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# USINDOPACOM Legal Vigilance Update

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PREVAIL

Teammates,

Below please find the 33<sup>rd</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/>.

- 21 May 2025: China Coast Guard (CCG) aggressively interferes with Philippines fisheries vessels in South China Sea.

- **Bottom-line:** a *CCG vessel water cannoned and sideswiped a Philippine Bureau of Fisheries and Aquatic Resources (BFAR) research vessel, recklessly endangering scientists aboard and damaging the BFAR vessel's bow and smokestack.*

- References:

- [Cristina Chi, China blasts BFAR vessel with water cannon for the first time near Pag-asa \(Philstar.com, May 22, 2025\)](#)
- [Philippines accuses China of 'aggressive' tactics in South China Sea \(Al Jazeera, May 22, 2025\)](#)

- Key points:

- The two BFAR-owned vessels (BRP Datu Sanday and BRP Datu Pagbuaya) were on a research mission in the vicinity of Sandy Cay when the CCG aggressively interfered with the mission, sideswiping and water cannoning *BRP Datu Sanday*.
- The CCG's reckless and aggressive behavior resulted in damage to *BRP Datu Sanday*'s port bow and smokestack, and also endangered the lives of the civilian personnel onboard.
- The Philippines [captured aerial and surface video of the incident](#).
- [U.S. Ambassador to the Philippines MaryKay Carlson said](#): "The **China Coast Guard's aggressive actions against a lawful Philippines civilian mission near Sandy Cay recklessly endangered lives and threaten regional stability. We stand with our Philippine allies in support of international law and a free and open Indo-Pacific.**"
- The [U.K. Ambassador to the Philippines Laure Beaufils said](#): "The UK condemns latest dangerous activity by the Chinese Coast Guard against Philippines civilian vessels near Sandy Cay today, risking lives & raising tensions. A worrying escalation of behaviour. International law & the legally binding 2016 Arbitral Award must be respected."



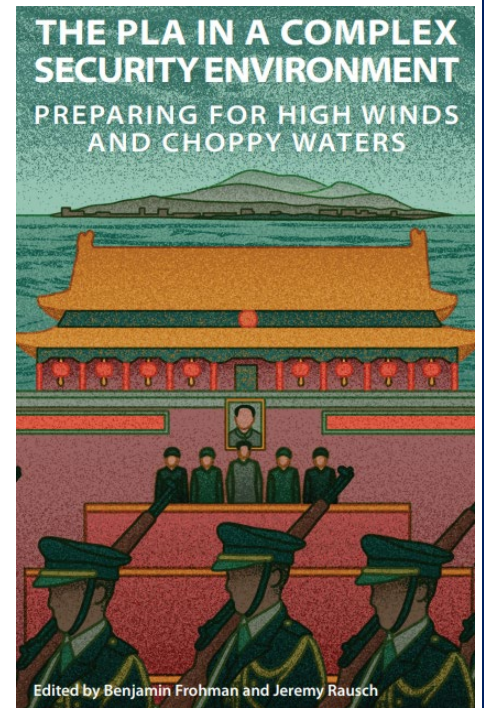
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- 22 May 2025: U.K. hands Chagos Islands over to Mauritius in agreement that preserves effective operation of the joint U.S.-UK military facility at Diego Garcia.
  - **Bottom-line:** *United Kingdom has signed a deal to hand over sovereignty of the Chagos Islands to Mauritius, in an agreement Britain says will also ensure the future of a strategically important U.S. military base.*
    - References:
      - [Fatima Al-Kassab, The U.K. hands Chagos Islands over to Mauritius but says it will secure a U.S. base \(NPR, May 22, 2025\)](#)
      - [Secretary of State Marco Rubio, U.S. Support for UK and Mauritius Agreement on Chagos Archipelago \(May 22, 2025\)](#)
    - Key points:
      - The Chagos Islands are an archipelago in the middle of the Indian Ocean.
      - The U.K. and Mauritius have signed an agreement stating "Mauritius is sovereign over the Chagos Archipelago in its entirety, including Diego Garcia."
      - However, under the deal, the U.K. can continue leasing Diego Garcia [the site of a strategically important joint U.S.-UK military facility] for at least 99 years.
      - In announcing the deal, British Prime Minister Keir Starmer told reporters that "the strategic location of this base is of the utmost significance to Britain" and the deal was "one of the most significant contributions that we make to our security relationship with the United States."
      - Following a comprehensive interagency review, the U.S. determined that the U.K.-Mauritius agreement secures the long-term, stable, and effective operation of the joint U.S.-UK military facility at Diego Garcia.
- 20 May 2025: new article highlights how China's shadow fleet targets Taiwan's undersea cables in legal gray Zone operations.
  - **Bottom-line:** *China is executing a deliberate campaign of civil-exploitation lawfare against Taiwan's undersea cables—masking state-sponsored sabotage behind a fleet of foreign-flagged vessels with ambiguous ownership and civilian pretext.*
    - References:
      - [Micah McCartney, China Research Ship 'Loitering' Near Undersea Cables: Report, \(Newsweek, May 21, 2025\)](#)
      - [Tim Boyle, China's Shadow Fleet and the War on Taiwan's Undersea Cables, \(Just Security, May 20, 2025\)](#)
      - [Jonathan Bentham, Subsea advances and challenges for the Asia-Pacific, \(International Institute for Strategic Studies, May 16, 2025\)](#)
    - Key points:
      - Beijing is waging gray-zone warfare on Taiwan's digital infrastructure, using shadow fleet vessels—often flagged to third countries and crewed by Chinese nationals—to map, monitor, and sever undersea cables with plausible deniability.



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- These operations exploit UNCLOS's flag-state jurisdiction and enforcement gaps, allowing cable saboteurs to operate outside territorial seas with near-total impunity while hiding behind legal protections for civilian maritime activity.
  - Undersea cables are high-value, high-risk targets. Taiwan is linked to the global economy through 14 international submarine cables and their disruption could isolate Taiwan digitally, destabilize markets, and delay military or diplomatic coordination during a crisis.
  - **Recent incidents show growing brazenness and sophistication, with Chinese research vessels observed "loitering" near critical cable landing zones, operating with tracking systems disabled or transmitting false AIS data—part of a broader campaign of reconnaissance and coercion.**
- 15 May 2025: new volume analyzes PLA strategic thinking and posture.
    - **Bottom-line:** a new book from the 2023 PLA Conference—co-hosted by INDOPACOM's China Strategic Focus Group—explores how China's leaders view external threats and opportunities, and how these views are shaping PLA strategy, modernization, and regional posture across the Taiwan Strait, Southeast Asia, and the South Pacific.
      - References:
        - [\*The PLA in a Complex Security Environment: Preparing for High Winds and Choppy Waters\* \(edited by Benjamin Frohman and Jeremy Rausch, The National Bureau of Asian Research, May 15, 2025\)](#)
      - Key points:
        - In his foreword, ADM Paparo writes:  
*China continues its aggressive military buildup through a rising defense budget, a rapidly modernizing conventional force, an exponential increase in space-based capabilities, and an alarming nuclear weapons expansion. Beijing also continues to wage increasingly aggressive gray-zone operations against U.S. allies and partners in the Indo-Pacific region, significantly raising the risk of an incident or miscalculation that could lead to loss of life or spark a wider conflict. In the Taiwan Strait, Beijing is employing all elements of comprehensive national power to coerce Taiwan and the international community to accept that unification is, in fact, inevitable. Although China claims it prefers to achieve unification through peaceful means, Xi Jinping will not renounce the use of force. These actions pose an important question for the U.S. Department of Defense, interagency, and broader China-watching community: to what extent is Xi preparing China for war?*
        - In their chapter on China's Military Strategy and Posture in an Increasingly Complex Security Environment, Benjamin Frohman and Jeremy Rausch write:  
*From the China-India border to the Senkaku Islands in the East China Sea and the CCP's sweeping sovereignty claims over Taiwan and the South China Sea, recent years have witnessed increasingly aggressive actions by the PLA to assert control over territory the CCP believes to be vital to the "great rejuvenation of the Chinese nation."*



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- 21 May 2025: China prevents Taiwan's meaningful participation in World Health Assembly.
  - **Bottom-line:** member states of the World Health Organization rejected a proposal to invite Taiwan to its annual assembly in Geneva after China voiced opposition based on a false narrative regarding UN General Assembly Resolution 2758.
    - References:
      - [Bid to invite Taiwan to WHA rejected on first day \(Taipei Times, May 21, 2025\)](#)
      - [World Health Organization countries don't invite Taiwan to annual assembly \(Reuters, May 19, 2025\)](#)
    - Key points:
      - A proposal to invite Taiwan to this year's World Health Assembly (WHA) was rejected on Monday, resulting in Taipei's absence from the annual meeting for a ninth consecutive year, although partners spoke up for Taiwan's participation at the first day of the meeting.
      - China's permanent representative to the UN office at Geneva cited UN Resolution 2758 to falsely argue that China fully represents Taiwan and that raising the issue of Taiwan's participation amounts to interference in China's internal affairs.
      - Belize and Saint Vincent and the Grenadines—two of Taiwan's 12 diplomatic allies—supported Taiwan's meaningful participation and challenged China's interpretation of UN Resolution 2758, reportedly stating that UNGAR 2758 does not “confirm Taiwan to be part of any other nation.”
      - Contrary to China's misinformation, UNGAR 2758 does not establish or affirm the China's claim that Taiwan is an inalienable part of China's territory, nor does it bar Taiwan from membership in international organizations where statehood is not a requirement.
      - ***The United States supports Taiwan's meaningful participation in international organizations, including membership where applicable.***
- 17 May 2025: 30th Anniversary of the Panchen Lama's disappearance.
  - **Bottom-line:** this year marks the ***30<sup>th</sup> anniversary of the disappearance of six-year-old Panchen Lama Gedhun Choekyi Nyima, who was abducted by Chinese authorities days after the Dalai Lama recognized him as an important Tibetan Buddhist leader.***
    - References:
      - [Secretary of State Marco Rubio, 30<sup>th</sup> Anniversary of the Panchen Lama's Disappearance \(May 18, 2025\)](#)
    - Key points:
      - Secretary of State Rubio stated that “Chinese authorities should release Gedhun Choekyi Nyima immediately and stop persecuting Tibetans for their religious beliefs.”
      - ***China's actions exemplify its broader strategy to suppress dissent and disregard religious freedom, posing a challenge to the freedom, security, and prosperity of the Indo-Pacific region.***
      - The [U.S. Special Coordinator for Tibetan Issues'](#) six priorities are:
        - Advancing the human rights of Tibetans;
        - Helping the Tibetan community preserve its distinct religious, cultural, and linguistic identity;
        - Addressing the humanitarian needs of Tibetans, including Tibetan diaspora communities;
        - Increasing access to Tibet for U.S. diplomats and other officials, journalists, and tourists;

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- Promoting activities to protect the environment and water resources of the Tibetan plateau; and
  - Supporting resumption of dialogue, without preconditions, between China and the Dalai Lama or his representatives.
- 19 May 2025: new article highlights ***China and Russia disinformation efforts related to Antarctic Treaty.***
    - **Bottom-line:** the Chinese Communist Party (CCP) and Russian government have ramped up coordinated disinformation efforts falsely claiming that the Antarctic Treaty's Protocol on Environmental Protection ("Madrid Protocol") will automatically expire in 2048.
      - References:
        - [Alexander B. Gray, \*An America First Policy for the Antarctic\* \(Foreign Policy, May 19, 2025\)](#)
      - Key points:
        - The Antarctic Treaty—the earliest of the post-World War II arms limitation agreements—demilitarized the Antarctic Continent and provided for its cooperative exploration and future use.
        - The article observes that “People’s Liberation Army (PLA) personnel have been notably active in China’s Antarctic program” and that “in recent decades, China has sought to push, and in some cases exceed, the boundaries of the [Antarctic Treaty],” including failing to report certain activities to fellow Treaty signatories.
        - Under the terms of the Madrid Protocol to the Antarctic Treaty, energy and minerals exploration and extraction are permanently banned on the continent.
        - However, the article notes that ***a “bizarre theory gaining traction in Chinese academic circles holds that the protocol will expire in 2048 (when, in reality, it simply comes up for review) and extractive activities can then commence; no legitimate international legal scholar has endorsed such a position.”***
        - China and Russia’s disinformation regarding the Madrid Protocol is yet another example of what Beijing has shown in its participation in other international organizations—“it seeks to destroy global norms from within.”