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USINDOPACOM Legal Vigilance Update

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PREVAIL

Teammates,

Below please find the 40th 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:

*In the South China Sea, ideas have become instruments of power. China is not only building runways and deploying its coast guard fleet, but also constructing intellectual and legal scaffolding to support its claims. Think tanks like the China Institute of International Studies, the Charhar Institute and the Grandview Institution are central to that effort, operating as both buffers and amplifiers of Chinese strategy...**At its core, China's use of think tanks in the South China Sea is not about engaging in mutual understanding, but setting the terms of the debate. These institutions serve as narrative engineers, helping Beijing define contested waters not just on maps, but in the international imagination.***

James Borton and Sherry Chen, *China's war of ideas in the South China Sea* (Nikkei Asia, Jul. 18, 2025)

- 17 July 2025: ASPI assesses expanded CCP legal warfare against Taiwan one year on since Beijing's increasingly escalatory and coercive interpretation of its Anti-Secession Law.

- **Bottom-line:** a new analysis by the Australian Strategic Policy Institute (ASPI) finds that China has intensified its legal warfare targeting Taiwan, using its domestic Anti-Secession Law to construct a transnational coercive framework – actively using an expanded 2024 interpretation of the law to increase its threats against Taiwanese nationals and suppress overseas dissent.

- References:

- [Nathan Attrill, China's 'Taiwanese separatist' hotline shows expanding lawfare strategy \(ASPI, Jul. 9, 2025\)](#)

- Key points:

- In June 2024, Chinese authorities issued a reinterpretation of the 2005 Anti-Secession Law that authorized criminal prosecutions against individuals—including foreign nationals—deemed to support “Taiwanese separatism,” defining “secessionist behavior” broadly to include speech, advocacy, and affiliations abroad.
- ASPI notes that over the past year, Beijing has institutionalized an “anti-secessionist” tip line, incentivizing Chinese citizens to report alleged Taiwanese “separatists,” including those residing abroad.
- ASPI states: “Since its launch last year, Beijing claims its tip-off hotline has received nearly 6,000 reports, with a sharp rise in activity from March to May. Chinese officials have touted this as public support for punishing separatists, but critics warn it encourages mass surveillance and state-sanctioned condemnations. This is a



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standard authoritarian regime tactic: mobilize the public to isolate political enemies, all while dressing it up as civic duty.”

- China’s efforts aim to chill speech and activism related to Taiwan across the global Chinese diaspora, with individuals and organizations facing increasing risk of detention, harassment, or retaliatory action.
- The ASPI report states: ***“Lawfare is now a domain of coercion for Beijing against Taiwan—one where tactics are carried out through courtrooms and clauses. The aim is clear: to isolate, intimidate and delegitimize Taiwan’s leadership under the guise of legal process.”***

- **17 July 2025:** MSMT report confirms unlawful DPRK–Russia arms transfers and combat deployments.
 - **Bottom-line:** a joint report by the Multilateral Sanctions Monitoring Team (MSMT) and 11 like-minded UN member states confirmed ***extensive, ongoing violations of Security Council sanctions by North Korea and Russia, including weapons transfers, illicit troop deployments, and energy and financial transactions in direct support of Russia’s war in Ukraine.***

- **References:**

- [MSMT Report \(May 29, 2025\)](#)
- [MSMT Report on Unlawful North Korea-Russia Military Cooperation \(Department of State Press Release, Jul. 17, 2025\)](#)

- **Key points:**

- The MSMT, a mechanism established to monitor and report violations and evasions of United Nations sanctions on North Korea, was launched in 2024 after Russia vetoed the renewal of the UN 1718 Committee Panel of Experts mandate, which previously served this function.
- Currently, the MSMT is comprised of 11 participating states: Australia, Canada, France, Germany, Italy, Japan, the Kingdom of the Netherlands, New Zealand, the Republic of Korea, the United Kingdom of Great Britain and Northern Ireland, and the United States.
- MSMT’s report documented persistent and flagrant violations of multiple UN Security Council resolutions by both the DPRK and the Russian Federation throughout 2024 and early 2025.
- Violations include:
 - Arms transfers from North Korea to Russia—including artillery, ballistic missiles, and combat vehicles—for use against Ukraine.
 - Deployment of over 11,000 North Korean troops to Russia since October 2024, with some participating in direct support of Russian military operations.
 - Russian training of North Korean troops in return, giving Pyongyang first-hand exposure to modern warfare tactics.
 - Transfer of Russian air defense systems to North Korea, as well as petroleum exports that exceed UN-imposed caps.



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- Financial violations, including the maintenance of correspondent banking relationships with North Korea.
- These actions **contravene resolutions including UNSCRs 1718 (2006), 1874 (2009), and subsequent measures banning all arms trade with the DPRK, troop deployments abroad, and military cooperation.**
- 17 July 2025: new article exposes China's use of think tanks to legitimize the CCP's South China Sea aggression and coercion.
 - **Bottom-line:** a Nikkei Asia article detailed how Beijing uses a coordinated network of state-aligned think tanks, legal scholars, and media to manufacture international legitimacy for its unlawful activities in the South China Sea – efforts that are central to the CCP's broader strategy to reshape the maritime legal and informational environment to achieve its coercive ends.
 - References:
 - [James Borton and Sherry Chen, China's war of ideas in the South China Sea \(Nikkei Asia, Jul. 18, 2025\)](#)
 - Key points:
 - The authors write: ***“Institutions such as the Grandview Institution, the China Institute of International Studies (CIIS), the National Institute for South China Sea Studies (NISCSS), the Huayang Research Center for Ocean Governance and Maritime Cooperation, and the Charhar Institute are not just observers of Chinese foreign policy but participants in crafting, framing and exporting it...[and] make up what could be described as a ‘strategic communication apparatus’ tasked with recasting China's maritime assertiveness as restraint, and foreign resistance as destabilizing interference.”***
 - These entities serve as tools of state-directed influence, targeting foreign media, policymakers, and academics to cultivate false narratives that downplay China's destabilizing role in the region.
 - The article details how such messaging is often echoed by China's official diplomatic channels and then amplified via state media, forming a closed-loop system of mutually reinforcing misinformation.
 - These operations aim not only to defend China's ambiguous and legally baseless positions, but also to confuse international audiences, blur the legal clarity of international rules and norms, and shift perceptions of legitimacy in favor of Beijing's maximalist maritime agenda.
- 15 July 2025: Japan sounds alarm over China's continued “gray zone” activities in recently released white paper.
 - **Bottom-line:** Japan annual Defense White Paper states that ***“China's external posture, military activities, and other activities are a matter of serious concern for Japan and the international community, and present an unprecedented and the greatest strategic challenge.”***
 - References:
 - [Japan's Defense White Paper Sounds Alarm Over China's 'Gray Zone' Activities \(The Diplomat, Jul. 15, 2025\)](#)



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- [2025 Defense of Japan Pamphlet \(Japan Ministry of Defense\)](#)

- Key points:

- Highlighting China's increased military activities around Taiwan, as well as Russia and China's joint military cooperation (including joint bomber flights and naval navigations with Russia in the vicinity of Japan), the report expressed growing concern over China's destabilizing regional activities through gray-zone military tactics.
- The White Paper stated: "These repeated joint activities are clearly intended for demonstration of force against Japan and are a grave concern from the perspective of the national security of Japan."



- 16 July 2025: China continues [coercive pressure campaign](#) against Taiwan with the second largest single-day number of PLA aircraft crossing the Taiwan Strait median line and entering Taiwan's ADIZ.

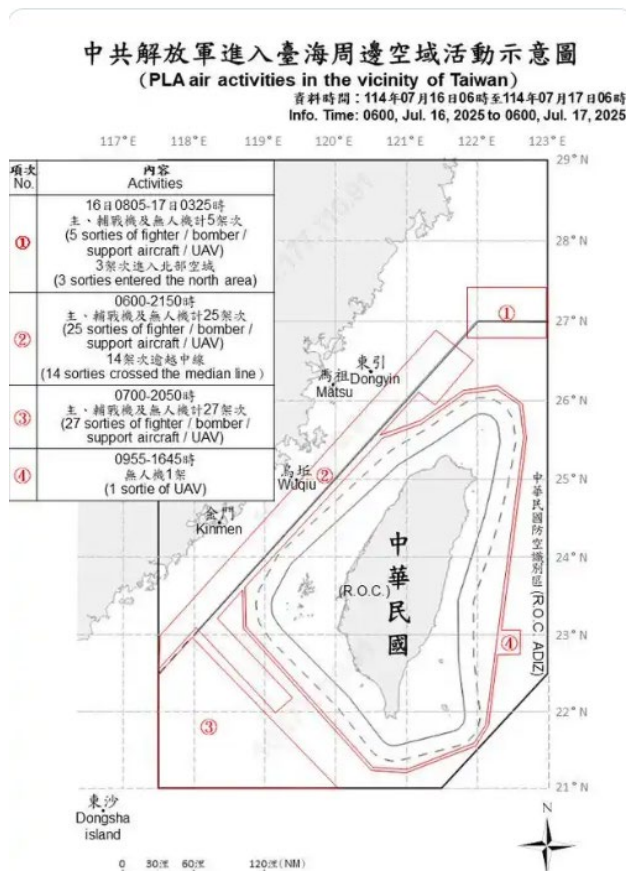
- **Bottom-line:** a new report from International Institute for Strategic Studies (IISS) suggests that China may be seeking to emulate its 2023–24 coercive patrolling around Kinmen Island to devise a template for a future naval campaign against Taiwan – with this “Kinmen model” combining gray-zone maritime operations, logistical staging, and psychological pressure to incrementally change the status quo.

- References:

- [Erik Green, China learns from the Kinmen Model to adapt its strategy for a naval campaign against Taiwan \(IISS, Jul. 11, 2025\)](#)

- Key points:

- Experts believe that **the “Kinmen model”** envisions using coast guard and militia vessels in concert with the PLA Navy to establish blockades, conduct area-denial missions, and pressurize Taiwan—all while projecting the operations as “law enforcement.”
- According to the author of the IISS report: “Political and military sources in China suggest the purpose of these patrols is to allow the CCG and the People's Liberation Army (PLA) to test different methods for securing maritime control in the waters around Taiwan. Recent writing on this topic further suggests these lessons have been used to refine China's approach for a future blockade or quarantine and are linked to a new ‘Island Control Model.’”
- The Kinmen model underscores China's growing integration of coercive maritime gray-zone tactics with the PLA's broader Three Warfares strategy—legal, public opinion, and psychological warfare.



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- *The United States 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.*
- 15 July 2025: U.S. Department of Defense releases annual report on civilian casualties in connection with U.S. Military operations in 2024.
 - **Bottom-line**: recently released DoD report on civilian casualties highlights the U.S.'s continued adherence to and leadership on the Laws of War.
 - References:
 - [Annual Report on Civilian Casualties in Connection with United States Military Operations in 2024 \(U.S. Dep't of Defense, Apr. 4, 2025\)](#)
 - [DoD Releases the Annual Report on Civilian Casualties in Connection With U.S. Military Operations in 2024 \(U.S. Dep't of Defense, Jul. 15, 2025\)](#)
 - [Department of Defense Law of War Manual \(U.S. Dep't of Defense\)](#)
 - Key points:
 - The U.S. military is steadfastly committed to limiting harm to civilians, and DoD has a strong record of compliance with the law of war. ***As a matter of policy, U.S. forces routinely conduct operations under policy standards that are more protective of civilians than required by the law of war.*** This commitment is reflected in DoD's consistent efforts to maintain and promote best practices that reduce the likelihood of civilian harm, take appropriate steps when harm occurs, and draw lessons from DoD operations to further enhance our ability to mitigate civilian harm.
 - ***DoD's longstanding policy is to comply with the law of war in all armed conflicts, however characterized.*** DoD conducts its operations in accordance with law of war requirements, including law of war protections for civilians, such as the fundamental principles of distinction and proportionality, and the requirement to take feasible precautions in planning and conducting attacks to reduce the risk of harm to civilians and other persons and objects protected from being made the object of attack.