



USINDOPACOM Legal Vigilance Update

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PREVAIL

Teammates,

Below please find the 61st 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 built not only a military to coerce Taiwan, but an army of lawyers to intimidate and constrain it. In 2025, Beijing’s lawfare campaign shifted decisively from largely declaratory threats to active enforcement. The objective is not legal resolution but deterrence: raising the personal cost of engagement with Taiwan’s democracy and normalizing coercion under the fig leaf of law.

... For policymakers, the implication is clear. Lawfare is no longer a supporting domain of effort in Beijing’s Taiwan strategy; it is a central instrument of pressure. Recognizing and responding to this shift, through clearer diplomatic signaling, coordinated responses to transnational repression, and support for Taiwan’s legal resilience, will be essential to managing cross-strait stability in the years ahead.”

[An army of lawyers is advancing. Taiwan is the target](#)

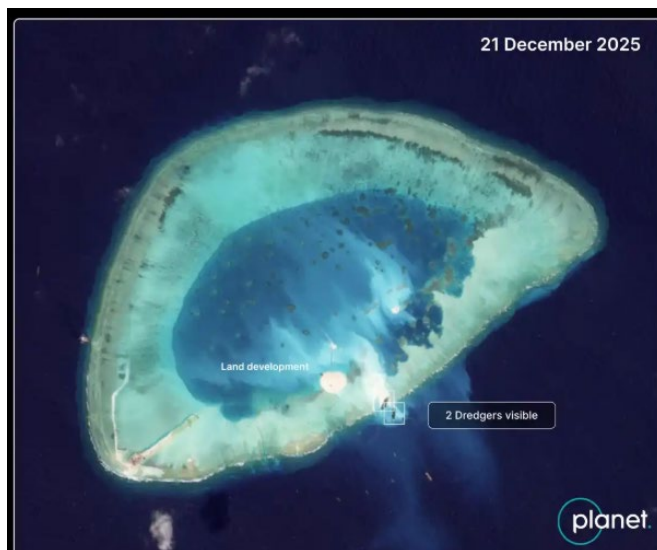
Nathan Attrill & Shelly Shih, Australian Strategic Policy Institute

February 10, 2026

- <https://www.reuters.com/investigations/china-is-mapping-ocean-floor-it-prepares-submarine-warfare-with-us-2026-03-24/>
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- **13 February 2026:** China conducts major dredging and land reclamation operation at Antelope Reef in the Paracel Islands.
 - **Bottom-line:** China's large-scale reclamation at Antelope Reef is a calculated and destabilizing act to create new “facts on the water” and advance its campaign of maritime coercion and intimidation—and it is a repeat of the same environmentally destructive behavior previously condemned by the 2016 Arbitral Tribunal.
 - References:

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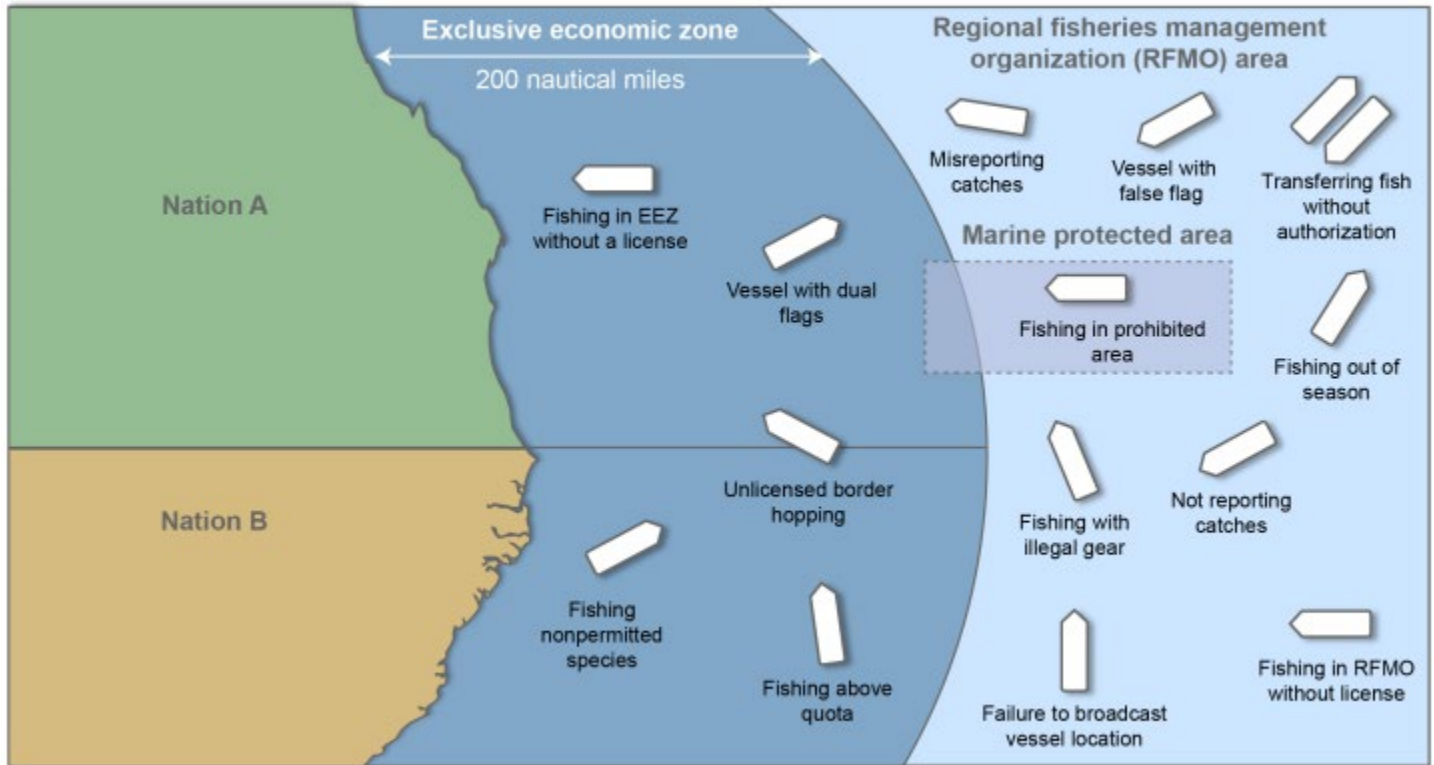
- [James Byrne, et al., *Coral to Concrete: China Building New Facilities in the Paracel Islands* \(Open Source Centre, Feb. 13, 2026\)](#)
- Key Points:
 - According to several reports, satellite imagery confirms China is undertaking a significant new land reclamation project at Antelope Reef—with the scale of the dredging indicating an effort to create a substantial landmass, potentially for a new military-capable outpost.
 - The [Open Source Centre](#) reports that ***“these developments suggest reclamation activity is intended to extend across [Antelope Reef’s] full length and will likely evolve into a multi-purpose outpost to enhance China’s military presence in the region.”***
 - Antelope Reef is a [high-tide elevation \(rock\) in the Paracel Islands](#) that is claimed by China, Taiwan, and Vietnam.
 - An island that is a “rock” under UNCLOS Article 121(3) cannot, through enhancement by human activity, be transformed into an island that is fully entitled to maritime zone (see 2016 South China Sea Arbitral Tribunal).
 - China’s land reclamation activities at Antelope Reef represent a stark and concerning repeat of its destabilizing island-building activities at Cuarteron Reef, Fiery Cross Reef, Gavan Reef, Johnson Reef, Hughes Reef, Subi Reef, and Mischief Reef—actions that the 2016 Arbitral Tribunal concluded breached China’s UNCLOS obligations to protect and preserve the marine environment.
- January 2026: U.S. Congress releases report detailing China’s role as the world’s leading offender of illegal, unreported, and unregulated (IUU) fishing.
 - **Bottom-line:** an investigation by the U.S. House of Representatives confirmed that China commands the planet’s largest distant-water fishing (DWF) fleet—estimated at between 2,000 and 16,000 vessels when militia-linked and foreign-flagged craft are included—a force that is more than triple the combined size of the fleets of Taiwan, Japan, South Korea, and Spain, and which drove 44 percent of global fishing effort between 2022 and 2024.



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- References:
 - [*China's Global Fishing Offensive, China in our Backyard: Volume I* \(U.S. House of Representatives, Jan. 2026\)](#)
- Key Points:
 - According to the report, China's DWF "is not merely a commercial industry; it is a deliberate instrument of the Chinese Communist Party (CCP)'s 'Maritime Great Power' strategy."
 - ***China is the world's leading offender of illegal, unreported, and unregulated (IUU) fishing, operating at industrial scale and exploiting gaps between fisheries law, labor law, trade law, and maritime enforcement.***
 - The system is sustained by severe human rights abuses, including forced labor and conditions meeting the legal definition of slavery—with migrant workers trafficked, held at sea for years, denied medical care, and in some cases killed or discarded.
 - Environmental destruction is systemic and catastrophic, including the destruction of over 100 square kilometers of coral reefs, massive pollution discharges, and the collapse of fisheries critical to food security in developing nations.
 - The report details how "Beijing wields the fleet with the precision of a military command, fusing fishing vessels, state subsidies, processing plants, and overseas infrastructure into a unified geopolitical weapon."
 - According to the report, the "CCP deploys and recalls these vessels like pieces on a chessboard—withdrawing them before diplomatic summits to ease tensions, surging them into disputed waters to assert leverage, and extending their presence from the South China Sea to the Antarctic."
 - The report notes that developing nations suffer the most from China's dominance of seafood supply chains, with West Africa forfeiting \$9.4 billion annually as China's DWF trawlers raid local waters of fish stocks, and Central and South America losing over \$1 billion in combined wages and tax revenue.

Figure 2: Common Types of Illegal, Unreported, and Unregulated Fishing

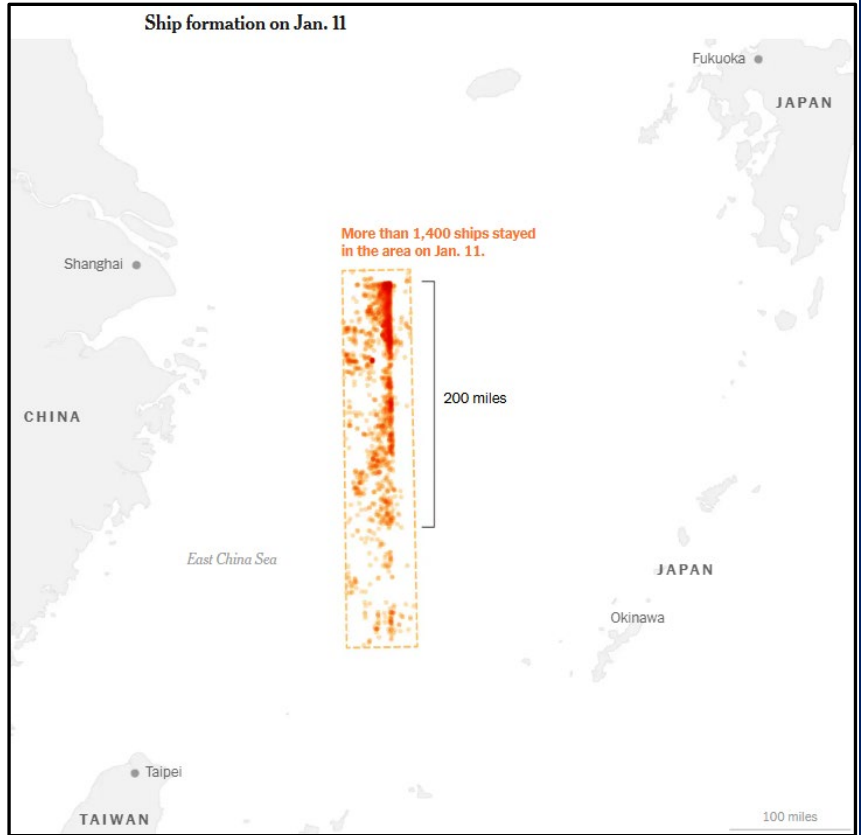


Source: GAO analysis of agency information | GAO-22-104234

- 16 January 2026: new report details China's mobilization of its maritime militia to form vast sea barriers, demonstrating new levels of coordination and control.
 - **Bottom-line:** an analysis of ship-tracking data by The New York Times reveals that **China has twice organized its Maritime Militia into massive, coordinated floating barriers in the East China Sea**—demonstrating the capability to rapidly mobilize this PLA reserve force to assert and advance Beijing’s excessive territorial claims in disputed areas of China’s maritime periphery.
 - References:
 - [Chris Buckley, et al., *Thousands of Chinese Fishing Boats Quietly Form Vast Sea Barriers* \(The New York Times, Jan. 16, 2026\)](#)
 - Key Points:
 - The China Maritime Militia is a subset of China’s national militia, an armed reserve force of civilians available for mobilization ultimately subordinate to the Central Military Commission and managed through the National Defense Mobilization Department.

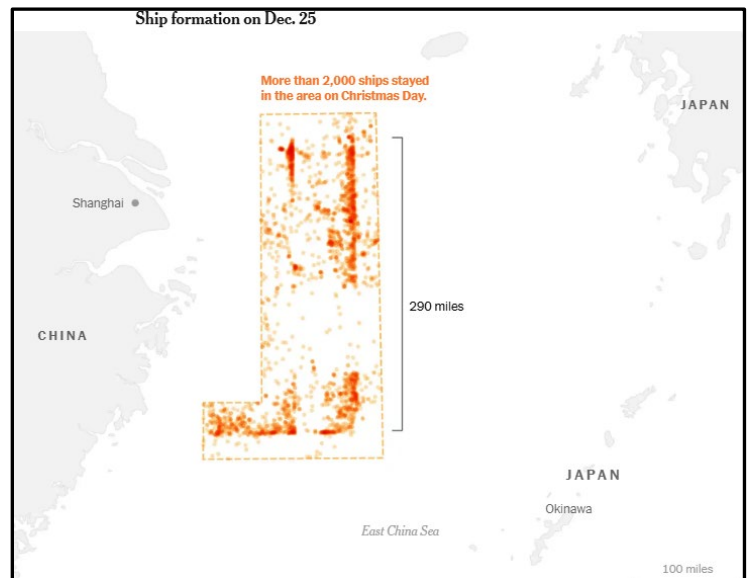
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- The NY Times reports: “In a conflict or crisis, for instance over Taiwan, China could mobilize tens of thousands of civilian ships, including fishing boats, to clog sea lanes and complicate military and supply operations of its opponents...China has in recent years used maritime militia fishing boats in dozens or even hundreds to support its navy, sometimes by swarming, maneuvering dangerously close, and physically bumping other boats in disputes with other countries.”



- According to the [2025 U.S. Department of War's China Military Power Report](#): ***The China Maritime Militia's primary peacetime role is to assert and advance Beijing's maritime territorial claims in disputed areas of China's maritime periphery. In wartime, the China Maritime Militia may support combat operations by conducting reconnaissance or creating obstacles and providing logistical support to other PLA forces.***

- The China Maritime Militia's use of a “civilian façade” to conduct official missions [erodes the principle of distinction](#) under the Law of Armed Conflict—and this ***deliberate blurring of the lines between civilian and military objects*** increases the risk of civilian harm and creates a veneer of deniability for China.



- 16 February 2026: Philippine and U.S. officials reaffirm both countries' commitment to the 1951 United States-Philippines Mutual Defense Treaty (MDT) during the 12th Philippines-United States Bilateral Strategic Dialogue (BSD).

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- **Bottom-line:** the Philippines and U.S. underscored their unwavering commitment to uphold a free, open, prosperous, and secure Indo-Pacific, grounded in mutual respect for sovereignty, territorial integrity, international law, and the peaceful resolution of disputes.

- References:

- [U.S. Department of State Office of the Spokesperson, Joint Statement on the Philippines-United States Bilateral Strategic Dialogue \(Feb. 16, 2026\)](#)

- Key Points:

- The Philippines and U.S. officials “committed to maintaining a vigilant posture in the Indo-Pacific to prevent conflict and to developing strong measures along with the deterrence to keep sea lanes open and not subject to arbitrary control by one country.”
- ***The officials “reiterated that the MDT extends to armed attacks against either country’s armed forces, aircraft, and public vessels – including those of their coast guards – anywhere in the Pacific, including the South China Sea.”***
- The Philippines and U.S. officials also “underscored their support for preserving freedom of navigation and overflight, unimpeded lawful commerce, and other lawful uses of the sea for all nations,” and they “condemned China’s illegal, coercive, aggressive, and deceptive activities in the South China Sea, recognizing their adverse effects on regional peace and stability and the economies of the Indo-Pacific and beyond.”
- Also this week—on Feb. 15-16, the combined armed forces of Australia, the Philippines, and the United States conducted a [multilateral Maritime Cooperative Activity \(MCA\)](#) within the Philippines’ Exclusive Economic Zone, demonstrating a collective commitment to strengthen regional and international cooperation in support of a free and open Indo-Pacific.

Start Date	Philippine Maritime Cooperative Activity Partners						
	Australia	France	Canada	India	Japan	New Zealand	United States
21-Nov-23							X
25-Nov-23	X						
3-Jan-24							X
9-Feb-24							X
7-Apr-24	X				X		X
16-Jun-24			X		X		X
31-Jul-24							X
2-Aug-24					X		
7-Aug-24	X		X				X
28-Sept-24	X				X	X	X
6-Dec-24					X		X
17-Jan-25							X
5-Feb-25	X				X		X
12-Feb-25			X				X
21-Feb-25		X					
28-Mar-25					X		X
29-Apr-25	X						X
20-May-25							X
4-Jun-25							X
14-Jun-25					X		
16-Jul-25							X
3-Aug-25				X			
23-Aug-25	X		X				
2-Sept-25	X		X				X
12-Sept-25					X		X
30-Oct-25	X					X	X
14-Nov-25					X		X
26-Nov-25				X			
27-Nov-25		X					
29-Nov-25					X		
9-Dec-25							X
15-Dec-25							X
25-Jan-26							X

Table of Philippines Maritime Cooperative Activities, courtesy of Collin Koh at <https://x.com/CollinSLKoh/status/2016026255989387480>.