



USINDOPACOM Legal Vigilance Update

Issue #48, 26 September 2025

PREVAIL

Teammates,

Below please find the 48th 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:

"China has announced the creation of a nature reserve located in disputed waters in the South China Sea. It is thus attempting to legitimize its territorial expansion into overseas territories it illegally seized..."

A bitter irony is that [China] has systematically destroyed – and continues to destroy – the fragile ecosystems and biodiversity of the South China Sea's coral reefs, particularly through large-scale dredging for artificial island-building and overfishing. Beijing has also inflicted lasting ecological damage on Scarborough Shoal itself, where satellite imagery still reveals vast fields of 'scars' from the extensive harvesting of giant clams. These activities have devastated the very areas which [China] has now declared a nature reserve."

[China's State Greenwashing: Masking Expansion and Environmental Destruction in the South China Sea](#)

Medium.com, September 26, 2025

- **16 September 2025:** China recklessly fires water cannons at Philippine ships in the Philippine EEZ injuring a Philippine sailor.

- **Bottom-line:** a Chinese Coast Guard vessel directed its water cannon at a Philippine Bureau of Fisheries and Aquatic Resources (BFAR) ship for approximately 30 minutes, causing significant damage to the BFAR vessel including shattering a bridge window which injured one of the Philippine crewmembers – yet ***another example of Beijing's coercive and aggressive attempts to advance its sweeping and legally baseless territorial and maritime claims in the South China Sea at the expense of its neighbors.***

- **References:**

- [China Says it Fired Water Cannon at Philippine Ships in the South China Sea \(NBC News, Sep. 16, 2025\)](#)
- [Statement from Philippine Coast Guard Spokesperson Jay Tarriela \(X, Sep. 16, 2025\)](#)

- **Key Points:**

- The incident took place ~17NM east of Scarborough Reef within the Philippine exclusive economic zone (EEZ).
- Following the incident: MaryKay Carlson, U.S. ambassador to the Philippines, released a statement condemning China's aggression: ***"The United States condemns China's aggressive actions in the Philippine exclusive economic zone near Scarborough Reef. We commend the Philippine government and the Philippine Coast Guard for professionally exercising Philippine sovereign rights, protecting Filipino fisherfolk, and upholding maritime law for a free and open Indo-Pacific."***



UNCLASSIFIED

- 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.
- According to the Philippine Coast Guard, immediately prior to the water cannon incident, a China warship issued a radio broadcast announcing live fire exercises in the area, reportedly causing significant panic and fear among Filipino fishermen in the area.
- UNCLOS Articles 58 and 87 impose an obligation to act with “due regard” to all vessels present in an EEZ – and ***a short notice announcement of a live fire exercise in the immediate vicinity of civilian fishing vessels may be inconsistent with professional seamanship and due regard obligations.***
- 25 September 2025: U.S. reaffirms commitment to disrupting networks that support the DPRK’s destabilizing activities and to promoting accountability for those who enable Burma’s military regime.
 - ***Bottom-line: the U.S. sanctioned six targets for their roles in generating revenue for the Democratic People’s Republic of Korea (DPRK), including by procuring materiel from DPRK for Burma’s military regime, which has indiscriminately attacked civilians since its 2021 coup.***
 - References:
 - [Targeting Illicit DPRK Weapons Sales to Burma and a DPRK Financial Facilitator \(U.S. Dep’t of State Spokesperson, Sep. 25, 2025\)](#)
 - Key Points:
 - The [U.S. Department of the Treasury’s Office of Foreign Assets Control \(OFAC\)](#) is sanctioning five individuals and one entity for their role in generating illicit revenue for the DPRK government’s weapons of mass destruction (WMD) and ballistic missile programs, including by selling weapons to the Burmese military regime.
 - This targeted action focuses on overseas representatives of DPRK government agencies who are key to the regime’s ability to finance its unlawful WMD and ballistic missile programs: the Korea Mining Development Trading Corporation (KOMID) and the Reconnaissance General Bureau (RGB), both of which are designated by the United Nations and OFAC.



September 2025

Royal Shune Lei Arms Procurement Network

Royal Shune Lei employees worked with DPRK KOMID representatives, including Kim Yong Ju, to coordinate sales of weapons to the Burmese military.



UNCLASSIFIED

- The designation also includes a key network facilitating weapons deals between KOMID and the Burmese military regime.
 - Since the Burmese military's February 1, 2021 coup that overthrew the country's democratically elected government, the military regime has relied on indiscriminate aerial and artillery attacks during its military operations against resistance groups.
 - This sanctions action disrupts these weapons sales to Burma, cutting off an important funding stream for the DPRK regime.
- As a result of this action, all property of the designated or blocked persons that are in the U.S. or in the possession or control of U.S. persons are blocked and must be reported to OFAC.
- 22 September 2025: trilateral meeting of the U.S., Japan, and the Republic of Korea in New York City.
 - **Bottom-line:** U.S. Secretary of State Marco Rubio, Japan's Foreign Minister Iwaya Takeshi, and Republic of Korea Foreign Minister Korea Cho Hyun met on September 22 in New York City to continue their joint efforts to advance the safety, security, and prosperity of the three countries and the broader Indo-Pacific region, while upholding shared principles including the rule of law.

- References:

- [Joint Statement from the Trilateral Meeting of the United States of America, Japan, and the Republic of Korea in New York City \(U.S. Dep't of State Spokesperson, Sep 22, 2025\)](#)



- Key Points:

- The Secretary and Foreign Ministers strongly opposed unlawful maritime claims in the South China Sea, as well as attempts to enforce such claims.
- ***The leaders opposed any attempts to change the status quo including dangerous and destabilizing actions in the waters of the Indo-Pacific, including the South China Sea.***
- The leaders emphasized their commitment to maintaining a free and open Indo-Pacific and upholding international law as reflected in the UN Convention on the Law of the Sea, including freedoms of navigation and overflight and other lawful uses of the sea.
- ***The leaders also emphasized the importance of maintaining peace and stability across the Taiwan Strait and expressed concern about increasingly frequent destabilizing actions around Taiwan.***
- The Secretary and Foreign Ministers encouraged the peaceful resolution of cross-strait issues and opposed any attempts to unilaterally change the status quo.
- The leaders also expressed support for Taiwan's meaningful participation in appropriate international organizations.
- They reaffirmed their unwavering support for ASEAN centrality and unity and for the ASEAN-led regional architecture.

UNCLASSIFIED

- The leaders emphasized the need to address together the DPRK's nuclear and missile programs and to maintain and strengthen the sanctions regime against the DPRK by responding firmly and in cooperation with other countries to violations and evasions of the relevant UNSCRs.
- 23 September 2025: U.S. reaffirms support for Taiwan's meaningful participation in the International Civil Aviation Organization (ICAO).
 - **Bottom-line**: U.S. Transportation Secretary Sean P. Duffy addressed international aviation leaders at the 42nd ICAO Session in Montreal, Canada, emphasizing U.S. support for ICAO's fundamental principles of safety, security, and efficiency.
 - References:
 - [U.S. Transportation Secretary Sean P. Duffy to Deliver Speech Highlighting U.S. Priorities at ICAO \(U.S. Dep't of Transportation, Sep. 23, 2025\)](#)
 - Key Points:
 - In describing the vital role ICAO plays against actors who fail to meet their international obligations or otherwise compromise the safety and security of global aviation, Secretary Duffy stated: ***"States that endanger the airspace, launch cyberattacks, or scramble aviation communications like the Global Navigation Satellite Systems have no place on the governing bodies or in the leadership roles of [the International Civil Aviation Organization (ICAO)]."***
 - Secretary Duffy also reaffirmed [longstanding](#) U.S. support for Taiwan's meaningful participation in international organizations, stating: ***"It is also essential that all international aviation stakeholders, particularly Taiwan, are meaningfully included in ICAO's technical activities."*** There is no room for politics on this question – this is about safety and security of the global system we all enjoy, and of which Taiwan plays an active part."
- 24 September 2025: U.S. Secretary of State co-hosts a ministerial meeting on "Reinforcing Cooperation to Achieve a Secure and Stable Maritime Domain."
 - **Bottom-line**: the meeting convened over 35 countries to discuss maritime security issues of shared concern, including ***upholding the freedoms of navigation and overflight as reflected in the UN Convention on the Law of the Sea, safeguarding shared maritime interests, and greater cooperation on combatting common maritime threats.***
 - References:
 - [Reinforcing Cooperation to Achieve a Secure and Stable Maritime Domain \(U.S. Dep't of State Spokesperson, Sep. 25, 2025\)](#)
 - Key Points:
 - U.S. Secretary of State Marco Rubio raised the importance of collective efforts to advance a free and open South China Sea, through which trillions of dollars in global trade flow annually.



UNCLASSIFIED

- **Secretary Rubio further highlighted China's expansive and unlawful maritime claims in the South China Sea and the destabilizing ways it attempts to enforce them.**
- Secretary Rubio encouraged close coordination among countries to reinforce the freedoms of navigation and overflight and free flow of commerce globally.
- The ministerial demonstrates the growing coalition of countries which share the United States' interest in strengthening maritime security and preserving vital high seas freedoms from which all nations benefit.
- In a companion Fact Sheet, the U.S. Department of State said:
"[The United States has] deep economic and security interests in ensuring that the Indo-Pacific remains free, open, prosperous, and secure. Illicit activities like trafficking in persons, illegal migration, and drug trafficking threaten the security of vessels transiting the waters of the Indo-Pacific, while illegal, unreported, unregulated (IUU) fishing threatens economic and food security for many countries in the region, including the United States. China's expansive and unlawful maritime claims, militarization of reclaimed features, and dangerous and destabilizing activities in the South China Sea threaten the interests of the United States and countries globally.

...
*The United States has conducted over 45 [Freedom of Navigation Operations] in the Indo-Pacific since 2017, demonstrating our commitment to upholding freedom of navigation for all nations as a principle. We challenge excessive maritime claims around the world, regardless of the identity of the claimant, and these missions are a continuation of routine operations. **Unlawful maritime claims in the South China Sea pose a serious threat to the freedom of navigation and overflight, free trade and unimpeded lawful commerce, and freedom of economic opportunity for South China Sea littoral nations.***

U.S. Department of State Fact Sheet

[*The United States' Commitment to Maritime Security in the Indo-Pacific*](#)

September 23, 2025

- 19 September 2025: Taiwan advances laws to protect critical undersea infrastructure.
 - **Bottom-line:** according to a report, Taiwan's Cabinet approved amendments to seven laws in an effort to bolster protection of undersea cables and other critical infrastructure, amid rising concerns over foreign disruption.
 - References:
 - [*Taiwan Proposes Tougher Laws to Protect Undersea Cables \(Taiwan News, Sep. 19, 2025\)*](#)
 - Key Points:
 - The amendments reportedly cover seven regulations: the Telecommunications Management Act, the Electricity Act, the Natural Gas Enterprise Act, the Water Supply Act, the Meteorological Act, the Commercial Port Law, and the Law of Ships.
 - According to the report, the proposed legal changes would increase penalties for intentionally damaging infrastructure such as submarine communications cables, undersea power lines, and pipelines for water and natural gas, with offenders potentially facing up to seven years in prison and fines of up to NT\$10 million (US\$331,902), with harsher penalties in serious cases.
 - Taiwan is highly reliant on undersea internet cables, which China-crewed ships have damaged on multiple occasions.
 - In February 2025, Taiwan jailed a Chinese ship captain and deported his crew after the captain's Togolese-registered cargo ship cut the Penghu cable.

UNCLASSIFIED

- Relatedly – the Taiwanese Coast Guard Administration (CGA) has reportedly increased patrols around a critical undersea cable to deter sabotage.
 - The CGA is reportedly conducting 24-hour patrols around the Taiwan-Peng No. 3 Submarine Cable—one of Taiwan’s 24 domestic and international subsea internet cables.
 - The CGA patrols are reportedly designed to detect ships approaching the cable within one kilometer at a low speed—an indicator of suspicious activity—and share suspicious ships’ location data with “like-minded” countries.
- ***Taiwan has jurisdiction to enforce its domestic laws for protection of undersea infrastructure*** – Article 21 of UNCLOS states “[t]he coastal State may adopt laws and regulations, in conformity with the provisions of this Convention and other rules of international law, relating to innocent passage through the territorial sea, in respect of...the protection of cables and pipelines.”

