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USINDOPACOM Legal Vigilance Update

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PREVAIL

Teammates,

Below please find the 41st edition of U.S. Indo-Pacific Command's (USINDOPACOM) Legal Vigilance Update (LVU). To access previous LVUs, please visit <https://www.pacom.mil/Contact/Directory/Jo/Jo6-Staff-Judge-Advocate/>.

Quote of the Week:

The strategic objectives of Chinese lawfare includes the psychological demoralization of adversaries through legal channels, the imposition of operational constraints upon opposing forces, and the acquisition of political advantage through legal positioning. The operational toolkit for such lawfare encompasses the full spectrum of Chinese domestic legal instruments as well as international legal mechanisms. Contemporary evidence suggests that the entire Chinese party-state, rather than just the PLA, have adopted these tactics to exploit the United States court system.

Professor Julian G. Ku, Hofstra University

House Subcommittee on Courts, Intellectual Property, Artificial Intelligence, and the Internet
[Hearing](#), *Why the U.S. Should Harden Its Defenses Against China's Asymmetric Lawfare* (July 22, 2025)

- **21 July 2025:** U.S. reaffirms ironclad defense commitment to the Philippines.
 - **Bottom-line:** the U.S. Secretaries of Defense and State hosted Philippine President Ferdinand Marcos Jr. in Washington DC, where the leaders reaffirmed their commitment to the U.S.-Philippines Mutual Defense Treaty and discussed shared security concerns in the Indo-Pacific.
 - References:
 - [Hegseth, Philippine President Meet to Advance Deterrence in Indo-Pacific \(U.S. Dep't of Defense, Jul. 21, 2025\)](#)
 - [Secretary Rubio's Meeting with Philippine President Marcos, Jr. \(U.S. Dep't of State, Jul. 21, 2025\)](#)
 - Key points:
 - Secretary Rubio and President Marcos underscored the importance of the ironclad United States-Philippines Alliance to maintaining peace and stability in the Indo-Pacific region, and reaffirmed their shared commitment to deterrence and reinforcing freedoms of navigation and overflight in support of a free and open Indo-Pacific.
 - **Secretary Hegseth commended the Philippines as a model ally and applauded President Marcos for his leadership and resolve in standing up to aggressive and coercive actions in the South China Sea.**
 - According to Secretary Hegseth, the "alliance has never been stronger or more essential than it is today... together, we remain committed to the mutual defense treaty. And this pact extends to armed attacks on our armed forces, aircraft or public



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vessels, including our Coast Guard, anywhere in the Pacific, including the South China Sea."

- In reflecting on the two countries storied alliance, President Marcos, Jr. reiterated Secretary Hegseth's commitment saying, "I believe that our alliance ... the United States and the Philippines, [has done a great deal] in terms of preserving the peace [and] in terms of preserving the stability of the South China Sea, but I would even go as far as to say in the entire Indo-Pacific region. And we are always very, very happy to continue to strengthen that relationship."
- 23 July 2025: U.S. House committee hearing highlights China's coercive economic playbook.
 - **Bottom-line**: in a hearing titled **"United We Stand: Strategies to Counter PRC Economic Coercion Against Democracies,"** the U.S. House Select Committee on the CCP heard testimony on China's sustained campaign of economic coercion and strategic intimidation across the Indo-Pacific.
 - References:
 - [Select Committee Holds Hearing "United We Stand: Strategies to Counter PRC Economic Coercion Against Democracies" \(U.S. House Select Committee on the CCP, Jul. 23, 2025\)](#)
 - Key points:
 - The witnesses—Former U.S. Ambassador to Japan Rahm Emanuel and former Prime Minister of Australia Scott Morrison—warned that ***China's tactics are not ad hoc, but part of a deliberate authoritarian strategy aimed at bending nations to Beijing's will and undermining the stable international system that undergirds a free and open Indo-Pacific.***
 - Emanuel testified that ***"China has made coercion its currency of economic statecraft and retaliation a replacement for negotiation,"*** describing China's growing use of economic punishment—from rare earth export bans to consumer boycotts—to advance political goals and pressure democratic governments.
 - Morrison called attention to the "rising threat from authoritarian states who, not content with absolute control over their own populations to preserve their regimes, also seek hegemonic control over their own regions and to recast the world order to accommodate their illiberal objectives. Most significantly this involves the subordination of a rule of law based on universal human rights to one arbitrarily defined by the state and to draw an equivalence between their regimes and freedom-based societies.
- June 2025: New Zealand releases updated position statement on the application of international law to state activities in cyberspace.
 - **Bottom-line**: New Zealand has released an updated position on the application of international law to state activities in cyberspace, reaffirming that the United Nations Charter and customary international law rules concerning the use of force apply to state activity in cyberspace.



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MEDIA PACKAGE: Select Committee Holds Hearing "United We Stand: Strategies to Counter PRC Economic Coercion Against Democracies"

July 24, 2025 · Press Release

- References:

- [The Application of International Law to State Activity in Cyberspace \(NZ Ministry of Foreign Affairs and Trade, Jun. 17, 2025\)](#)



- Key points:

- New Zealand's position paper states: ***"State cyber activity can amount to a use of force for the purposes of international law. Whether it does in any given context depends on an assessment of the scale and effects of the activity."*** State cyber activity will amount to a use of force if it results in effects of a scale and nature equivalent to those caused by kinetic activity which constitutes a use of force at international law. Such effects may include death, serious injury to persons, or significant damage to the victim state's objects and/or state functioning. In assessing the scale and effects of malicious state cyber activity, states may take into account both the immediate impacts and the intended or reasonably expected consequential impacts."
- The paper further states: "Cyber activity that amounts to a use of force will also constitute an armed attack for the purposes of Article 51 of the UN Charter if it results in effects of a scale and nature equivalent to those caused by a kinetic armed attack. As an example, cyber activity that disables the cooling process in a nuclear reactor, resulting in serious damage and loss of life, would constitute an armed attack."
- New Zealand's position mirrors statements made by previous U.S. DoD General Counsels, including former DoD General Counsel Ney, who in March 2020 said: "Depending on the circumstances, a military cyber operation may constitute a use of force within the meaning of Article 2(4) of the U.N. Charter and customary international law. ***In assessing whether a particular cyber operation—conducted by or against the United States—constitutes a use of force, DoD lawyers consider whether the operation causes physical injury or damage that would be considered a use of force if caused solely by traditional means like a missile or a mine.*** Even if a particular cyber operation does not constitute a use of force, it is important to keep in mind that the State or States targeted by the operation may disagree, or at least have a different perception of what the operation entailed."

The Application of International Law to State Activity in Cyberspace



- **23 July 2025:** Congressional-Executive Commission on China (CECC) holds hearing aimed at countering China's political warfare and transnational repression (TNR) activities against Taiwan.
 - **Bottom-line:** CECC heard from a variety of experts on China's activities against Taiwan, in which they highlighted the escalated use of covert, coercive, and extraterritorial tactics against Taiwan and its supporters – threatening the island's democracy, creating skepticism and distrust in U.S.-Taiwan relations, and using intimidation, lawfare, and propaganda operations to shape false global narratives on Taiwan's status.

- References:

- [Stand with Taiwan: Countering the PRC's Political Warfare and Transnational Repression \(CECC, Jul. 23, 2025\)](#)
- [China's Political Influence Tactics and Transnational Repression Activities Against Taiwan \(Audrye Wong, Jul. 23, 2025\)](#)

- Key points:

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- The hearing addressed four dimensions of China's political warfare and transnational repression activities, those being:
 - extraterritorial implications of China's 2024 ["22 Guidelines"](#) under the [Anti-Secession Law](#), which criminalizes advocacy for Taiwanese independence;
 - political and cognitive warfare operations targeting Taiwan;
 - efforts to silence, censor, or intimidate members of the Taiwanese diaspora;
 - and China's global campaign to shape the legal and academic narrative on Taiwan's status.
- The Chair of the CECC, Senator Dan Sullivan, said: "The PRC is attempting to rewrite international norms, distorting UN General Assembly Resolution 2758, and pressuring countries to embrace Beijing's view that all necessary measures it might use to achieve unification with regard to Taiwan."
- CECC co-Chair, Representative Christopher Smith, added: ***"The CCP bombards Taiwan with propaganda and false narratives, seeking to manipulate the information space, including through the use of 'deep fake' video clips created using artificial intelligence."***
- July 2025: CMSI report details China's expanding use of excessive domestic laws and coercive law enforcement to assert legally baseless maritime claims and threaten the free and open Indo-Pacific.
 - **Bottom-line:** a new China Maritime Studies Institute (CMSI) report examines the laws China uses to illegally enforce its expansive maritime jurisdictional claims in the Taiwan Strait, East China Sea, and beyond, including how China uses these laws along with China Coast Guard and Maritime Safety Administration assets to carry out gray zone operations against Taiwan.
 - References:
 - [Great Inspections: PRC Maritime Law Enforcement Operations in the Taiwan Strait \(Julia Famularo, Jul. 16, 2025\)](#)
 - Key points:
 - China's law enforcement operations in the Taiwan Strait function as forms of cognitive and legal warfare, representing a clear and consistent effort to undermine international maritime law as reflected in UNCLOS.
 - China is using its Maritime Traffic Safety Law and Coast Guard Law to illegally enforce expansive maritime jurisdictional claims in the Taiwan Strait, East China Sea, and beyond.
 - The CMSI report uses the April 2023 *Haixun 06* episode as an example, detailing how China deployed its largest Coast Guard vessel to conduct high-profile patrols in the central and southern Taiwan Strait, where it



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asserted enforcement jurisdiction by announcing plans to board and inspect foreign ships.

- The announcement itself served as a legal and psychological operation designed to intimidate Taiwan and other regional actors, and to normalize China's excessive and ambiguous jurisdictional claims in the Strait.
- ***The Haixun 06 episode exemplifies China's use of lawfare as a form of coercion—leveraging unilateral domestic law and regulatory notices to assert de facto control, sow ambiguity about legal norms, and intimidate regional actors to change operational behaviors.***