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USINDOPACOM Legal Vigilance Update

Issue #34, 30 May 2025

PREVAIL

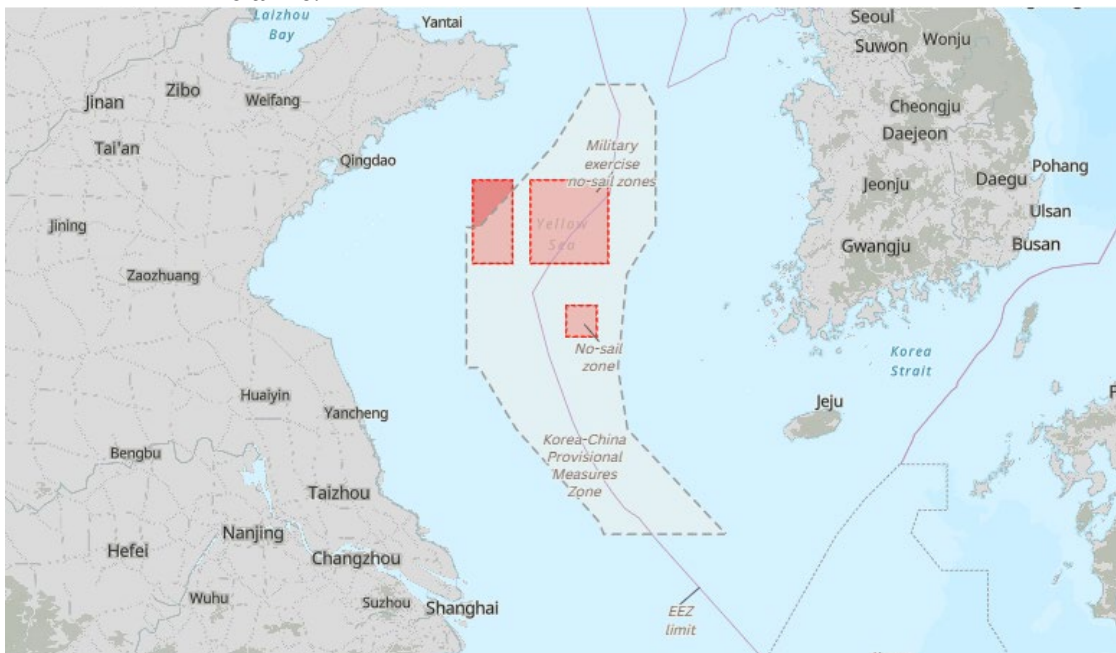
Teammates,

Below please find the 34th 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/>.

- **30 May 2025:** Secretary of Defense Hegseth makes second trip to the Indo-Pacific for the Shangri La Dialogue.
 - **Bottom-line:** at the 2025 Shangri-La Dialogue, Secretary of Defense Hegseth conducted high-level defense engagements with Southeast Asian partners, reaffirming mutual defense commitments, enhancing posture, and addressing growing concern over China's coercion in the South China Sea.
 - **References:**
 - [Matthew Olay, Hegseth Outlines U.S. Vision for Indo-Pacific, Addresses China Threat \(DoD News, May 30, 2025\)](#)
 - **Key points:**
 - In remarks to the plenary session of the Shanri-La Dialogue in Singapore, **Secretary Hegseth reiterated that the Indo-Pacific is the Department of Defense's "priority theater" and that the futures of the U.S. and its Indo-Pacific allies are "bound together."**
 - In describing how the security and prosperity of Americans are linked to the security and prosperity of U.S. ally countries' citizens, Secretary Hegseth said that **the future vision for the Indo-Pacific is one "grounded in common sense and national interests" where the U.S. and its allies work together while respecting their mutual self-interests and engaging on the basis of sovereignty and commerce, as opposed to war.**
 - In his [meeting with Philippine Secretary of National Defense Gilberto Teodoro](#), Secretary Hegseth commended the Philippines for standing up against China's aggressive actions targeting lawful Philippine activities in the South China Sea and celebrated the recent conclusion of the largest and most complex Balikatan exercise in the alliance's history.
 - While [meeting with Singapore's Prime Minister Lawrence Wong and Defense Minister Chan Chun Sing](#), Secretary Hegseth reaffirmed the importance of the U.S.-Singapore defense relationship. The parties discussed expanding U.S. naval and air force rotations under the 1990 MOU on U.S. use of facilities in Singapore.
 - Secretary Hegseth and [Thai Deputy Prime Minister Phumtham Wechayachai](#) recognized U.S. assistance to Thailand following the March 28 earthquake and committed to expanding cooperation in light of the complex security environment.
 - Secretary Hegseth reaffirmed U.S. support for [ASEAN's role in regional security](#), and highlighted the vital role of ASEAN Defense Ministers' Meeting (ADMM)-Plus in facilitating multilateral cooperation.
 - [China's defense minister Dong Jun](#) reportedly did not travel to this year's Shangri-La Dialogue.

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- 30 May 2025: **China's "no-sail zone" in the East China Sea unlawfully distorts international legal norms and threatens navigational rights.**
 - **Bottom-line:** China's unilateral declaration of a "no-sail zone" in overlapping exclusive economic zone (EEZ) waters with South Korea is a coercive misuse of maritime terminology, as the phrase has no basis in international law and falsely suggests a right to exclude foreign vessels—rights that coastal States do not possess under the United Nations Convention on the Law of the Sea (UNCLOS).
 - References:
 - [Ryan Chan, China Tests US Ally in Disputed Waters \(Newsweek, May 26, 2025\)](#)
 - [United Nations Convention on the Law of the Sea \(UNCLOS\), Arts. 56, 58, 87](#)
 - [The Commander's Handbook on the Law of Naval Operations, NWP 1-14M, chs. 2.6.3, 2.6.4](#)
 - Key points:
 - China's "no-sail zone" misappropriates the lawful concept of a warning area. Under UNCLOS and U.S. naval doctrine, States may declare temporary warning areas in international waters to alert others to potentially hazardous but lawful activities (e.g., missile testing, gunnery exercises). However, as NWP 1-14M explains, "[s]hips and aircraft of other States are not required to remain outside a declared warning area" and may lawfully operate within it, provided they exercise due regard.
 - As UNCLOS Articles 58 and 87 make clear, the EEZ is not sovereign territory and all States enjoy freedom of navigation and overflight.
 - Beijing's use of exclusionary language is part of a broader coercive legal strategy. The term "no-sail zone" mirrors other ambiguous phrases in China's lexicon, such as "waters under China's jurisdiction" and "administrative waters," which are invoked to assert baseless legal authority and normalize excessive maritime claims.



- 27 May 2025: Philippine civilian convoy resupplies Thitu Island despite China's continued coercive and destabilizing influence in the South China Sea.
 - **Bottom-line:** more than 150 Philippine civilians aboard the *Kapitan Felix Oca* reached Thitu Island with Philippine Coast Guard escorts to deliver supplies in the face of China's expansive maritime claims and increasingly reckless behavior.

- References:

- [Micah McCartney, South China Sea Convoy Challenges Beijing's Territorial Claims \(Newsweek, May 27, 2025\)](#)
- [Statement of the DFA Spokesperson on the Chinese Embassy Spokesperson's remarks regarding PAG-ASA Island and the PAG-ASA Cays \(Philippine Department of Foreign Affairs, May 29, 2025\)](#)



- Key points:

- The Philippine civilian coalition included artists, clergy, musicians, and fishermen who distributed food, medicine, and fuel to local fisherfolk and servicemembers at Thitu Island.
 - The convoy faced radio challenges from at least two China Coast Guard (CCG) vessels who cited “domestic and international law” in an attempt to enforce an excessive jurisdictional claim over the area.
 - The standoff follows recent CCG water cannoning and blocking maneuvers against a Philippine fisheries vessel in nearby waters.
 - ***China’s claim of “historic rights” to the area was firmly rejected by the 2016 South China Sea arbitral tribunal.***
 - The Philippine Department of Foreign Affairs highlighted that Philippine actions are consistent with the 1982 United Nations Convention on the Law of the Sea, the 2016 South China Sea Arbitral Award, and 2002 Declaration on the Conduct of Parties in the South China Sea.
- 12 May 2025: new analysis recommends unified ASEAN and allied action against China’s coercion in the South China Sea.
 - **Bottom-line:** a new Eurasia Review article urges ASEAN, the European Union, and the United States to adopt a coordinated legal, diplomatic, and operational strategy to counter China’s increasingly aggressive and unlawful maritime behavior in the South China Sea.

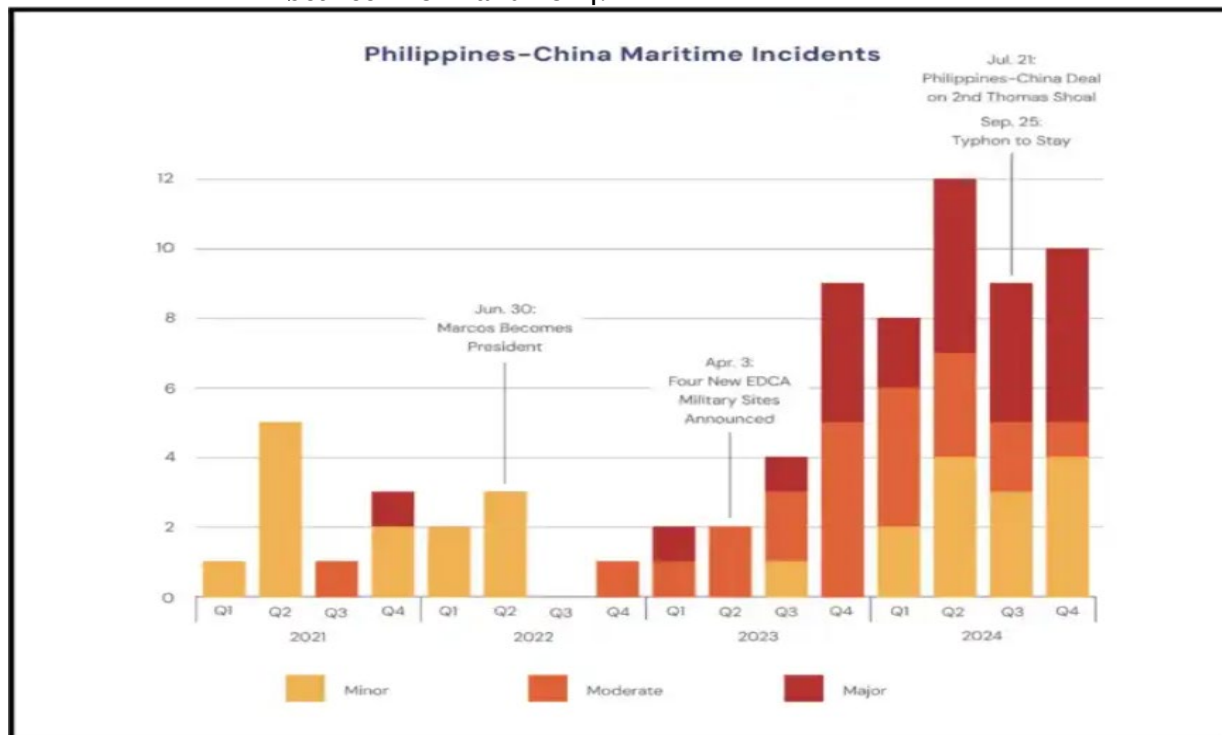
- References:

- [Simon Hutagalung, Upholding Maritime Law: A Unified Stand Against China’s South China Sea Coercion – Analysis \(Eurasia Review, May 12, 2025\)](#)

- Key points:

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- The article advocates for ASEAN to adopt a firmer regional posture through the creation of a joint maritime domain awareness system, a joint incident-response task force, and a diplomatic mechanism to censure UNCLOS noncompliance.
- The article states: ***“China’s aggressive tactics, which include perilous naval maneuvers, systematic violations of UNCLOS, and repeated disregard for the Code of Conduct of the South China Sea, directly challenge the rules-based maritime order.”***
- The article notes that the number of incidents in which China’s forces engaged in reckless and dangerous maritime behavior toward Philippine forces rose 40% between 2022 and 2024.



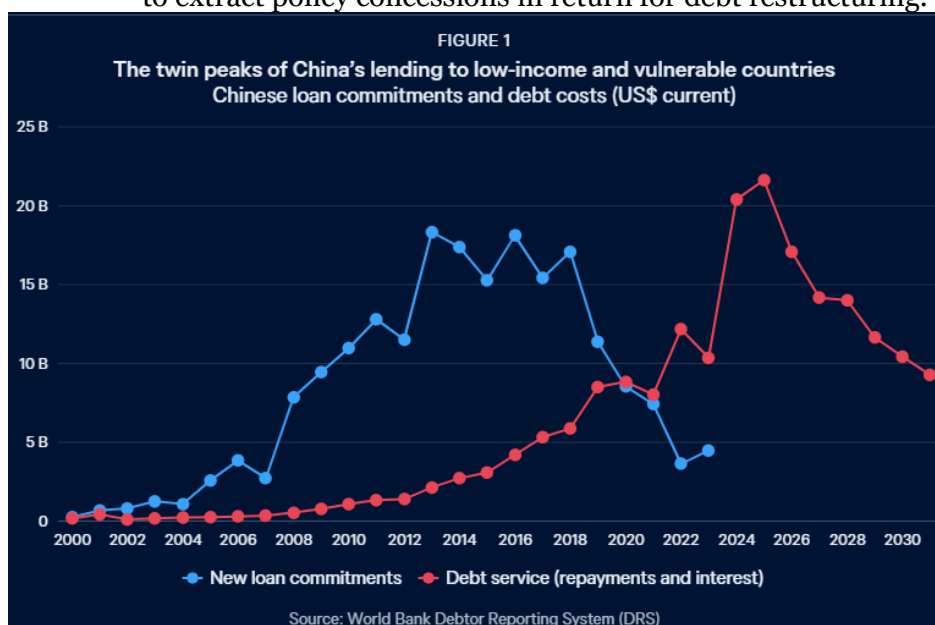
- 16 May 2025: bipartisan U.S. legislation seeks sanctions against Hong Kong judges complicit in CCP repression.
 - **Bottom-line:** U.S. Senators Sullivan (R-AK)), Merkley (D-OR) and Curtis (R-UT) introduced the *Hong Kong Judicial Sanctions Act*, which would require a Presidential determination on whether Hong Kong judges involved in politically motivated prosecutions are eligible for sanctions under the Global Magnitsky Act.
 - **References:**
 - [Sullivan, Merkley, Curtis Condemn CCP's Transnational Repression, Press for Sanctions on Hong Kong Judiciary Officials \(Senator Dan Sullivan Press Release, May 16, 2025\)](#)
 - **Key points:**
 - The bill would direct the President to review whether named Hong Kong judges and officials are complicit in gross human rights violations stemming from politically driven prosecutions.
 - Potential sanctions include asset freezes, visa bans, and other measures consistent with the Global Magnitsky framework.
 - The Global Magnitsky Human Rights Accountability Act, enacted in 2016 following the murder of the Russian whistleblower Sergei Magnitsky, authorized the U.S. government to impose targeted sanctions on foreign individuals responsible for gross human rights abuses.

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- Lawmakers emphasized that ***the CCP's misuse of legal institutions to silence dissent in Hong Kong constitutes an international breach of commitments made under the Sino-British Joint Declaration and represents a growing threat to judicial independence and global norms.***
- 27 May 2025: FBI disrupts major Democratic People's Republic of Korea (DPRK) remote work infiltration scheme targeting U.S. tech firms.
 - **Bottom-line:** U.S. authorities uncovered a large-scale DPRK operation exporting remote work infrastructure and stolen identities to infiltrate American companies and siphon off millions in illicit earnings.
 - References:
 - [Robert McMillan and Dustin Volz, North Korea Infiltrates U.S. Remote Jobs—With the Help of Everyday Americans \(Wall Street Journal, May 27, 2025\)](#)
 - Key points:
 - The FBI dismantled a “laptop farming” scheme operated by DPRK which used stolen U.S. identities and American intermediaries to gain employment at more than 300 firms.
 - DPRK operatives coordinated with U.S.-based facilitators who provided access to hardware, remote desktop tools, and payroll infrastructure, using remote-work platforms and tech staffing agencies as entry points into the corporate ecosystem.
 - The scheme generated more than \$17 million dollars in illicit revenue and formed a component of the DPRK's broader cyber scam campaign that contributes hundreds of millions of dollars per year to the Kim Jong-Un regime.
- 21 May 2025: ***article proposes Australian financial warfare unit to enhance asymmetric capabilities.***
 - **Bottom-line:** an Australian private equity partner suggested that Australia establish a dedicated Financial Warfare Office to develop asymmetric economic tools to defend its sovereignty and counter malign influence in the Indo-Pacific.
 - References:
 - [James Tennant, Australia should establish a unit dedicated to financial warfare capabilities \(Australian Strategic Policy Institute, May 21, 2025\)](#)
 - Key points:
 - The article states: “Economic and financial warfare has become a critical instrument of statecraft, from Iran's isolation from SWIFT to China's creation of the Cross-border Interbank Payment System (CIPS). The ability to shape behavior through financial tools is now a strategic reality.”
 - The article argues that Australia lacks an integrated entity such as the U.S. Treasury's Office of Foreign Asset Control or the U.K.'s WWII-era Ministry of Economic Warfare.
 - Capabilities of the proposed Australian Ministry of Economic warfare include the deployment of sanctions and Magnitsky-style asset freezes that target human rights violators, resilience planning to protect financial infrastructure and supply chains, and integration with AUKUS Pillar Two efforts in the realms of cyber, data security, and tech sovereignty.
 - The author calls for further investment in legal authorities and international coordination through the new Ministry to enhance Australia's deterrence capability.

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- May 2025: China becomes largest debt collector for developing countries amid mounting repayment crisis.
 - **Bottom-line:** in 2025, developing countries will repay \$35 billion in debt to China, making Beijing the largest bilateral destination for debt service globally and signaling a shift in its Belt and Road Initiative (BRI) from lender to collector.
 - References:
 - [Riley Duke, Peak repayment: China's global lending \(Lowy Institute, May 2025\)](#)
 - Key points:
 - China is in the midst of a significant transition from lead bilateral banker to chief debt collector of the developing world.
 - ***“The nation that was once the developing world’s largest source of new finance has now wholly transitioned to being the world’s largest single destination for developing country debt service payments.”***
 - “The Belt and Road Initiative hit its peak in the mid-2010s; peak repayment was reached in the mid-2020s. Now, and for the rest of this decade, China will be more debt collector than banker to the developing world.”
 - China’s creditor dominance enables geopolitical leverage that could allow China to extract policy concessions in return for debt restructuring.



- 22 May 2025: former Deputy Assistant Secretary of Defense for Force Development and Emerging Capabilities posts article intended to dispel myths associated with the legal and policy landscape for autonomous and semi-autonomous weapon systems.
 - **Bottom-line:** Micael Horowitz dispelled **three common myths regarding DoD policy on autonomy in weapon systems**, noting the criticality of autonomous weapon systems in the Indo-Pacific and the need to rapidly build an AI-enabled force that maintains human accountability and responsibility.
 - References:
 - [Michael Horowitz, Autonomous Weapons Systems: No Human-In-The-Loop Required, And Other Myths Dispelled \(War on the Rocks, May 22, 2025\)](#)
 - Key points:
 - [DoD Directive 3000.09](#) governs the Pentagon’s deployment and use of semi-autonomous and autonomous weapon systems.
 - ***It is DoD policy that “[p]ersons who authorize the use of, direct the use of, or operate autonomous and semi-autonomous weapon***

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systems will do so with appropriate care and in accordance with the law of war, applicable treaties, weapon system safety rules, and applicable rules of engagement (ROE)."

- Horowitz dispelled misconceptions of DoDD 3000.09, clarifying three points from the Directive's 2023 update.
 - **Myth 1:** fully autonomous weapon systems are prohibited.
 - No categories of autonomous weapons are prohibited, but some require additional legal and operational review.
 - **Myth 2:** there is a requirement for a "human in the loop" at the tactical level.
 - The directive requires that "autonomous and semi-autonomous weapon systems will be designed to allow commanders and operators to exercise **appropriate levels of human judgment over the use of force.**"
 - Horowitz writes: "Operationally, there is always a human responsible for the use of force, meaning there is always a human authorizing lethality, approving a mission, and sending forces into the field. It's clearer and more consistent to talk about how there is always a human responsible for the use than to talk about a requirement for a human in the loop."
 - The exception is nuclear weapons—the 2022 Nuclear Posture Review states that "[i]n all cases, the United States will maintain a human 'in the loop' for all actions critical to informing and executing decisions by the President to initiate and terminate nuclear weapons employment."
 - **Myth 3:** R&D is restricted.
 - The directive does not restrict research, experimentation, or prototyping.



DoD DIRECTIVE 3000.09

AUTONOMY IN WEAPON SYSTEMS

Originating Component:	Office of the Under Secretary of Defense for Policy
Effective:	January 25, 2023
Releasability:	Cleared for public release. Available on the Directives Division Website at https://www.esd.whs.mil/DD/ .
Reissues and Cancels:	DoD Directive 3000.09, "Autonomy in Weapon Systems," November 21, 2012
Approved by:	Kathleen H. Hicks, Deputy Secretary of Defense

Purpose: This directive:

- Establishes policy and assigns responsibilities for developing and using autonomous and semi-autonomous functions in weapon systems, including armed platforms that are remotely operated or operated by onboard personnel.
- Establishes guidelines designed to minimize the probability and consequences of failures in autonomous and semi-autonomous weapon systems that could lead to unintended engagements.
- Establishes the Autonomous Weapon Systems Working Group.

- 29 May 2025: Defense Intelligence Agency (DIA) releases 2025 Worldwide Threat Assessment.
 - **Bottom-line:** DIA's 2025 Worldwide Threat Assessment defines China as a primary strategic competitor and highlights China's rapid increase in capabilities and expanding multidomain pressure campaigns against U.S. Allies and partners.
 - References:
 - [2025 Worldwide Threat Assessment \(Defense Intelligence Agency, May 2025\)](#)
 - Key points:
 - DIA reports that the PLA increased military pressure on Taiwan last year following the election of a new president, with China's Joint Sword exercises designed to demonstrate PLA capabilities to blockade Taiwan.

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- According to DIA, ***China increased the scope and frequency of military presence operations targeting Taiwan, and is likely to continue its campaign of diplomatic, information, military, and economic pressure to advance its objective of unification with Taiwan.***
- In Southeast Asia, DIA assessed that China's military harassment has escalated at several disputed areas in the South China Sea (SCS), most notably Second Thomas Shoal, Sabina Shoal, and Scarborough Reef.
- Tensions over the Second Thomas Shoal culminated in mid-June 2024 with one of the most violent confrontations with China's Coast Guard (CCG) to date, resulting in damage to Philippine resupply ships and injury to at least one Philippine Navy personnel.
- 29 May 2025: Multilateral Sanctions Monitoring Team (MSMT) issues first report on DPRK-Russia military cooperation.
 - **Bottom-line:** the MSMT released its inaugural report detailing ongoing military cooperation between DPRK and Russia in direct violation of United Nations Security Council Resolutions (UNSCRs).
 - References:
 - [*Joint Statement of the Multilateral Sanctions Monitoring Team \(MSMT\) on the First Report Covering DPRK-Russia Military Cooperation \(Department of State, May 29, 2025\)*](#)
 - Key points:
 - The report highlighted ***flagrant violations of UNSCRs by both DPRK and Russia, including but not limited to arms transfers, DPRK troop deployments for use in Russia's war against Ukraine, supply of refined petroleum products to the DPRK, and illicit banking relations.***
 - The forms of unlawful cooperation directly contributed to Moscow's ability to increase its missile attacks against Ukrainian cities and enhanced DPRK's ballistic missile programs.
 - The signing of the DPRK-Russia Treaty on Comprehensive Strategic Partnership and frequent high-level exchanges suggest that DPRK and Russia intend to further their military cooperation in contravention of relevant UNSCRs.