



USINDOPACOM Legal Vigilance Update

Issue #47, 12 September 2025

PREVAIL

Teammates,

Below please find the 47th 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 [Philippine] National Security Council rejects the People’s Republic of China’s declaration of a so-called ‘Huangyan Island National Nature Reserve’ at Bajo de Masinloc (Scarborough Shoal). It is patently illegal as it violates UNCLOS, the final and binding 2016 Arbitral Award, and the 2002 Declaration on the Conduct of Parties.

...True protection of Bajo de Masinloc demands cooperation, transparency, and respect for international law; not unilateral declarations that restrict access to Filipino fisherfolk under the guise or cover of conservation.”

Statement of the Philippine National Security Advisor Secretary Eduardo M. Ano
[Press Release, 11 September 2025](#)

- 10 September 2025: China announces plan to establish “national nature reserve” at Scarborough Reef, undermining regional stability.

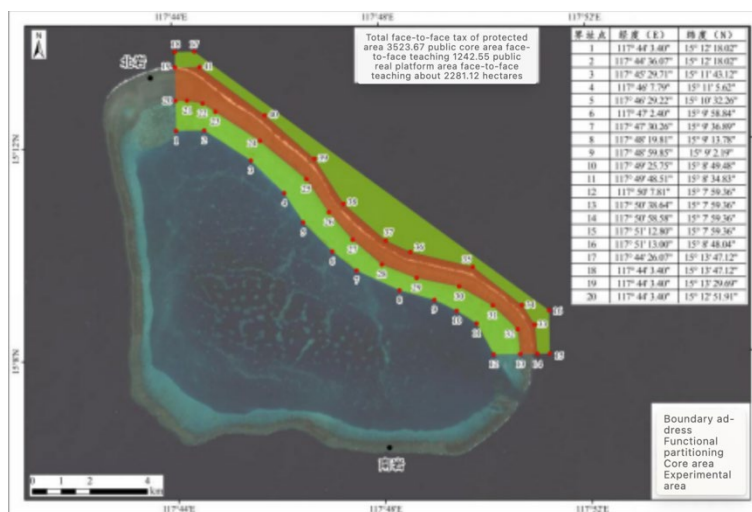
- **Bottom-line: China approved the establishment of a national nature reserve at Scarborough Reef, yet another example of Beijing’s coercive attempts to advance its sweeping territorial and maritime claims in the South China Sea at the expense of its neighbors.**

- References:

- [China approves nature reserve at disputed South China Sea shoal claimed by the Philippines \(AP, Sep. 10, 2025\)](#)
- [Nectar Gan & Kathleen Magramo, Why is China setting up a nature reserve in one of the world’s most contested waterways? \(CNN, Sep. 11, 2025\)](#)

- Key Points:

- China's Nature Reserve Regulations purport to prohibit fishing inside designated nature reserves and require foreigners to obtain advance approval from China prior to entry.
- The 2016 Arbitral Tribunal unanimously decided that Scarborough Reef has been a traditional fishing ground for fishermen of many nationalities (including the Philippines) and that China has unlawfully prevented Filipino fishermen from engaging in traditional fishing at Scarborough Reef.



Functional Zone Map of Huangyan Island National Nature Reserve

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- By designating a portion of Scarborough Reef as a “nature reserve,” the CCP is attempting to establish a domestic legal basis to regulate access/activities in the area.
- The Philippine National Security Adviser called the declaration “patently illegal as it violates UNCLOS, the final and binding 2016 Arbitral Award, and the 2002 Declaration on the Conduct of Parties.”
 - Notably, both the Philippines and China are parties to the [Declaration on the Conduct of Parties in the South China Sea](#).
 - The Declaration says that the “Parties undertake to exercise self-restraint in the conduct of activities that would complicate or escalate disputes and affect peace and stability,” and contemplates cooperative activities concerning marine environmental protection.
- The [U.S. Department of State described](#) China’s move as “**yet another coercive attempt to advance sweeping territorial and maritime claims in the South China Sea at the expense of its neighbors, including by preventing Filipino fishermen from accessing these traditional fishing grounds.**”
- The United States calls upon China to abide by the 2016 Arbitral Tribunal’s unanimous decision, which is final and legally binding on both Parties.

- 8-11 September 2025: U.S. Indo-Pacific command hosts the 36th annual International Military Law and Operations Conference (MILOPS).

- **Bottom-line: Admiral Samuel J. Paparo, Commander of U.S. Indo-Pacific Command, hosted the 36th annual MILOPS strategic engagement bringing together leaders from over 30 nations for a four-day discussion in Honolulu, Hawaii, Sept. 8-11, 2025.**

- References:

- [USINDOPACOM and Regional Leaders Conclude MILOPS 2025 in Hawaii \(DVIDS, Sep. 11, 2025\)](#)
- [Jennifer Hlad, China is working to weaken Palau, the island nation’s president says \(Defense One, Sep. 9, 2025\)](#)

- Key Points:

- MILOPS 2025 aims to foster enduring partnerships and promote security, freedom, and prosperity in the Indo-Pacific region through open dialogue and concrete initiatives focused on the rule of law. It empowers nations to address common challenges and determine how to better work together to deter and respond to coercion, aggression and legal warfare.
- This year’s theme, “Peace Through Strength: Advancing Indo-Pacific Security through Legal Vigilance and Legal Diplomacy,” guided



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conversations centered on monitoring manipulation of the law and building consensus through transparent dialogue.

- Admiral Paparo, alongside President of Palau Surangel Whipps Jr., Governor of Hawaii Josh Green, M.D. and senior naval leaders from Australia, France and Canada were welcomed as keynote speakers for MILOPS.
- In his keynote remarks, Admiral Paparo said: ***“In combination, legal vigilance and legal diplomacy enable deterrence because they increase the cost of coercion, they expose malign actions, and they reduce the space for misunderstanding, highlighting our unity and our strength when we’re working together.”***



- 12 September 2025: UN report finds “10 years of increased suffering, repression and fear” in the Democratic People’s Republic of Korea (DPRK).
 - ***Bottom-line: the human rights situation in the DPRK has not improved overall since 2014 and, in many instances, has degraded, with control by the Government over its citizens tightening increasingly and citizens subjected to increased surveillance and control in all parts of life.***
 - References:
 - [DPRK: UN report finds 10 years of increased suffering, repression and fear \(UN Human Rights Office, Sep. 12, 2025\)](#)
 - [Jean Mackenzie, North Korea executing more people for watching foreign films and TV, UN finds \(BBC, Sep. 12, 2025\)](#)
 - Key Points:
 - The UN report finds that “[o]ver the past 10 years, the Government [of the DPRK] continued to exercise total control over the population and severely restrict the enjoyment of fundamental rights and freedoms, leaving people unable to fully make their own political, social or economic decisions.”
 - Covering the period following the 2014 UN Commission of Inquiry, ***the latest findings point to the introduction of more laws, policies and practices that are subjecting citizens to increased surveillance and control in all parts of life.***
 - The report, which is based on hundreds of interviews by the UN Human Rights Office along with supporting materials, points to the increased use of forced labor in many forms, particularly so-called “shock brigades,” usually deployed to take on physically demanding and hazardous sectors such as mining and construction – often coming from poorer families and in recent years, the Government has used



Russia's Putin, China's Xi and North Korea's Kim met in Beijing earlier this month

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thousands of orphans and street children in coal mines and at other hazardous sites and for extensive hours.

- **11 September 2025:** Philippines-Japan reciprocal access agreement enters into force.

- **Bottom-line:** the Reciprocal Access Agreement (RAA) between the Philippines and Japan entered into force on Thursday, highlighting the “robust strategic partnership” between the two countries.

- References:

- [Gabryelle Dumalag, Philippines, Japan activate defense pact \(Inquirer.net, Sep. 11, 2025\)](#)
- [Priam Nepomuceno, PH-Japan military access pact enters into force \(Philippine News Agency, Sep. 11, 2025\)](#)

- Key Points:

- The RAA (which was signed on July 8, 2024) facilitates greater military cooperation between the two nations by streamlining procedures for the deployment of forces in each other’s territories for joint training and disaster response operations.
- The Philippine Department of National Defense said: “The entry into force of the RAA validates the strength of our people-to-people ties, shared values, and common purpose for the security and stability of the region.”



Defense Secretary Gilberto Teodoro Jr. and Japanese Defense Minister Nakatani Gen discuss preparations for the Reciprocal Access Agreement’s implementation during a meeting on Tuesday on the sidelines of the Seoul Defense Dialogue. (Photo courtesy of the Department of National Defense)

- **6 September 2025:** Japanese and Australian Defense and Foreign Ministers release joint statement highlighting their shared commitment to a free, open, and prosperous pacific region.

- **Bottom-line:** *Japan and Australia reaffirmed the importance of peaceful resolution of cross-Strait issues, opposition to the use of force or coercion to change the status quo in the East China Sea and the South China Sea, and the importance of defense cooperation between Japan, Australia, the Philippines and the United States in the South China Sea.*

- References:

- [Joint Statement on the Twelfth Japan–Australia 2+2 Foreign and Defense Ministerial Consultations \(Japan–Australia 2+2 Joint Statement, Sep. 6, 2025\)](#)

- Key Points:

- Taiwan: Peace and stability across the Taiwan Strait is an essential element of regional and international security and prosperity. **Both countries strongly oppose unilateral attempts to change the status quo by force or coercion. Cross-Strait issues should be resolved peacefully through dialogue.**



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- East China Sea and South China Sea: Both strongly oppose any unilateral attempts to change the status quo by force or coercion in the East China Sea and the South China Sea. Both share serious concern at the increase in scale and frequency of provocative activities by China in Japan's maritime and air domains and intensification of China's dangerous and provocative activities, towards the Philippines, emphasizing the importance of upholding freedom of navigation and overflight, lawful uses of the sea, unimpeded commerce, and the peaceful resolution of maritime disputes in accordance with international law, as reflected in the United Nations Convention on the Law of the Sea (UNCLOS).
- 2016 Tribunal: Both reiterated that the 2016 South China Sea Arbitral Tribunal Award is final and legally binding on the parties to the dispute.
- China's Unsafe Military Operations: ***China's unsafe interactions and unusual approaches by military aircraft, as well as Chinese naval vessels conducting live-fire exercises in the Tasman Sea without adequate notification were not conducive to stability and transparency.***
- Multilateral Military Engagements: Statement highlighted the importance of defense cooperation and operational coordination between Japan, Australia, the Philippines and the United States in the South China Sea.