



USINDOPACOM Legal Vigilance Update

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PREVAIL

Teammates,

Below please find the 51st 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 United States condemns China’s October 12 ramming and water cannoning of a Philippine Bureau of Fisheries and Aquatic Resources vessel close to Thitu Island in the South China Sea. We stand with our Philippine allies as they confront China’s dangerous actions which undermine regional stability. China’s sweeping territorial and maritime claims in the South China Sea and its increasingly coercive actions to advance them at the expense of its neighbors continue to undermine regional stability and fly in the face of its prior commitments to resolve disputes peacefully.

The United States reaffirms Article IV of the 1951 United States-Philippines Mutual Defense Treaty extends to armed attacks on Philippine armed forces, public vessels, or aircraft – including those of its Coast Guard – anywhere in the South China Sea.”

[U.S. Statement on Dangerous Chinese Actions in the South China Sea](#)

Thomas "Tommy" Pigott, Principal Deputy Spokesperson
October 13, 2025

- October 2025: China Coast Guard rams Philippine government vessels in the South China Sea.

- **Bottom-line:** China Coast Guard cutters and maritime militia water cannoned and rammed Philippine vessels BRP *Datu Pagbuaya* (MMOV-3003) and BRP *Datu Sanday* (MMOV-3003) as the fisheries vessels were within the waters of Thitu Island – causing structural damage to one of the Philippine ships.

- References:
 - [Chinese Cutters Ram Philippine Fishery Vessels in Spratly Islands \(USNI, Oct. 12 2025\)](#)
- Key Points:
 - ***This is the latest example of China recklessly and dangerously attempting to enforce its sweeping, ambiguous, and legally baseless territorial and maritime claims.***



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- China's actions were widely condemned across the region.
 - U.S. Ambassador to the Philippines MaryKay Carlson wrote on X that “the United States condemns China’s aggressive actions and supports the Philippines in pursuit of a free and open Indo-Pacific.”
 - The British Embassy in Manila said the UK was “concerned by the latest act of ramming and water cannon used by the Chinese Coast Guard against Philippine civilian vessels,” calling for “an end to dangerous tactics in the South China Sea.”
 - Japanese Ambassador to the Philippines Endo Kazuya said Tokyo was “seriously concerned about the repeated dangerous actions by the CCG” and reaffirmed Japan’s commitment to upholding the rule of law and a “Free and Open Indo-Pacific.”
 - Australian Ambassador to the Philippines Marc Innes-Brown said disputes must be resolved “peacefully and in accordance with international law.”
 - The New Zealand Embassy in Manila similarly condemned the Chinese vessels’ “dangerous actions” against the BFAR ships, adding that “contact between vessels and the use of water cannons endangers lives at sea and risks increasing tensions...New Zealand firmly calls for peaceful resolution of disputes in accordance with UNCLOS.”

- China's reckless and dangerous actions are contrary to the rule of law and basic standards of professional seamanship, including:

- ***United Nation’s Convention on the Law of the Sea.***

Article 301 –

Peaceful Uses of the Sea.

- ***International Regulations for Preventing Collisions at Sea (COLREGS).*** Rule 8 obligation to avoid collisions.

- ***The 2002 Declaration of Conduct of Parties in the South China Sea.*** Obligation to resolve territorial disputes “by peaceful means, without resorting to the threat or use of force,” and to avoid activities that would “complicate or escalate disputes and affect peace and stability.”



- **13 October 2025:** China Coast Guard issues coercive warnings to Philippine vessels at Scarborough Reef.
 - **Bottom-line:** China Coast Guard issued a radio challenge attempting to drive away Philippine fishing boats from Scarborough Reef, “claiming that the presence of Philippine fishing boats could damage [China’s] so-called ‘environmental reserve.’”
 - **References:**
 - [Cristina Cri, For first time, China used 'nature reserve' in barring access to Scarborough \(PhilStar, Oct. 14, 2025\)](#)

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▪ Key Points:

- On 10 September 2025, [China approved the establishment of a national nature reserve at Scarborough Reef.](#)
- The Philippines rejected China’s “***national nature reserve***” at ***Scarborough Reef as inconsistent with the final and binding 2016 Arbitral Tribunal, UNCLOS, and the 2002 Declaration on the Conduct of Parties (DOC).***
 - The 2016 Arbitral Tribunal concluded that:
 - “China has, through the operation of its official vessels at Scarborough Reef from May 2012 onwards, unlawfully prevented Filipino fishermen from engaging in traditional fishing at Scarborough Reef” (paragraph 814).
 - UNCLOS declares that:
 - decisions rendered by a “tribunal having jurisdiction under [UNCLOS] shall be final and shall be complied with by all the parties to the dispute” (Article 296), and
 - “States Parties shall fulfil in good faith the obligations assumed under [UNCLOS] and shall exercise the rights, jurisdiction and freedoms recognized in this Convention in a manner which would not constitute an abuse of right” (Article 300).
 - The DOC—to which both China and the Philippines are parties—states that:
 - the “Parties undertake to exercise self-restraint in the conduct of activities that would complicate or escalate disputes and affect peace and stability” (Article 4), and
 - contemplates cooperative activities concerning marine environmental protection.
- The U.S. Department of State described China’s establishment of a nature reserve at Scarborough Reef as “yet another coercive attempt to advance sweeping territorial and maritime claims in the South China Sea at the expense of its neighbors, including by preventing Filipino fishermen from accessing these traditional fishing grounds.”



- 11 October 2025: China issues bounty targeting Taiwan psychological operations officers for “separatism.”
 - ***Bottom-line: in an act of lawfare, China’s Ministry of Public Security offered cash rewards for information on Taiwan military psychological operations officers—a coercive campaign aimed at intimidating members of Taiwan’s military.***
 - References:
 - [China Issues Bounty for Taiwan PsyOps Unit for ‘Separatism’ \(Reuters, Oct. 10, 2025\)](#)

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- [Chinese Government Expands Criminalization of Taiwanese Identity – Court Guidelines Aim to Further Intimidate Taiwan’s population \(Human Rights Watch, Jul. 4, 2024\)](#)
- **Key Points:**
 - China’s Public Security Bureau in Xiamen—directly across the Taiwan Strait—posted photos, names, and identification numbers of 18 Taiwan military officers it accused of running “psychological warfare” campaigns, offering rewards of \$1,400 for tips leading to their capture.
 - The move follows a June 2025 bounty targeting 20 alleged Taiwanese “military hackers,” which Taipei dismissed as an intimidation stunt.
 - China’s 2005 Anti-Secession Law purports to authorize “non-peaceful means and other necessary measures” against so-called “secessionist forces,” language Beijing has since stretched through subsequent judicial guidance to criminalize nearly any expression of Taiwanese democratic principles.
 - 2024 Judicial Guidelines expanded the offense of “separatism” to include advocating Taiwan’s participation in international organizations, using alternative historical or cultural narratives, or engaging in education, journalism, or research deemed to “distort” China’s distorted and manipulative “one-China principle.”
 - China’s 2024 guidelines permit in absentia trials and in some cases authorize the death penalty.
 - ***China’s weaponization of domestic criminal law against Taiwan exemplifies coercive lawfare—using the facade of legality to extend political control, intimidate democratic institutions, and erode the norms that underpin a free and open Indo-Pacific.***
- 30 September – 14 October 2025: Japan protests China’s unsanctioned surveys in its exclusive economic zone.
 - **Bottom-line:** Tokyo has protested repeated instances of the Chinese research vessel *Xiang Yang Hong 22* conducting marine survey activities in Japan’s EEZ without authorization – reflecting China’s continued exploitation of “civilian” research operations as a facade for coercive maritime expansion.
 - **References:**
 - [Japan protests China's ocean research in exclusive economic zone \(Reuters, Sep. 28, 2025\)](#)
 - [Chinese survey ship spotted in Japan's EEZ off Amami Oshima \(The Japan Times, Oct. 14, 2025\)](#)
 - **Key Points:**
 - The *Xiang Yang Hong 22* has been repeatedly found to be operating in Japan's EEZ since late September, reportedly observed extending a pipe-like object into the sea.
 - ***Under UNCLOS, coastal state rights in the EEZ include jurisdiction over foreign marine scientific research—as such, foreign states seeking to conduct marine scientific research in another state’s EEZ must provide notification and receive consent from the coastal state.***
 - China’s extensive use of “scientific research vessels” within its excessive maritime claims—often alongside CCG and maritime militia and without coastal state consent in the EEZ—indicates that such vessels are a tool to advance China’s excessive maritime claims, rather than or in addition to serving a legitimate scientific purpose.
- 15 October 2025: new report details China’s gray-zone actions against the Philippines and Taiwan.
 - **Bottom-line:** a new analysis compares and contrasts China’s gray zone coercion toward the Philippines with the tactics China employs against Taiwan— recommending an approach that includes “systematic documentation and exposure.”
 - **References:**

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- [Ching Chang, *What Taiwan Can Learn from China’s Gray-Zone Actions Against the Philippines* \(Atlantic Council, Oct. 15, 2025\)](#)
- **Key Points:**
 - A new report contends that China’s coercion against the Philippines—including ramming, water-cannoning, and maritime blocking—reflects a calibrated playbook designed to normalize excessive jurisdictional claims and unlawful control and examines how Philippine responses to China’s gray-zone actions may hold lessons for Taiwan.
 - The report describes how ***China uses sustained harassment and disinformation—both against the Philippines and Taiwan—to exhaust its adversaries, undermine public confidence, and normalize its coercive and destabilizing activities.***
 - The report concludes by recommending an approach of “systematic documentation and exposure,” noting that “like the Philippines’ strategy of recording and publicizing maritime incursions, Taiwan should systematically document and expose airspace violations to rally international support and counter China’s efforts to normalize military provocations.”

Table 1: Key takeaways of China’s gray-zone activities and Philippine counteractions

Gray-zone type	Lower intensity (Narrative wars, denial of prosperity)	Moderate intensity (Establish facts on the ground, civilian interventions, active infiltration)	Higher intensity (Coercive signal, proxy disruption)
Gray zone in the Philippines	<ul style="list-style-type: none"> Reject jurisdiction Promulgate propaganda about historical claims Make diplomatic statements to portray peace-loving character Ban agricultural products Issue travel warning Accuse the Philippines of provoking trouble, with US backing Submit baselines of territorial waters of Scarborough Shoal and nautical charts to UN 	<ul style="list-style-type: none"> Construct and militarize artificial islands Interfere in resource exploration Make coast guard ships a persistent presence Conduct maritime militia operations 	<ul style="list-style-type: none"> Conduct live-fire drills (example: July 2016, after the 2016 arbitration decision) Ramming incident near Reed Bank in June 2019 Blockade of Second Thomas Shoal in November 2021 Laser incident in February 2023 Collision and crew injury at Second Thomas Shoal in June 2024
Counteraction	<ul style="list-style-type: none"> Employ diplomatic protests Make assertive statements Take legal steps to demarcate Philippine territory and reinforce sovereignty Transform Chinese actions into an environmental issue 	<ul style="list-style-type: none"> Surveil and monitor Engage in group deterrence Strengthen maritime security cooperation 	<ul style="list-style-type: none"> Joint coast guard exercise Surveil and monitor Expose actions to the public Acquire new vessels Employ diplomatic protests

Sources: Author’s categorization using Dr. Michael J. Mazarr’s spectrum of gray-zone strategy.