

**From:** [REDACTED]  
**Subject:** INDOPACOM Legal Vigilance Update #6 (11 Oct 2024)  
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**Attachments:** [image.png](#)

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Teammates,

Below please find the sixth edition of INDOPACOM's Legal Vigilance Update.

- 10 October 2024: 12th U.S.-ASEAN Summit in Laos.
  - **Bottom-line:** the U.S. continues to strengthen ties with the Association of Southeast Asian Nations (ASEAN), reinforcing the U.S.-ASEAN Comprehensive Strategic Partnership.
    - References:
      - [U.S. Secretary of State Remarks at the ASEAN Summit with the United States](#)
      - [U.S. Mission to ASEAN, Fact Sheet, Delivering on Our Commitments, 12th U.S.-ASEAN Summit in Vientiane, Lao PDR](#)
    - Key legal points:
      - In his remarks at the U.S.-ASEAN Summit, U.S. Secretary of State Antony Blinken stated:

***Advancing our shared vision also means coming together to address shared challenges to that vision – from the deepening crisis in Myanmar, to the DPRK's destabilizing behavior, to Russia's war of aggression in Ukraine, which continues to violate principles at the heart of the United Nations Charter and at the heart of ASEAN's Treaty of Amity and Cooperation.***

***We remain concerned about China's increasingly dangerous and unlawful actions in the South and East China Seas, which have injured people and harmed vessels from ASEAN nations, and contradict commitments to peaceful resolution of disputes. The United States will continue to support freedom of navigation and freedom of overflight in the Indo-Pacific.***

***We also believe it's important to maintain our shared commitment to protect stability across the Taiwan Strait.***

- 8 October 2024: a PRC Coast Guard vessel fired a water cannon at a Philippines Bureau of Fisheries and Aquatic Resources (BFAR) vessel at Scarborough Shoal in the South China Sea.
  - **Bottom-line:** on multiple occasions over the past several months, the PRC has aggressively disrupted lawful Philippine maritime and aerial operations in the South China Sea, causing damage to vessels, jeopardizing the safety of Philippine crews, and threatening the freedom of navigation and overflight of all nations.
    - References:
      - [Aaron-Matthew Lariosa, Video: China Coast Guard Blasts Philippine Fisheries Vessel at Scarborough Shoal \(USNI News, October 8, 2024\)](#)
    - Key legal points:
      - ***The PRC's actions reflect a blatant disregard for international law as well as the safety and livelihoods of Filipinos.***
      - It is worth recalling the 2016 Arbitral Tribunal (which is final and legally binding on the PRC and the Philippines) and its conclusion regarding the PRC's aggressive behavior against the Philippines at Scarborough Shoal in 2012. ***Regarding the 2012 Scarborough Shoal episode, the Arbitral Tribunal concluded that "China has, by virtue of the conduct of Chinese law enforcement vessels in the vicinity of Scarborough Shoal, created serious risk of collision and danger to Philippine vessels and personnel"*** and that the PRC "violated Rules 2, 6, 7, 8, 15, and 16 of the COLREGS and, as a consequences, to be in breach of Article 94 of [UNCLOS]."
      - The 2016 Arbitral Tribunal also concluded that "China has, through the operation of its official vessels at Scarborough Shoal from May 2012 onwards, unlawfully prevented Filipino fishermen from engaging in traditional fishing at Scarborough Shoal."
      - Further, the 2016 Arbitral Tribunal found that "China has, through its toleration and protection of, and failure to prevent Chinese fishing vessels engaging in harmful harvesting activities of endangered species at Scarborough Shoal...breached Articles 192 and 194(5) of [UNCLOS]."

Looking ahead...

- 15 October 2024: the Center for Strategic & International Studies (CSIS) will host a live panel event to discuss the PRC's Anti-Secession Law.
  - **Bottom-line:** this live in-person and webcast event coincides with the release of a new CSIS report titled "Employing 'Non-Peaceful' Means

Against Taiwan: The Implications of China's Anti-Secession Law," and will address the 2005 Anti-Secession Law, the PRC's new June 2024 interpretation of the Law, and implications for the future of cross-strait relations.

- References:
  - [CSIS Event Link: Anti-Secession Law Panel](#)
  - [USINDOPACOM TACAID: China's Anti-Secession Law](#)
- Key legal points:
  - By establishing a domestic legal pretext to use “non-peaceful means,” the PRC's 2005 Anti-Secession Law undercuts the international community’s interest in stable cross-strait relations and peaceful resolution of disputes.
  - On June 21, 2024, the PRC significantly escalated its coercive "anti-secession" lawfare campaign when it issued a joint document titled "Opinion on punishing according to law crimes of splitting the country and incitement to split the country committed by 'Taiwan independence' die-hards."
  - This June 2024 joint opinion purports to detail actions and sanctions that the PRC could seek to impose on what it broadly categorizes as "Taiwan independence" and/or "separatist" activities, and it is yet another example of the PRC's coercive and destabilizing lawfare in the region.

For consideration...

- 10 October 2024: CSIS released a new report titled *Crossroads of Commerce: How the Taiwan Strait Propels the Global Economy*, detailing the potential global impact of the PRC's destabilizing approach to Taiwan.
  - **Bottom-line:** according to the report, "new research from CSIS estimates that approximately \$2.45 trillion worth of goods—over one-fifth of global maritime trade—transited the Taiwan Strait in 2022" and "disruptions to this trade would send shockwaves well beyond Taiwan and China, impacting key U.S. allies and broad swaths of the Global South."
    - References:
      - [Matthew P. Funaiole, Brian Hart, David Peng, Bonny Lin, and Jasper Verschuur, \*Crossroads of Commerce: How the Taiwan Strait Propels the Global Economy\* \(CSIS, October 10, 2024\)](#)
      - [USINDOPACOM TACAID: Lawful Sea Control to Protect Sea Lines of Communication and Chokepoints](#)
    - Key legal points:
      - The Taiwan Strait provides important freedom of maneuver and global mobility for the U.S. and the international community, and includes a corridor beyond the territorial sea of any coastal state in which all nations enjoy high seas freedoms of navigation, overflight, and other internationally lawful uses of the sea and air.
      - U.S. and Allied and partner forces exercise lawful sea control to

preserve navigational rights, prevent unlawful interference, and if necessary and in accordance with international law, deny or limit an adversary's use of sea lines of communication (SLOCs) and chokepoints.

- Protection of SLOCs and chokepoints ensures critical waterways remain open for trade and freedom of navigation, but shielded from hostilities and adversary use for war-supporting commerce.

Thank you for your continued participation in our Counter-Lawfare community of interest.

V/r Ian

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