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USINDOPACOM Legal Vigilance Update

Issue #39, 12 July 2025

PREVAIL

Teammates,

Below please find the 39th 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 supports a **free and open Indo-Pacific**. We seek to preserve **peace and stability**, uphold **freedom of navigation and overflight**, maintain the **free flow of trade**, and **oppose coercion to settle maritime disputes**. The United States calls on China to abide by the 2016 arbitral ruling and to cease its dangerous and destabilizing conduct.*

U.S. Secretary of State Marco Rubio

On the 9th Anniversary of the Philippines-China South China Sea Arbitral Tribunal Ruling
Jul. 12, 2025

- 12 July 2025: marking the 9th anniversary of the 2016 UN Arbitral Tribunal ruling on the South China Sea.
 - **Bottom-line**: nine years ago, an Arbitral Tribunal constituted under the 1982 Law of the Sea Convention unanimously ruled China's expansive South China Sea maritime claims have no basis in international law.
 - **References**:
 - [U.S. Secretary of State Marco Rubio, On the 9th Anniversary of the Philippines-China South China Sea Arbitral Tribunal Ruling \(Press Statement, Jul. 12, 2025\)](#)
 - [The South China Sea Arbitration \(The Republic of Philippines v. The People's Republic of China\)](#)
 - **Key points**:
 - The 2016 UN Arbitral Tribunal found:
 - **China has no legal basis for its "nine-dash line" claim** – China's historic rights claims within the "nine-dash line" have no legal foundation under UNCLOS.
 - **China violated Philippine sovereign rights** – China interfered with the Philippines' sovereign rights in its EEZ by obstructing fishing and petroleum exploration, constructing artificial islands, and failing to prevent Chinese

On the 9th Anniversary of the Philippines-China South China Sea Arbitral Tribunal Ruling

PRESS STATEMENT
MARCO RUBIO, SECRETARY OF STATE
JULY 12, 2025

Nine years ago, an Arbitral Tribunal constituted under the 1982 Law of the Sea Convention unanimously ruled China's expansive South China Sea maritime claims have no basis in international law. This decision, legally binding on both the Philippines and China, was a significant milestone and a useful basis for peacefully resolving disputes between parties in the South China Sea.

Since the 2016 ruling, China has ignored the decision, continuing to assert unlawful and expansive maritime claims and taking increasingly aggressive actions against its neighbors. Beijing's expansive claims directly infringe on the sovereign rights and jurisdictions of Vietnam, the Philippines, Malaysia, Brunei, and Indonesia, and undermine peace, stability, and prosperity in the Indo-Pacific.

The United States supports a free and open Indo-Pacific. We seek to preserve peace and stability, uphold freedom of navigation and overflight, maintain the free flow of trade, and oppose coercion to settle maritime disputes. The United States calls on China to abide by the 2016 arbitral ruling and to cease its dangerous and destabilizing conduct.

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fishermen from exploiting resources within the Philippine EEZ (particularly around Reed Bank and Scarborough Shoal).

- **China engaged in unlawful artificial island construction** – China's large-scale land reclamation and construction of artificial islands caused severe environmental harm and violated its obligations to protect the marine environment under UNCLOS.
- This decision, **legally binding on both the Philippines and China**, was a significant milestone and a useful basis for peacefully resolving disputes between parties in the South China Sea.
- Since the 2016 ruling, China has ignored the decision, continuing to assert unlawful and expansive maritime claims and taking increasingly aggressive actions against its neighbors.
- **Beijing's expansive claims directly infringe on the sovereign rights and jurisdictions** of Vietnam, the Philippines, Malaysia, Brunei, and Indonesia, and undermine peace, stability, and prosperity in the Indo-Pacific.
- Several diplomatic missions posted statements recognizing the 9th anniversary:

- [Ambassador MaryKay L. Carlson, U.S. Ambassador to the Philippines, said](#): "The United States stands with the Philippines and likeminded #FriendsPartnersAllies in commemorating the 2016 Arbitral Award in support of freedoms of navigation and overflight, lawful sovereign rights, and the principles enshrined in the law of the sea."



Ambassador MaryKay L. Carlson @USAmbPH

The U.S. stands with the Philippines and likeminded #FriendsPartnersAllies in commemorating the 2016 Arbitral Award in support of freedoms of navigation and overflight, lawful sovereign rights, and the principles enshrined in the law of the sea. #FreeAndOpenIndoPacific



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8:59 PM · Jul 10, 2025 · 3,011 Views

- [Germany's Embassy in Manila wrote](#): "The 2016 Arbitral Award stands as a legally binding decision for China and the Philippines and its relevance is as important as ever. Germany emphasizes the fundamental importance of respecting the freedoms, rights, and duties of all States as enshrined in UNCLOS."
- [Australia](#), [Canada](#), [Japan](#), and the [Philippines](#) also recognized the anniversary.

- **10 July 2025**: U.S. Secretary of State Rubio meets with Malaysian Prime Minister Anwar Ibrahim.
 - **Bottom-line**: Secretary Rubio **reiterated the U.S. and Malaysia's shared interest in promoting a free and open Indo-Pacific and discussed ways to deepen the two countries' defense and security cooperation through enhanced maritime law enforcement operations in the South China Sea.**

- References:

- [Secretary Rubio's Meeting with Malaysian Prime Minister Anwar \(U.S. Dep't of State, Jul. 10, 2025\)](#)

- Key points:

- Secretary Rubio and Prime Minister Anwar also committed to strengthen cooperation in civil nuclear energy, critical minerals, and



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advanced technology, including joint efforts to build resilient critical mineral supply chains and enhance the security of AI chip technologies.

- Secretary Rubio and Prime Minister Anwar underscored the importance of continuing to advance our partnership to mutually benefit Americans and Malaysians.
- 9 July 2025: Republic of Korea (ROK) Chairman of the Joint Chiefs of Staff, Adm. Kim Myung-soo, U.S. Chairman of the Joint Chiefs of Staff, Gen. Dan Caine, and Japan Chief of Staff, Joint Staff Gen. Yoshida Yoshihide convened the 22nd Trilateral Chiefs of Defense (Tri-CHOD) Meeting on July 11, 2025, in Seoul.
 - Bottom-line:** the *defense chiefs condemned the DPRK's continued development of unlawful nuclear and ballistic missile programs and agreed to continue coordination toward the complete denuclearization of the DPRK in accordance with relevant United Nations Security Council Resolutions (UNSCRs).*

- References:

- [Republic of Korea-United States-Japan Trilateral Chiefs of Defense Joint Press Statement \(Office of the Chairman of the Joint Chiefs of Staff Public Affairs, Jul. 9, 2025\)](#)

- Key points:

- The defense chiefs also discussed the deployment of the DPRK's troops to Russia; as well as the potential transfer of military technology from Russia to the DPRK.
- The defense chiefs urged the DPRK to immediately cease all unlawful activities to destabilize the Korean Peninsula, the Indo-Pacific, and beyond, and pledged to continue working together to respond to the DPRK's threats.
- The three defense chiefs reaffirmed that trilateral security cooperation has played a key role in promoting peace and prosperity on the Korean Peninsula and in the Indo-Pacific.



- 8 July 2025: Germany accuses China of laser incident against German aircraft participating in EU mission over Red Sea.

- Bottom-line:** Germany accused the People's Liberation Army Navy (PLAN) of endangering the safety of a German military aircraft by targeting it with a laser during a European Union maritime security operation in the Red Sea—a dangerous and reckless act and an example of China's continued disregard for international norms of professional maritime behavior.

- References:

- [Germany summons China's ambassador after a plane is lasered over Red Sea \(AP News, Jul. 8, 2025\)](#)
- [Dzirhan Mahadzir, Germany Blames Chinese Warship for Laser Attack on Aircraft in the Middle East \(USNI, Jul. 8, 2025\)](#)

- Key points:



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- In a post on X, the German Foreign Office stated that China's military used a laser against a German aircraft operating under E.U. Operation ASPIDES, a defensive naval mission to protect shipping from Houthi attacks, and that the Chinese ambassador in Berlin was summoned as a result.
- *Reuters*, citing a German Defence Ministry spokesperson, reported that the incident took place at the beginning of July and that the aircraft was a multi-sensor aircraft provided by a civilian commercial service provider, which also involved German military personnel.
- The German Foreign Affairs Ministry said that the PLAN ship lasered the civilian-contracted German aircraft "without any reason" or prior contact.
- ***Weapons-grade lasers could potentially cause serious harm to aircrew and mariners, as well as ship and aircraft systems.***
- ***China's pattern of unsafe and unprofessional use of lasers against U.S. and allied/partner aircraft contravenes China's obligation under UNCLOS to exercise due regard for the rights and safety of other vessels and aircraft.***
- 11 July 2025: Japan reports another dangerously close aircraft intercept by China's military aircraft.
 - **Bottom-line:** Japan's Defense Ministry said a Chinese military plane flew unusually close to a Japanese Air Self-Defense Force aircraft on two occasions earlier this week—the second straight month that Japan has reported unusually close intercepts by China's combat aircraft.
 - References:
 - [China warplane nears Japan SDF aircraft on two occasions this week \(NHK World Japan, Jul. 10, 2025\)](#)
 - [Mari Yamaguchi, Japan urges China to stop flying fighter jets too close to Japanese military aircraft \(AP, Jul. 11, 2025\)](#)
 - Key points:
 - Japan's Defense Ministry said the first incident occurred on 9 July, when a Chinese JH-7 fighter bomber repeatedly approached a Japanese YS-11 intelligence-gathering aircraft.
 - Japan's Defense Ministry said China's JH-7 came as close as roughly 30 meters horizontally to the Japanese aircraft at one point.
 - Japan's Defense Ministry said the second close encounter took place on Thursday, when a Chinese JH-7 plane repeatedly flew near a Japanese YS-11 aircraft for about 10 minutes, at one point cutting the horizontal distance to around 60 meters.
 - The episodes this week follow last month's announcement by Japan's Defense Ministry that a Chinese fighter jet flew abnormally close to one of its Maritime Self-Defense Force patrol aircraft on two occasions over the Pacific Ocean near Japan on June 7 and 8.
 - According to the [DoD's 2024 China Military Power Report](#), while the PLA has reduced the number of coercive and risky air intercepts of U.S. platforms since late 2023, ***the PLA continues to conduct unsafe maneuvers in the vicinity of allied forces operating in the region—including unsafe, unprofessional, and other behaviors that have sought to impinge on the ability of nations to safely operate where international law allows.***
- 10 July 2025: new NY Times report details China's increasing marine data collection (MDC) activities in the Indo-Pacific.



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- **Bottom-line:** China has increased its MDC activity throughout key Indo-Pacific waterways, including areas proximate to Taiwan, the Philippines, and Guam—in some cases disregarding international law requiring coastal state consent before conducting marine scientific research inside foreign exclusive economic zones (EEZs).

- References:

- [Chris Buckley, China Surveys Seabeds Where Naval Rivals May One Day Clash, \(NY Times, Jun. 10, 2025\)](#)
- [USINDOPACOM TACAID – Marine Data Collection \(Apr. 2024\)](#)

- Key points:

- The NY Times reports: “China’s scientific research ships are ranging farther and probing deeper, gathering information that could expand understanding of marine life and the impact of climate change. But their findings could also serve China’s naval interests, including how it might deploy its submarines in the Pacific or try to track stealthier American ones.”
- According to the NY times: “The *Xiang Yang Hong 6*, which is equipped with sonar

The **Xiang Yang Hong 6** scanned the seabed east and west of **Guam**, a U.S. territory that hosts American military forces. It surveyed an area larger than the United Kingdom.

— Activities of Xiang Yang Hong 6 in 2024



and deep-sea sampling equipment, and five other Chinese research ships made 25 passes in parallel lines through the waters off Taiwan’s east coast last year, the Starboard data showed. During the same period, Chinese vessels also traveled far from home to survey the waters around Guam, and resumed work east of the U.S. territory as recently as last month.”

- In May, the Philippines sent a coast guard ship and an aircraft to track a Chinese research ship that Manila said was illegally operating in the Philippines’s exclusive economic zone.
- While China demands prior permission for foreign MSR in its claimed EEZs, it frequently disregards that same standard when conducting operations elsewhere—



Sources: Chinese Academy of Sciences, Scripps Institution of Oceanography

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highlighting a strategic double standard inconsistent with international law and reflective of China's broader lawfare campaign to undermine coastal state rights.

- ***China's extensive use of "scientific research vessels" within the dashed-line claim (often alongside CCG and maritime militia) and without coastal state consent in the EEZ/CS 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.***
 - These actions must be viewed in the context of the People's Liberation Army's growing use of undersea terrain data to support disruptive and destabilizing military operations that threaten the free and open Indo-Pacific.
 - China's extensive and often dubious marine data collection activities merit further scrutiny for compliance with international law, as China appears to use marine data collection as a mechanism to assert its excessive claims and deny other states from exercising their sovereign rights.
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- 9 July 2025: new bipartisan bills in U.S. Senate seek to strengthen U.S. support for Taiwan's participation in international organizations and critical infrastructure.
 - ***Bottom-line: two new bipartisan bills introduced in the U.S. Senate this week reflect growing congressional resolve to counter China's coercive campaign against Taiwan.***
 - References:
 - [*Van Hollen, Curtis Introduce Bipartisan Taiwan International Solidarity Act \(Sen. Van Hollen & Sen. Curtis Press Release, Jul. 9, 2025\)*](#)
 - [*Rosen, Curtis Introduce Bill to Counter Chinese Sabotage of Taiwan's Critical Infrastructure \(Sen. Rosen & Sen. Curtis Press Release, Jul. 10, 2025\)*](#)
 - Key points:
 - The ***Taiwan International Solidarity Act*** aims to strengthen the TAIPEI Act of 2019 to clarify that U.N. General Assembly Resolution 2758 does not preclude the United States from using its vote, voice, and influence to resist the campaign against Taiwan's place on the world stage.
 - The bill would instruct the United States to use its influence to resist Beijing's efforts to distort the decisions, language, policies, or procedures of international organizations regarding Taiwan, and would also encourage the U.S. to work with allies and partners to oppose China's efforts to undermine Taiwan's diplomatic relationships and partnerships globally.
 - Meanwhile, the ***Taiwan Undersea Cable Resilience Initiative Act*** would protect Taiwan's critical communications infrastructure and deter malicious "gray zone" activities by the Chinese Communist Party.
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- 5 July 2025: China unilaterally opens third extension of the M503 civilian flight route in the Taiwan Strait.
 - ***Bottom-line:*** in another example of its coercive efforts to change the status quo in the Taiwan Strait, the Civil Aviation Administration of China (CAAC) unilaterally announced an extension to the M503 flight path running just west of the unofficial Taiwan Strait median line—breaching prior commitments to consult with Taiwan authorities and disregarding ICAO coordination standards.
 - References:
 - [*China opens third extension to sensitive Taiwan Strait flight path \(Reuters, Jul. 5, 2025\)*](#)
 - [*China opens new M503 air route extension near Taiwan, Taipei protests \(AeroTime, Jul. 6, 2025\)*](#)

- Key points:

- On July 6, 2025, China announced the opening of the W121 extension to the M503 flight route, which runs just west of the unofficial median line in the Taiwan Strait. This is the third such extension, following China's unilateral announcement of W122 and W123 routes in 2024.



- Taipei condemned China's unilateral move, stating it alters the status quo of the Taiwan Strait and increases regional tensions.
- ICAO's Air Traffic Services Planning Manual stipulates that establishing and changing flight routes should be done "only after they have been coordinated with all parties concerned."
- China also continues to ignore an [agreement signed by Taiwan and China](#) after Taipei protested Beijing's unilateral launch of the M503 route in 2015, which states that only southbound flights would be allowed, and any changes to the route and its extensions must be communicated in advance and agreed by both sides.
- ***China's breach of prior commitments to Taiwan authorities and failure to coordinate as required by ICAO guidance undermines stability in the Taiwan Strait and, if left unchecked, could embolden China to take further coercive action against Taiwan and others in violation of international law, rules, and norms.***
- In response to a media query, [a U.S. Department of State spokesperson stated](#) that the U.S. expects cross-Taiwan Strait differences to be resolved "by peaceful means, free from coercion, in a manner acceptable to the people on both sides of the Strait," and that "issues related to civil aviation and safety in the Taiwan Strait should be decided through dialogue between both sides."

- 6-8 July 2025: on two separate occasions this week, the Iran-backed Houthis sank two civilian maritime vessels, killing three mariners, injuring others, and [taking some number as hostages](#).
 - **Bottom-line:** the Houthis attacked two vessels transiting the Red Sea in recent days, sinking both ships (*MV Magic Seas* and *MV Eternity C*) using small arms, rocket-propelled grenades, unmanned surface vessels, and (in the case of *MV Eternity C*) anti-ship missiles.

- References:

- [Condemning Recent Houthi Attacks on MV Magic Seas and MV Eternity C \(U.S. Dep't of State, Jul. 8, 2025\)](#)
- [Ship attacked by Yemen's Houthi rebels sinks in the Red Sea, 6 of 25 aboard rescued \(AP News, Jul. 9, 2025\)](#)

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- [Crew abandons Liberian-flagged, Greek-owned ship attacked in the Red Sea, UK military says \(AP News, Jul. 6, 2025\)](#)
- Key points:
 - The U.S. Department of State stated: “The United States condemns the unprovoked Houthi terror attack on the civilian cargo vessels *MV Magic Seas* and *MV Eternity C* in the Red Sea, which resulted in the tragic loss of three mariners, with many others injured and the complete loss of the *MV Magic Seas* and its cargo. These attacks demonstrate the ongoing threat that Iran-backed Houthi rebels pose to freedom of navigation and to regional economic and maritime security.”
 - While there are no current reports of links to this attack – it is still pertinent to recall that in April 2025 [U.S. officials confirmed](#) that Chang Guang Satellite Technology (CGSTL), a satellite imagery provider that is deeply embedded in China’s military-civil fusion ecosystem, has been supplying the Iran-backed Houthi terrorists with satellite imagery used to target vessels in the Red Sea.
 - In April [a Department of State spokesperson said](#): “it is clear that Beijing and China-based companies provide key economic and technical support to regimes like Russia, North Korea, and Iran and its proxies. ***The Chinese Communist Party continues to enable these regimes, whether it be through the provision of dual-use items Russia needs to sustain its war in Ukraine, North Korea’s ballistic missile development, or Iran’s support of terrorism across the Middle East.***”
 - In April, the Department of State stated that “[CGSTL’s] actions and Beijing’s [continued] support of the company, even after our private engagements with them, is yet another example of China’s empty claims to support peace.”



This image released by the Houthis’ Ansarullah Media Centre shows what the group says is the Eternity C, a Liberia-flagged bulk carrier, sinking after it was attacked by the Houthis. Houthi Ansarullah Media Centre, via Agence France-Presse — Getty Images



An image released by Diaplous, a maritime security organization, shows crew members being rescued after an attack in the Red Sea. EUNAVFOR Aspides, a European Union military operation, said on Wednesday that it had rescued six castaway crew members of the cargo ship Eternity C. Diaplous, via Reuters