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USINDOPACOM Legal Vigilance Update

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PREVAIL

Teammates,

Below please find the 42nd 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:

"China has destroyed more than 4,000 acres of reef in the Spratly and Paracel Islands, which it has covered over. It's severely destroyed at least another 20,000 acres of the seabed and reefs that it's dug up to make the sand. That is easily, and there's not even anything comparable, the most egregious intentional destruction of coral reefs in human history...it's complete indiscriminate destruction."

Gregory Poling

Director, CSIS Asia Maritime Transparency Initiative

[Henry Schwartz, Intelligence reveals scale of China's base-building in the South China Sea \(ABC, Jul. 29, 2025\)](#)

- 29 July 2025: new article highlights the scope and scale of China's destructive and destabilizing artificial island buildup in the South China Sea.
 - **Bottom-line:** using recent satellite imagery from CSIS' Asia Maritime Transparency Initiative, the Australian Broadcasting Company (ABC) documented China's destabilizing and environmentally destructive island building campaign in the South China Sea (SCS).
 - References:
 - [Henry Schwartz, Intelligence reveals scale of China's base-building in the South China Sea \(ABC, Jul. 29, 2025\)](#)
 - Key points:
 - China has built a 3,200-hectare network of military bases in the South China Sea, destroying vast areas of coral reef and seabed.
 - China's artificial island-building campaign in the SCS is part of its ongoing effort to enforce its coercive and legally baseless "nine-dash line" claim, which seeks to assert control over virtually all features in the South China Sea, including those located within the exclusive economic zones (EEZs) of multiple Southeast Asian nations.



Fiery Cross Reef in 2009, before China's construction started. / Fiery Cross Reef in 2020.

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- ***“The [nine] dash line is a revisionist historical fantasy by China's Communist Party, but that doesn't make it any less dangerous,”*** said Dr. Abdul Rahman Yaacob, a research fellow at the Lowy Institute.
- Gregory Poling, director of CSIS' AMTI, said: “What [used to be] an occasional point of friction between China and its neighbors has now become a 24-hour-a-day, seven-day-a-week campaign of coercion. It's made possible by that island-building spree.”
- According to the 2016 South China Sea Arbitral Tribunal, ***there is “no doubt that China's artificial island-building activities on the seven reefs in the Spratly Islands have caused devastating and long-lasting damage to the marine environment.”***
- The Arbitral Tribunal concluded that, “through its construction activities, China has breached its obligation under [UNCLOS] Article 192 to protect and preserve the marine environment, has conducted dredging in such a way as to pollute the marine environment with sediment in breach of Article 194(1), and has violated its duty under Article 194(5) to take measures necessary to protect and preserve rare or fragile ecosystems as well as the habitat of depleted, threatened or endangered species and other forms of marine life.”
- The 2016 Arbitral Tribunal decision is legally binding on both the Philippines and China, and the United States calls on China to abide by the ruling and to cease its dangerous and destabilizing conduct.



Military emplacements at Mischief Reef include advanced radar systems, missile storage facilities, and hangars for fighter planes. (Supplied: CSIS Asia Maritime Transparency Initiative/Maxar)

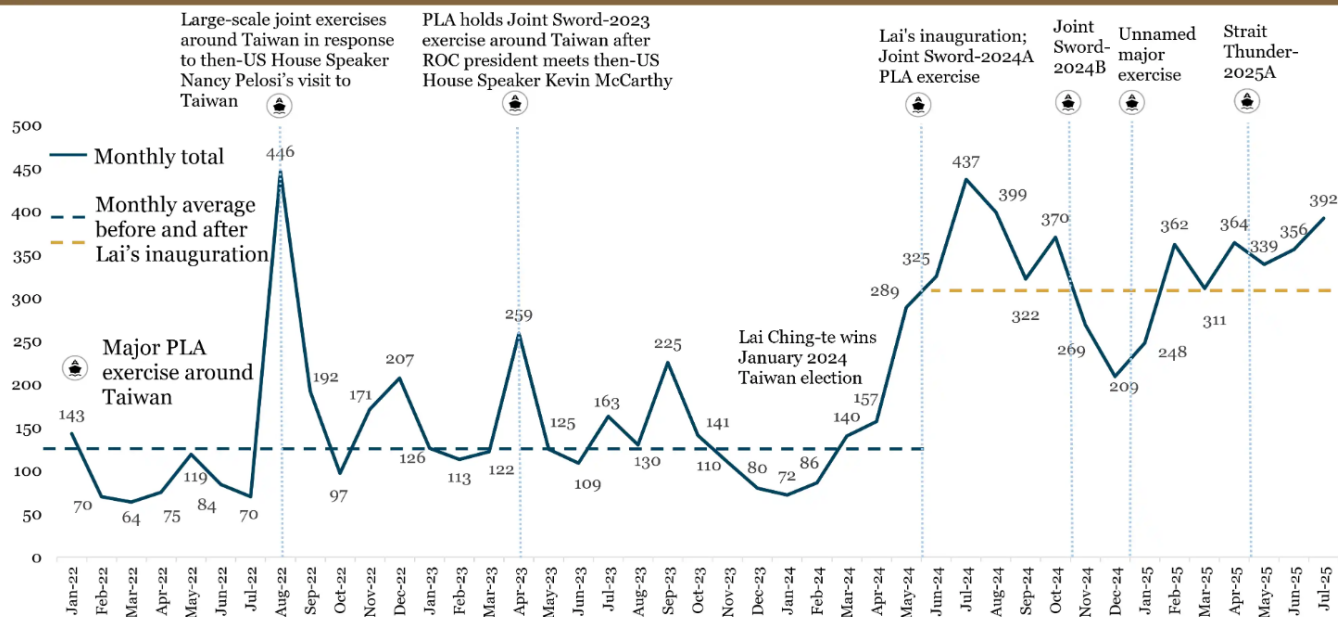
- **July 2025:** China continues coercive and destabilizing military activities in the vicinity of Taiwan.
 - **Bottom-line:** PLA aerial flights into Taiwan's Air Defense Identification Zone (ADIZ) reached their highest level in the past year, representing ***one of the many aspects of China's intensifying coercion against Taiwan and destabilizing regional influence.***
 - **References:**
 - [China-Taiwan Weekly Update, August 1, 2025 \(Institute for the Study of War, Jul. 30, 2025\)](#)
 - **Key points:**
 - Reports state that ***“the PRC has normalized a higher frequency of ADIZ incursions to degrade Taiwan's threat awareness and response threshold and to probe response protocols.”***

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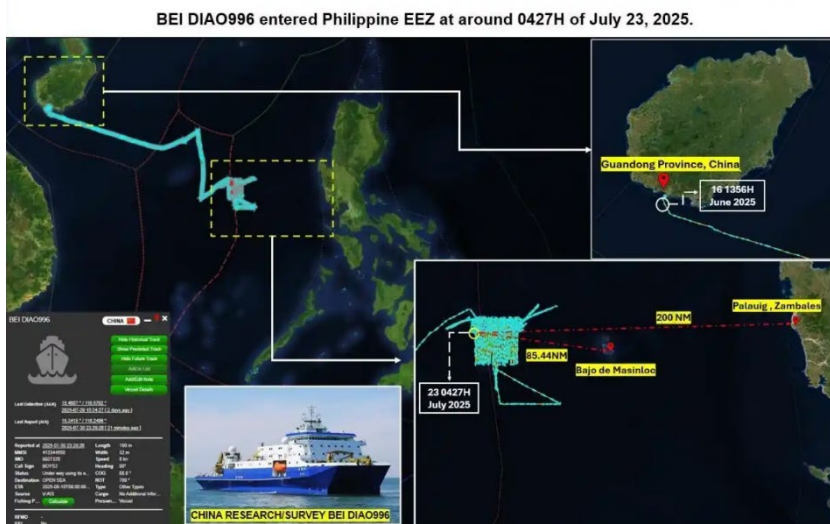
- The [United States continues to have an abiding interest in peace and stability across the Taiwan Strait](#) and expects cross-Strait differences to be resolved by peaceful means, free from coercion, in a manner acceptable to the people on both sides of the Strait.



Monthly PRC Incursions into Taiwan's ADIZ, 2022 - Present



- 30 July 2025:** Philippine Coast Guard reports **China-flagged research vessels operating in Philippines Exclusive Economic Zone (EEZ)**.
 - Bottom-line:** the PCG suspected three China-flagged research vessels of conducting unauthorized marine scientific research (MSR) in the Philippines' EEZ—despite international law as reflected in UNCLOS Article 248 establishing a **duty for states wishing to conduct MSR in a foreign EEZ to provide notice and receive consent from the coastal state**.
 - References:**
 - [Philippine Coast Guard Monitors Unauthorized Chinese Research Vessels in Philippine EEZ \(PCG Spokesperson Jay Tarriela, Jul. 30, 2025\)](#)
 - [Philippines sounds alarm over unauthorized entry of three Chinese research vessels in national waters \(Maritime Fairtrade, Aug. 1, 2025\)](#)
 - Key points:**
 - On July 30, 2025, Philippine Coast Guard spokesperson Commodore Jay Tarriela reported: “The Philippine Coast Guard (PCG), utilizing Canada's Dark Vessel Detection Program, has effectively tracked three Chinese research vessels operating



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without authorization in the Philippines' Exclusive Economic Zone (EEZ). These vessels are suspected of engaging in illegal marine scientific research (MSR), prompting the PCG Commandant, Admiral Ronnie Gil Gavan, to issue immediate orders to intercept and challenge them.”

- ***Under the rules for [marine data collection](#), coastal state rights in the EEZ include jurisdiction over foreign marine scientific research (MSR) – as such, foreign states seeking to conduct MSR in the EEZ must provide notification and receive consent from the coastal state.***
- China appears to use marine data collection as a mechanism to assert its excessive claims and deny other states from exercising their sovereign rights – a double standard given the assertiveness with which China attempts to excessively [regulate data collection](#) in its EEZ.
- Notably – the United States also vigilantly monitors and responds to foreign government vessel activity in and near U.S. waters that may affect sovereign U.S. interests.
- For example, on July 26, 2025, [the U.S. Coast Guard detected and responded](#) to the China-flagged research ship Xue Long 2 on the U.S. Extended Continental Shelf (ECS) in the U.S. Arctic, approximately 290 NM north of Utqiagvik, Alaska.
 - The U.S. has exclusive rights to conserve and manage the living and non-living resources of its ECS.



- **31 July 2025:** U.S. and Republic of Korea reaffirm commitment to complete denuclearization of the Democratic People's Republic of Korea (DPRK) and deterrence/resilience against regional security threats.
 - **Bottom-line:** during a meeting in Washington, Secretary of State Marco Rubio and Republic of Korea (ROK) Foreign Minister Cho Hyun reaffirmed their resolute commitment to the complete denuclearization of the DPRK, the full implementation of international sanctions, and expressed serious concerns about North Korea's increasing military cooperation with Russia.
 - **References:**
 - [Secretary Rubio's Meeting with ROK Foreign Minister Cho \(Dep't of State Office of the Spokesperson, Jul. 31, 2025\)](#)
 - **Key points:**
 - ***Both leaders emphasized that maintaining peace and stability across the Taiwan Strait is an indispensable element of security and prosperity for the international community.***
 - The leaders also discussed the importance of continuing to advance U.S.-ROK-Japan trilateral cooperation, which plays a vital role in deterrence and resilience against regional security threats.



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- 26 July 2025: U.S., UK, and EU condemn Hong Kong's new arrest warrants targeting overseas activists.
 - **Bottom-line:** the *Hong Kong government has issued new arrest warrants and bounties targeting 19 overseas activists who are exercising their fundamental freedoms – an attempt to apply its national security laws extraterritorially and intimidate/silence individuals outside of Hong Kong.*
 - References:
 - [Hong Kong issues arrest warrants for 19 activists based overseas \(The Guardian, Jul. 26, 2025\)](#)
 - Key points:
 - Hong Kong's national security police have issued arrest warrants for 19 activists based overseas, accusing them of subversion under a stringent national security law, marking the largest such tally yet.
 - The United States, United Kingdom, and European Union have strongly condemned these measures as extraterritorial overreach aimed at silencing protected speech abroad.
 - [The United States State Department said](#): "The extraterritorial targeting of Hong Kongers who are exercising their fundamental freedoms is a form of transnational repression. We will not tolerate the Hong Kong government's attempts to apply its national security laws to silence or intimidate Americans or anyone on U.S. soil."
 - [The UK Foreign Secretary and Home Secretary said](#): "The UK strongly opposes the National Security Law, which has eroded the rights and freedoms of Hong Kongers. We call on the Chinese and Hong Kong authorities to end the deliberate targeting of opposition voices in the UK and elsewhere."
 - [The European Union said](#): "The EU is deeply concerned about the continued extraterritorial application of the National Security Law and the ongoing transnational repression of opposition voices."
 - China and Hong Kong authorities continue to use "national security" as a broad and vague basis to undermine the rule of law and protected rights and freedoms.
 - [According to a March 2025 U.S. Department of State report to Congress](#), *"under the supervision of the central government, Hong Kong authorities [continue to use] the Beijing-imposed 2020 National Security Law (NSL) to further erode the rule of law in Hong Kong and undermine the human rights and fundamental freedoms of people in Hong Kong, as well as to harass and intimidate individuals outside of its borders."*
- 1 August 2025: India's operational deployment to South China Sea features joint patrol with Philippines.
 - **Bottom-line:** the Philippines and India will conduct their first-ever bilateral Maritime Cooperative Activity (MCA) in the South China Sea, reinforcing freedom of navigation.
 - References:
 - [Indian, Philippine Navies to Hold First South China Sea Joint Patrol \(USNI, Aug. 1, 2025\)](#)
 - Key points:
 - While both nations have conducted numerous drills in the South China Sea, this will be the first time India participates in a MCA with Philippine forces.
 - Compared to previous navy-to-navy engagements, such as joint sails, passing exercises and maritime partnership exercises,



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MCAs tackle force interoperability and demonstrate support for the Philippines amid China's increasingly reckless and destabilizing behavior in the South China Sea.

- MCAs help to ***preserve peace and stability, uphold freedom of navigation and overflight, and maintain the free flow of trade in the Indo-Pacific.***
- The Armed Forces of the Philippines in a news release described MCAs as “vital engagements between nations aimed at maintaining peace and stability in international waters.”
- India follows the U.S., Australia, Japan, Canada and France in teaming up with Philippine forces in the South China Sea through an MCA.