



# USINDOPACOM Legal Vigilance Update

## Issue #49, 3 October 2025

PREVAIL

Teammates,

Below please find the 49<sup>th</sup> 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 made the law a weapon. We must make the law a shield, a shield and a signal. They declared laws unilaterally and then apply them retroactively. They pressure nations to concede sovereign rights that nations lawfully possess. They use false claims of legitimacy to justify coercion. This is not the rule of law, this is the rule by law, and that distinction between law as a tool of order versus a tool of power is the fault line of our time.”***

Admiral Samuel J. Paparo, Commander of U.S. Indo-Pacific Command

[Remarks at U.S. Indo-Pacific Command's 36<sup>th</sup> Annual Military Law and Operations \(MILOPS\) Conference](#)  
September 8, 2025

- 30 September 2025: China releases misrepresentative position paper on UN General Assembly Resolution (UNGAR) 2758.
  - **Bottom-line:** contrary to China's assertion, ***UNGAR 2758 did not recognize China's sovereignty over Taiwan or endorse China's "one China principle," nor did it bar Taiwan's meaningful participation in international forums*** — rather, UNGAR 2758 merely recognized the People's Republic of China representatives as “the only legitimate representatives of China to the United Nations.”
    - References:
      - [China's Position Paper on the United Nations General Assembly Resolution 2758 \(Permanent Mission of the People's Republic of China to the UN, Sep. 30, 2025\)](#)
      - [Bonnie S. Glaser, Jacques deLisle, Exposing the PRC's Distortion of UN General Assembly Resolution 2758 to Press its Claims Over Taiwan \(German Marshall Fund, Apr. 30, 2024\)](#)
    - Key Points:
      - In a new (and factually inaccurate) position paper on UNGAR 2758, the People's Republic of China Permanent Mission to the UN perpetuates the misleading narrative that UNGAR 2758 confirmed China's territorial sovereignty over Taiwan — a coercive and factually inaccurate attempt to provide international legitimacy to China's sovereignty claims.
      - In fact, while UNGAR 2758 recognized the People's Republic of China representatives as “the only legitimate representatives of China to the United Nations,” ***UNGAR 2758 did not establish China's sovereignty over Taiwan, endorse China's "one China***

**2758 (XXVI). Restoration of the lawful rights of the People's Republic of China in the United Nations**

*The General Assembly,  
Recalling the principles of the Charter of the United Nations,*

*Considering that the restoration of the lawful rights of the People's Republic of China is essential both for the protection of the Charter of the United Nations and for the cause that the United Nations must serve under the Charter,*

*Recognizing that the representatives of the Government of the People's Republic of China are the only lawful representatives of China to the United Nations and that the People's Republic of China is one of the five permanent members of the Security Council,*

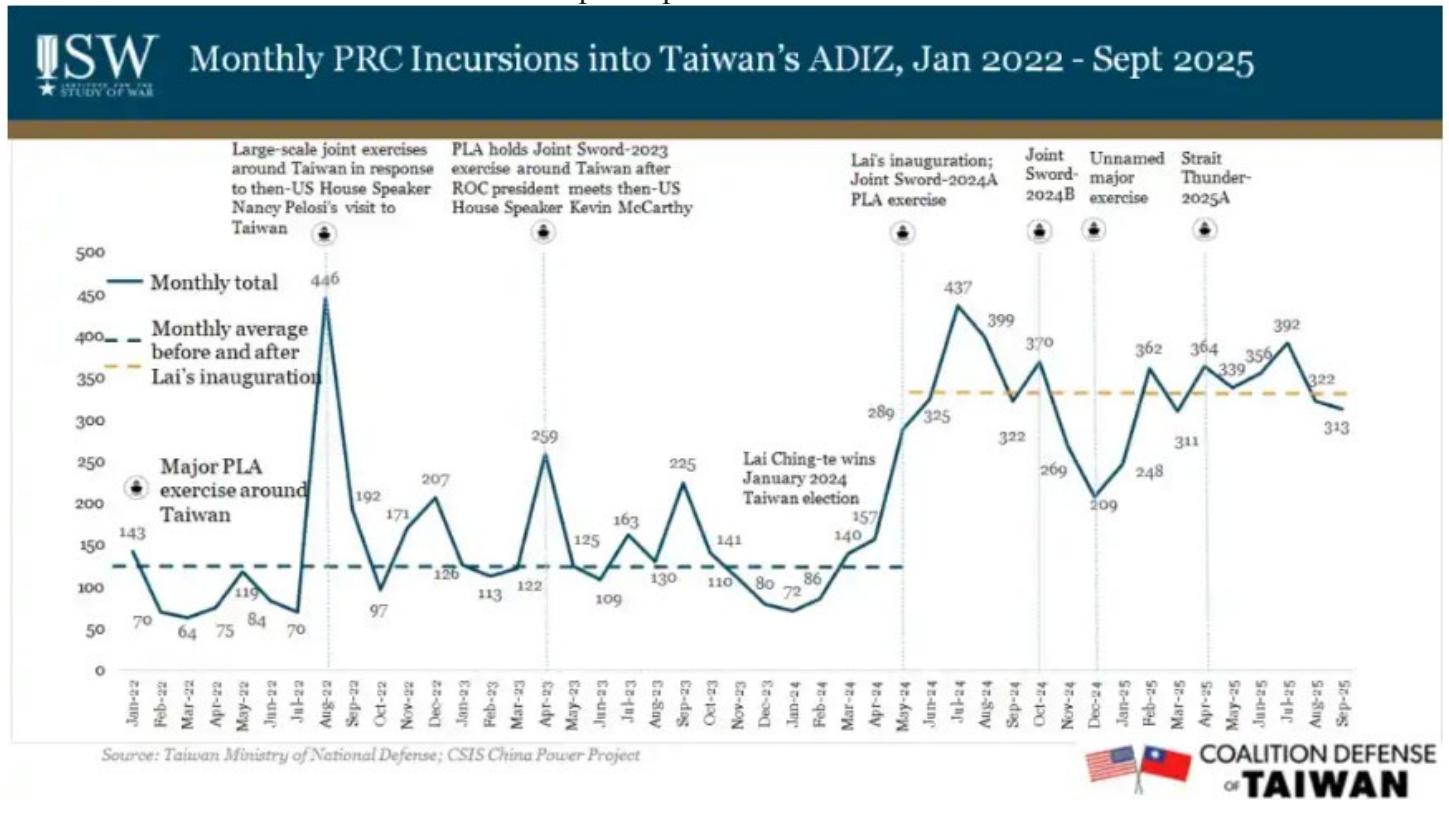
*Decides to restore all its rights to the People's Republic of China and to recognize the representatives of its Government as the only legitimate representatives of China to the United Nations, and to expel forthwith the representatives of Chiang Kai-shek from the place which they unlawfully occupy at the United Nations and in all the organizations related to it.*

*1976th plenary meeting,  
25 October 1971.*

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*principle,” or bar Taiwan’s meaningful participation in international forums.*

- Articulation of the facts of UNGAR 2758 — i.e. that it does not establish or affirm China’s claim that Taiwan is an inalienable part of China’s territory, nor does it bar Taiwan from meaningful participation in international organizations — can serve an important function in countering China’s lawfare.
- In contrast to China’s coercive “one China principle,” [the United States maintains a longstanding one China policy](#) rooted in an abiding interest in peace and stability across the Taiwan Strait — with the expectation that cross-Strait differences will be resolved by peaceful means, free of coercion, in a manner acceptable to the people on both sides of the Strait...and with firm support for Taiwan’s meaningful participation in international organizations, including membership where applicable.
- September 2025: China continues trend of increasingly destabilizing military activities near Taiwan Strait.
  - **Bottom-line:** in what is widely seen as destabilizing activity designed to coerce/intimidate Taiwan, **China maintained its pattern of provocative naval and air operations near Taiwan and Taiwan’s outlying islands in September 2025.**
    - References:
      - [China-Taiwan Weekly Update \(Institute for the Study of War, Oct. 3, 2025\)](#)
    - Key Points:
      - Taiwan’s Ministry of National Defense reported 313 PLA sorties that crossed the median line of the Taiwan Strait and entered Taiwan’s ADIZ in September.
      - Additionally, China’s Coast Guard (CCG) operated in Kinmen’s restricted waters on four occasions and Pratas’ contiguous zone on three occasions in September 2025, highlighting China’s normalization of such activities.
      - China’s activities in the Taiwan Strait and around Kinmen are increasingly seen as an effort to intimidate Taiwan, reduce Taiwanese threat awareness and readiness, and test Taiwanese response protocols.

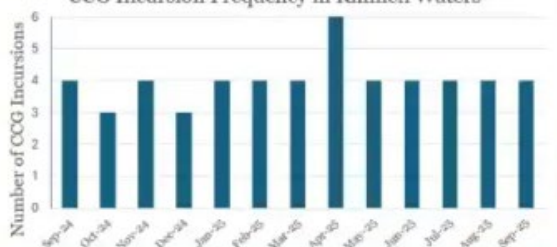


### About the Kinmen Islands

Kinmen is a Taiwan-controlled island group and county located three kilometers (1.9 miles) from the PRC's coast. The PRC claims the islands as its own, and its coast guard has regularized incursions around the island since February 2024.

Taiwan does not claim any territorial waters around Kinmen partly due to its proximity to the PRC, but it designates "prohibited" and "restricted" waters around Kinmen which it treats as equivalent to territorial waters and a contiguous zone, respectively. Kinmen is home to about 140,000 people, including about 3,000 garrisoned soldiers.

CCG Incursion Frequency in Kinmen Waters



### Restricted and Prohibited Waters around Taiwan's Kinmen Islands



Sources: Taiwan CGA, CDOT-ISW's China-Taiwan Weekly Updates

### History

**Feb. 14, 2024** – A fishing boat capsized in Kinmen's territorial waters as it was fleeing from a Taiwanese Coast Guard inspection, killing two PRC nationals.

**Feb. 18, 2024** – The CCG announced that it will conduct regular inspections in waters around Kinmen.

**July 30, 2024** – The PRC and Taiwan successfully negotiated a resolution to the February 14 capsizing incident. The PRC returned Taiwanese fishermen it had detained but continued regular incursions into waters around Kinmen.


**COALITION DEFENSE OF TAIWAN**

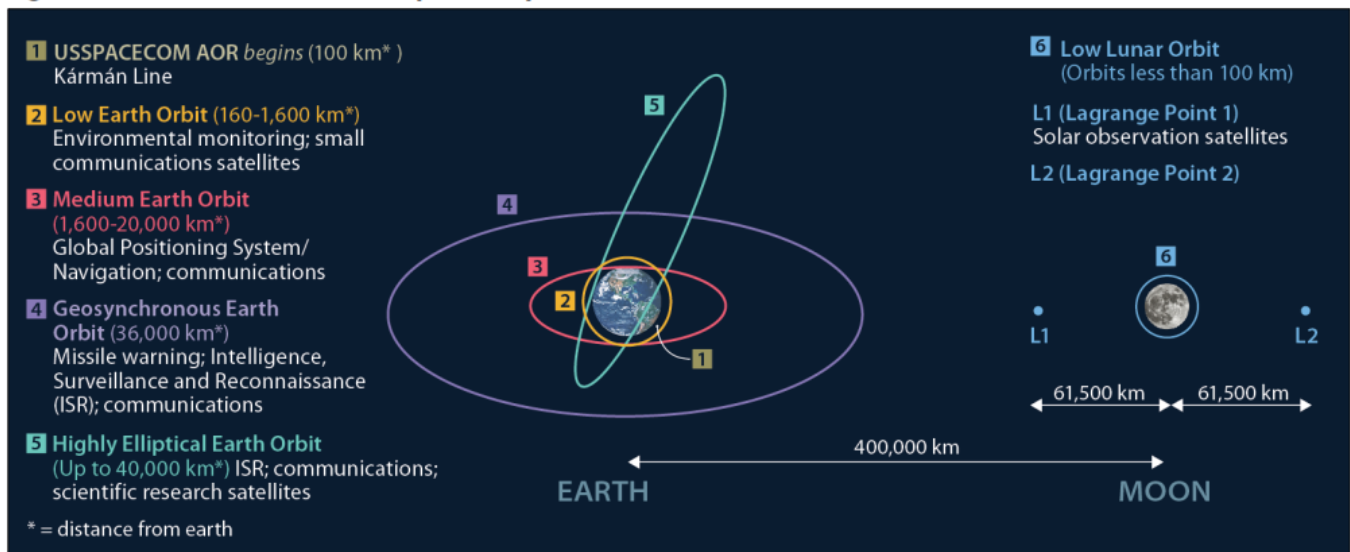
- 2 October 2025: Papua New Guinea cabinet approves defense treaty with Australia.
  - **Bottom-line: a landmark defense treaty between Australia and Papua New Guinea – Australia's first new alliance in more than 70 years – has been approved**, with PNG's Prime Minister James Marape saying it will elevate the two countries' security relationship to "its highest level in history."
    - References:
      - [Nick Sas and Stephen Dzedzic, Papua New Guinea's cabinet approves 'Pukpuk' defense treaty with Australia \(ABC News, Oct. 1, 2025\)](#)
    - Key Points:
      - The signing of the Papua New Guinea-Australia Mutual Defense Treaty – the Pukpuk Treaty – will elevate the defense relationship between Papua New Guinea and Australia to an Alliance.
      - The [core principles](#) of the Pukpuk Treaty include:
        - **a mutual defense Alliance which recognizes that an armed attack on Australia or Papua New Guinea would be a danger to the peace and security of both countries;**
        - expansion and modernization of the parties' defense relationship, including by setting out their shared ambition to establish a recruitment pathway for Papua New Guinea citizens into the Australian Defense Force;
        - strengthening and expanding defense cooperation through enhanced capability, interoperability and integration;
        - ensuring any activities, agreements or arrangements with third parties would not compromise the ability of either of the Parties to implement the Treaty; and
        - reaffirming both countries' absolute respect for their neighbors' sovereignty, independence and territorial integrity.

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- In announcing the PNG cabinet’s approval of the treaty, Prime Minister Marape also revealed plans under the treaty for as many as 10,000 Papua New Guineans to serve with the Australian Defense Force.
  
- 2 October 2025: China continues to advance “near space” narrative in example of China’s legal warfare.
  - **Bottom-line:** a new article addresses China’s legal warfare in relation to “near space,” noting that “no principle of either treaty law or customary international law recognizes any zone between air space and outer space in which different rules apply.”
    - References:
      - [Todd Pennington and Emmy Kanarowski, China’s ‘near space’ legal warfare \(SpaceNews, Oct. 2, 2025\)](#)
      - [U.S. Indo-Pacific Command Tactical Aid, High-Altitude Balloons](#)
    - Key Points:
      - A new article finds that the term “near space” “has no legal significance as a place, since under international law airspace extends all the way to where outer space begins,” and “no particular strategic insight or legal clarity is gained through usage of the term near space.”
      - The authors of the article liken China’s “near space” narrative to its lawfare in the South China Sea, stating:

***“the common attributes of China’s near space legal warfare narrative and its better-known unlawful actions in the South China Sea should be highlighted. Each illustrates the problems associated with the other. Each involves China asserting a contrived boundary under international law (the so-called “nine-dash line,” in the South China Sea). China seems to view its legal warfare in each case as providing a pretext of legitimacy for unlawful activities there. Each is characterized by a Chinese narrative expressed consistently over time, and by gradual escalation in the severity of unlawful Chinese actions. These are the hallmarks of a deliberate policy. China’s approach to the South China Sea has predictive value for what China is likely to do in other places of emerging strategic importance, such as the high-altitude airspace it calls near space.”***
      - The term “near space” has no meaning in international law – there is only airspace and outer space and **propagation of the term “near space” is likely an attempt by the PLA’s legal warfare arm to foment a gray zone in which to execute unlawful surveillance under a false veneer of legitimacy.**

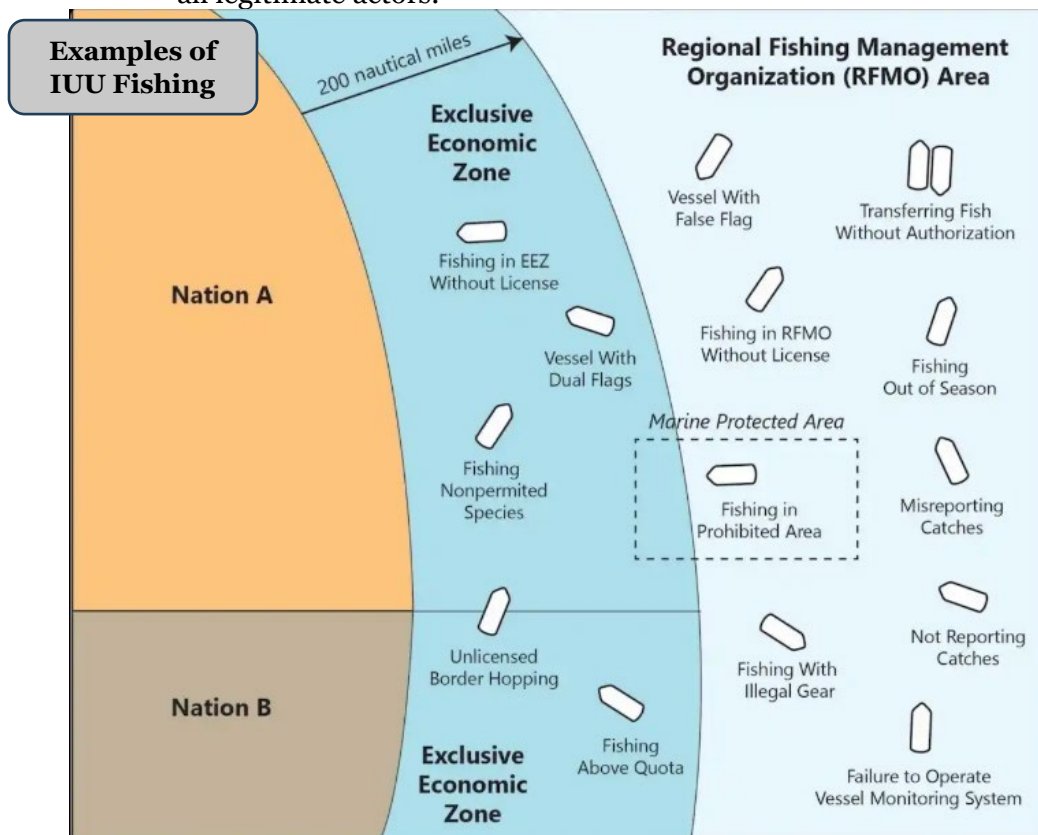
**Figure 1. SPACECOM Area of Responsibility**



**Source:** CRS figure based on information from National Aeronautics and Space Administration and Air University.

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- 28 September 2025: new article highlights the role and risks of fraudulent flags in illegal fishing.
  - **Bottom-line:** in a new article, Dr. Ian Ralby highlights how “foreign fishing vessels, often in areas far from the Caribbean, are using the flag states of the Caribbean region, but none of those vessels are actually registered in the Caribbean” – which in turn “degrades the reputation of those states, undermines the rule of law, and raises questions of state responsibility.”
    - References:
      - [Dr. Ian Ralby, \*Fraudulent Flags in Illegal Fishing: State Risks and Obligations \(The Maritime Executive, Sep. 28, 2025\)\*](#)
    - Key Points:
      - Dr. Ralby observes that Article 91 of UNCLOS “clarifies that there must be a ‘genuine link’ between the flag state and the vessel,” but that “[w]hat we see, in reality, is that there are dozens of vessels appearing to be flying the flag of a state to which they have no link at all and whose laws and responsibilities they have no plan to commit to or comply with.”
      - According to Dr. Ralby, “[t]he preponderance of these illegitimately flagged vessels are in East Asia, with the overwhelming majority in China.”
      - Dr. Ralby recommends that, “[f]or the states whose flags are being exploited in this fashion, there is a need to be proactive in clarifying to the world that they are not taking responsibility for these vessels, as they are not legitimately registered.”
      - Dr. Ralby notes that “the issue of fraudulent flagging may soon present a camouflaged combination of illicit activities – bad actors broadcasting identities as fishing vessels, using registries with which they have no affiliation, while actually operating as cargo vessels, carrying sanctioned or illicit cargo.”
      - Concluding that “**clear, transparent and unequivocal communication is the only way to try to guard against the harm that can come from high-risk fishing operators fraudulently availing themselves of the flags of Caribbean States,**” Dr. Ralby notes that “the maintenance of the rule of law at sea – and thus our global maritime system – requires the collaborative participation of all legitimate actors.”



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- 19 September 2025: executive from China-based chemical company jailed for 25 years in U.S. for trafficking fentanyl chemicals.
  - **Bottom-line: the U.S. Department of Justice announced that an executive for a China-based company has been sentenced to 25 years in prison following his conviction in New York in February of fentanyl precursor importation and money laundering.**
    - References:
      - [Chinese executive jailed for 25 years in US for trafficking fentanyl chemicals \(The Guardian, Sep. 19, 2025\)](#)
    - Key Points:
      - Qingzhou Wang, 37, principal executive of Amarvel Biotech, a company based in Wuhan, and Yiyi Chen, 33, the firm's marketing manager, were convicted in New York in February of fentanyl precursor importation and money laundering.
      - The U.S. District Court sentenced Wang to 25 years in prison on 19 September – Chen was sentenced to 15 years in prison on 22 August.
      - Hubei Amarvel Biotech company (aka AMARVEL BIOTECH) was a chemical manufacturer based in the city of Wuhan, in Hubei province, China, that exported vast quantities of the precursor chemicals used to manufacture fentanyl and its analogues.
      - Fentanyl and its analogues have devastated communities across the U.S. and are fueling the ongoing opioid epidemic, which killed at least 105,263 Americans between February 2022 and January 2023 alone.
      - As part of the operation, U.S. authorities shut down multiple illicit websites and seized approximately \$900,000 in cryptocurrency linked to drug sales.
      - The prosecution marked the first time the United States had charged China-based companies for trafficking fentanyl precursor chemicals inside the United States.