achieve effects similar

to conventional military actions.⁸ Third, proxy lawfare is legal action against an adversary's proxy, such as a PRC or Russian corporation.⁹ Fourth, "information lawfare is the use of law to control the narrative" of competition or conflict or the use of misleading legal positions to justify coercion or aggression.¹⁰ Fifth, institutional lawfare is the creation of domestic law to achieve strategic efforts, such as asserting sovereignty or jurisdiction.¹¹ The PRC, however, has clearly defined lawfare.¹²

The PRC has implemented three reinforcing warfares: legal warfare, public opinion warfare, and psychological warfare.¹³ The PRC views lawfare as an offensive weapon to seize the initiative—a form of combat.¹⁴ The PRC lawfare involves "arguing that one's own side is obeying the law, criticizing the other side for violating the law, and making arguments for one's own side in cases where there are also violations of the law."¹⁵ Conversely, public opinion warfare is the struggle over media dominance, and psychological warfare involves erosion of political will.¹⁶

As demonstrated in the commonplace example below, lawfare is part of the PRC's daily operations, which necessitates U.S. counter-lawfare—activities that preserve legitimacy, build legal consensus, and oppose unlawful action and misinformation that threatens the rules-based international order.¹⁷ The PRC regularly shadows and confronts vessels in the South China Sea¹⁸ because the PRC asserts sovereignty over it.¹⁹ Nearly one-third of global maritime trade—or \$5.3 trillion of trade—passes through these waters each year, and the PRC portrays U.S. navigation in these waters as a violation of international law.²⁰ Throughout these engagements, the PRC asserts that it is obeying—even enforcing—the law and the United States is aggressively violating the law, specifically PRC sovereignty, even when the PRC is operating its own vessels in an unsafe manner.

"Haven't We Had this Conversation Before?"²¹

PRC: "U.S. Navy Warship eight nautical miles off my starboard beam, this is PRC²² Warship. You are approaching [indiscernible] Reef and Chinese sovereign waters. Remain clear of our



The battle at Cho-Yan-Men, Nanking, in the Revolution of 1911. (Credit: T. Myano, Wellcome Collection)

contiguous zone. Please alter course and leave immediately."

Aboard the U.S. ship, the junior officer of the watch (JOOW) picks up the bridge-to-bridge radio, sighs, and responds.

U.S. Navy: "PRC Warship, this is U.S. Navy Warship. I am a sovereign, immune U.S. Navy vessel conducting lawful military operations beyond the territorial seas of any coastal state. In exercising my rights as guaranteed by international law, I am operating with due regard for the rights and duties of all states."

As the U.S. Navy ship continues through international waters, transiting through the Luzon Strait and into the South China Sea, the JOOW knows this will be a continuous, repetitive back and forth with the PRC vessel.

PRC: "U.S. Navy Warship, this is PRC Warship. You are in Chinese sovereign waters. Please alter course and leave immediately."

U.S. Navy: "PRC Warship, this is U.S. Navy Warship. I am a sovereign, immune U.S. Navy vessel. I will not respond again to this incorrect assertion. Request you keep this channel open

for communications necessary for safety of navigation."

The JOOW sees the PRC vessel altering its course towards his vessel's course on a collision course.

PRC: "U.S. Navy Warship, this is PRC Warship. You are on a collision course. I am the stand-on vessel.²³ Alter your course and speed and maintain a safe distance in accordance with the rule."

U.S. Navy: "PRC Warship, this is U.S. Navy Warship. I am a sovereign, immune U.S. Navy vessel conducting lawful military operations beyond the territorial seas of any nation. I am operating in a safe and professional manner with due regard for the safety of my crew and all other vessels in the area. Your unsafe actions create a serious risk of collision and put our crews' safety at risk. Cease your unsafe and unprofessional actions."

In this example, though the PRC ship set a collision course and blamed the United States for the same, the PRC ship does not actually seek a collision. It aims to intimidate, raise doubts, and encourage second-guessing. In line with Sun Tzu's teaching, through lawfare, the PRC pursues



In 1945, on what would become known as Retrocession Day, Chief Executive of Taiwan Province Chen Yi (right) accepting the surrender of Taiwan from Rikichi Andō (left), the last Japanese Governor-General of Taiwan, on behalf of the Republic of China Armed Forces at Taipei City Hall. (Credit: POWWII)

“breaking the enemy’s resistance without fighting.”²⁴ The PRC is pushing a narrative that they are legitimate and the United States is in the wrong. However, this false narrative is historically inaccurate.

A Tale of Two²⁵

China,²⁶ which has referred to itself as *Zhōngguó*—the “Middle Kingdom” or “Central Nation”—since 220 BC,²⁷ is the longest-running continuous civilization.²⁸ For at least two millennia, a succession of Chinese dynasties²⁹ ruled over *tian xia*—“all under heaven.”³⁰ Chinese principles of governance and precepts of culture endured through periods of unity, collapse, autonomy, and reunification.³¹ The imperial era closed with the Revolution of 1911; Chinese revolutionaries overthrew the Qing Dynasty and established the Republic of China (ROC), which they called *Zhōnghuá Mínguó*.³²

Division and foreign intervention plagued the ROC’s rule of mainland China.³³ At the outset, Mongolia declared independence in Outer Mongolia during the Revolution of 1911.³⁴ The Mongolian People’s Republic became a Soviet satellite state,³⁵ and the ROC signed a treaty with Russia over Mongolia in 1915, regained control of it by force from Russia in 1919, and then lost control again in 1921.³⁶ Russia

also colonized Tannu Tuva (Tyva), a region between Russia and Mongolia.³⁷ Further, civil war erupted in the late 1920s between the ruling Kuomintang (KMT or Nationalist) Party and the Soviet-backed Chinese Communist Party (CCP), which calls itself the *Zhōngguó Gòngchǎndǎng*, or Central Committee of the Chinese Communist Party (CCCCP).³⁸

The ROC initially suppressed the CCP’s rebellion and forced the retreat known as the Long March, but the 1931 Japanese invasion eventually unraveled the ROC’s control of mainland China.³⁹ Japan launched a full-scale invasion in 1937, resulting in Japanese control of Manchuria and most of the larger cities of eastern China, including Hong Kong.⁴⁰ An intermission in the civil war between the ROC and the CCP enabled the ROC to prioritize focus and revenue on fighting Japanese forces, but ROC forces failed to prevent destruction and stop Japanese atrocities.⁴¹ Meanwhile, the CCP focused on the “battle for the hearts and minds of the peasants,” distributing landlord lands to laborers.⁴²

After World War II, the CCP enjoyed popularity, with many Chinese people having a stake in the CCP’s success, while the ROC autocracy felt hostile towards the Chinese people.⁴³ Ultimately, after an

agreement to govern a united China failed, fighting broke out between the ROC and CCP in 1948.⁴⁴ In 1949, the ROC and 1.2 million Chinese nationalists fled to Taiwan, which Japan returned to the ROC at the end of World War II.⁴⁵

Since 1949, the CCP has exercised control over mainland China under an autocratic socialist system.⁴⁶ Mao Zedong, CCP chairman,⁴⁷ initially planned on using the name *Zhōnghuá Mínguó* (Republic of China) for his new government but assessed the people wanted a new, more appropriate title.⁴⁸ On 1 October 1949, Mao declared the creation of the People’s Republic of China (PRC)—or *Zhōnghuá Rénmín Gònghéguó*.⁴⁹ The United Nations, however, continued to recognize the ROC as “China” until 1971.⁵⁰ Then, in 1979, the United States recognized the CCP’s PRC⁵¹ has a “One China” principle—without agreeing with the PRC position—and committed domestically to unofficial relations with and defensive assistance of Taiwan via the U.S.-PRC Shanghai Communiqué and the Taiwan Relations Act.⁵² The CCP and the CCP’s PRC have never exercised control over Taiwan or its outlying islands, including Kinmen Island, the Matsu Islands, or the Penghu Islands.⁵³

“You’ll Remember You Belong to Me”⁵⁴

The PRC has been waging and winning lawfare from its founding.⁵⁵ Today, the CCP’s PRC argues that, in 1949, the Chinese people proclaimed the PRC’s replacement of the ROC as the only government of “the whole of China.”⁵⁶ Further, the CCP asserts that it represents the “entire Chinese People” and that foreign forces are “interfering with the reunification of China”—a domestic issue.⁵⁷ The PRC’s lawfare has achieved some success. For example, in 1971, the United Nations recognized the PRC as “China” and expelled the ROC, which was a founding member and a member of the Security Council since 1945.⁵⁸ Additionally, the majority of the international community refers to the PRC as “China,” despite the PRC’s increasingly expansive definition of its borders and claims.⁵⁹ We simply are not using the word “China” the same way. However, the PRC’s vagueness and inaccuracies enable counter-lawfare on two core issues: its people and its borders.



The Qing Dynasty complete map of “all under heaven,” essentially depicting all land as Chinese. (Credit: Library of Congress)

Chinese Is a Worldwide Ethnicity Separate from the PRC State

First, not all ethnic Chinese people living across the globe are residents of the PRC. Han Chinese represent 95 percent of the Taiwanese population, 74 percent of the Singaporean population, and 20 percent of the Malaysian population.⁶⁰ Additionally, 5.4 million Chinese Americans live in the United States.⁶¹ The PRC refers to these Chinese people as “overseas Chinese” and has a government office for outreach to them.⁶² Therefore, when we refer to the PRC as “China” and to the people of the PRC as “Chinese,” we alienate ethnic Chinese from their nationality, pushing them towards siding with the PRC, and lose the hearts and minds of potential partner nations.

Conversely, not all residents of the PRC are Chinese. Of the PRC’s population of 1.4 billion people, 91 percent are Han Chinese and 6.7 percent were members of the CCP as of 2021.⁶³ However, 9 percent of the PRC population—about 130 million people—are fifty-six other ethnicities, including Manchu, Tibetan, Mongol, and

Korean.⁶⁴ A simplistic attitude towards PRC residents overlooks potential domestic division.

The PRC’s Borders Do Not Include “All Under Heaven”

Second, the PRC’s borders include only the land it controlled in 1949 as well as Hong Kong and Macau, which it subsequently acquired via treaties with the United Kingdom and Portugal, respectively.⁶⁵ Neighboring nations, including Mongolia, India, Nepal, and Vietnam⁶⁶ are sovereign—regardless of Han Chinese populations—with their own territorial waters and exclusive economic zones in accordance with the United Nations Convention on the Law of the Sea.⁶⁷ The PRC’s release of its 2023 “standard map” to include portions of Bhutan and India and its creation of settlements in those newly claimed portions of “China” violate international law.⁶⁸ To prevent the normalization of the use of force to move international boundaries, the United States and its partners must publicize obedience to international law and criticize its violations.⁶⁹

Conclusion

The PRC’s basic lawfare, which is part of its daily operations, includes arguing that the PRC is obeying the law and the opposing side is violating international law. When the international community conflates “Chinese” with “resident of the PRC,” they alienate ethnic Chinese globally. Moreover, referring to the PRC as “China” risks signaling the conveyance or acquiescence of PRC authority over territories the PRC claims or with Chinese populations, and it plays into the PRC’s lawfare tactics. To avoid these unintended implications, the international community should loudly criticize international law violations, particularly the use of force to move international boundaries. In addition, officials, military, academics, and citizens of the United States and partner nations can counter PRC lawfare of expansive “Chinese” claims by simply referring to the PRC as “the PRC.” **TAL**

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Notes

1. *Lawfare*, CAMBRIDGE DICTIONARY, <https://dictionary.cambridge.org/us/dictionary/english/lawfare> (last visited Feb. 13, 2024).
2. The Chinese Communist Party (CCP) People's Republic of China's (PRC) "one-China principle has a clear and unambiguous meaning, i.e. there is but one China in the world, Taiwan is an inalienable part of China, and the Government of the [PRC] is the sole legal government representing the whole of China." *Questions and Answers Concerning the Taiwan Question (2): What is the one-China principle? What is the basis of the one-China principle?*, MISSION OF THE PEOPLE'S REPUBLIC OF CHINA TO THE EUR. UNION (Aug. 15, 2022), http://eu.china-mission.gov.cn/eng/more/20220812Taiwan/202208/t20220815_10743591.htm; cf., *The U.S. "One China Policy" vs. the PRC "One China Principle"*, U.S.-TAIWAN BUS. COUNCIL (Jan. 1, 2022), <https://www.us-taiwan.org/resources/faq-the-united-states-one-china-policy-is-not-the-same-as-the-prc-one-china-principle> (distinguishing the United States' "One China Policy" as merely acknowledging that the PRC holds the position that Taiwan is part of the PRC).
3. Joint Communique on the Establishment of Diplomatic Relations Between the United States of America and the People's Republic of China, 2 PUB. PAPERS 2264, 2264-65 (Dec. 15, 1978) (establishing what is commonly referred to as the United States' "One China" Policy); see also Michael J. Green & Bonnie S. Glaser, *What Is the U.S. "One China" Policy, and Why Does it Matter?*, CTR. FOR STRATEGIC & INT'L STUDS. (Jan. 13, 2017), <https://www.csis.org/analysis/what-us-one-china-policy-and-why-does-it-matter> (distinguishing the United States' "One China Policy" as recognizing that the CCP's PRC has a "one-China principle" without agreeing that the PRC has sovereignty over Taiwan or even stating what "China" means).
4. A similar version of the first two paragraphs of this section appear in Lieutenant Colonel Richard Connor's article, *Lawfare and Counter Lawfare from the 2024 Taiwan Earthquake*, NAT'L SEC. L.Q., no. 2, 2024, at 34 (explaining what lawfare and counter-lawfare are using the 2024 Taiwan earthquake as an example).
5. In 2001, Jill Goldenziel provided two expansive definitions of lawfare. See Jill Goldenziel, *Law as a Battlefield: The U.S., China, and the Global Escalation of Lawfare*, 106 CORNELL L. REV. 1085, 1094 (2021).
6. See, e.g., Goldenziel, *supra* note 5, at 1099 (posing five bins of lawfare: "battlefield exploitation lawfare," "instrumental lawfare," "proxy lawfare," "information lawfare," and "institutional lawfare"); ORDE F. KITTRIE, *LAWFARE: LAW AS A WEAPON OF WAR* 11 (2016) (suggesting two types of lawfare: "instrumental lawfare" and "compliance-leverage lawfare").
7. Goldenziel, *supra* note 5, at 1099.
8. *Id.*
9. *Id.*
10. *Id.*
11. *Id.* at 1100.
12. See DEAN CHENG, HERITAGE FOUND., No. 2692, *WINNING WITHOUT FIGHTING: CHINESE LEGAL WARFARE* (2012), https://www.heritage.org/asia/report/winning-without-fighting-chinese-legal-warfare#_ftnref3.
13. *Id.* at 1-2.
14. *Id.* at 1.
15. *Id.* (quoting Han Yanrong, *Legal Warfare: Military Legal Work's High Ground: An Interview with Chinese Politics and Law University Military Legal Research Center Special Researcher Xun Dandong*, LEGAL DAILY (PRC) (Feb. 12, 2006)).
16. *Id.* at 1-2.
17. See *J06 Office of the Staff Judge Advocate*, U.S. INDO-PAC. COMMAND, <https://www.pacom.mil/Contact/Directory/J0/J06-Staff-Judge-Advocate> (last visited Apr. 26, 2024).
18. The United Nations refers to the sea to the south of the People's Republic of China (PRC) as the "South China Sea," whereas the PRC refers to it as the "South Sea" (*Nan Hai*), Vietnam refers to it as the "East Sea," and the Philippines refers to it as the "West Philippine Sea." Bryan Lynn, *What's in a Name? South China Sea Claimants Seek to Remove 'China'*, LEARNING ENG. (July 24, 2017), <https://learningenglish.voanews.com/a/whats-in-a-name-south-china-sea-claimants-seek-to-remove-china/3953830.html>.
19. Hannah Beech, *Just Where Exactly Did China Get the South China Sea Nine-Dash Line From?*, TIME (July 19, 2016), <https://time.com/4412191/nine-dash-line-9-south-china-sea> (explaining that the Republic of China first asserted a U-shaped, 11-dash line through the South China Sea on a Chinese map in 1947 to assert maritime claims, but it later removed two dashes around the Gulf of Tonkin under an agreement with Vietnam to create the 9-dash line).
20. Uptin Saiidi, *Here's Why the South China Sea Is Highly Contested*, CNBC (Feb. 7, 2018), <https://www.cnbc.com/2018/02/07/heres-why-the-south-china-sea-is-highly-contested.html>.
21. *Seinfeld: The Finale (2)* (NBC Network May 14, 1998). In the closing lines of the series finale, Jerry Seinfeld and George Costanza repeat the opening lines from the pilot episode. *Compare id.*, with *Seinfeld: Pilot* (NBC Network July 5, 1989). After Jerry asks about button placement on a jacket, George asks, "Haven't we had this conversation before?" and the pair agree that "maybe we have." *Seinfeld: The Finale (2)* (NBC Network May 14, 1998).
22. Naval vessels of the PRC may also identify themselves as "People's Liberation Army Navy (PLAN) Warship." See, e.g., Xavier Vavasaur, *US DoD's 2021 China Military Power Report: PLAN Is the Largest Navy in the World*, NAVAL NEWS (Nov. 5, 2021), <https://www.navalnews.com/naval-news/2021/11/us-dods-2021-china-military-power-report-plan-is-the-largest-navy-in-the-world>.
23. The "stand-on vessel" is the vessel with the right of way, and other vessels are to give way. Convention on the International Regulations for Preventing Collisions at Sea, Oct. 20, 1972, 28 U.S.T. 3459, 1050 U.N.T.S. 16. In this scenario, the PRC vessel is incorrectly asserting to be the stand-on vessel. See *id.*
24. SUN TZU, *THE ART OF WAR* 8 (Lionel Giles trans., Allandale Online Pub., 2020) (n.d.).
25. CHARLES DICKENS, *A TALE OF TWO CITIES* (1859).
26. The name "China" comes from a pronunciation of "Qin"—said "Cin" or "Cinese"—during foreign trade with the Qin dynasty. Joshua J. Mark, *Ancient China*, WORLD HIST. ENCYC. (Dec. 18, 2012), <https://www.worldhistory.org/china>.
27. *Explore All Countries – China*, THE WORLD FACTBOOK: CIA.GOV (Feb. 13, 2024), <https://www.cia.gov/the-world-factbook/countries/china>; see also, *Origin of the Name of Zhongguo*, CHINACULTURE.ORG, http://en.chinaculture.org/library/2008-02/11/content_22969.htm (last visited Feb. 20, 2024) (discussing the origin of the word *zhongguo*).
28. See HENRY KISSINGER, *ON CHINA* 2-7 (2011).
29. See *List of Rulers of China*, MET MUSEUM (Oct. 2004), https://www.metmuseum.org/toah/hd/chem/hd_chem.htm.
30. KISSINGER, *supra* note 28, at 7, 10 (explaining that China appears to understand borders between societies as not based on geographic or political demarcations but instead on cultural distinctions).
31. *Id.* at 6-7.
32. *History*, GOV'T PORTAL OF REPUBLIC OF CHINA (TAIWAN), https://www.taiwan.gov.tw/content_3.php (last visited Feb. 20, 2024); *Explore All Countries – China*, *supra* note 27.
33. See *Explore All Countries – China*, *supra* note 27; see also Beech, *supra* note 19 (explaining that the ROC first asserted a U-shaped, eleven-dash line through the South China Sea on a Chinese map in 1947 to assert maritime claims but later removed two dashes around the Gulf of Tonkin under an agreement with Vietnam to create the nine-dash line).
34. Mongolia was known as "Outer Mongolia" throughout the Qing Dynasty. See *Mongolia: Independence and Revolution*, BRITANNICA, <https://www.britannica.com/place/Mongolia/Independence-and-revolution> (last visited Feb. 20, 2024). Inner Mongolia, which attempted to declare independence at the same time as Outer Mongolia, is a province of the PRC today. *Id.*
35. *Explore All Countries – Mongolia*, THE WORLD FACTBOOK: CIA.GOV (Feb. 6, 2024), <https://www.cia.gov/the-world-factbook/countries/Mongolia>.
36. *China/Mongolia (1911-1946)*, UNIV. OF CENT. ARK., <https://uca.edu/politicalscience/dadm-project/asiapacific-region/chinamongolia-1911-1946> (last visited Feb. 20, 2024).
37. *Mongolia: Independence and Revolution*, *supra* note 34.
38. *Explore All Countries – China*, *supra* note 27; *Chinese Communist Party*, BRITANNICA (Feb. 18, 2024), <https://www.britannica.com/topic/Chinese-Communist-Party>.
39. *Who Lost China?*, HARRY S. TRUMAN LIB. & MUSEUM, <https://www.trumanlibrary.gov/education/presidential-inquiries/who-lost-china> (last visited Feb. 20, 2024).
40. *Id.*; *Explore All Countries – China*, *supra* note 27; *Chinese Civil War 1945-1949*, BRITANNICA, <https://www.britannica.com/event/Chinese-Civil-War/The-tide-turns-1947-48> (last visited Apr. 26, 2024).
41. *Who Lost China?*, *supra* note 39; see also CONST. RTS. FOUND., *WHY DID THE COMMUNISTS WIN THE CHINESE REVOLUTION?* (2016), <https://www.crf-usa.org/images/t2t/pdf/WhyDidCommunistsWinChineseRevolution.pdf>.
42. CONST. RTS. FOUND., *supra* note 41, at 2 (explaining that the CCP distributed landlords' lands to the peasants, who then felt a stake in CCP success).
43. *Who Lost China?*, *supra* note 39; *The Chinese Civil War: Why Did the Communists Win?*, BILL OF RTS. IN ACTION, Summer 2014, at 1, 3-4, <https://www.crf-usa.org/images/pdf/gates/chinese-civil-war.pdf>.

44. *Chinese Civil War 1945-1949: The Tide Turns (1947-48)*, BRITANNICA, <https://www.britannica.com/event/Chinese-Civil-War/The-tide-turns-1947-48> (last visited Feb. 20, 2024).
45. *Id.*; *History*, *supra* note 32. The Qing dynasty ceded Taiwan to Japan at the end of the First Sino-Japanese War in 1895. *History*, *supra* note 32. The ROC's forces accepted the Japanese surrender in 1945, and the ROC, the United States, and the United Kingdom issued the Potsdam Declaration, which carried out the Cairo Declaration of returning the island of Formosa (Taiwan) to the ROC. *Id.*
46. *See Explore All Countries – China*, *supra* note 27.
47. Currently, “Xi Jinping is the general secretary of the Chinese Communist Party (CCP), chairman of the CCP Central Military Commission, president of the People’s Republic of China (PRC), and the chairman of the PRC Central Military Commission” in that order of priority. *Chinese Government Leadership*, U.S.-CHINA BUS. COUNCIL, <https://www.uschina.org/resources/chinese-government-leadership> (last visited Apr. 26, 2024) (listing CCP position as primary and president of PRC as third in priority).
48. *See* Richard C. Bush, *Thoughts on the Republic of China and Its Significance*, BROOKINGS (Jan. 24, 2013), <https://www.brookings.edu/on-the-record/thoughts-on-the-republic-of-china-and-its-significance>.
49. *Who Lost China?*, *supra* note 39.
50. *History*, *supra* note 32; G.A. Res. 2758 (XXVI) (Oct. 25, 1971).
51. The CCP is the essence of the PRC as much as the Nazi Party was the essence of Nazi Germany in that the CCP leaders are the PRC leaders. *See* Kerry Gershaneck, *To Win without Fighting*, MARINE CORPS UNIV. (June 17, 2020), <https://www.usmcu.edu/Outreach/Marine-Corps-University-Press/Expeditions-with-MCUP-digital-journal/To-Win-without-Fighting> (defining the PRC’s political warfare); *see also Chinese Government Leadership*, *supra* note 47.
52. Joint Communiqué on the Establishment of Diplomatic Relations Between the United States of America and the People’s Republic of China, 2 PUB. PAPERS 2264 (Dec. 15, 1978); *U.S. Relations With Taiwan*, U.S. DEP’T OF STATE (Aug. 31, 2018), <https://www.state.gov/u-s-relations-with-taiwan>; 22 U.S.C. § 3301 (noting that the United States recognized Taiwan as the ROC prior to 1979). The United States has no obligations to Taiwan directly, as the Taiwan Relations Act is a domestic commitment. *See* 22 U.S.C. § 3301.
53. *See History*, *supra* note 32 (noting ROC victory in the 25 October 1949 Battle of Kunming on Kinmen Island); Alan Taylor, *Taiwan’s Kinmen Islands, Only a Few Miles From Mainland China*, ATLANTIC (Oct. 8, 2015), <https://www.theatlantic.com/photo/2015/10/taiwans-kinmen-islands-only-a-few-miles-from-mainland-china/409720> (noting Kinmen is a few miles away from the mainland and to the west of Taiwan); *Quemoy Island*, BRITANNICA (Feb. 20, 2024), <https://www.britannica.com/place/Quemoy-Island> (explaining that Kinmen Island is one of twelve Quemoy Islands); *Matsu Island*, BRITANNICA (Feb. 8, 2024), <https://www.britannica.com/place/Matsu-Island> (noting nineteen Matsu Islands 130 miles north of Taiwan and off the mainland coast); *P’eng-hu Islands*, BRITANNICA (Feb. 17, 2024), <https://www.britannica.com/place/Peng-hu-Islands> (noting sixty-four Penghu Islands 30 miles west of Taiwan); *see also* Masahiro Kurosaki, *Reformulating Taiwan’s Statehood Claim*, LAWFARE (Sept. 14, 2023), <https://www.lawfaremedia.org/article/reformulating-taiwan-s-statehood-claim> (discussing Taiwan statehood to deter PRC invasion).
54. HAMILTON (Walt Disney Studios Motion Pictures 2022). In the song “You’ll Be Back,” King George III erroneously fantasizes that the U.S. colony is his “forever and ever and ever and ever and ever.” *Id.*
55. *See, e.g.*, Huizhong Wu, *For Taiwan’s Olympics Team, Everything Is in a Name*, AP (Feb. 2, 2022), <https://apnews.com/article/winter-olympics-sports-beijing-taiwan-taipei-13f0f-1769874557dad489b0675605096> (discussing the Olympic Committee decision to prevent athletes from competing as Republic of China or Taiwan in 1981 as a result of PRC efforts).
56. *See, e.g.*, *The One-China Principle and the Taiwan Issue*, CHINA.ORG, <http://www.china.org.cn/english/taiwan/7956.htm> (last visited Feb. 20, 2024).
57. *Id.*
58. James Carter, *When the PRC Won the ‘China’ Seat at the UN*, CHINA PROJECT (Oct. 21, 2020), <https://thechinaproject.com/2020/10/21/when-the-prc-won-the-china-seat-at-the-un>; *see* G.A. Res. 2758 (XXVI) (Oct. 25, 1971).
59. The PRC’s 2021 Land Borders Law purports to “standardize and strengthen” border control and communicates the PRC’s intent to “resolutely defend territorial sovereignty and land border security”; its 2023 “standard map” expands PRC boundaries to include disputed areas and sovereign territory of other nations—notably Bhutan. *See* Jill Goldenziel, *How to Decode China’s Imperial Map —and Stop It from Becoming Reality*, FORBES (Sept. 5, 2023, 2:11 AM EDT), <https://www.forbes.com/sites/jillgoldenziel/2023/09/05/how-to-decode-chinas-imperial-map-and-stop-it-from-becoming-reality/?sh=639dc6ef5a2d> (discussing the 2023 standard map of China and its inclusion of the “Nine-Dash Line” among other controversial features); U.S. INDO-PAC. COMMAND J06, SJA TACTICAL AID SERIES, *THE PRC’S LAND BORDERS LAW* (2023) [hereinafter PRC’S LAND BORDERS LAW], <https://www.pacom.mil/Portals/55/Documents/Legal/J06%20TACAID%20-%20PRC%20LAND%20BORDERS%20LAW%20-%20FINAL.pdf?ver=zp6y0pfpaAWoL5KOv0KDYg%3D%3D> (a counter lawfare piece originally by Major Jayne Leemon that exposes PRC malfeasance/lawfare in the PRC’s 2023 Land Borders Law and its “standard map” and establishes why the international community must reject it).
60. *Explore All Countries – Taiwan*, WORLD FACTBOOK: CIA.GOV (Feb. 13, 2024), <https://www.cia.gov/the-world-factbook/countries/taiwan>; *Explore All Countries – Singapore*, WORLD FACTBOOK: CIA.GOV (Jan. 31, 2024), <https://www.cia.gov/the-world-factbook/countries/singapore>; *Explore All Countries – Malaysia*, WORLD FACTBOOK: CIA.GOV (Feb. 13, 2024), <https://www.cia.gov/the-world-factbook/countries/malaysia>; *Explore All Countries – China*, *supra* note 27.
61. Abby Budiman & Neil G. Ruiz, *Key Facts about Asian Americans, a Diverse and Growing Population*, PEW RSCH. CTR. (Apr. 29, 2021), <https://www.pewresearch.org/fact-tank/2021/04/29/key-facts-about-asian-americans>.
62. *See, e.g.*, *President Hu Calls for More Role of Overseas Chinese*, EMBASSY OF THE PEOPLE’S REPUBLIC OF CHINA IN THE UNITED STATES OF AMERICA (Mar. 8, 2008), http://us.china-embassy.gov.cn/eng/ywzn/lsyw/oca/200803/t20080308_4904531.htm; *Overseas Chinese Affairs*, EMBASSY OF THE PEOPLE’S REPUBLIC OF CHINA IN THE UNITED STATES OF AMERICA, <http://us.china-embassy.gov.cn/eng/ywzn/lsyw/oca> (last visited Feb. 20, 2024).
63. *Explore All Countries – China*, *supra* note 27; Yew Lun Tian, *Factbox: A Hundred Years on, How the Communist Party Dominates China*, REUTERS (June 29, 2021), <https://www.reuters.com/world/asia-pacific/hundred-years-how-communist-party-dominates-china-2021-06-30>.
64. *Explore All Countries – China*, *supra* note 27.
65. Joint Declaration on the question of Hong Kong (with annexes), China-U.K., Dec. 19, 1984, 1399 U.N.T.S. 33; Joint Declaration of the Government of the People’s Republic of China and the Government of the Republic of Portugal on the Question of Macao, China-Port., Apr. 13, 1987.
66. The PRC invaded Vietnam in 1979 for its alleged alignment with the Soviet Union. Nguyen Minh Quang, *The Bitter Legacy of the 1979 China-Vietnam War*, THE DIPLOMAT (Feb. 23, 2017), <https://thediplomat.com/2017/02/the-bitter-legacy-of-the-1979-china-vietnam-war>. The invasion failed after less than a month of fighting. *Id.*
67. United Nations Convention on the Law of the Sea, arts. 3, 55-57, Dec. 10, 1982, 1833 U.N.T.S. 397 (stating a state has the right to establish a territorial sea up to 12 nautical miles and an exclusive economic zone up to 200 nautical miles from the territorial sea); *see also* Goldenziel, *supra* note 5, at 1103 (discussing coastal states’ entitlements of 12 nautical miles of territorial sea and 200 nautical miles of exclusive economic zone).
68. *See* PRC’S LAND BORDERS LAW, *supra* note 59.
69. As analogues, in 2022, the world witnessed Russia invade Ukraine, which Russia had for years called “the Ukraine” and its capital Kiev instead of Kyiv, allegedly to protect native Russians and Russian-speaking people; these acts are similar to Hitler’s goal of uniting German-speaking people in the 1930s. *See, e.g.*, Patrick Donahue & Daryna Krasnolutska, *Understanding the Roots of Russia’s War in Ukraine*, BLOOMBERG (Mar. 2, 2022), <https://www.bloomberg.com/news/articles/2022-03-02/understanding-the-roots-of-russia-s-war-in-ukraine-quicktake>; Mark Rice-Oxley, *How to Pronounce and Spell ‘Kyiv,’ and Why It Matters*, GUARDIAN (Feb. 25, 2022), <https://www.theguardian.com/world/2022/feb/25/how-to-pronounce-and-spell-kyiv-ukraine-and-why-it-matters>.