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Subject: INDOPACOM Legal Vigilance Update #19 (13 Feb 2025)
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[J06 TACAID - BILATERAL MARITIME LE AGREEMENTS \(FINAL\).pdf](#)

Teammates,

In addition to the 19th edition of INDOPACOM's Legal Vigilance Update (below), ***attached please find INDOPACOM's latest counter-lawfare tactical aid (TACAID) addressing bilateral maritime law enforcement agreements (MLEAs)***. In addition to detailing the purpose/nature of bilateral MLEAs and the value they provide to coastal partner nations, the TACAID counters common PRC mischaracterizations about bilateral MLEAs and proposes counter-lawfare approaches to rebut PRC distortions. This TACAID will also be posted on USINDOPACOM's Jo6 website.

Now, for the LV update this week.

- 9 February 2025: PRC continues to escalate its coercive lawfare campaign to isolate Taiwan.
 - **Bottom-line**: through a combination of military pressure, economic coercion, diplomatic influence, and information warfare, the ***PRC is engaging in an increasingly aggressive campaign to influence other states to endorse its destabilizing and misrepresentative “one China principle.”***
 - References:
 - [China's stunning new campaign to turn the world against Taiwan \(The Economist, Feb. 9, 2025\)](#)
 - Key points:
 - The PRC continues to apply coercive influence to pressure states to adopt ***the PRC's “one China principle,”*** which misrepresents UN General Assembly Resolution 2758 in an effort to provide false sense of international legitimacy to its sovereignty claims over Taiwan.
 - The Economist reports that “70 countries have now endorsed both China's sovereignty over Taiwan and, just as crucially, that China is entitled to pursue ‘all’ efforts to achieve unification, without specifying that those efforts should be peaceful.”
 - The Economist says that “the vast majority of those countries have adopted that new wording in the last 18 months, after a Chinese diplomatic offensive across the global south.”
 - The Economist's report echoes the findings of a [recent Lowy Institute study](#) that concluded that “by the end of last year 119 countries – 62% of the UN's member states – had endorsed

China's preferred wording for accepting its claim to sovereignty over Taiwan."

- In contrast to the PRC's fundamentally destabilizing one China principle, the ***United States' one China policy*** is focused the peaceful resolution of cross-Strait differences.
 - The U.S. continues to have an abiding interest in peace and stability across the Taiwan Strait; opposes any unilateral changes to the status quo from either side; and expects cross-Strait differences to be resolved by peaceful means, free from coercion, in a manner acceptable to the people on both sides of the Strait.
- February 2025: Council on Foreign Relations releases new report on the criticality of space to national security.
 - **Bottom-line**: the report concludes that "[w]hile the United States remains the leading space power across the civil, commercial, and national security realms, China is emerging as a peer competitor," and recommends specific actions to preserve the U.S.' leadership in space.
 - References:
 - [Securing Space: A Plan for U.S. Action \(Council on Foreign Relations, Feb. 2025\)](#)
 - Key points:
 - The CFR finds that "***U.S. space assets are increasingly vulnerable to attacks by China, Russia, and other potential adversaries—attacks that could come from the ground, the air, or space itself.***"
 - CFR writes: "The stakes are high. Russia's debris-causing ASAT tests and its willingness to challenge norms endanger the peaceful use of space for everyone. China's emergence as a peer competitor in space makes U.S. strategic planning for this domain more difficult and more urgent."
 - Among other things, the report recommends "enhancing domain awareness, proliferating and widely distributing space assets to increase their resiliency, hardening space assets against various modes of attack, providing space assets with defensive capabilities, and developing replacement assets that can be deployed quickly when needed."
- 11 February 2025: PRC companies employ defamation lawsuits to suppress criticism.
 - **Bottom-line**: ***PRC companies have increased the use of legal defamation lawsuits and legal threats—often in Western courts—to suppress critical research exposing forced labor, human rights abuses, and security risks.***

■ References:

- [David McCabe and Tripp Mickle, *Chinese Companies' New Tactic to Stop Damaging Research: Legal Threats* \(New York Times, Feb. 11, 2025\)](#)

■ Key points:

- PRC companies increasingly **weaponize Western courts** to deter research and reporting into human rights abuses and security violations.
 - More than a dozen researchers in the U.S., Europe, and Australia have been sued or received threatening letters in an attempt to quash negative information.
 - The [U.S. House of Representatives' Select Committee on the Chinese Communist Party \(CCP\) held a hearing in September](#) on the problem, where the committee chair noted that the CCP is using the American legal system to silence critics in the U.S.
 - In an example highlighted by The New York Times, in 2019 the Australian Strategic Policy Institute (ASPI) published a report documenting how Huawei servers were transmitting data from African nations to the PRC. Since publication of the report, ASPI's costs from PRC-related legal threats rose from zero to AUD 219,000, nearly two percent of the ASPI's annual budget.
 - The threat of coercive PRC litigation has a **chilling effect on critical research**, incentivizing self-censorship and undermining public accountability on topics the PRC considers sensitive or reputationally damaging.
- 3 February 2025: Harvard's Belfer Center releases report on "technology, law, and policy of the [DoD's] Replicator Initiative."
 - **Bottom-line:** Harvard Kennedy School's Belfer Center concluded that ***the [Replicator Initiative](#) is "currently helping the United States strengthen its military deterrent against China" and that "[the DoD] is making important progress in addressing autonomous weapons systems' unavoidable and interrelated risks spanning strategy, technology, and law."***
 - References:
 - [*The Autonomous Arsenal in Defense of Taiwan: Technology, Law, and Policy of the Replicator Initiative* \(Belfer Center, Feb. 3, 2025\)](#)
 - Key points:
 - The report concludes that "[DoD's] interpretation of international law would be embedded in the AI algorithms for fully autonomous weapons systems, effectively serving as a codification of the United States' approach to the laws of war." This conclusion draws from [DoD Directive 3000.09](#)

[\(Autonomy in Weapons Systems\)](#), which directs U.S. Combatant Commanders to “employ autonomous and semi-autonomous weapon systems with appropriate care and in accordance with the law of war, applicable treaties, weapon system safety rules, and applicable [rules of engagement].”

- Additionally, the [U.S.-led Political Declaration on Responsible Military Use of Artificial Intelligence and Autonomy](#) provides a framework of non-binding principles to ensure that militaries’ uses of AI align with LOAC.
- 13 February 2025: Australia protests unsafe PRC fighter jet maneuver over South China Sea.
 - **Bottom-line:** Australia has raised concerns following an unsafe/unprofessional interaction in which a PRC fighter jet released flares near an Australian surveillance aircraft over the South China Sea.
 - References:
 - [Rod McGuirk, Australia accuses Chinese fighter of endangering Australian surveillance plane over South China Sea \(Associated Press, Feb 13, 2025\)](#)
 - [Statement on unsafe and unprofessional interaction with People’s Liberation Army–Air Force](#)
 - Key points:
 - On 11 February 2025, a Royal Australian Air Force (RAAF) P-8A Poseidon maritime patrol aircraft conducting a routine maritime surveillance patrol in the South China Sea experienced an unsafe and unprofessional interaction with a PRC PLA-AF J-16 fighter aircraft.
 - The ***PLA-AF aircraft released flares in close proximity to the RAAF P-8A aircraft***, which Australia deemed to be an unsafe and unprofessional maneuver that posed a risk to the aircraft and personnel.
 - In a statement, Australia said that it “expects all countries, including China, to operate their militaries in a safe and professional manner,” noting that “***for decades, the ADF has undertaken maritime surveillance activities in the region and does so in accordance with international law, exercising the right to freedom of navigation and overflight in international waters and airspace.***”
- 12 February 2025: U.S. Navy conducts routine Taiwan Strait transit.
 - **Bottom-line:** *the U.S. Navy conducted a routine transit*

between the East China Sea and the South China Sea via the Taiwan Strait through a corridor that is beyond any coastal state's territorial seas.

■ References:

- [Mallory Shelbourne, Chinese Navy Tracks First U.S. Taiwan Strait Transit under Trump Administration \(USNI News, Feb. 12, 2025\)](#)

■ Key points:

- The USS RALPH JOHNSON (an Arleigh Burke-class destroyer) and the USNS Bowditch (a Pathfinder-class survey ship) conducted a southbound transit through the Taiwan Strait, reaffirming the U.S. commitment to freedom of navigation and a free and open Indo-Pacific.
- The transit took place in a corridor in the Taiwan Strait that is beyond any coastal state's territorial seas, where all nations enjoy freedom of navigation, overflight, and other internationally lawful uses of the sea related to these freedoms.

Thank you for your continued participation in our counter-lawfare community of interest.

V/r Ian

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