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**Subject:** INDOPACOM Legal Vigilance Update #17 (31 Jan 2025)  
**Date:** Friday, January 31, 2025 7:37:08 PM  
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Teammates,

Below please find the 17<sup>th</sup> edition of INDOPACOM's Legal Vigilance Update.

- **31 January 2025:** U.S. Secretary of Defense affirms commitment to allies and partners and deterrence of PRC aggression in Indo-Pacific.
  - **Bottom-line:** Secretary Hegseth stated that the U.S. Department of Defense's mission is to achieve peace through strength, and that ***we will stand by our allies to deter war*** and win.
    - **References:**
      - [U.S. Department of Defense, Secretary Hegseth's Message to the Force \(Jan. 25, 2025\)](#)
      - [U.S. Department of Defense, Readout of Secretary of Defense Pete Hegseth's Call With Japanese Minister of Defense Nakatani Gen \(Jan. 31, 2025\)](#)
    - **Key Points:**
      - In his Message to the Force, Secretary Hegseth stated that the U.S. Department of Defense "will work with allies and partners to ***deter aggression in the Indo-Pacific by Communist China***" and that "we will stand by our allies."
      - In his introductory call with Japanese Defense Minister Gen, Secretary Hegseth discussed the U.S.-Japan Alliance, which he called "the cornerstone of peace and security in the Indo-Pacific region."
      - Secretary Hegseth and Minister Gen "reiterated the importance of deepening defense cooperation to strengthen deterrence and to advance a shared vision for a ***free and open Indo-Pacific region***."
- **22-28 January 2025: South China Sea roll-up.**
  - **Bottom-line:** the PRC maintained its pattern of destabilizing and aggressive behavior in the SCS, with PRC Coast Guard vessels harassing and disrupting Philippine fisheries vessels attempting to conduct scientific research in the Philippines' EEZ.
    - **References:**
      - [William Yang, China tests US commitment to South China sea by pressuring Philippines \(Jan. 28, 2025\)](#)
      - [China-Taiwan Weekly Update, January 30, 2025 \(Institute for the Study of War\)](#)
    - **Key points:**
      - On 24 January 2025, the Philippine Coast Guard said two vessels from the Philippine Bureau of Fisheries and Aquatic Resources (BFAR) encountered "***aggressive maneuvers***" from three PRC Coast Guard vessels while heading to Sandy Cay for a marine scientific survey
      - The Philippines reported that the vessels were forced to suspend the scientific survey due to the "continuous harassment and the disregard for safety" shown by the PRC Coast Guard.
      - Sandy Cay sits inside the Philippine EEZ, where the ***Philippines maintains sovereign rights*** for the purpose of exploring/managing the natural resources, as well as jurisdiction over marine scientific research and the protection and preservation of the marine environment (UNCLOS, Art. 56).
      - All states maintain freedom of navigation and overflight in the EEZ, but in exercising those freedoms in the EEZ, States shall have ***due regard to the rights and duties of the coastal State*** (UNCLOS, Art. 58).
      - The 2016 Arbitral Tribunal ruling determined that the PRC's expansive South China Sea maritime claims are inconsistent with international law, and firmly rejected any PRC territorial or maritime claim to areas determined by the Tribunal to be part of the Philippines' EEZ and continental shelf.
      - The ***PRC continues to engage in a pattern of unsafe, unprofessional, and unlawful behavior in the South China Sea***.
- **25 January 2025:** Philippines considers amendments to anti-spying laws after arrests of PRC operatives suspected of espionage.
  - **Bottom-line:** in recent days, the ***Philippines detained six PRC citizens on suspicion of espionage***, prompting the Philippines National Security Advisor to call for the strengthening of domestic law against espionage and foreign interference.
    - **References:**
      - [Camille Elemia and Gerrard Carreon, Philippines arrests 5 Chinese nationals for suspected espionage \(Benar News, Jan. 30, 2025\)](#)
      - [Jason Gutierrez, Philippine NSC chief pushes espionage law amendment after Chinese suspect arrested \(Benar News, Jan. 21, 2025\)](#)
    - **Key Points:**
      - In recent days, the Philippines has arrested six PRC citizens on suspicion of having engaged in aerial reconnaissance via drone operations, including collecting data on Philippines' naval and coast guard units and stations in Palawan province.
      - In response to the arrests, Philippines National Security Advisor Eduardo Ano said "***[s]trengthening our legal framework is essential to effectively address evolving security threats*** and to ensure that those who seek to compromise our national security will face the full force of the law," urging the Philippine legislature "to prioritize the passage of the amendments to the Espionage Act as well as the Countering Foreign Interference and Malign Influence bill."
- **16 January 2025:** allied and partner navies participate in French-led La Perouse exercise in the Indian Ocean, focusing on securing ***strategic sea lines of communication (SLOCs)*** in the Indo-Pacific.
  - **Bottom-line:** La Perouse exercise—led by France's FNS Charles de Gaulle carrier strike group—brought together nine countries with the main objectives to "provide maritime safety with regional partners and multinational coalition assets in the three main straits detrimental to commercial shipping" and "sharing information and coordinating their actions against multiple threats thanks to the communication and coordination."
    - **References:**
      - [Martin Manaranche, French Navy kicks off La Perouse 2025 exercise in East Indian Ocean \(NavalNews, Jan. 16, 2025\)](#)
      - [USINDOPACOM TACAID, Lawful Sea Control to Protect Sea Lines of Communication and Choke Points](#)
    - **Key Points:**
      - To practice securing strategic SLOCs in the Indo-Pacific, La Perouse brought together nine countries (including Canada, the United States, Malaysia, Indonesia, India, Australia, the United Kingdom and Singapore), gathering a force of 13 ships and about 130 aircrafts of all types (helicopters, MPAs, fighter jets).
      - The naval concept applicable to protecting/securing SLOCs and chokepoints is known as ***sea control***. When necessary during armed conflict, lawful sea control may deny or limit an adversary's ability to threaten SLOCs and chokepoints or use them for war-

supporting shipping.

- Sea control **ensures vital SLOCs and chokepoints remain open in crisis and conflict**, but are not used by an adversary to sustain or support a war effort that jeopardizes international peace and security.
- Potential threats to SLOCs and chokepoints underscore the importance of U.S. and allied/partner ability to exercise sea control across a spectrum of scenarios.

- **30 January 2025:** new CSIS chart highlights the **PRC's lead role in causing irreparable damage to the marine habitat** (including coral reef) in the South China Sea.
  - **Bottom-line:** according to CSIS, the PRC "has caused the most reef destruction [in the SCS], having buried roughly 4,648 acres of reef since 2013," with Vietnam "com[ing] in second, having destroyed approximately 2,362 acres of reef, with a significant amount of dredging and landfilling activities having taken place in early 2024."
    - **References:**
      - [Harrison Pretat, Monica Sato, and Gregory B. Poling, China and Vietnam Are Driving Reef Destruction in the South China Sea \(CSIS, Jan. 30, 2025\)](#)
    - **Key legal points:**
      - The **2016 Arbitral Tribunal found "that China has, through its island-building activities at Cuarteron Reef, Fiery Cross Reef, Gaven Reef (North), Johnson Reef, Hughes Reef, Subi Reef and Mischief Reef, breached Articles 192, 194(1), 194(5), 197, 123, and 206 of [UNCLOS]."**
      - Art. 192 declares that "States have the obligation to protect and preserve the marine environment."
      - Art. 194(1) declares that "States shall take, individually or jointly as appropriate, all measures consistent with this Convention that are necessary to prevent, reduce and control pollution of the marine environment from any source, using for this purpose the best practicable means at their disposal and in accordance with their capabilities, and they shall endeavour to harmonize their policies in this connection."
      - Art. 123 declares that "States bordering an enclosed or semi-enclosed sea should cooperate with each other in the exercise of their rights and in the performance of their duties under this Convention," including by endeavoring "to coordinate the management, conservation, exploration and exploitation of the living resources of the sea."

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

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